

TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
REBEKAH G. "WEEZ" DOHERTY,	§	TEXAS ETHICS COMMISSION
RESPONDENT	§	SC-2708184

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on December 11, 2007, to consider sworn complaint SC-2708184. A quorum of the commission was present. The commission determined that there is credible evidence of violations 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. Allegations

The complaint alleges that the respondent failed to file semiannual campaign finance reports.

III. Facts Supported by Credible Evidence

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

1. The respondent is a trustee on the Galveston Independent School Board.
2. Ethics Commission rules prohibit the commission from considering an allegation barred from criminal prosecution by operation of the applicable statute of limitations. Ethics Commission Rules § 12.5. Failing to timely file or filing incomplete campaign finance reports is a Class C misdemeanor. The statute of limitations for misdemeanors is two years from the date of the commission of the offense. Code of Criminal Procedure, Article 12.02. This sworn complaint was filed on August 10, 2007. Therefore, the commission does not have jurisdiction to consider allegations of reporting violations that occurred before August 10, 2005. Those allegations outside of the statute of limitations will not be considered.
3. The respondent filed a campaign treasurer appointment between March and April of 2003.

4. The respondent terminated her campaign treasurer appointment when she filed a final report on or about June 14, 2007.
5. The reports at issue are the January 2006 and January 2007 semiannual campaign finance reports.

IV. Findings and Conclusions of Law

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

1. A candidate shall file two reports for each year, the first report shall be filed not later than July 15, and cover 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, as applicable, and continuing through June 30. The second report shall be filed not later than January 15, and cover the period beginning July 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, as applicable, and continuing through December 31. ELEC. CODE § 254.063.
2. A candidate has the duty to file semiannual reports until the candidate terminates her campaign treasurer appointment. ELEC. CODE § 254.065.
3. The respondent filed a campaign treasurer appointment between March and April of 2003.
4. The 2003 treasurer appointment triggered the requirement to file semiannual reports as a candidate.
5. The respondent terminated her 2003 campaign treasurer appointment when she filed a final report, on or about June 14, 2007. Thus, she was required to file semiannual reports as a candidate for January 2006, July 2006, and January 2007. The respondent did not file the semiannual reports at issue in a timely manner. Therefore, there is credible evidence of a violation of 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 shall file two reports for each year, the first report shall be filed not later than July 15, and cover 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, as applicable, and continuing through June 30. The second report shall be filed not later than January 15, and cover the period beginning July 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, as applicable, and continuing through December 31. 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.

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-2708184.

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

Rebekah G. "Weez" Doherty, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director