

TEXAS ETHICS COMMISSION

IN THE MATTER OF

REBECCA TATUM,
TREASURER, THE WOODLANDS
VOICE PAC

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-2711231

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on October 13, 2008, to consider sworn complaint SC-2711231. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.031 and 254.036 of the Election Code, laws 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 improperly reported political contributions, political expenditures, and political contributions maintained on campaign finance reports.

III. Facts Supported by Credible Evidence

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

1. The complaint arises from the November 6, 2007, election in The Woodlands.
2. The respondent was the treasurer for The Woodlands VOICE PAC, a specific-purpose political committee.
3. The complaint alleges that the reports at issue failed to properly disclose political expenditures or, in the alternative, in-kind political contributions, for postcards, newspaper advertisements, literature, yard signs, campaign headquarters, room rentals, audio/visual presentations, poll workers, t-shirts, and a website. The complaint alleges that the descriptions were insufficient and contributions reported in the 8-day pre-election report should have been reported earlier in the 30-day pre-election report. The complaint further

- alleges that the respondent reported the incorrect contribution balance on the 8-day pre-election report.
4. The contributions and expenditures disclosed on the 30-day and 8-day pre-election campaign finance reports at issue were not reported using the format prescribed by the commission. The respondent attached typewritten pages that were not pre-approved by the executive director of the commission. The attached pages included information in a spreadsheet format disclosing contributions and expenditures.
 5. The spreadsheet did not disclose the address for four payees of political expenditures on the 30-day and 8-day pre-election reports, and did not disclose the address for thirteen contributors of in-kind contributions on the 8-day pre-election report.
 6. The respondent disclosed a \$50 contribution on the 8-day pre-election report. The contribution was dated September 13, 2007, a date prior to the period covered by the 8-day pre-election report and within the period covered by the 30-day pre-election report.
 7. The respondent disclosed the purpose of three political expenditures on the 30-day pre-election report as "campaign material" and one political expenditure on the 8-day pre-election report as "campaign." The respondent disclosed descriptions of in-kind contributions as "campaign consulting services/materials," for thirteen contributions on the 8-day pre-election report.
 8. The respondent filed a corrected 8-day pre-election report on November 2, 2007. The correction affidavit indicates that corrections were made to correct the contribution balance and to add addresses.
 9. The respondent swears that the reports at issue were not originally filed on the proper forms because she did not understand the instructions and did not know the Ethics Commission staff was a resource for answering her questions. The respondent swears that she did not intend to withhold information and that there was no intent on her part to mislead, misstate, or otherwise fail to fully disclose the financial activities of the political committee.
 10. On May 6, 2008, and July 3, 2008, the respondent filed corrected reports addressing the allegations. The respondent used the format prescribed by the commission and filled out the required addresses for political expenditures. The respondent also provided more detailed descriptions for political expenditures and in-kind contributions. The respondent swears that The Woodlands VOICE PAC did not make any audio/visual presentations. The respondent reported an in-kind contribution for office space on the corrected 30-day pre-election report that was not reported on the original report. The corrected 30-day and 8-day pre-election reports disclose a different amount for total political contributions and total political contributions maintained than was disclosed on the original reports. The respondent swears that the corrected reports address each of the issues raised in the sworn complaint.

IV. Findings and Conclusions of Law

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

1. In addition to other required reports, for each election in which a specific-purpose committee supports or opposes a candidate or measure, the committee's campaign treasurer shall file two reports. The first report must be received by the filing authority not later than the 30th day before election day, covering the period beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable, and continuing through the 40th day before election day. The second report must be received by the filing authority not later than the eighth day before election day, covering the period beginning the 39th day before election day and continuing through the 10th day before election day. ELEC. CODE § 254.124.
2. Each report filed with an authority other than the commission must be in a format prescribed by the commission. ELEC. CODE § 254.036(a).
3. Although the respondent attached typewritten pages to the reports at issue, the evidence indicates that the respondent did not fill out the required schedules for the 30-day and 8-day pre-election reports. Thus, the evidence indicates that the respondent failed to use the format prescribed by the commission for filing pre-election reports for the 30-day and 8-day pre-election reports. Therefore, there is credible evidence of violations of section 254.036 of the Election Code.
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, 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, the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$50 or less made during the reporting period, the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period; and as of the last day of a 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. ELEC. CODE § 254.031(a)(1)(3)(5)(6)(8).
5. The complaint alleges that the respondent improperly reported political contributions and political expenditures on both the 30-day and 8-day pre-election reports, and total political contributions maintained on the 8-day pre-election report. The evidence indicates that the

respondent failed to provide payee addresses on both the 30-day and 8-day pre-election reports. The evidence indicates that the respondent failed to report a \$50 contribution on the 30-day pre-election report, and that this contribution was originally improperly reported on the 8-day pre-election report. The evidence indicates that the respondent failed to report an in-kind contribution for office space on the 30-day pre-election report. The evidence indicates that the respondent failed to disclose contributor addresses for in-kind contributions on the 8-day pre-election report. The evidence indicates that the total political contributions and the total political contributions maintained was incorrect on both the 30-day and 8-day pre-election reports. Thus, the evidence indicates that the respondent improperly reported political contributions, political expenditures and total political contributions maintained on both pre-election reports. Therefore, there is credible evidence of violations of section 254.031 of the Election Code.

6. The complaint alleges that the respondent failed to provide sufficient detail in her descriptions of political expenditures and in-kind contributions. The commission finds that the descriptions of the purpose for political expenditures as “campaign material” and “campaign,” and the descriptions of in-kind contributions as “campaign consulting services/materials,” under these facts, are sufficient. Therefore, there is credible evidence of no violation regarding the descriptions of political expenditures and in-kind contributions.

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 report filed with an authority other than the commission must be in a format prescribed by the commission. The respondent also acknowledges that 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, the full name and address of the person making the contributions, and the dates of the contributions, 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, the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$50 or less made during the reporting period, the total amount of all political contributions accepted and the total amount of all political expenditures made during the

reporting period, and, as of the last day of a 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. 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 \$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-2711231.

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

Rebecca Tatum, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director