

TEXAS ETHICS COMMISSION

IN THE MATTER OF

MICHAEL L. OLDHAM,
CAMPAIGN TREASURER,
TEXAS FARMERS UNION
FAMILY FARMERS UNITED PAC,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-3110470

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on June 6, 2012, to consider sworn complaint SC-3110470. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.031, 254.036, 254.151, and 254.154 of the Election Code and section 20.61 of the Ethics Commission Rules, 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, as campaign treasurer of a political committee: 1) did not properly disclose the residence or business street address and telephone number of the committee's campaign treasurer, 2) did not properly disclose political contributions and political expenditures, 3) did not properly disclose the total principal amount of outstanding loans, 4) did not include in campaign finance reports the principal occupation of individuals who contributed \$50 or more during a reporting period, 5) did not timely file pre-election reports in connection with the November 2010 election, and 6) did not properly execute the affidavit in a campaign finance report.

III. Facts Supported by Credible Evidence

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

1. The respondent is the campaign treasurer for Texas Farmers Union Family Farmers United PAC (F.F.U. PAC), a general-purpose committee.

2. The sworn complaint allegations were based on the committee's July 2009, January 2010, July 2010, and January 2011 semiannual campaign finance reports, and the 30-day and 8-day pre-election reports for the November 2010 election.
3. On May 3, 2011, in response to the sworn complaint allegations, the respondent filed corrections to the July 2009, July 2010, and January 2011 semiannual reports, and the 30-day and 8-day pre-election reports for the November 2010 election.

Campaign Treasurer's Street Address and Telephone Number

4. The complaint alleged that the respondent did not disclose his telephone number in the committee's July 2009 semiannual report and did not disclose his street address in the committee's January 2010 semiannual report.
5. The July 2009 semiannual report left blank the field provided for the campaign treasurer's telephone number. In response to the sworn complaint allegations, the respondent corrected the report to disclose his telephone number.
6. The January 2010 semiannual report left blank the field provided for the campaign treasurer's residence or business street address. The respondent did not file a correction to the January 2010 semiannual report.

Political Contributions

7. The complaint alleged that the respondent did not disclose the total amount of political contributions of \$50 or less in the committee's July 2010 semiannual report, 30-day and 8-day pre-election reports for the November 2010 election, and January 2011 semiannual report. The complaint also alleged that the respondent did not itemize political contributions exceeding \$50 on Schedule A (used for disclosing political contributions) of the committee's July 2010 semiannual report, based on a discrepancy between the total amount of political contributions disclosed in the totals section of the cover sheet and the sum of the political contributions disclosed on Schedule A.
8. In the four reports at issue, the respondent left blank the field provided in the totals section of the cover sheet for total political contributions of \$50 or less.
9. In response to the sworn complaint allegations, the respondent corrected the July 2010 semiannual report to disclose \$0 for total political contributions of \$50 or less, to add 19 political contributions of \$50 each and a \$200 political contribution on Schedule A, and to remove two political contributions of \$500 each from Schedule A. The itemized contributions on Schedule A of the corrected report totaled \$2,225. The respondent did not correct the \$3,400 amount disclosed in the totals section of the cover sheet for total political contributions.

10. The respondent provided copies of the contribution checks for the July 2010 semiannual reporting period. Based on this information, the corrected July 2010 semiannual report did not include an additional eight political contributions of \$50 or less totaling \$200.
11. In response to the sworn complaint allegations, the respondent corrected the 30-day pre-election report to remove the \$500 political contribution itemized on Schedule A and to disclose \$0 for total political contributions. The respondent did not correct the blank field in the totals section of the cover sheet for total political contributions of \$50 or less.
12. In response to the sworn complaint allegations, the respondent corrected the 8-day pre-election report to disclose \$0 for total political contributions of \$50 or less, to add two political contributions of \$50 each on Schedule A, and to disclose \$600 in total political contributions in the totals section of the cover sheet.
13. The respondent did not correct the January 2011 semiannual report to disclose the total political contributions of \$50 or less in the totals section of the cover sheet.

Political Expenditures

14. The complaint alleged that the respondent did not disclose the total amount of political expenditures of \$50 or less and the total amount of political expenditures in the January 2010 semiannual report.
15. The respondent left blank the fields provided in the totals section of the cover sheet for total political expenditures of \$50 or less and total political expenditures in the January 2010 semiannual report. The paper report included a blank Schedule F (used for disclosing political expenditures) with a “-0-” typed in the first field provided for expenditure amount. There is no evidence to show that there were undisclosed political expenditures for the reporting period.
16. The respondent did not correct the January 2010 semiannual report.

