

TEXAS ETHICS COMMISSION

IN THE MATTER OF
PAMELA GABRIEL CRAIG,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-31004118

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on February 23, 2011, to consider sworn complaint SC-31004118. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 253.155 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. Allegation

The complaint alleged that the respondent accepted political contributions in excess of the contribution limits of the Judicial Campaign Fairness Act.

III. Facts Supported by Credible Evidence

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

1. The respondent was an opposed candidate for judge of the 437th Judicial District Court in the November 2010 general election.
2. The population of the judicial district at issue was more than one million.
3. Schedule A (used for reporting political contributions) of the respondent's January 2010 semiannual report disclosed two political contributions totaling approximately \$290 from an individual. Schedule E (used for reporting loans) of the report disclosed two loans totaling \$9,000 from the same individual.

4. Schedule F (used for reporting political expenditures) of the respondent's July 2010 semiannual report disclosed a political expenditure of \$6,500 to the contributor at issue for the purpose of "Payment on loan balance."
5. In response to the sworn complaint allegations, the respondent submitted an affidavit in which she admitted that she accepted the loans. The respondent swore that she believed that she was in compliance with the law because she intended to fully repay the loans.
6. The respondent provided copies of two checks totaling \$9,000 from the contributor at issue, as well as a promissory note for that amount. The checks and promissory notes disclosed dates from October 2009.
7. The respondent provided a copy of a check dated May 14, 2010, for \$6,500, made payable to the contributor at issue.

IV. Findings and Conclusions of Law

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

1. "Contribution" means a direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by this subdivision, and a guarantee of a loan or extension of credit, including a loan described by this subdivision. The term does not include a loan made in the due course of business by a corporation that is legally engaged in the business of lending money and that has conducted the business continuously for more than one year before the loan is made, or an expenditure required to be reported under section 305.006(b), Government Code. ELEC. CODE § 251.001(2).
2. A judicial candidate or officeholder may not accept political contributions from a person that in the aggregate exceed \$5,000 in connection with an election for a judicial office, if the population of the judicial district is more than one million. *Id.* §§ 253.155(a), (b).
3. The loans at issue constituted political contributions. The respondent accepted from an individual four political contributions totaling approximately \$9,290 in connection with the November 2010 general election. The maximum amount the respondent could legally accept from the individual in connection with the election was \$5,000. Thus, the respondent accepted political contributions that exceeded the contribution limits by approximately \$4,290. Although the respondent made a \$6,500 payment back to the contributor after receiving notice of the sworn complaint allegation, the respondent exceeded the contribution limits when she accepted political contributions totaling more than \$5,000 from the

contributor at issue. Therefore, there is credible evidence of a violation of section 253.155 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 judicial candidate or officeholder may not accept political contributions from a person that in the aggregate exceed the limits prescribed by section 253.155 of the Election Code. The respondent agrees to comply with this requirement of the law.

VI. Confidentiality

This order and agreed resolution describes a violation that the commission has determined is 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 violation described under Sections III and IV, including the nature, circumstances, and consequences of the violation, 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-31004118.

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

Pamela Gabriel Craig, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director