

TEXAS ETHICS COMMISSION

IN THE MATTER OF
VAUGHN BROCK,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-260110 and SC-260112

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on May 11, 2006, to consider sworn complaints SC-260110 and SC-260112. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of sections 254.031 and 254.124 of the Election Code, a law administered and enforced by the commission. To resolve and settle these complaints without further proceedings, the commission proposes this resolution to the respondent.

II. Allegations

The complaints allege that the 8-day pre-election report and the January semiannual reports filed by the respondent did not include the required information because they did not cover the proper reporting periods.

III. Facts Supported by Credible Evidence

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

1. The respondent was appointed campaign treasurer for a specific-purpose committee on October 21, 2005.
2. The respondent's committee supported a candidate in a special election held on January 17, 2006.
3. The committee filed an 8-day pre-election campaign finance report on January 9, 2006, covering the period from January 1, 2006, to January 7, 2006. The committee filed a January semiannual report on January 17, 2006, covering the period from October 21, 2005, to December 31, 2005.
4. The evidence indicates that the respondent believed the reports at issue were filed in an acceptable manner.

IV. Findings and Conclusions of Law

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

1. The campaign treasurer for a specific-purpose committee is required to file semiannual reports in January and July of each year. ELEC. CODE § 254.123.
2. If a specific-purpose committee supports a candidate in an election, the committee's campaign treasurer must file two additional reports, on the 30th day and the 8th day before the election. ELEC. CODE § 254.124.
3. For the January 17th special election, a 30-day pre-election report was not required because the deadline to apply for a place on the ballot was less than 30 days before the election date.
4. A committee that is not required to file a 30-day pre-election report is nonetheless required to file a report by the 8th day before the election if the committee supports a candidate during the period that begins on the 39th day before the election and ends on the 10th day before the election. ELEC. CODE § 254.124(d).
5. Such report shall cover a period beginning on either the day the committee's campaign treasurer appointment was filed or the first day after the period covered by the last report filed and ending on the 10th day before the election. Ethics Commission Rules § 20.325(f).
6. One correct filing option was to file a single report by the January 9th deadline covering both reporting periods and marking the single report as two reports.
7. Another option was filing two separate reports, each covering their respective reporting periods, with the 8-day pre-election report due by January 9th and the semiannual report filed anytime between January 1st and 9th.
8. The filer chose neither of the two possible correct options for filing the 8-day pre-election report and the January semiannual report. Therefore, there is credible evidence of a violation of sections 254.031 and 254.124 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 these sworn complaints.

- 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 committee’s campaign finance report shall cover a period beginning on either the day the committee’s campaign treasurer appointment was filed or the first day after the period covered by the last report filed. The respondent agrees to comply with this requirement of the law.

VI. Confidentiality

This order and agreed resolution describes a violation that the commission has determined is 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. No Sanction

After considering the seriousness of the violation described under Sections III and IV, including the nature, circumstances, and consequences of the violation, and after considering the sanction necessary to deter future violations, the commission imposes no civil penalty for the violation 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-260110 and SC-260112.

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

Vaughn Brock, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director