

TEXAS ETHICS COMMISSION

IN THE MATTER OF
SCOT A. JACKSON,
RESPONDENT

BEFORE THE
TEXAS ETHICS COMMISSION
SC-31010340

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on February 8, 2012, to consider sworn complaint SC-31010340. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.063 and 254.064 of the Election Code, laws 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 did not timely file semiannual and pre-election 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 a successful candidate for County Commissioner, Precinct 4, Erath County, in the November 2010 general election.
2. The complaint alleged that the respondent did not timely file campaign finance reports in connection with the March 2010 primary election and the November 2010 general election, in which the respondent was an opposed candidate.
3. The respondent filed a campaign treasurer appointment with the Erath County Clerk on December 2, 2009. The appointment indicated that the respondent sought the office of "Commissioner Pct 4" and did not choose to follow the modified reporting schedule. The respondent's campaign treasurer appointment was the only document on file at the time the complaint was filed.

IV. Findings and Conclusions of Law

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

Timely Filing of Semiannual Reports

1. The complaint alleged that the respondent did not timely file the January 2010 and July 2010 semiannual reports.
2. A candidate is required to file two reports each year. The first report must be filed by July 15. The report 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 under this subchapter, as applicable, and continuing through June 30. ELEC. CODE §§ 254.063(a), 254.063(b).
3. The second report shall be filed not later than January 15. The report 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 under this subchapter, as applicable, and continuing through December 31. *Id.* § 254.063(c).
4. A candidate has the duty to file semiannual reports until the candidate terminates his campaign treasurer appointment. The designation of a report as a final report terminates a candidate's campaign treasurer appointment. *Id.* § 254.065.
5. On December 2, 2009, the respondent filed a campaign treasurer appointment as a candidate for County Commissioner, Precinct 4, Erath County. The respondent was a candidate in the 2010 election cycle and did not file a final report terminating his campaign treasurer appointment and filing requirements as a candidate. Thus, the respondent was required to file the January 2010 semiannual report by the January 15, 2010, deadline, and the July 2010 semiannual report by the July 15, 2010, deadline. The reports were not filed until October 20, 2010 (later corrected). Therefore, there is credible evidence of violations of section 254.063 of the Election Code.

Timely Filing of 30-Day and 8-Day Pre-election Reports

6. The complaint alleged that the respondent did not timely file 30-day and 8-day pre-election reports in connection with the March 2, 2010, primary election, and a 30-day pre-election report in connection with the November 2, 2010, general election, in which the respondent was an opposed candidate.

7. In addition to other required reports, for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. ELEC. CODE § 254.064(a). The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. The report covers the period beginning 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 under this chapter, as applicable, and continuing through the 40th day before election day. *Id.* § 254.064(b). The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day. *Id.* § 254.064(c).

Primary Election, March 2, 2010

8. The respondent was opposed by a candidate whose name appeared on the ballot in the primary election. He did not elect modified reporting when he filed his campaign treasurer appointment. Thus, the respondent was required to file a 30-day pre-election report no later than February 1, 2010. The report was not filed until October 20, 2010 (later corrected). Therefore, there is credible evidence that the respondent violated section 254.064(b) of the Election Code.
9. The respondent was also required to file an 8-day pre-election report no later than February 22, 2010. The report was not filed until November 15, 2011. Therefore, there is credible evidence that the respondent violated section 254.064(c) of the Election Code.

General Election, November 2, 2010

10. The respondent was opposed by a candidate whose name appeared on the ballot in the general election. Thus, the respondent was required to file a 30-day pre-election report no later than October 4, 2010. The report was not filed until October 20, 2010 (later corrected). Therefore, there is credible evidence that the respondent violated section 254.064(b) of the Election Code.
11. The respondent was also required to file an 8-day pre-election report no later than October 25, 2010. The report was not filed until October 27, 2010 (later corrected). Therefore, there is credible evidence that the respondent violated section 254.064(c) of the Election Code, although this report was not part of the allegations.

Timely Filing of Runoff Election Report

12. The complaint alleged that the respondent did not timely file a runoff election report in connection with the April 13, 2010, primary runoff election.

13. In addition to other required reports, an opposed candidate in a runoff election shall file one report for that election. The runoff election report must be received by the authority with whom the report is required to be filed not later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the date of the main election and continuing through the 10th day before runoff election day. *Id.* § 254.064(e).
14. The respondent was an opposed candidate in the April 13, 2010, primary runoff election. Thus, the respondent was required to file a runoff election report no later than April 5, 2010. The report was not filed until November 15, 2011. Therefore, there is credible evidence that the respondent violated section 254.064(e) 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 candidate shall file a semiannual report not later than January 15, and July 15. The respondent also acknowledges that a candidate has the duty to file semiannual reports until the candidate terminates his campaign treasurer appointment. The respondent also acknowledges that, for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. The report covers the period beginning 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 under this chapter, as applicable, and continuing through the 40th day before election day. The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day. The respondent further acknowledges that an opposed candidate in a runoff election shall file one report for that election. The runoff election report must be received by the authority with whom the report is required to be filed not later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the date of the main election and continuing through the 10th day before runoff election day.

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 \$600 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-31010340.

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

Scot A. Jackson, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director