

TEXAS ETHICS COMMISSION

IN THE MATTER OF
JENNIFER KIM,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2511192

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on July 14, 2006, to consider sworn complaint SC-2511192. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.031(a)(1) of the Election Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegations

The complaint alleges that the respondent failed to properly report political contributions.

III. Facts Supported by Credible Evidence

Credible evidence available to the commission supports the following findings of fact:

1. The respondent was a candidate for city council in a May 7, 2005, City of Austin election.
2. The respondent's January 2005 semiannual report discloses the following:
 - Schedule A (contributions schedule) - Eight persons who contributed over \$50 whose address was not reported.
 - Schedule B (pledges schedule) - 44 persons who contributed over \$50 whose address was not reported.
3. The respondent's 30-day pre-election report discloses the following:
 - Schedule A (contributions schedule) - Five persons who contributed over \$50 whose address was not reported.

- Schedule B (pledges schedule) - 34 persons who pledged over \$50 whose address was not reported; 68 pledges (including the 34 with no address) for which a date of acceptance was not reported.
4. After the complaint was filed, the respondent filed corrected reports supplying the missing information.

IV. Findings and Conclusions of Law

The facts described in Section III support the following findings and conclusions of law:

1. A candidate must report the amount of political contributions, including pledges, from each person that in the aggregate exceed \$50 and that are accepted during the reporting period, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1). Ethics Commission Rules §§ 20.1(20) and 20.219(12).
2. The respondent failed to report on her January 2005 semiannual report and 30-day pre-election report required addresses of contributors and failed to report the date contributions were accepted. Therefore, there is credible evidence of violations of section 254.031(a)(1) of the Election Code.

V. Representations and Agreement by Respondent

By signing this order and agreed resolution and returning it to the commission:

1. The respondent neither admits nor denies the facts described under Section III or the commission's findings and conclusions of law described under Section IV, and consents to the entry of this order and agreed resolution solely for the purpose of resolving this sworn complaint.
2. The respondent consents to this order and agreed resolution and waives any right to further proceedings in this matter.
3. The respondent acknowledges that a candidate must report the amount of political contributions, including pledges, from each person that in the aggregate exceed \$50 and that are accepted during the reporting period, the full name and address of the person making the contributions, and the dates of the contributions. The respondent agrees to comply with this requirement of the law.

VI. Confidentiality

This order and agreed resolution describes violations that the commission has determined are neither technical nor *de minimis*. Accordingly, this order and agreed resolution is not confidential under section 571.140 of the Government Code and may be disclosed by members and staff of the commission.

VII. Sanction

After considering the seriousness of the violations described under Sections III and IV, including the nature, circumstances, and consequences of the violations, and after considering the sanction necessary to deter future violations, the commission imposes a \$500 civil penalty for the violations described under Sections III and IV.

VIII. Order

The commission hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-2511192.

AGREED to by the respondent on this _____ day of _____, 20__.

Jennifer Kim, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director