

TEXAS ETHICS COMMISSION

IN THE MATTER OF
GLENN RHYMES,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-270594

FINAL ORDER

The Texas Ethics Commission, having heard this case and voting to find a violation of laws under its jurisdiction, makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The respondent is Glenn Rhymes, whose last known mailing address is 1014 April Showers Lane, Lancaster, Texas 75134. A sworn complaint was filed with the Texas Ethics Commission against the respondent on May 14, 2007. The Notice of Hearing was mailed to the respondent on June 24, 2008, by certified mail, return receipt requested, restricted delivery and by delivery confirmation. According to the United States Postal Service, the Notice of Hearing was delivered on June 26, 2008.
2. The preliminary review hearing was held on August 15, 2008, by the Texas Ethics Commission in Austin, Texas.
3. The respondent did not file a reply to the Notice of Hearing and did not appear at the hearing.
4. The respondent was the campaign treasurer for the Lancaster Construction Diversity SPAC, a specific-purpose political committee supporting the November 7, 2006, bond election for Lancaster Independent School District.
5. The complaint alleges that the respondent failed to properly report political contributions and political expenditures exceeding \$50 in violation of section 254.031 of the Election Code.
6. In October 2006, the respondent filed an 8-day pre-election report disclosing total political contributions of \$1,327.15 and total political expenditures of \$1,327.15. The report did not itemize the political contributions or political expenditures.
7. The commission sent the initial sworn complaint notice by certified mail, restricted delivery, to the respondent on May 21, 2007, and July 11, 2007. The notice was delivered on July 20, 2007.

8. The complaint raises allegations that are classified as Category One violations under chapter 571 of the Government Code. The sworn complaint notice gave the respondent 10 business days to respond. The sworn complaint notice advised the respondent that a failure to respond was a separate Category One violation.
9. According to the United States Postal Service, the complaint notice was delivered on July 20, 2007. The respondent filed a response to the sworn complaint in March 2008.

Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. GOV'T CODE § 571.061.
2. The respondent received legally sufficient notice of the hearing in this case. GOV'T CODE § 571.032 and 1 T.A.C. § 12.21. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.
3. The campaign treasurer of a specific-purpose political committee is required to file reports 30 days and 8-days before each election in which the committee is involved. ELEC. CODE § 254.124.
4. Each campaign finance report must include the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions. Each campaign finance report must also include the amount of political expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures. ELEC. CODE § 254.031.
5. The respondent failed to itemize political contributions or political expenditures on the 8-day pre-election campaign finance report. Therefore, there is credible evidence that the respondent violated section 254.031 of the Election Code.
6. A respondent is required to respond to the notice of a Category One violation not later than the 10th business day after the date the respondent receives notice. Failure to respond to a notice of sworn complaint within the time required is a separate Category One violation. GOV'T CODE § 571.1242.
7. The respondent received the notice of sworn complaint. The notice stated that the respondent was required to respond within 10 business days from receipt of the notice. The respondent failed to respond by the deadline. Therefore, there is credible evidence of a violation of section 571.1242 of the Government Code.

8. The Texas Ethics Commission may impose a sanction against the respondent of not more than \$5,000 or triple the amount at issue, whichever amount is greater for each violation. GOV'T CODE § 571.173.

Therefore, the Texas Ethics Commission orders that:

The respondent pay to the Texas Ethics Commission, within 30 days of the date of this order, a civil penalty in the amount of \$500.

Date: _____

FOR THE COMMISSION

David A. Reisman
Executive Director
Texas Ethics Commission