

TEXAS ETHICS COMMISSION

IN THE MATTER OF
BYRON THEODOSIS,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-260386

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on July 14, 2006, to consider sworn complaint SC-260386. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 252.001 and 253.031 of the Election Code, laws 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 appoint a campaign treasurer. The complaint further alleges that the respondent made political expenditures without having a campaign treasurer appointment in effect.

III. Facts Supported by Credible Evidence

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

1. During the relevant time in question the respondent was an unopposed incumbent candidate for San Saba county judge.
2. The respondent filed his application for a place on the ballot as a candidate for county judge on or before January 4, 2006.
3. The respondent filed a campaign treasurer on February 16, 2006.
4. The respondent purchased political advertisements for his re-election in the local newspaper in January 2006.
5. At the time that the sworn complaint was filed, the respondent had not accepted any campaign contributions in connection with the election at issue.

IV. Findings and Conclusions of Law

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

1. Each candidate and each political committee shall appoint a campaign treasurer as provided by this chapter. ELEC. CODE § 252.001.
2. A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. ELEC. CODE § 253.031.
3. A candidate is a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election. ELEC. CODE § 251.001(1).
4. Filing an application for a place on the ballot and purchasing the advertisement are affirmative actions taken for the purpose of gaining nomination or election to a public office. Therefore, the respondent was a candidate at the time he filed an application for a place on the ballot and was a candidate at the time he purchased the advertisement.
5. The respondent did not have a campaign treasurer appointment on file when he made the expenditure at issue. Therefore, there is credible evidence of a violation of sections 252.001 and 253.031 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 each candidate shall appoint a campaign treasurer as provided by chapter 252 of the Election Code. The respondent further acknowledges that a candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. The respondent agrees to comply with these requirements 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 \$200 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-260386.

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

Byron Theodosis, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director