Total Political Contributions Maintained

17. The complaint alleged that the respondent disclosed an incorrect amount for total political contributions maintained as of the last day of the reporting period in the July 2010 semiannual report, the 30-day and 8-day pre-election reports for the November 2010 election, and the January 2011 semiannual report.
18. In response to the sworn complaint allegations, the respondent provided copies of the committee’s bank statements for the reporting periods at issue.

19. In the July 2010 semiannual report, the respondent disclosed \$3,677.39 in total political contributions maintained as of the last day of the reporting period. The complaint alleged that the amount should be \$2,377.39. In response to the sworn complaint allegations, the respondent corrected the report to disclose \$3,702.39 in total political contributions maintained, as reflected in the bank statements.
20. In the 30-day pre-election report for the November 2010 election, the respondent disclosed \$1,802.39 in total political contributions maintained as of the last day of the reporting period. The complaint alleged that the amount should be \$627.39. In response to the sworn complaint allegations, the respondent corrected the report to disclose \$2,202.39 in total political contributions maintained, as reflected in the bank statements.
21. In the 8-day pre-election report for the November 2010 election, the respondent disclosed \$1,302.39 in total political contributions maintained as of the last day of the reporting period. The complaint alleged that the amount should be a negative amount, <\$1,622.61>. The bank statements showed that the amount disclosed in the 8-day pre-election report for the November 2010 election was correct.
22. In the January 2011 semiannual report, the respondent disclosed \$302.39 in total political contributions maintained as of the last day of the reporting period. The complaint alleged that the amount should be a negative amount, <\$1,622.61>. The bank statements showed that the amount disclosed in the January 2011 semiannual report was correct.

Total Outstanding Loans

23. The complaint alleged that the respondent did not disclose the total principal amount of all outstanding loans in the January 2010 and July 2010 semiannual reports and the 30-day and 8-day pre-election reports for the November 2010 election.
24. The July 2009 semiannual report (immediately preceding the reports at issue) disclosed \$302.39 in both the field provided for total political contributions maintained and the field provided for total outstanding loans in the totals section on the cover sheet. Each report at issue left blank the field provided in the totals section on the cover sheet for total outstanding loans.
25. In response to the sworn complaint allegations, the respondent corrected the July 2009 and July 2010 semiannual reports to disclose “-0-” for total outstanding loans. There is no evidence to show that there were undisclosed outstanding loans for the reporting periods at issue.

Full Name of Person Making Political Contributions and Dates of Political Contributions

26. The complaint alleged that the respondent did not fully disclose the name of a contributor in the July 2010 semiannual report and did not disclose the dates of political contributions in the July 2009 semiannual report and 30-day and 8-day pre-election reports for the November 2010 election.
27. Out of 10 political contributions itemized in the July 2010 semiannual report, the complaint alleged that the respondent did not fully disclose the name of the contributor in "1 place." The report disclosed an April 21, 2010, \$150 political contribution from "E G REED."
28. In response to the sworn complaint allegations, the respondent provided a copy of the check from the contributor. The name printed in the top left corner of the check was "E.G. Reed Farms" and the check was signed by "E. G. Reed." The respondent did not file a correction to the contribution at issue.
29. The July 2009 semiannual report disclosed a \$200 political contribution from an individual and left blank the field provided on Schedule A for the contribution date. In response to the sworn complaint allegations, the respondent corrected the contribution at issue to disclose the date as February 5, 2009.
30. The 30-day pre-election report for the November 2010 election disclosed a \$500 political contribution from an individual and left blank the field provided on Schedule A for the contribution date. The 8-day pre-election report for the November 2010 election also disclosed a \$500 political contribution from the same individual and left blank the field provided on Schedule A for the contribution date. In response to the sworn complaint allegations, the respondent corrected the 30-day pre-election report for the November 2010 election to remove the political contribution at issue and to disclose zero political contributions for the reporting period. The respondent also corrected the 8-day pre-election report for the November 2010 election to disclose the date of the contribution as October 7, 2010.

Principal Occupation of Contributors

31. The complaint alleged that the respondent did not disclose the principal occupation of individuals who contributed \$50 or more during a reporting period in the July 2009 and January 2010 semiannual reports and the 30-day and 8-day pre-election reports for the November 2010 election.
32. The July 2009 semiannual report disclosed a \$200 political contribution from an individual and left blank the field provided on Schedule A for the contributor's principal occupation.

