

TEXAS ETHICS COMMISSION

IN THE MATTER OF

ROSE WALL,
CAMPAIGN TREASURER,
GLBT POLITICAL CAUCUS PAC,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-2908190

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on August 12, 2010, to consider sworn complaint SC-2908190. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.031, 254.156, 254.157, and 254.151 of the Election Code and Ethics Commission Rules section 20.62, laws 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: 1) failed to properly disclose political contributions and political expenditures on campaign finance reports, 2) failed to disclose the principal occupation of contributors on campaign finance reports, 3) improperly disclosed political expenditures as reimbursements on campaign finance reports, 4) failed to timely file monthly campaign finance reports, and 5) accepted political contributions from a corporation or labor organization.

III. Facts Supported by Credible Evidence

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

1. The respondent is the campaign treasurer for Houston GLBT Political Caucus PAC (GLBTPAC), a general-purpose committee that files on the monthly reporting schedule with the Ethics Commission.
2. The respondent was GLBTPAC's campaign treasurer at all times relevant to the complaint and filed all 24 monthly campaign finance reports for GLBTPAC at issue in this sworn complaint.

3. The complaint alleged that the respondent:
 - a. Accepted a corporate contribution from Satterfield & Pontikes Construction, Inc., that was disclosed on GLBT PAC's November 2007 monthly campaign finance report.
 - b. Failed to include the address of a political expenditure on GLBT PAC's August 2008 monthly campaign finance report.
 - c. Improperly reported the amount of total political expenditures on GLBT PAC's August 2007 and October 2007 monthly campaign finance reports.
 - d. Failed to properly report total political contributions maintained on GLBT PAC's monthly campaign finance reports filed from September 5, 2007, through July 5, 2009.
 - e. Improperly reported reimbursement to staff on GLBT PAC's August 2007, October 2007, December 2007, February 2008, March 2008, April 2008, May 2008, June 2008, August 2008, December 2008, February 2009, April 2009, and July 2009 monthly campaign finance reports.
 - f. Failed to timely file GLBT PAC's August 2008 and March 2009 monthly campaign finance reports.
 - g. Failed to include the principal occupation of persons from whom political contributions that in the aggregate exceeded \$50 were accepted during the reporting period on GLBT PAC's November 2007, July 2008, August 2008, September 2008, October 2008, November 2008, December 2008, January 2009, and July 2009 monthly campaign finance reports. (Note that the allegation should have referenced section 254.156 of the Election Code, which required monthly filing general-purpose political committees to include occupation information for contributions that in the aggregate exceeded \$10 that were accepted during the reporting period).

August 2007 Monthly Report

4. On August 5, 2007, the respondent filed the August 2007 report for GLBT PAC covering from June 26, 2007, through July 25, 2007. The report disclosed \$50 in total political contributions, no political expenditures and \$7,859.12 in total political contributions maintained. The report also disclosed the following two non-political expenditures totaling approximately \$1,240 that are at issue in this complaint:
 - a. A \$530.13 expenditure to an individual for "Color Laser Printer for brochures [sic] applications letters and post cards."
 - b. A \$705.48 expenditure to an individual for "Re-imbusement [sic] for office supplies."

5. On September 21, 2009, the respondent filed a corrected August 2007 report for GLBT PAC. The report changed the non-political expenditures disclosed on the original report to political expenditures. This changed the total amount of political expenditures from \$0 (on the originally filed report) to \$1,156.64. The report also removed the non-political expenditures to the individuals and added the payees for the expenditures (disclosed as political expenditures).

September 2007 Monthly Report

6. On August 28, 2007, the respondent filed the September 2007 report for GLBT PAC covering from July 26, 2007, through August 25, 2007. The report disclosed \$150 in total political contributions, no political expenditures and \$8,008.05 in total political contributions maintained.

