

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
VAUGHN BROCK,  
RESPONDENT

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§

BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-2604101

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (the commission) met on September 21, 2006, to consider sworn complaint SC-2604101. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.038 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 timely file two special pre-election reports in violation of section 254.038 of the Election Code.

### III. Facts Supported by Credible Evidence

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

1. The respondent is a campaign treasurer for a specific purpose committee.
2. The committee supported an opposed candidate for state representative in the February 14, 2006, election.
3. The respondent filed two special pre-election reports on March 23, 2006.
4. The first report disclosed an in-kind contribution that was accepted on February 6, 2006.
5. The second report, a correction to a report that was originally filed on February 8, 2006, disclosed a contribution that was accepted on February 8, 2006.
6. The respondent filed the special pre-election reports after the due date.

7. The respondent paid a \$500 administrative penalty for each report when he filed the reports.

#### **IV. Findings and Conclusions of Law**

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

1. The campaign treasurer of a specific-purpose committee shall file special pre-election (telegram) reports during the period beginning the ninth day before election day and ending at 12 noon on the day before election day if the committee accepts political contributions from a person that in the aggregate exceed \$1,000 during that reporting period. ELEC. CODE § 254.038(a); Ethics Commission Rules § 20.333.
2. The commission must receive the report not later than 5 p.m. of the first business day after the date the contribution is accepted. ELEC. CODE § 254.038(c).
3. In this case the respondent was the campaign treasurer of a specific-purpose committee that supported an opposed state representative candidate in the February 14, 2006, election.
4. The respondent accepted two contributions that exceeded the \$1,000 threshold during the period beginning the ninth day before election day and ending at 12 noon on the day before election day.
5. The special pre-election reports were not received by the commission until more than a month after the contributions were accepted. Therefore, there is credible evidence of violations of section 254.038 of the Election Code. The respondent paid administrative penalties for the violations.

#### **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 the campaign treasurer of a specific-purpose committee shall file special pre-election (telegram) reports during the period beginning the ninth day before election day and ending at 12 noon on the day before election day if the committee accepts political contributions from a person that in the aggregate exceed \$1,000 during that reporting period. The respondent further acknowledges that the commission must receive

the report not later than 5 p.m. of the first business day after the date the contribution is accepted. 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 no additional 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-2604101.

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