

TEXAS ETHICS COMMISSION

IN THE MATTER OF
BILL THOMAS WEBB,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-3110360

FINAL ORDER

The Texas Ethics Commission, having heard this case and voting to find violations of laws under its jurisdiction, makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The respondent is Bill Thomas Webb, whose last known mailing address is P. O. Box 1523, Tomball, Texas 77377-1523. Sworn complaint SC-3110360 was filed with the Texas Ethics Commission against the respondent on March 30, 2011. The Notice of Hearing was mailed to the respondent on October 31, 2012.
2. The preliminary review hearing was held on November 29, 2012, by the Texas Ethics Commission in Austin, Texas.
3. The respondent did not file a reply to the Notice of Hearing and did not appear at the hearing.
4. The complaint alleged that the respondent: 1) did not indicate the report type on a campaign finance report; 2) did not properly disclose political contributions and political expenditures; and 3) did not file July 2010 and January 2011 semiannual campaign finance reports.
5. The respondent was an incumbent candidate for councilman in the May 2010 city election in Tomball, Texas.
6. The reports at issue are the 30-day pre-election report for the May 2010 city election, the 8-day pre-election report for the May 2010 city election, and the July 2010 and January 2011 semiannual reports.

Report Type

7. The complaint alleged that the respondent did not indicate the report type on the 30-day pre-election report. The evidence shows that the respondent did not indicate the report type on that report.

Total Political Contributions

8. The complaint alleged that the respondent disclosed an incorrect amount for total political contributions on the 30-day and 8-day pre-election reports.
9. On the January 2010 semiannual report, the respondent disclosed \$507 for total political contributions maintained. On his 30-day pre-election report, the respondent included this amount in the total political contributions amount.
10. On the 30-day pre-election report, the respondent disclosed \$36 for total political contributions maintained. On the 8-day pre-election report, the respondent entered this amount in the total political contributions amount.

Total Political Expenditures of \$50 or Less, Unless Itemized

11. The complaint alleged that the respondent disclosed an incorrect amount for total political expenditures of \$50 or less, unless itemized, and total political expenditures on the 30-day and 8-day pre-election reports.
12. On the 30-day pre-election report, the respondent left blank the space for total political expenditures of \$50 or less. The amount disclosed for total political expenditures was \$58.05 more than the total political expenditures disclosed on Schedule F (used to itemize political expenditures).
13. On the 8-day pre-election report, the respondent disclosed \$74 for total political expenditures of \$50 or less. However, the respondent had itemized these expenditures.

Reporting of Political Contributions

14. The complaint alleged that the respondent did not disclose on the 30-day pre-election report the complete address of a contributor who made a \$500 political contribution. The respondent disclosed the street number and name of the contributor, but he did not disclose the city, state, or zip code of the contributor.
15. The complaint alleged that the respondent violated section 254.031(a)(1) of the Election Code by including the following entry on Schedule A (used to disclose political contributions) of the 30-day pre-election report:

01/15/10	Balance Maintained	\$507.00
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Reporting of Political Expenditures

16. The complaint alleged that the name “W M S” of a payee on the 8-day pre-election report was not correct. Research did not reveal an entity or individual with that name at the address given.
17. The complaint alleged that the respondent did not disclose the complete address of certain expenditures on the 30-day and 8-day pre-election reports.
18. The respondent did not disclose the number and street address for the United States Post Office for five expenditures totaling approximately \$130 on the 30-day pre-election report and for one expenditure of approximately \$500 on the 8-day pre-election report.
19. The respondent did not disclose the street address for Jack’s for an expenditure of \$35 (the total expenditures to Jack’s exceeded \$50 during the reporting period) on the 30-day pre-election report.
20. The complaint alleged, and the evidence showed, that the respondent did not disclose the purpose of any of the 22 expenditures totaling approximately \$2,010, disclosed on the 30-day pre-election report.

Filing of Reports

21. The complaint alleged that the respondent did not file the July 2010 and January 2011 semiannual reports. During the time at issue, the respondent had a campaign treasurer in effect for city council position #3. The respondent did not file a final report before the due dates for the July 2010 and January 2011 semiannual reports. The respondent has not filed reports covering the periods for the July 2010 and January 2011 semiannual reports.

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 was provided 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.