October 2007 Monthly Report

7. On September 27, 2007, the respondent filed the October 2007 report for GLBT PAC covering from August 26, 2007, through September 25, 2007. The report disclosed no political contributions, no political expenditures, and \$6,805.01 in total political contributions maintained. The report disclosed two non-political expenditures totaling approximately \$1,020. One of the non-political expenditures was a \$269.22 expenditure to an individual for "reimbursement for office supplies.
8. On September 21, 2009, the respondent filed a corrected October 2007 report for GLBT PAC. The respondent changed the non-political expenditures disclosed on the report to political expenditures. This changed total amount of political expenditures from \$0 (on the originally filed report) to \$1,019.22. The report also removed the non-political expenditure to the individual and added payees for the expenditures (disclosed as political expenditures).

November 2007 Monthly Report

9. On November 3, 2007, the respondent filed the November 2007 report for GLBT PAC covering from September 26, 2007, through October 25, 2007. The report disclosed \$18,171.19 in total political contributions, \$12,500 in total political expenditures and \$12,476.20 in total political contributions maintained. The report also disclosed a \$7,500 political contribution from Satterfield & Pontikes Construction, Inc. The complaint alleged that this report failed to disclose a principal occupation from one contributor. The report contained an \$800 contribution from an individual that did not contain a principal occupation.
10. On August 27, 2009, the respondent filed a corrected November 2007 report for GLBT PAC. The report removed the \$7,500 contribution from Satterfield & Pontikes Construction, Inc.

and added a \$7,500 contribution from George Pontikes. The corrected report is still missing the principal occupation for the individual.

December 2007 Monthly Report

11. On December 3, 2007, the respondent filed the December 2007 report for GLBTPAC covering from October 26, 2007, through November 25, 2007. The report disclosed no political contributions, \$166.92 in total political expenditures and \$11,401.22 in total political contributions maintained. The report included a \$166.92 political expenditure to an individual for "Office Expenses."
12. On January 21, 2008, the respondent filed a corrected December 2007 report for GLBTPAC. The report added candidates supported by GLBTPAC during the period at issue.
13. On September 21, 2009, the respondent filed a second corrected December 2007 report for GLBTPAC. The report removed the expenditure to the individual and added the payees for the political expenditures.

January 2008 Monthly Report

14. On January 4, 2008, the respondent filed the January 2008 report for GLBTPAC covering from November 26, 2007, through December 25, 2007. The report disclosed \$2,390 in total political contributions, \$3,903 in total political expenditures, and \$9,888.22 in total political contributions maintained.
15. On January 21, 2008, the respondent filed a corrected January 2008 report for GLBTPAC. The report added a principal occupation and employer to a contributor and added supported candidates involved in a runoff election. The complainant did not make any allegations regarding these corrections.

February 2008 Monthly Report

16. On February 2, 2008, the respondent filed the February 2008 report for GLBTPAC covering from December 26, 2007, through January 25, 2008. The report disclosed \$250 in total political contributions, \$2,543.32 in total political expenditures, and \$7,594.90 in total political contributions maintained. The report included a \$1,829.47 political expenditure to an individual for "Re-imbusement [sic] for office supplies."
17. On September 21, 2009, the respondent filed a corrected February 2008 report for GLBTPAC. The report removed the expenditure to the individual and added payees for the political expenditures.

March 2008 Monthly Report

18. On March 3, 2008, the respondent filed the March 2008 report for GLBT PAC covering from January 26, 2008, through February 25, 2008. The report disclosed \$4,250 in total political contributions, \$9,209.50 in total political expenditures, and \$2,640.40 in total political contributions maintained. The report included a \$309.50 political expenditure to an individual for "Re-imbursed [sic] office expenses."
19. On September 21, 2009, the respondent filed a corrected March 2008 report for GLBT PAC. The report removed the expenditure to the individual and added payees for the political expenditures.

April 2008 Monthly Report

20. On April 3, 2008, the respondent filed the April 2008 report for GLBT PAC covering from February 26, 2008, through March 25, 2008. The report disclosed \$5,875 in total political contributions, \$3,082.61 in total political expenditures and \$5,529.79 in total political contributions maintained. The report included a \$1,332.61 political expenditure to an individual for "Office Expenses."
21. On September 21, 2009, the respondent filed a corrected April 2008 report for GLBT PAC. The report removed the expenditure to the individual and added payees for the political expenditures.

