

TEXAS ETHICS COMMISSION

IN THE MATTER OF
MARY PAT HIGGINS,
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-2909207

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on February 11, 2010, to consider sworn complaint SC-2909207. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.031(a)(8) of the Election Code, a law administered and enforced by the commission. To resolve this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegations

The complaint alleged that the respondent failed to properly disclose in campaign finance reports the total amounts of political contributions maintained as of the last day of the reporting period.

III. Facts Supported by Credible Evidence

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

1. During the time in question, the respondent was the campaign treasurer of Planned Parenthood of North Texas Action Fund Political Committee, a general-purpose political committee.
2. The complaint alleged that the respondent disclosed an incorrect contribution balance in the committee's November 2007, December 2007, and March 2008 monthly campaign finance reports based upon a formula whereby the contribution balance is calculated using the totals disclosed on a report's cover sheet.
3. In response to the allegations, the respondent swore that any errors were inadvertent bookkeeping oversights and "may have been made because of good-faith misunderstandings in the application of Title 15's reporting requirements as viewed against general accounting principles."
4. On October 15, 2009, the committee filed corrections to the reports at issue.

5. The committee's original November 2007 monthly report disclosed \$100 in total political contributions, \$0 in total political expenditures, and \$16,458 in total political contributions maintained. The corrected report disclosed \$11,168.84 as the amount for total political contributions maintained.
6. The committee's original December 2007 monthly report disclosed \$700 in total political contributions, \$0 in total political expenditures, and \$16,558 in total political contributions maintained. The corrected report disclosed \$1,415 in total political expenditures and \$10,553.84 as the amount for total political contributions maintained.
7. The committee's original March 2008 monthly report disclosed \$200 in total political contributions, \$0 in total political expenditures, and \$17,458 in total political contributions maintained. The corrected report disclosed \$10,853.84 as the amount for total political contributions maintained.
8. The corrections to the reports at issue reflect the account balance at the end of the respective reporting periods.

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 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).
2. The totals for political contributions maintained that were disclosed in the reports at issue were incorrect. Although the reports were corrected to disclose the correct amounts of total political contributions maintained as of the last day of the reporting period, the respondent incorrectly reported this information at the time the original reports were due. Therefore, there is credible evidence of violations of section 254.031(a)(8) 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 and settling 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 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-2909207.

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

Mary Pat Higgins, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director