33. The respondent itemized 10 political contributions totaling \$2,075 on Schedule A in the July 2010 semiannual report. The respondent left blank the field provided on Schedule A for the contributor's principal occupation for all 10 of the itemized contributions.
34. The 30-day pre-election report for the November 2010 election disclosed a \$500 political contribution from an individual and left blank the field provided on Schedule A for the contributor's principal occupation. The 8-day pre-election report for the November 2010 election also disclosed a \$500 political contribution from the same individual and left blank the field provided on Schedule A for the contributor's principal occupation.
35. In response to the sworn complaint allegations, the respondent corrected the reports at issue to disclose the contributor's principal occupation for the contributions at issue.

Dates, Amounts, and Purpose Descriptions of Political Expenditures

36. The complaint alleged that the respondent did not disclose the dates, amounts, and purpose descriptions for political expenditures in the 30-day and 8-day pre-election reports for the November 2010 election.
37. The 30-day pre-election report for the November 2010 election disclosed \$2,250 in total political expenditures in the totals section on the cover sheet. On Schedule F, the respondent disclosed the names and addresses of four individuals and disclosed the offices sought by the individuals, but left blank the fields provided for expenditure date, amount and purpose description for all the expenditures at issue. In response to the sworn complaint allegations, the respondent corrected the report to change the total amount of political expenditures disclosed in the totals section on the cover sheet to \$1,500. The correction also removed two of the political expenditures at issue and disclosed the dates, amounts, and purpose descriptions for the remaining two political expenditures at issue.
38. The 8-day pre-election report for the November 2010 election disclosed \$2,750 in total political expenditures in the totals section on the cover sheet. On Schedule F, the respondent disclosed the names and addresses of five individuals and disclosed the offices sought by the individuals, but left blank the fields provided for expenditure date, amount and purpose description for all the expenditures at issue. In response to the sworn complaint allegations, the respondent corrected the report to change the total amount of political expenditures disclosed in the totals section on the cover sheet to \$1,500. The correction also removed two of the political expenditures at issue and disclosed the dates, amounts, and purpose descriptions for the remaining three political expenditures at issue.

Timely Filing of Campaign Finance Reports

39. The complaint alleged that the respondent did not timely file the 30-day and 8-day pre-election reports for the November 2010 election.

40. The 30-day pre-election report for the November 2010 election was due October 4, 2010. According to commission records, the committee's 30-day pre-election report was received by the commission on October 13, 2010. At its December 2010 commission meeting, the commission voted not to waive the \$500 administrative penalty for the late 30-day pre-election report. On December 16, 2010, the committee paid the \$500 administrative penalty for the late filing.
41. The 8-day pre-election report for the November 2010 election was due October 25, 2010. According to commission records, the committee's 8-day pre-election report was received by the commission on October 28, 2010. On April 25, 2011, the committee paid the \$700 administrative penalty for the late 8-day pre-election report.

Properly Executed Campaign Finance Report Affidavit

42. The complaint alleged that the respondent did not properly execute the affidavit in the January 2011 semiannual report because the affidavit was missing the campaign treasurer signature and the notary witness signature.
43. The affidavit accompanying the January 2011 semiannual report was signed by an individual who, according to commission records, is the committee's assistant campaign treasurer. The affidavit left blank the line provided for the signature, printed name, and title of the officer administering the oath, but did include the notary stamp/seal showing the name of the notary public.
44. In response to the sworn complaint allegations, the respondent filed a correction to the January 2011 semiannual report that included a fully executed affidavit signed by the respondent and that included the name, title, and stamp/seal of the notary public.

IV. Findings and Conclusions of Law

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

Campaign Treasurer's Street Address and Telephone Number

1. Each report by a campaign treasurer of a general-purpose committee must include the full name, residence or business street address, and telephone number of the committee's campaign treasurer and, if the campaign treasurer's mailing address is different from the street address provided for the campaign treasurer, the campaign treasurer's mailing address. ELEC. CODE § 254.151(2); Ethics Commission Rules § 20.411(4)(C).
2. The respondent did not disclose his telephone number in the July 2009 semiannual report and did not disclose his street address in the January 2010 semiannual report. Therefore, there is credible evidence of violations of section 254.151(2) of the Election Code.