May 2008 Monthly Report

22. On May 4, 2008, the respondent filed the May 2008 report for GLBT PAC covering from March 26, 2008, through April 25, 2008. The report disclosed \$500 in total political contributions, \$2,334.15 in total political expenditures, and \$4,695.64 in total political contributions maintained. The report included a \$493.16 political expenditure to an individual for "Office Expenses."
23. On September 21, 2009, the respondent filed a corrected May 2008 report for GLBT PAC. The report removed the expenditure to the individual and added payees for the political expenditures.

June 2008 Monthly Report

24. On June 5, 2008, the respondent filed the June 2008 report for GLBT PAC covering from April 26, 2008, through May 25, 2008. The report disclosed no political contributions, \$3,078.18 in total political expenditures, and \$1,605.46 in total political contributions maintained. The report included:

- a. A \$423.62 political expenditure to an individual for “Office Expenses.”
 - b. A \$954.56 political expenditure to an individual for “Office Expenses.”
25. On September 21, 2009, the respondent filed a corrected June 2008 report for GLBT PAC. The report removed the expenditures to the individual and added payees for the political expenditures.

July 2008 Monthly Report

26. On July 5, 2008, the respondent filed the July 2008 report for GLBT PAC covering from May 26, 2008, through June 25, 2008. The report disclosed \$6,495 in total political contributions, no political expenditures, and \$7,488.46 in total political contributions maintained. The report disclosed 26 contributions on Schedule A (used to disclose political contributions). The complaint alleged that the report failed to disclose a principal occupation for 16 contributors. Sixteen political contributions exceeding \$50 disclosed “best efforts” as the principal occupation of the contributor on this report.
27. On September 21, 2009, the respondent filed a corrected July 2008 report for GLBT PAC. The report added occupations for 13 of the contributions of more than \$50 that disclosed “best efforts” as the contributors’ occupation on the originally filed report.

August 2008 Monthly Report

28. On August 6, 2008, the respondent filed the August 2008 report for GLBT PAC covering from June 26, 2008, through July 25, 2008. The late report was considered through the administrative process. The report disclosed \$3,560 in total political contributions, \$2,549 in total political expenditures, and \$7,283.31 in total political contributions maintained. The report disclosed 22 contributions on Schedule A. The complaint alleged that this report failed to disclose a principal occupation for 12 contributors. Eleven political contributions exceeding \$50 disclosed “best efforts” as the principal occupation of the contributor on this report. The report disclosed four political expenditures on Schedule F (used to disclose political expenditures made from political contributions). The report disclosed “Best Effort, Houston, TX 77000” as the address for four political expenditures. The report also included:
- a. A \$1,000 political expenditure to an individual for “Fundraiser Expense [sic].”
 - b. A \$300 political expenditure to an individual for “Fundraiser Expenses.”
29. On September 21, 2009, the respondent filed a corrected August 2008 report for GLBT PAC. The report removed the expenditures to the individuals and added the proper payees of the political expenditures. The report also added occupations for 10 of the contributions exceeding \$50 that disclosed “best efforts” as the contributors’ occupation on the originally

filed report. The report also added complete addresses to all political expenditures disclosed on the report.

September 2008 Monthly Report

30. On September 6, 2008, the respondent filed the September 2008 report for GLBTPAC covering from July 26, 2008, through August 25, 2008. The report was filed late however, the respondent was granted a waiver of the civil penalty because she had no previous violations. The report disclosed \$850 in total political contributions, no political expenditures, and \$7,283.31 in total political contributions maintained. The report disclosed seven contributions on Schedule A. The complaint alleged that the report failed to disclose a principal occupation for four contributors. Four political contributions exceeding \$50 disclosed “best efforts” as the principal occupation of the contributor on this report.
31. On September 21, 2009, the respondent filed a corrected September 2008 report for GLBTPAC. The report added occupations for four contributions exceeding \$50 that disclosed “best efforts” as the contributors’ occupation on the originally filed report.

