

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
BOB HEBERT,  
RESPONDENT

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§

BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-270118

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (the commission) met on April 13, 2007, to consider sworn complaint SC-270118. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 253.041 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 used political contributions to pay his wife for personal services that she provided to the respondent's campaign in violation of section 253.041 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 county judge.
2. On his January 2007 semiannual report the respondent discloses two expenditures paid to his wife, Pat Hebert:
  - a. The first entry, dated 8/13/2006, lists \$5,000 paid for "bookkeeping services for campaign 12/18/2001-3/12/2005."
  - b. The second entry, dated 11/07/2006, lists \$1,200 paid for "bookkeeping services for the 2006 campaign."
3. The respondent filed corrected reports and reimbursed his campaign prior to the filing of the complaint.

4. The evidence shows that the respondent was aware that the complainant was making an issue of the payments before the respondent repaid the money and filed the corrected report.

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

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

1. A candidate or officeholder may not knowingly make or authorize a payment from a political contribution if the payment is made for personal services rendered by the spouse of the candidate or officeholder to the candidate or officeholder. ELEC. CODE § 253.041.
2. Ethics Advisory Opinion No. 434 (2001) reiterates that a candidate may not use political contributions to pay a spouse or dependent child for campaign work.
3. The respondent's January 2007 semiannual report discloses that the respondent used political contributions to pay his wife for bookkeeping services she provided to the respondent's campaign. The respondent acknowledges that he made the payments. Therefore, there is credible evidence that the respondent violated section 253.041 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 or officeholder may not knowingly make or authorize a payment from a political contribution if the payment is for personal services rendered by the spouse of the candidate or officeholder. 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 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 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 \$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-270118.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Bob Hebert, Respondent

EXECUTED ORIGINAL received by the commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
David A. Reisman, Executive Director