

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
VELMA J. MOORE,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-31010337 AND SC-31010338

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission held a preliminary review hearing on August 11, 2011, to consider sworn complaints SC-31010337 and SC-31010338. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 252.001, 252.002, 254.031, 254.036, and 254.061 of the Election Code and section 20.19 of the Ethics Commission Rules, laws administered and enforced by the commission. To resolve and settle these complaints without further proceedings, the commission proposed this resolution to the respondent.

### II. Allegations

The complaints alleged that the respondent failed to disclose information regarding a campaign treasurer in a campaign treasurer appointment and campaign finance reports and failed to properly disclose political contributions, political expenditures, and loans in campaign finance reports.

### III. Facts Supported by Credible Evidence

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

1. The respondent was an opposed incumbent candidate for Bowie County Clerk in a general election held on November 2, 2010. The respondent was unopposed in the March 2, 2010, primary election.
2. The complaints included the respondent's 8-day pre-election report for the primary election that was stamped as received by the county on February 22, 2010. The report covered the period from February 3, 2010, to February 22, 2010, and disclosed the following:
  - Total political contributions of \$50 or less was blank (corrected to \$400)
  - \$5,850 in total political contributions

- Total political expenditures of \$50 or less was blank (corrected to \$156.50)
  - \$1,187.74 in total political expenditures (corrected to \$1,050.24)
  - Total political contributions maintained was blank (corrected to \$4,799.76)
  - \$0 in principal amount of outstanding loans
3. The respondent's July 2010 semiannual report was stamped as received by the county on July 15, 2010. The report covered the period from February 21, 2010, to July 15, 2010, and disclosed the following:
- Total political contributions of \$50 or less was blank (corrected to \$0)
  - \$1,500 in total political contributions
  - Total political expenditures of \$50 or less was blank (corrected to \$0)
  - \$471.85 in total political expenditures
  - Total political contributions maintained was blank (corrected to \$5,827.91)
  - Principal amount of outstanding loans was blank (corrected to \$0)
4. The respondent's 30-day pre-election report for the general election was stamped as received by the county on October 4, 2010. The report covered the period from July 1, 2010, to October 4, 2010, and disclosed the following:
- Total political contributions of \$50 or less was blank (corrected to \$412.50)
  - \$5,962.50 in total political contributions
  - Total political expenditures of \$50 or less was blank (corrected to \$230)
  - \$6,157.16 in total political expenditures
  - Total political contributions maintained was blank (corrected to \$5,633.25)
  - Principal amount of outstanding loans was blank (corrected to \$0)
5. After the complaints were filed, the respondent corrected the reports at issue.
6. In response to the allegations, the respondent swore:

I admit that there were inadvertent errors in my Appointment of Campaign Treasurer by a Candidate and in the finance reports filed July 10, 2010 and October 10, 2010. The errors were unintentional and not made to conceal or deceive.

I have now filed amended finance reports and an amended Appointment of Campaign Treasurer by a Candidate correcting the inadvertent errors and attach copies hereto.

7. The corrected January 2010 semiannual report covered the period from July 1, 2009, to December 31, 2009, and itemized political expenditures from personal funds totaling approximately \$1,120 for a filing fee and an advertisement.
8. The respondent corrected a 30-day pre-election report for the March 2010 primary election. The report disclosed zeros for all contributions and expenditures and no political contributions maintained or loans. The complaints did not allege any violations regarding the report.
9. The respondent corrected the 8-day pre-election report. All of the contributions and expenditures in the report were itemized.
10. The respondent corrected the July 15 semiannual report. All of the contributions and expenditures in the July 15 semiannual report were itemized.
11. The respondent corrected the 30-day pre-election report for the general election. All of the contributions and expenditures in the report were itemized.
12. The respondent corrected the 8-day pre-election report for the general election. All of the contributions and expenditures in the report were itemized. The complaints did not allege any violations regarding the report, which was due after the complaints were filed. The report disclosed:
  - \$100 in total political contributions of \$50 or less
  - \$700 in total political contributions
  - \$0 in total political expenditures of \$50 or less
  - \$6,212.90 in total political expenditures
  - \$120.35 in total political contributions maintained
  - \$0 in outstanding loans

