

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
CHARLES H. TAYLOR, SR.,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-2807293

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (the commission) met on June 9, 2009, to consider sworn complaint SC-2807293. 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 proposed this resolution to the respondent.

### II. Allegations

The complaint alleged 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 former school board trustee for the North Forest Independent School District (NFISD). The respondent was a successful opposed candidate in the May 2005 election.
2. The complaint alleged that the respondent failed to file semiannual campaign finance reports from July 2006 through January 2008.
3. The local filing authority provided copies of all documents filed by the respondent.
4. The respondent filed a campaign treasurer appointment on or about February 7, 2005. The respondent did not file a final report.

5. On April 11, 2008, the respondent filed a campaign finance report that covered the period from January 15, 2006, through July 14, 2006. The report indicated the office held was “NFISD Position 2,” and did not indicate an office sought. The report disclosed zero political contributions, zero political expenditures, zero political contributions maintained as of the last day of the reporting period, and zero loans.<sup>1</sup>
6. On April 11, 2008, the respondent filed a campaign finance report that covered the period from July 15, 2006, through January 14, 2007. The report indicated the office held was “NFISD Position 2,” and did not indicate an office sought. The report disclosed zero political contributions, zero political expenditures, zero political contributions maintained as of the last day of the reporting period, and zero loans.
7. On April 11, 2008, the respondent filed a campaign finance report that covered the period from July 15, 2007, through January 14, 2008. The report indicated the office held was “NFISD Position 2,” and did not indicate an office sought. The report disclosed zero political contributions, zero political expenditures, zero political contributions maintained as of the last day of the reporting period, and zero loans.
8. Although not at issue in the complaint, on July 14, 2008, the respondent filed a campaign finance report that covered the period from January 16, 2008, through July 15, 2008. The report indicated the office held was “NFISD Position 2,” and did not indicate an office sought. The report disclosed zero political contributions, zero political expenditures, \$38.48 in total political contributions maintained as of the last day of the reporting period, and zero loans.
9. The respondent filed copies of several receipts and bank statements with his campaign finance reports. One bank statement disclosed that the respondent maintained \$38.48 in his campaign account as of July 8, 2005. Another bank statement disclosed that the respondent maintained \$38.48 in his campaign account as of January 17, 2008.
10. In response to the complaint, the respondent provided an affidavit in which he swore that he did not know that he had not filed required reports or that documents filed were either incorrect or untimely until he was informed by the Harris County District Attorney’s Office. The respondent swore that once he learned of the errors, he took every step he was aware of to correct the problem. The respondent swore that any error that occurred was from lack of clearly understanding the procedures.
11. The commission contacted the respondent by telephone in February and May of 2009

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<sup>1</sup> The report should have covered the period beginning January 1, 2006, and ending June 30, 2006. However, on April 11, 2008, the respondent also filed a campaign finance report that covered the period from July 16, 2005, through January 14, 2006. The report indicated the office held was “NFISD Position 2,” and did not indicate an office sought. The report disclosed zero political contributions, zero political expenditures, zero political contributions maintained as of the last day of the reporting period, and zero loans. Thus, the respondent did not have any gaps in reporting during the period at issue.

regarding the contribution balance disclosed on the reports at issue. The respondent indicated that, during the period at issue, he had approximately \$40 left in his campaign account.

12. The respondent did not file any corrected 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 his campaign treasurer appointment. The designation of a report as a final report terminates a candidate's campaign treasurer appointment. *Id.* § 254.065.
3. If a local candidate is elected to office and terminates his campaign treasurer appointment, he must file semiannual campaign finance reports as an officeholder unless he does not exceed \$500 in officeholder contributions or officeholder expenditures. *Id.* § 254.095.
4. Each report by a candidate must include, 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. *Id.* § 254.031(a)(8).
5. The respondent filed a campaign treasurer appointment on or about February 7, 2005. Therefore, the respondent was required to file semiannual reports as a candidate. The respondent did not file a final report. Therefore, the respondent did not terminate his requirement to file semiannual reports. Although the respondent filed semiannual reports after receiving notice from a local prosecutor's office, the reports were not filed by the respective deadlines. Therefore, there is credible evidence that the respondent violated 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 \$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-2807293.

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

\_\_\_\_\_  
Charles H. Taylor, Sr., Respondent

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

Texas Ethics Commission

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