

TEXAS ETHICS COMMISSION

IN THE MATTER OF
DAVID K. WALKER,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2710209

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on February 12, 2008, to consider sworn complaint SC-2710209. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.031 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 disclose political contributions maintained on July 2006, January 2007, and July 2007 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 the Montgomery County Attorney.
2. The respondent filed July 2006, January 2007, and July 2007 semiannual reports. The reports did not disclose the total political contributions maintained as of the last day of the reporting period.
3. In response to the sworn complaint, the respondent filed corrected reports for the reports at issue.
4. The July 2006 corrected semiannual report discloses total political contributions maintained as of the last day of the reporting period as \$7,825.24.
5. The January 2007 corrected semiannual report discloses total political contributions maintained as of the last day of the reporting period as \$7,463.74.

6. The July 2007 corrected semiannual report discloses total political contributions maintained as of the last day of the reporting period as \$17,048.75.

IV. Findings and Conclusions of Law

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

1. Each campaign finance report filed by a candidate must include, as of the last day of the reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period. If no reportable activity occurs during a reporting period, the person required to file a report shall indicate that fact on the report. ELEC. CODE § 254.031.
2. Although the respondent filed the semiannual reports at issue, he failed to disclose on the reports the total political contributions maintained as of the last day of the reporting period. Therefore, there is credible evidence of violations of section 254.031 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 each campaign finance report filed by a candidate must include, as of the last day of the reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period. If no reportable activity occurs during a reporting period, the person required to file a report shall indicate that fact on the report. 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 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 \$1,000 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-2710209.

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

David K. Walker, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director