October 2008 Monthly Report

32. On October 5, 2008, the respondent filed the October 2008 report for GLBTPAC covering from August 26, 2008, through September 25, 2008. The report disclosed \$2,250 in total political contributions, no political expenditures, and \$10,833.31 in total political contributions maintained. The report disclosed 11 contributions on Schedule A. The complaint alleged that the report failed to disclose a principal occupation for two contributors. Two political contributions exceeding \$50 disclosed “best efforts” as the principal occupation of the contributor on this report.
33. On September 21, 2009, the respondent filed a corrected October 2008 report for GLBTPAC. The report added occupations for two contributions exceeding \$50 that disclosed “best efforts” as the contributors’ occupation on the originally filed report.

November 2008 Monthly Report

34. On November 5, 2008, the respondent filed the November 2008 report for GLBTPAC covering from September 26, 2008, through October 25, 2008. The report disclosed \$6,495 in total political contributions, \$13,934 in total political expenditures, and \$8,941.31 in total political contributions maintained.
35. On November 6, 2008, the respondent filed a corrected November 2008 report for GLBTPAC covering from September 26, 2008, through October 25, 2008. The affidavit included with the report explained that three contributions had been left off of the originally filed report. The report disclosed \$11,895 in total political contributions, \$13,934 in total political expenditures, and \$8,941.31 in total political contributions maintained. The report

disclosed 22 contributions on Schedule A. The complaint alleged that the report failed to disclose a principal occupation for four contributors. Four political contributions exceeding \$50 disclosed “best efforts” as the principal occupation of the contributor on this report.

36. On September 21, 2009, the respondent filed a second corrected November 2008 report for GLBTPAC. The report added occupations for three of the contributions exceeding \$50 that disclosed “best efforts” as the contributors’ occupation on the originally filed report.

December 2008 Monthly Report

37. On December 5, 2008, the respondent filed the December 2008 report for GLBTPAC covering from October 26, 2008, through November 25, 2008. The report disclosed \$1,050 in total political contributions, \$6,367.13 in total political expenditures, and \$3,497.96 in total political contributions maintained. The report disclosed three contributions on Schedule A. The complaint alleged that the report failed to disclose a principal occupation for one contributor. One political contribution exceeding \$50 disclosed “best efforts” as the principal occupation of the contributor on this report. The report included a \$934.13 political expenditure to an individual for “Office Expenses.”
38. On September 21, 2009, the respondent filed a corrected December 2008 report for GLBTPAC. The report added occupations for four contributions exceeding \$50 that disclosed “best efforts” as the contributors’ occupation on the originally filed report. The report removed the expenditure to the individual and added payees for the political expenditures.

January 2009 Monthly Report

39. On January 2, 2009, the respondent filed the January 2009 report for GLBTPAC covering from November 26, 2008, through December 25, 2008. The report disclosed \$3,570 in total political contributions, \$1,500 in total political expenditures, and \$5,180 in total political contributions maintained. The report disclosed six contributions on Schedule A. The complaint alleged that the report failed to disclose a principal occupation for one contributor. One political contribution exceeding \$50 disclosed “best efforts” as the principal occupation of the contributor on this report.
40. On September 21, 2009, the respondent filed a corrected January 2009 report for GLBTPAC. The report added an occupation for the contribution exceeding \$50 that disclosed “best efforts” as the contributors’ occupation on the originally filed report.

February 2009 Monthly Report

41. On February 4, 2009, the respondent filed the February 2009 report for GLBTPAC covering from December 26, 2008, through January 25, 2009. The report disclosed no political contributions, \$776.28 in total political expenditures, and \$4,375.90 in total political contributions maintained. The report included a \$472.46 political expenditure to an individual for "Office Expenses."
42. On September 21, 2009, the respondent filed a corrected February 2009 report for GLBTPAC. The report removed the expenditure to the individual and added the payees for the political expenditures.

March 2009 Monthly Report

43. On April 5, 2009, the respondent filed the March 2009 report for GLBTPAC covering from January 26, 2009, through February 25, 2009. The late report was considered through the administrative process. The report disclosed no political contributions, no political expenditures and \$4,375.90 in total political contributions maintained.

