

TEXAS ETHICS COMMISSION

IN THE MATTER OF
FREDERICK P. FORLANO,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2611237

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on June 28, 2007, to consider sworn complaint SC-2611237. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.063 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. Allegation

The complaint alleges that the respondent failed to timely file a July 2006 semiannual report.

III. Facts Supported by Credible Evidence

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

1. The respondent is a director of the Burney Road Municipal Utility District and was an unsuccessful judicial candidate for County Court at Law #2 in Fort Bend County.
2. The respondent filed a judicial campaign treasurer appointment form on April 13, 2005.
3. The respondent filed a campaign finance report on September 26, 2006. The report covered the period from February 26, 2006, the day after the period covered by his last report, through September 26, 2006.
4. The report was marked as a final report and disclosed total political contributions of \$600, total political expenditures of \$741.40, and outstanding loans of \$50,162.79. The respondent swears that there was no effort on his part to hide or conceal any information from the commission or the voters.

IV. Findings and Conclusions of Law

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

1. A candidate is required to file two reports each year. The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed, and continuing through June 30. ELEC. CODE § 254.063.
2. The respondent had an active campaign treasurer appointment on file. Thus, the respondent was a candidate for reporting purposes under chapter 254 of the Election Code. All candidates must file a July semiannual campaign finance report. The respondent did not file a July 2006 semiannual report by the deadline. Therefore, there is credible evidence that the respondent violated section 254.063 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 is required to file two reports each year. The first report is required to be filed not later than July 15 and covers the period beginning January 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed, and continuing through June 30. 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. 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 a \$100 civil penalty.

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-2611237.

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

Frederick P. Forlano, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director