#### **Disclosure of Campaign Treasurer Information**

13. The respondent's campaign treasurer appointment was stamped as received by the elections administrator of Bowie County on November 9, 2009. The appointment indicated that the respondent was the county clerk and sought the same office. The campaign treasurer's name, address, and telephone number were blank.
14. After the complaints were filed, the respondent corrected the campaign treasurer appointment and disclosed the information.

**Properly Itemize Political Contributions and Political Expenditures**

15. The complaints alleged that the respondent either did not itemize political contributions and political expenditures, or listed political contributions and political expenditures without providing dates, amounts, addresses, or purposes without using the commission's form. The respondent's 8-day pre-election report for the primary election disclosed \$5,850 in total political contributions and \$1,187.74 in total political expenditures without itemizing any activity. The sections of the report for disclosing political contributions and political expenditures of \$50 or less were blank.
16. The respondent corrected the report and disclosed \$5,850 as the total amount of political contributions and disclosed \$400 as the total amount of political contributions of \$50 or less. The corrected report also itemized approximately \$5,850 in political contributions, of which approximately \$400 were \$50 or less. The corrected report also disclosed \$1,050.24 as the total amount of political expenditures and disclosed \$156.50 as the total amount of political expenditures of \$50 or less. The corrected report also itemized approximately \$1,050 in political expenditures, of which approximately \$160 were \$50 or less. The report at issue was filed as an 8-day pre-election report, but the respondent was unopposed in the primary election. Thus, the respondent was required to disclose the contributions and expenditures in the semiannual report no later than July 15, 2010.
17. The respondent's July 2010 semiannual report disclosed \$1,500 in total political contributions and \$471.85 in total political expenditures without itemizing any activity. The sections of the report for disclosing political contributions and political expenditures of \$50 or less were blank. The respondent corrected the report and indicated that all of the contributions and expenditures were over \$50. One expenditure of \$301.90 occurred on July 14, 2010, which was during the 30-day pre-election reporting period.
18. The respondent's 30-day pre-election report disclosed \$5,962.50 in total political contributions and \$6,157.16 in total political expenditures. The sections of the report for disclosing political contributions and political expenditures of \$50 or less were blank. The report included a document dated October 4, 2010, and titled "Total Political Contributions." The document included a list of 31 names and dollar amounts with occupation information for some of the contributors listed, totaling approximately \$5,960. Approximately \$5,550 in contributions were over \$50. The report also included a document with the same date that was titled, "Total Political Expenditures" and that included a list of 15 names of businesses and entities with full or partial addresses and did not include any dollar amounts.
19. The respondent corrected the 30-day pre-election report and disclosed \$5,962.50 as the total amount of political contributions and disclosed \$412.50 as the total amount of political contributions of \$50 or less. The corrected report also itemized approximately \$5,960 in political contributions, of which approximately \$410 were \$50 or less. Of the contributions that were over \$50, approximately \$300 of the contributions were disclosed with a date after

September 23, 2010, which was after the reporting period for the 30-day pre-election report. The corrected report also disclosed \$6,157.16 as the total amount of political expenditures and disclosed \$230 as the amount of political expenditures of \$50 or less. The corrected report also itemized approximately \$6,160 in political expenditures, of which \$230 were \$50 or less. An expenditure of \$166.34 was disclosed after September 23, 2010.