April 2009 Monthly Report

44. On April 5, 2009, the respondent filed the April 2009 report for GLBTPAC covering from February 26, 2009, through March 25, 2009. The report disclosed no political contributions, \$188.89 in total political expenditures, and \$4,361.90 in total political contributions maintained. The report included a \$188.89 political expenditure to an individual for "Office Expenses."
45. On September 21, 2009, the respondent filed a corrected April 2009 report for GLBTPAC. The report removed the expenditure to the individual and added the payees for the political expenditures.

May 2009 Monthly Report

46. On May 5, 2009, the respondent filed the May 2009 report for GLBTPAC covering from March 26, 2009, through April 25, 2009. The report disclosed no political contributions, no political expenditures, and \$4,145.01 in total political contributions maintained.

June 2009 Monthly Report

47. On June 1, 2009, the respondent filed the June 2009 report for GLBTPAC covering from April 26, 2009, through May 25, 2009. The report disclosed no political contributions, \$935.49 in total political expenditures, and \$3,209.52 in total political contributions maintained.

July 2009 Monthly Report

48. On July 5, 2009, the respondent filed the July 2009 report for GLBTPAC covering from May 26, 2009, through June 25, 2009. The report disclosed \$75 in total political contributions, \$704 in total political expenditures, and \$2,566.52 in total political contributions maintained. The report disclosed one contribution on Schedule A. The complaint alleged that the report failed to disclose a principal occupation for one contributor. One political contribution exceeding \$50 disclosed “best efforts” as the principal occupation of the contributor on this report. The report included a \$704 political expenditure to an individual for “Mailout Reimbursement [sic].”
49. On September 21, 2009, the respondent filed a corrected July 2009 report for GLBTPAC. The report removed the expenditure to the individual and added the payees for the political expenditures. The report also added an occupation for the contribution exceeding \$50 that disclosed “best effort” as the contributor’s occupation on the originally filed report.
50. The respondent swore that the total political contributions maintained on GLBTPAC’s monthly campaign finance reports filed from September 5, 2007, through July 5, 2009, were correct and, “The value of it is the balance on hand, which is primarily the balance in the bank account as of the 25th of the month.”
51. The respondent swore that “political expenditures” were incorrectly reported as “non-political expenditures,” on her August 2007 and October 2007 monthly reports.
52. The respondent acknowledged that the corporate contribution disclosed on GLBTPAC’s November 2007 monthly report was disclosed incorrectly and that the contribution was “from a private individual not a corporation/labor union.”

IV. Findings and Conclusions of Law

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

Acceptance of a Corporate Contribution

1. A corporation may not make a political contribution or political expenditure that is not authorized by subchapter D, Chapter 253, Election Code. ELEC. CODE § 253.094. That subchapter does not authorize corporations to make political contributions to a candidate.
2. A person may not knowingly accept a political contribution that the person knows was made in violation of chapter 253 of the Election Code. ELEC. CODE § 253.003(b).
3. The complaint alleged that the respondent accepted a \$7,500 corporate contribution from Satterfield & Pontikes Construction, Inc., based on a contribution disclosed on GLBTPAC’s

November 2007 monthly report. The respondent swore that the corporate contribution disclosed on GLBTPAC's November 2007 monthly report was from an individual and not from a corporation or labor union. On August 27, 2009, the respondent filed a corrected November 2007 monthly report that removed the \$7,500 contribution from Satterfield & Pontikes Construction, Inc., and added a \$7,500 contribution from George Pontikes. The evidence is insufficient to show that the original contribution came from a corporation. Therefore, there is insufficient evidence of a violation of sections 253.003 and 253.094 of the Election Code.

