

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
TRAVIS BISHOP,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-2808310

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (the commission) met on December 4, 2008, to consider sworn complaint SC-2808310. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 253.031(a) and 254.064 of the Election Code and credible evidence of a technical or *de minimus* violation of section 254.031(a) 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 made campaign expenditures as a candidate at a time when he did not have a campaign treasurer appointment in effect. The complaint also alleges that the respondent failed to properly disclose required information on an 8-day pre-election campaign finance report. The complaint also alleges that the respondent failed to file a 30-day pre-election campaign finance report in connection with the March 2008 primary election.

### III. Facts Supported by Credible Evidence

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

1. The respondent has been constable of Montgomery County Precinct 4 since 1989 and was the opposed incumbent candidate in the March 2008 primary election.
2. On January 10, 1992, the respondent filed a campaign treasurer appointment (Form CTA) with the Montgomery County Elections Division.

3. On July 19, 2004, the respondent filed a Form C/OH-FR Designation of Final Report. On February 25, 2008, the respondent filed a Form CTA with the Montgomery County Elections Division.
4. Local filing authority records show that the respondent filed a 30-day pre-election report on October 2, 2008, almost nine months after the February 4, 2008, deadline. The report disclosed zero political contributions and a single campaign expenditure of \$1,000.
5. The respondent swears that he was unaware of the implications of the final report, specifically that the filing of that report cancelled his appointment of a campaign treasurer. The respondent admits that through oversight on his part he forgot to file the 30-day pre-election report and once made aware of that oversight by this sworn complaint, filed the report.
6. The respondent has acknowledged that the 8-day pre-election report contained omissions and the respondent filed a corrected report on October 2, 2008, that disclosed "0" instead of blank spaces for total political contributions of \$50 or less, total political contributions, total political expenditures of \$50 or less, total political contributions maintained as of the last day of reporting period, and total principal of all outstanding loans. The corrected 8-day pre-election report also included a corrected Schedule G, containing addresses for two "Elections" payee entries that previously were blank.

#### **IV. Findings and Conclusions of Law**

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

1. A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. ELEC. CODE § 253.031.
2. The complainant alleges that the respondent made expenditures at a time when the respondent did not have a campaign treasurer appointment in effect.
3. Campaign finance reports filed by the respondent show that he made nine expenditures after the filing of the final report in 2004, and prior to the appointment of campaign treasurer on February 25, 2008, totaling \$4,468.36.
4. Therefore, because the respondent made campaign expenditures during a time when no campaign treasurer appointment was in effect, there is credible evidence of a violation of section 253.031 of the Election Code.

5. In addition to other required reports, for each election in which a candidate has an opponent whose name is to appear on the ballot, the candidate shall file two reports. The first report shall be filed not later than the 30th day before election day and the second report shall be filed not later than the 8th day before election day. ELEC. CODE § 254.064(b) and (c).
6. The 30-day pre-election report was due on February 4, 2008. The respondent filed a 30-day pre-election report on October 2, 2008. Therefore, there is credible evidence of a violation of section 254.064 of the Election Code.
7. A campaign finance report must include the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report. ELEC. CODE § 254.031(a)(2).
8. Each report must 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(a)(3).
9. Each report must include the total amount of all political expenditures made during the reporting period. ELEC. CODE § 254.031(a)(6).
10. Each report must include as of the last day of the reporting period, 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)(8).
11. The respondent's 8-day pre-election report left blank the spaces for total political contributions of \$50 or less, total political contributions, total political contributions maintained, and total principal of all outstanding loans.
12. The respondent's 8-day pre-election report disclosed "Elections Office" as the payee for two political expenditures, but did not disclose a payee address.
13. The respondent corrected the report in October 2008 with entries of "0" for total political contributions of \$50 or less, total political contributions, total political contributions maintained, and total principal of all outstanding loans and entries of addresses for the payees left blank on the original report. A person viewing the original report would readily ascertain by looking at the attached schedules that the totals in question were zero. Therefore there is credible evidence of a technical or *de minimus* violation of 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 candidate shall appoint a campaign treasurer as provided by this chapter. The respondent acknowledges that a candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. The respondent acknowledges that in addition to other required reports, for each election in which a candidate has an opponent whose name is to appear on the ballot, the candidate shall file two reports. The first report shall be filed not later than the 30th day before election day and the second report shall be filed not later than the 8th day before election day. The respondent acknowledges that a campaign finance report must 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. The respondent acknowledges that a campaign finance report must include the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report. The respondent acknowledges that a campaign finance report must include 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 respondent acknowledges that a campaign finance report must include the total amount of all political contributions accepted during the reporting period. The respondent further acknowledges that a campaign finance report must include as of the last day of the reporting period, 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 \$500 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-2808310.

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

\_\_\_\_\_  
Travis Bishop, Respondent

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

Texas Ethics Commission

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