

- \$0 in total political expenditures of \$50 or less
 - \$2,413.37 in total political expenditures
 - \$361 in total political contributions maintained
 - \$0 in total principal amount of outstanding loans
7. On October 26, 2010, the respondent filed an 8-day pre-election report that covered the period from October 2, 2010, to October 25, 2010, and disclosed the following:
- \$0 in total political contributions of \$50 or less
 - \$100 in total political contributions
 - \$0 in total political expenditures of \$50 or less
 - \$374 in total political expenditures
 - \$107 in total political contributions maintained
 - \$0 in total principal amount of outstanding loans
8. The commission sent a notice of the sworn complaint to the respondent by delivery confirmation on October 18, 2010. According to the United States Postal Service's record of the delivery, the respondent received the notice on October 20, 2010. The notice informed the respondent that the alleged violations in the sworn complaint were Category One violations, that a response was required not later than 10 business days from the date the notice was received, and that failure to respond constituted a separate violation for which a separate civil penalty may be assessed. The deadline for filing a response to the notice was November 3, 2010.
9. The respondent has not submitted a response to the complaint.

Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. GOV'T CODE § 571.061.
2. The respondent received legally sufficient notice of the hearing in this case. GOV'T CODE § 571.032 and 1 TAC § 12.21. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.
3. A candidate shall file two reports for each year. ELEC. CODE § 254.063(a). The first report shall be filed not later than July 15 and covers the period beginning January 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed, as applicable, and continuing through June 30. *Id.* § 254.063(b).
4. The second report shall be filed not later than January 15 and covers the period beginning July 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed, as applicable, and continuing through December 31. *Id.* § 254.063(c).

5. A candidate has the duty to file semiannual reports until the candidate terminates her campaign treasurer appointment. The designation of a report as a final report terminates a candidate's campaign treasurer appointment. *Id.* § 254.065.
6. As a candidate on January 4, 2010, the respondent was required to file a semiannual campaign finance report no later than July 15, 2010. The report was not filed. Therefore, there is credible evidence that the respondent violated section 254.063(b) of the Election Code.
7. The semiannual campaign finance report that was due on January 15, 2010, covered the time period ending on December 31, 2009. There is no evidence that the respondent was a candidate prior to January 1, 2010. Thus, the respondent was not required to file a January 2010 semiannual report. Therefore, there is credible evidence that the respondent did not violate section 254.063(c) of the Election Code.
8. If an alleged violation in a sworn complaint is a Category One violation, the respondent must respond to the notice required by section 571.123(b) of the Government Code not later than the 10th business day after the date the respondent receives the notice. GOV'T CODE § 571.1242(a)(1). A respondent's failure to timely respond to a sworn complaint as required by subsection (a)(1) or (b)(1) is a Category One violation. *Id.* § 571.1242(c).
9. To date, the respondent has not submitted a written response. Therefore, there is credible evidence that the respondent violated section 571.1242(c) of the Government Code by failing to respond to the complaint.
10. The Texas Ethics Commission may impose a sanction against the respondent of not more than \$5,000 or triple the amount at issue, whichever amount is greater. GOV'T CODE § 571.173.

Therefore, the Texas Ethics Commission orders that:

1. The respondent pay to the Texas Ethics Commission, within 30 days of the date of this order, a civil penalty in the amount of \$1,500.

Order Date: _____

FOR THE COMMISSION

David A. Reisman
Executive Director
Texas Ethics Commission