Report Type

3. Each report filed under this chapter with an authority other than the commission must be in a format prescribed by the commission. ELEC. CODE § 254.036. Although neither statute nor rule specifically requires the report type be disclosed, the form prescribed by the commission requires that the filer indicate the type of report that the filer is filing.

The respondent did not do so on the report at issue. Therefore, there is credible evidence of a technical or *de minimis* violation of section 254.036 of the Election Code.

Total Political Contributions

4. Each report must include the total amount of all political contributions accepted during the reporting period. ELEC. CODE § 254.031(a)(6).
5. The respondent did not disclose the correct amount for total political contributions on the reports at issue. The respondent over reported total political contributions by \$507 on the 30-day pre-election report and by \$36 on the 8-day pre-election report. Therefore, there is credible evidence of violations of section 254.031(a)(6) of the Election Code.

Total Political Expenditures of \$50 or Less, Unless Itemized

6. Each report must include the total amount or a specific listing of the political expenditures of \$50 (\$100 as of September 28, 2011) or less made during the reporting period. ELEC. CODE § 254.031(a)(5).
7. On the 30-day pre-election report, the respondent did not disclose total political expenditures of \$50 or less of \$58.05 that he did not itemize. On the 8-day pre-election report, the respondent disclosed \$74 for total political expenditures of \$50 or less, unless itemized. Since the respondent itemized these expenses he should have entered \$0. Therefore, there is credible evidence of violations of section 254.031(a)(5) of the Election Code.

Reporting of Political Contributions

8. Each 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).
9. The respondent did not include a complete address for the contributor of \$500 at issue. Therefore, there is credible evidence of a violation of section 254.031(a)(1) of the Election Code. The entry of the amount of political contributions maintained on Schedule A of the report at issue was not a contribution and should not have been included. There is credible evidence of a technical or *de minimis* violation of section 254.031(a)(1) of the Election Code as to this entry.

Reporting of Political Expenditures

10. Each campaign finance report must include the amount of political expenditures that in the aggregate exceed \$50 (\$100 as of September 28, 2011) 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. ELEC. CODE § 254.031(a)(3).

11. The payee name “W M S” on the 8-day pre-election report was not correct. Therefore, there is credible evidence of a violation of section 254.031(a)(3) of the Election Code as to the name of this payee.
12. The respondent did not disclose the number and street address for the United States Post Office for five expenditures totaling approximately \$130 on the 30-day pre-election report and for one expenditure of approximately \$500 on the 8-day pre-election report. The omission did not substantially affect disclosure. Therefore, there is credible evidence of technical or *de minimis* violations of section 254.031(a)(3) of the Election Code.
13. The respondent did not disclose the street address for Jack’s for an expenditure of \$35 (the total expenditures to Jack’s exceeded \$50 during the reporting period) on the 30-day pre-election report. There is credible evidence of a technical or *de minimis* violation of section 254.031(a)(3) of the Election Code.
14. The respondent did not disclose a purpose for the 22 expenditures, totaling approximately \$2,010, on the 30-day pre-election report. Therefore, there is credible evidence of violations of section 254.031(a)(3) of the Election Code as to the purpose of those expenditures.

Filing of Reports

15. A candidate is required to file two reports for each year. The first report shall be filed not later than July 15. The second report shall be filed not later than January 15. ELEC. CODE § 254.063.
16. If a candidate expects no reportable activity in connection with the candidacy to occur after the period covered by a report filed under this subchapter, the candidate may designate the report as a “final” report. The designation of a report as a final report relieves the candidate of the duty to file additional reports under this subchapter, except as provided by Subsection (c), and terminates the candidate’s campaign treasurer appointment. ELEC. CODE § 254.065.
17. The respondent did not file a final report before the due dates for the July 2010 and January 2011 semiannual reports. Thus, the respondent was required to file those reports. The respondent did not file the reports. Therefore, there is credible evidence of violations of section 254.063 of the Election Code.
18. 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:

The respondent pay to the Texas Ethics Commission, within 30 days of the date of this order, a civil penalty in the amount of \$650. If the respondent does not pay \$650 within 30 days of the date of this order, the civil penalty is \$850.

Date: _____

FOR THE COMMISSION

David A. Reisman
Executive Director
Texas Ethics Commission