#### **Total Amounts of Political Contributions and Political Expenditures of \$50 or Less**

20. The complaints alleged that the respondent failed to properly disclose the total amounts of political contributions and political expenditures of \$50 or less in reports. The amounts were left blank in the respondent's 8-day pre-election report for the primary election, the July 2010 semiannual report, and the 30-day pre-election report for the general election.
21. The respondent corrected the 30-day pre-election report and indicated that there were \$412.50 in political contributions of \$50 or less and \$230 in political expenditures of \$50 or less. The respondent also corrected the other two reports to indicate there were no political contributions or political expenditures of \$50 or less.

#### **Total Political Contributions Maintained**

22. The complaints alleged that the respondent failed to disclose the amount of political contributions maintained in her 8-day pre-election report for the 2010 primary election, the July 2010 semiannual report, and the 30-day pre-election report for the 2010 general election. In each report, the respondent left blank the section of the form used to disclose the total amount of political contributions maintained as of the last day of the reporting period. After the complaints were filed, the respondent corrected the reports and indicated the respondent maintained political contributions of \$4,799.76 for the 8-day pre-election report for the primary election, \$5,827.91 for the July 2010 semiannual report, and \$120.35 for the 30-day pre-election report for the general election.

#### **Total Amount of Outstanding Loans**

23. The complaints alleged that the respondent failed to disclose the principal amount of outstanding loans in her 8-day pre-election report for the primary election, the July 2010 semiannual report, and the 30-day pre-election report for the general election. The respondent disclosed \$0 in outstanding loans in the 8-day pre-election report for the primary election. In the other two reports, the respondent left blank the section of the form used to disclose the amount of outstanding loans. The respondent corrected the reports and indicated she did not have any outstanding loans for any of the reports.

#### IV. Findings and Conclusions of Law

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

##### Disclosure of Campaign Treasurer Information

1. Each candidate shall appoint a campaign treasurer as provided by chapter 252 of the Election Code. ELEC. CODE § 252.001. A campaign treasurer appointment must be in writing and include the campaign treasurer's name, residence or business street address, and telephone number. *Id.* §§ 252.002(a)(1), (2), (3).
2. A campaign finance report by a candidate must include, in pertinent part, the campaign treasurer's name, residence or business street address, and telephone number. *Id.* § 254.061(2).
3. The respondent filed a campaign treasurer appointment that did not include the campaign treasurer's name, address, or telephone number. Therefore, there is credible evidence that the respondent violated sections 252.001, 252.002(a)(1), 252.002(a)(2), and 252.002(a)(3) of the Election Code. The respondent also filed three campaign finance reports that did not include the information. The 8-day pre-election report for the primary election was not required. Therefore, there is credible evidence that the respondent violated section 254.061(2) of the Election Code in connection with the July 2010 semiannual report and the 30-day pre-election report for the general election. There is credible evidence of no violation in connection with the 8-day pre-election report for the primary election.

##### Itemized Political Contributions and Political Expenditures

4. A campaign finance report must include, in pertinent part, 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 required to file a report, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
5. A campaign finance 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. *Id.* § 254.031(a)(3).
6. Each report filed with an authority other than the commission must be in a format prescribed by the commission. *Id.* § 254.036(a).

7. Except for special pre-election reports that are exempt from the electronic filing requirement, all reports must be filed in a format prescribed by the commission or on forms approved by the executive director. Ethics Commission Rules § 20.19.
8. During the July 2010 semiannual reporting period, the respondent accepted approximately \$7,350 in political contributions, of which approximately \$6,950 were over \$50. The respondent also made approximately \$1,220 in political expenditures, of which approximately \$1,060 were over \$50. None of the contributions or expenditures were itemized in the respondent's originally filed reports. Therefore, there is credible evidence that the respondent violated sections 254.031(a)(1) and 254.031(a)(3) of the Election Code.
9. During the 30-day pre-election reporting period for the general election, the respondent accepted approximately \$5,660 in political contributions, of which approximately \$5,250 were over \$50. The respondent also made approximately \$6,230 in political expenditures, of which approximately \$6,060 were over \$50. The respondent did not disclose dates or addresses for any of the contributions and did not disclose dates, addresses, amounts, or purposes for any of the expenditures. The respondent also did not use the commission's form to disclose the activity. Therefore, there is credible evidence that the respondent violated sections 254.031(a)(1), 254.031(a)(3), and 254.036(a) of the Election Code and section 20.19 of the Ethics Commission Rules.