Political Contributions and Expenditures

3. Each 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 or committee required to file the report, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
4. Each 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 \$100 or less (\$50 until September 28, 2011) made during the reporting period. *Id.* § 254.031(a)(5).
5. Each 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. *Id.* § 254.031(a)(6).
6. In the July 2010 semiannual report, the respondent did not disclose the total political contributions of \$50 or less, unless itemized, and did not itemize political contributions. The respondent corrected the report at issue to add 20 political contributions totaling \$1,150 that were not previously disclosed, including political contributions of \$50 or less. The evidence shows that he did not disclose an additional eight political contributions of \$50 or less totaling \$200, either as a lump sum total or as itemized contributions on Schedule A. Although the respondent corrected the totals section in the report at issue to disclose zero total political contributions of \$50 or less, unless itemized, the amount of total political contributions remained incorrect. Therefore, there is credible evidence of violations of sections 254.031(a)(1), 254.031(a)(5), and 254.031(a)(6) of the Election Code with respect to the July 2010 semiannual report.
7. In the 30-day pre-election report for the November 2010 election, the respondent did not disclose the total political contributions of \$50 or less, unless itemized, and did not properly disclose the total political contributions. The original report at issue disclosed a blank field for total political contributions of \$50 or less and \$500 in total political contributions for the reporting period. Although the respondent corrected the report at issue to disclose zero total political contributions for the reporting period, he left blank the field for total political contributions of \$50 or less and the totals were not properly disclosed at the time the original report was due. Therefore, there is credible evidence of violations of sections 254.031(a)(5) and 254.031(a)(6) of the Election Code with respect to the 30-day pre-election report for the November 2010 election.
8. In the 8-day pre-election report for the November 2010 election, the respondent did not disclose the total political contributions of \$50 or less, unless itemized, and did not properly disclose the total political contributions. The original report at issue disclosed a blank field for total political contributions of \$50 or less and \$500 in total political contributions for the reporting period. Although the respondent corrected the report at issue to disclose \$600 in

total political contributions for the reporting period and itemized the contributions, including political contributions of \$50 or less, the totals were not properly disclosed at the time the original report was due. Therefore, there is credible evidence of violations of sections 254.031(a)(5) and 254.031(a)(6) of the Election Code with respect to the 8-day pre-election report for the November 2010 election.

9. In the January 2011 semiannual report, although the respondent left blank the field for disclosing total political contributions of \$50 or less, unless itemized, it appears when viewing the report that the committee had no political contributions and there is no evidence to show that there were undisclosed political contributions of \$50 or less for the reporting period. Therefore, there is credible evidence of a technical or *de minimis* violation of section 254.031(a)(5) of the Election Code with respect to the January 2011 semiannual report.
10. In the January 2010 semiannual report, the respondent did not disclose the total political expenditures of \$50 or less, unless itemized, and the total amount of political expenditures. Although the respondent left blank the fields for disclosing the required totals, it appears when viewing the report that the committee had no political expenditures and there is no evidence to show that there were undisclosed political expenditures for the reporting period. Therefore, there is credible evidence of technical or *de minimis* violations of sections 254.031(a)(5) and 254.031(a)(6) of the Election Code with respect to the January 2010 semiannual report.

Total Political Contributions Maintained

11. A campaign finance report must include, 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). A *de minimis* error in calculating or reporting a cash balance under subsection (a)(8) is not a violation of this section. *Id.* § 254.031(a-1).
12. The total amount of political contributions maintained in one or more accounts includes balance on deposit in banks, savings and loan institutions and other depository institutions, and the present value of any investments that can be readily converted to cash, such as certificates of deposit, money market accounts, stocks, bonds, treasury bills, etc. Ethics Commission Rules § 20.50(a).
13. The complaint alleged that the respondent did not correctly disclose the total amount of political contributions maintained as of the last day of the reporting period in the July 2010 semiannual report, 30-day and 8-day pre-election reports for the November 2010 election, and January 2011 semiannual report, according to a calculation performed by the complainant. The complaint included no evidence to support the allegations that the respondent did not disclose the correct amounts of total political contributions maintained other than calculations according to a formula.

14. The respondent corrected the amounts in the July 2010 semiannual report and the 30-day pre-election report for the November 2010 election. The difference between the amounts originally disclosed and the corrected amounts are \$25 and \$400, respectively. The commission has previously determined that if the difference between the amount of political contributions maintained as originally disclosed and the correct amount does not exceed the lesser of 10% of the amount originally disclosed or \$2,500, then, based on section 254.031(a-1) of the Election Code, there is no violation of section 254.031(a)(8) of the Election Code.
15. The difference between the amount originally disclosed in the 30-day pre-election report for the November 2010 election and the correct amount is greater than 10% of the original amount. Therefore, there is credible evidence of a violation of section 254.031(a)(8) of the Election Code with respect to the 30-day pre-election report for the November 2010 election.
16. The difference between the amount originally disclosed in the July 2010 semiannual report and the correct amount is less than 10% of the original amount. The respondent provided copies of bank statements that show that the amounts disclosed in the 8-day pre-election report for the November 2010 election and January 2011 semiannual report were correct. Therefore, there is credible evidence of no violation of section 254.031(a)(8) of the Election Code with respect to those three reports.

