

TEXAS ETHICS COMMISSION

IN THE MATTER OF
ALOYSIUS HOANG,
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-2910224

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on June 9, 2011, to consider sworn complaint SC-2910224. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.031 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 disclose required information on his 30-day pre-election campaign finance report.

III. Facts Supported by Credible Evidence

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

1. The respondent was the successful candidate for Houston City Council, District F, in the November 2009 election.
2. The complaint included selected pages from the respondent's 30-day pre-election report filed in connection with the November 2009 election. That report disclosed \$0 in political expenditures of \$50 or less and \$8,572 in total political expenditures. The complaint included one Schedule F (the schedule provided to disclose political expenditures) page (marked 20 of 20), which disclosed three political expenditures totaling approximately \$3,450. No dates were disclosed for any of the political expenditures.
3. Local filing authority records show that the respondent filed a report marked as a 30-day pre-election report on October 5, 2009. The report left blank the spaces provided to disclose the period covered, and consisted of 15 pages of Schedule A (the schedule provided to disclose political contributions), one Schedule B (the schedule provided to disclose pledges), one Schedule F (political expenditures schedule), and an "addendum page" with no information.

Four pledges are disclosed on Schedule B, two indicate an in-kind description, (one of which is disclosed as being from pledgor, “An Dah” in the amount of \$5,000). Schedule F disclosed three political expenditures.

4. In response to the complaint, the respondent explained that his treasurer included expenditures made by individuals in support of his campaign (disclosed as pledges on Schedule B of the original report) in total political expenditures. The respondent filed a corrected 30-day pre-election report on November 14, 2009, disclosing an additional \$5,000 expenditure on Schedule F. No dates were disclosed for any expenditure.
5. On April 15, 2010, the respondent filed a final report. He stated that, “(t)he Final Report included all contributions and expenses from the beginning” and admitted that the pledge from “An Dah” was actually from . . . an individual donor who “requested [I] not . . . disclose his name but to use An Dah- anonymous.” The final report disclosed political expenditures and political contributions previously reported as pledges or as political expenditures on the respondent’s original and corrected 30-day pre-election reports. The final report also disclosed no pledges, and disclosed the expenditure made by an individual as a political contribution of \$5,000 with an in-kind contribution description of, “advertisement in-kind contribution.”
6. The final report also disclosed dates for each of the political contributions and political expenditures disclosed. The 30-day pre-election report for the November 2009 election should have covered a period ending September 24, 2009. The respondent’s final report did not disclose any political contributions or political expenditures on or prior to that date.

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 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. ELEC. CODE § 254.031(a)(1). The report must also 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 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).
2. Based on the respondent’s statements, the original reports, and the corrections filed by the respondent, it is apparent that the respondent failed to properly disclose in-kind contributions, the dates of political expenditures, total political contributions and total

political expenditures on his 30-day pre-election report. Therefore, there is credible evidence of violations of sections 254.031(a)(1), (a)(3), and (a)(6) 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 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 the report, the full name and address of the person making the contributions, and the dates of the contributions. The respondent also 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 further acknowledges that each campaign finance report must include the total amount of all political contributions accepted and the total amount of all political expenditures made during 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-2910224.

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

Aloysius Hoang, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director