Improperly Reported Political Contributions and Expenditures

4. Each 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. ELEC. CODE § 254.031(a)(3). Each campaign finance report must also include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period. ELEC. CODE § 254.031(a)(6). Each campaign finance report must also 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. ELEC. CODE § 254.031(a)(8).
5. The complaint alleged that the respondent failed to include complete addresses for all four of the political expenditures disclosed on GLBTPAC's August 2008 monthly report. The August 2008 monthly report for GLBPAC disclosed "Best Effort, Houston, TX 77000," as the address for four political expenditures. In response to this complaint, the respondent filed a corrected August 2008 report for GLBTPAC to add complete addresses for the four political expenditures. Thus, GLBTPAC's originally filed August 2008 monthly report did not disclose a proper address for the four political expenditures at issue. Therefore, there is credible evidence of violations of section 254.031(a)(3) with regard to those expenditures.
6. The complaint also alleged that the respondent improperly reported the amount of total political expenditures on GLBTPAC's August 2007 and October 2007 monthly report. On September 21, 2009, the respondent filed corrected August 2007 and October 2007 monthly reports for GLBTPAC that moved the non-political expenditures disclosed on the originally filed reports to political expenditures. The totals on the reports were changed to reflect the addition of political expenditures. The revised total for the August 2007 monthly report was \$1,156.64 higher than the original report. The revised total for the October 2007 monthly report was \$1,019.22 higher than the original report. Thus, GLBTPAC's originally filed August 2007 and October 2007 monthly reports did not disclose the correct amount of total political expenditures since the non-political expenditures were not included on the totals page. Therefore, there is credible evidence of violations of section 254.031(a)(6) of the Election Code with regard to those expenditures.

7. The complaint also alleged that political contributions maintained disclosed on GLBTPAC's monthly reports filed from September 5, 2007, through July 5, 2009, were incorrect. The amount of political contributions maintained cannot necessarily be calculated by looking at the face of a report. The respondent swore that the total political contributions maintained on GLBTPAC's monthly reports filed from September 5, 2007, through July 5, 2009, were correct and reflected the committee's bank balance at the end of each reporting period. There is insufficient evidence of violations of section 254.031(a)(8) of the Election Code.

Improperly Reported Reimbursement to Staff

8. Ethics Commission Rule § 20.62 states that political expenditures made out of personal funds by a staff member of an officeholder or candidate, with the intent to seek reimbursement from the officeholder or candidate, that in the aggregate do not exceed \$5,000¹ during the reporting period may be reported as follows if the reimbursement occurs during the same reporting period that the initial expenditure was made:
 - a. 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;
 - b. Included with the total amount or a specific listing of the political expenditures of \$50 or less made during the reporting period.
9. Ethics Commission Rule § 20.62 also states, in relevant part, that if the staff member is not reimbursed during the same reporting period, or is reimbursed more than \$5,000 in the aggregate during the reporting period, then a political expenditure made out of personal funds by the staff member of an officeholder or candidate with the intent to seek reimbursement from the officeholder or candidate must be reported as follows:
 - a. The aggregate amount of the expenditures made by the staff member as of the last day of the reporting period is reported as a loan to the officeholder, or candidate;
 - b. The expenditure made by the staff member is reported as a political expenditure by the officeholder or candidate;
 - c. The reimbursement to the staff member to repay the loan is reported as a political expenditure by the officeholder or candidate.
10. The complaint alleged that the respondent improperly reported reimbursements to GLBTPAC's staff on its August 2007, October 2007, December 2007, February 2008,

¹ Ethics Commission Rule § 20.62 originally became effective on February 25, 2007. On October 26, 2007, the rule was amended to raise the threshold for reporting staff reimbursements as a loan from \$500 to \$5,000. The change became effective on November 18, 2007.

March 2008, April 2008, May 2008, June 2008, August 2008 December 2008, February 2009, April 2009, and July 2009 monthly reports.

11. The total amount of expenditures at issue on those reports was approximately \$10,610. GLBTPAC's original reports disclosed the names and addresses of the individuals who were reimbursed by GLBTPAC. The respondent did not disclose the names and addresses of those vendors who were actually paid by the individuals. Thus, the respondent failed to properly disclose the names or addresses of the actual payees of those expenditures. Therefore, there is credible evidence that the respondent violated section 254.031(a)(3) of the Election Code and section 20.62 of the Ethics Commission Rules.