#### **Total Amounts of Political Contributions and Political Expenditures of \$50 or Less**

10. A campaign finance report must include, in pertinent part, the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$50 or less made during the reporting period. ELEC. CODE § 254.031(a)(5).
11. The respondent filed an 8-day pre-election report for the 2010 primary election, a July 2010 semiannual report, and a 30-day pre-election report for the 2010 general election that left the amounts of political contributions of \$50 or less and political expenditures of \$50 or less blank. After the complaints were filed, the respondent submitted corrections that indicated that the respondent had accepted political contributions of \$50 or less and made political expenditures of \$50 or less during the 30-day pre-election reporting period. None of the contributions or expenditures were properly disclosed in the report when it was originally filed. Therefore, there is credible evidence that the respondent violated section 254.031(a)(5) of the Election Code in connection with the report. In addition, there is credible evidence of a technical or *de minimis* violation of section 254.031(a)(5) of the Election Code in connection with the July 2010 semiannual report because the respondent left blank the spaces to disclose that information.

12. The 8-day pre-election report was not required. Therefore, there is credible evidence that the respondent did not violate section 254.031(a)(5) of the Election Code in connection with the 8-day pre-election report for the primary election.

#### **Total Political Contributions Maintained**

13. A campaign finance report must include, in pertinent part, 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).
14. The respondent maintained political contributions as of the last day of the reporting period for each of the reports at issue. The 8-day pre-election report for the primary election was not required. There is credible evidence that the respondent violated section 254.031(a)(8) of the Election Code in connection with the July 2010 semiannual report and the 30-day pre-election report for the general election. There is also credible evidence that the respondent did not violate section 254.031(a)(8) of the Election Code in connection with the 8-day pre-election report for the primary election.

#### **Total Amount of Outstanding Loans**

15. A campaign finance report must include, in pertinent part, the aggregate principal amount of all outstanding loans as of the last day of the reporting period. ELEC. CODE § 254.031(a)(2).
16. The respondent did not have any outstanding loans as of the last day of any of the reporting periods. However, the respondent left blank the section on the July 2010 semiannual report and the 30-day pre-election report for the general election that are used to disclose the information. Therefore, there is credible evidence of technical or *de minimis* violations of section 254.031(a)(2) of the Election Code in connection with the reports. The 8-day pre-election report for the primary election was not required and the respondent also disclosed \$0 as the amount of outstanding loans when it was originally filed. Therefore, there is credible evidence of no violation regarding the 8-day pre-election report for the primary election.

### **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 these sworn complaints.

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 candidate shall appoint a campaign treasurer as provided by chapter 252 of the Election Code and that a campaign treasurer appointment must be in writing and include the campaign treasurer's name, residence or business street address, and telephone number. The respondent also acknowledges that a campaign finance report by a candidate must include, in pertinent part, the campaign treasurer's name, residence or business street address, and telephone number. The respondent also acknowledges that a 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 required to file a report, the full name and address of the person making the contributions, and the dates of the contributions. The respondent also acknowledges that a campaign finance 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. The respondent also acknowledges that a campaign finance report must include the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$50 or less made during the reporting period. The respondent also acknowledges that a campaign finance report must include, in pertinent part, 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. The respondent also acknowledges that a campaign finance report must include, in pertinent part, the aggregate principal amount of all outstanding loans as of the last day of the reporting period. The respondent also acknowledges that, all reports must be filed in a format prescribed by the commission or on forms approved by the executive director. 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 \$100 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-31010337 and SC-31010338.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Velma J. Moore, Respondent

EXECUTED ORIGINAL received by the commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
David A. Reisman, Executive Director