

TEXAS ETHICS COMMISSION

IN THE MATTER OF

KORI J. MARRA,

RESPONDENT

§
§
§
§
§

BEFORE THE

TEXAS ETHICS COMMISSION

SC-3110335

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on December 14, 2011, to consider sworn complaint SC-3110335. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.031 and 254.063 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: 1) did not properly disclose political contributions; and 2) did not timely file semiannual 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 Harlingen City Commissioner, District 3, in a general election held on May 9, 2009.

Total Political Contributions Maintained

2. The complaint alleged that the respondent reported an incorrect balance for total political contributions maintained on her 30-day and 8-day pre-election reports filed in connection with the May 9, 2009, general election. Both reports at issue disclosed \$0 for total political contributions maintained.
3. Regarding the 30-day pre-election report, the complaint alleged that total political contributions maintained should have been reported as \$180, instead of \$0, to reflect the value of a \$180 in-kind contribution.

4. Regarding the 8-day pre-election report, the complaint alleged that total political contributions maintained should have been reported as <\$3,995.32>, or in the alternative, that amount should have been reported as an outstanding loan balance. Note that the complaint alleged that the report at issue should disclose political contributions maintained as a negative amount. However, political contributions maintained would never be disclosed as a negative amount.

Contribution Dates

5. The complaint alleged that the respondent did not properly disclose the dates for two \$500 political contributions in the 30-day pre-election report filed in connection with the May 9, 2009, general election. The contributions were in the form of two \$500 checks and were from two different individuals. No date was disclosed for one of the contributions. For the other \$500 contribution, the respondent only reported the month in which the contribution was received.

Total Political Contributions

6. The complaint alleged that the respondent reported an incorrect balance for total political contributions in the 30-day pre-election report filed in connection with the May 9, 2009, general election. The complaint alleged that the total political contributions balance should have been reported as \$1,180, instead of \$1,000.
7. The respondent acknowledged that she inadvertently left out a \$180 in-kind contribution when calculating the totals. Although the amount of total political contributions should have been reported as \$1,180, all political contributions were disclosed and itemized on Schedule A (used for political contributions) of the report.

Timely Filing of Campaign Finance Reports

8. The complaint alleged that the respondent did not timely file the July 2009, January 2010, July 2010, and January 2011 semiannual reports. The complaint also alleged that the respondent did not timely report a \$600 political contribution from the Texas Association of Realtors PAC made on September 28, 2010, which would have been disclosed in the January 2011 semiannual report.
9. The respondent was a successful candidate in a May 2009 election. The respondent filed a campaign treasurer appointment on March 10, 2009. The respondent filed another campaign treasurer appointment on October 21, 2011. The respondent did not file a final report until March 8, 2011. Accordingly, the respondent was required to file the July 2009 semiannual report by July 15, 2009, the January 2010 report by January 15, 2010, the July 2010 semiannual report by July 15, 2010, and the January 2011 semiannual report by January 18, 2011 (extended deadline). All four reports at issue were not filed until March 8, 2011.

IV. Findings and Conclusions of Law

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

Total Political Contributions Maintained

1. Each report must include as of the last day of the reporting period, 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).
2. Regarding the 30-day pre-election report, the evidence indicated that the total political contributions maintained balance should have been \$0, which is what the respondent originally reported. The respondent was not required to include the \$180 in-kind contribution in the total political contributions maintained balance. Therefore, there is credible evidence of no violation of section 254.031(a)(8) of the Election Code with respect to that report.
3. Regarding the 8-day pre-election report, the respondent was not required to report a negative balance for total political contributions maintained. Credible evidence indicated that the respondent did not have any political contributions maintained at the end of the reporting period covered by the report, thus the respondent properly reported a zero balance. Therefore, there is credible evidence of no violation of section 254.031(a)(8) of the Election Code with respect to that report.

Contribution Dates

4. 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, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
5. The respondent was required to disclose the dates for the two political contributions at issue because they both exceeded \$50. The respondent did not properly disclose the dates in the 30-day pre-election report at issue. Therefore, there is credible evidence of violations of section 254.031(a)(1) of the Election Code.

Total Political Contributions

6. A 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. ELEC. CODE § 254.031(a)(6).
7. Although the total political contributions balance was incorrect, the respondent itemized all political contributions so that a person viewing Schedule A of the report could have ascertained the total amount of political contributions received during the reporting

period. Therefore, there is credible evidence of a technical or *de minimis* violation of section 254.031(a)(6) of the Election Code.

Timely Filing of Campaign Finance Reports

8. 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). 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). 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.
9. All four semiannual campaign finance reports at issue were not timely filed. Therefore, there is credible evidence of violations of section 254.063 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 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, 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 include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period. The respondent further acknowledges that a candidate shall file two reports each year. The first report shall be filed not later than July 15. The second report shall be filed not later than January 15. 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 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 \$300 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-3110335.

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

Kori J. Marra, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director