Timely Filing of Monthly Campaign Finance Reports

12. The campaign treasurer of a general-purpose committee filing monthly reports shall file a report not later than the fifth day of the month following the period covered by the report. ELEC. CODE § 254.157(a).
13. The complaint alleged that the respondent failed to timely file GLBTPAC's August 2008 and March 2009 monthly reports.
14. The due date for the August 2008 monthly report was August 5, 2008. The respondent filed that report for GLBTPAC on August 6, 2008 (a corrected report was also filed on September 21, 2009). The late report was considered through the administrative process. The report was not timely filed. Therefore, there is credible evidence of a violation of section 254.157(a) of the Election Code with regard to the August 2008 monthly report.
15. The due date for the March 2009 monthly report was March 5, 2009. The respondent filed that report for GLBTPAC on April 5, 2009. The late report was considered through the administrative process. The report was not timely filed. Therefore, there is credible evidence of a violation of section 254.157(a) of the Election Code with regard to the March 2009 monthly report.
16. Because the late filing of the reports was considered through the administrative process, no additional fine is imposed regarding these reports.

Principal Occupation of Contributors

17. In addition to the contents required by section 254.031 of the Election Code, each report by a campaign treasurer of a general-purpose committee must include the principal occupation of each person from whom political contributions that in the aggregate exceed \$50 are accepted during the reporting period. ELEC. CODE § 254.151(6).
18. Each monthly report by a campaign treasurer of a monthly filing general-purpose committee must comply with sections 254.031 and 254.151 of the Election Code except that the

maximum amount of a political contribution, expenditure, or loan that is not required to be individually reported is \$10 in the aggregate. ELEC. CODE § 254.156(1).

19. A person required to file a report under chapter 254 of the Election Code is considered to be in compliance with section 254.0612, 254.0912, or 254.1212 of the Election Code only if the person shows that the person has used best efforts to obtain, maintain, and report the information required by those sections. A person is considered to have used best efforts to obtain, maintain, and report that information if the person complies with section 254.0312 of the Election Code. ELEC. CODE § 254.0312(a). The “best efforts” provision does not apply to a general-purpose committee
20. The complaint alleged that the respondent failed to include the principal occupation of 42 persons from whom political contributions that in the aggregate exceeded \$50 were accepted during the reporting period on GLBT PAC’s November 2007, July 2008, August 2008, September 2008, October 2008, November 2008, December 2008, January 2009, and July 2009 monthly reports. Although the complainant alleged that the respondent failed to disclose a principal occupation for 12 contributors on GLBT PAC’s August 2008 monthly report, only 11 political contributions over \$50 on that report did not disclose that information. Therefore, of the 42 misreported contributions alleged, only 41 were considered in this complaint.
21. The respondent disclosed “best efforts” as the principal occupation of 40 political contributions that in the aggregate exceeded \$50 during the reporting periods at issue. Additionally, one \$800 contribution on the GLBT PAC’s November 2007 monthly report did not disclose a principal occupation. The contributions totaled approximately \$10,450.
22. It appears that the respondent intended to indicate that she attempted to comply with section 254.0312 of the Election Code with regard to collecting the principal occupation of the contributors at issue. However, section 254.0312 of the Election Code only applies to reports filed by candidate and officeholders of Statewide Executive Offices or Legislative Offices and specific-purpose political committees supporting or opposing candidates and officeholders of those offices. Section 254.0312 of the Election Code does not provide a “best efforts” provision applicable to general-purpose political committees. The requirement for general-purpose political committees to provide the principal occupation of certain contributors comes from section 254.151 of the Election Code. There is no “best efforts” exception. The respondent failed to disclose a principal occupation for the 41 political contributions at issue. Therefore, there is credible evidence of violations of sections 254.151 and 254.156 of the Election Code with regard to the contributions at issue.

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 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 also acknowledges that each monthly report by a campaign treasurer of a monthly filing general-purpose committee must comply with sections 254.031 and 254.151 of the Election Code except that the maximum amount of a political contribution, expenditure, or loan that is not required to be individually reported is \$10 in the aggregate. The respondent also acknowledges that each campaign finance report must also include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period.

The respondent also acknowledges that the proper way to report staff reimbursement is set out in Ethics Commission Rules section 20.62. The respondent also acknowledges that the campaign treasurer of a general-purpose committee filing monthly reports shall file a report not later than the fifth day of the month following the period covered by the report.

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 \$1,300 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-2908190.

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

Rose Wall, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director