Total Outstanding Loans

17. Each campaign finance report must include the aggregate principal amount of all outstanding loans as of the last day of the reporting period. ELEC. CODE § 254.031(a)(2).
18. The respondent did not disclose the total principal amount of all outstanding loans as of the last day of the reporting period in the January 2010 and July 2010 semiannual reports and the 30-day and 8-day pre-election reports for the November 2010 election. Although there is no evidence to show that there were undisclosed outstanding loans to disclose for the reporting periods, the respondent did not disclose a zero in the field in the totals section on the cover sheet for total outstanding loans in the reports at issue. Therefore, there is credible evidence of technical or *de minimis* violations of section 254.031(a)(2) of the Election Code.

Full Name of Person Making Political Contributions and Dates of Political Contributions

19. Each 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 or committee required to file the report, the full name and address of the person making the contributions, and the dates of the contributions. *Id.* § 254.031(a)(1).

20. The respondent did not disclose the contributor's full name for a \$150 political contribution in the July 2010 semiannual report. The report disclosed E.G. Reed as opposed to E.G. Reed Farms, the name on the check. The disclosure substantially complied with the statute. Therefore, there is credible evidence of no violation of section 254.031(a)(1) of the Election Code.
21. The respondent did not disclose in the July 2009 semiannual report the date that the committee accepted a \$200 political contribution. The respondent also did not disclose the date that the committee accepted a \$500 political contribution, which was originally disclosed in both the 30-day and 8-day pre-election reports for the November 2010 election. The respondent corrected the pre-election reports at issue to disclose a single \$500 contribution accepted in the 8-day pre-election reporting period. Therefore, there is credible evidence of violations of section 254.031(a)(1) of the Election Code.

Principal Occupation of Contributors

22. Each report by a campaign treasurer of a general-purpose committee must include the principal occupation of each person from whom political contributions that in the aggregate exceed \$50 are accepted during the reporting period. *Id.* § 254.151(6).
23. The complaint alleged that the respondent did not disclose the principal occupation of individuals who contributed \$50 or more, for 12 political contributions totaling \$2,775 in the July 2009 and January 2010 semiannual reports and 30-day and 8-day pre-election reports for the November 2010 election. The respondent corrected the disclosures to include the occupation of all contributors at issue. However, at the time the original reports were filed, the respondent did not disclose this information. Therefore, there is credible evidence of violations of section 254.151(6) of the Election Code.

Dates, Amounts, and Purpose Descriptions of Political Expenditures

24. Each campaign finance report must include the amount of political expenditures that in the aggregate exceed \$100 (\$50 until 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. *Id.* § 254.031(a)(3).
25. The report of a political expenditure for goods or services must describe the categories of goods or services received in exchange for the expenditure. Ethics Commission Rules § 20.61.
26. The respondent did not disclose the dates, amounts, and purpose descriptions for five political expenditures totaling \$3,000 in the 30-day and 8-day pre-election reports for the November 2010 election. Although the respondent corrected the political expenditures at issue, the respondent did not disclose the information at the time the original reports were filed. Therefore, there is credible evidence of violations of section 254.031(a)(3) of the Election Code and section 20.61 of the Ethics Commission Rules.

Timely Filing of Campaign Finance Reports

27. In addition to other required reports, for each election in which a general-purpose committee is involved, the committee's campaign treasurer shall file two reports. ELEC. CODE § 254.154(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 committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable, and continuing through the 40th day before election day. *Id.* § 254.154(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.* § 254.154(c).
28. The 30-day pre-election report for the November 2010 election was due October 4, 2010. The 30-day pre-election report was received by the commission on October 13, 2010, which was nine days late. The 8-day pre-election report for the November 2010 election was due October 25, 2010. The 8-day pre-election report was received by the commission on October 28, 2010, which was three days late. Therefore, there is credible evidence of violations of section 254.154 of the Election Code. The respondent previously paid administrative penalties related to these reports.

Properly Executed Campaign Finance Report Affidavit

29. Each report filed under this chapter that is not filed by electronic transfer must be accompanied by an affidavit executed by the person required to file the report. The affidavit must contain the statement: "I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code." Each report filed under this chapter by electronic transfer must be under oath by the person required to file the report and must contain, in compliance with commission specifications, the digitized signature of the person required to file the report. A report filed under this chapter is considered to be under oath by the person required to file the report, and the person is subject to prosecution under Chapter 37, Penal Code, regardless of the absence of or a defect in the affidavit. *Id.* § 254.036(h).
30. Each general-purpose committee may appoint an assistant campaign treasurer by written appointment filed with the commission. *Id.* § 252.015(a). In the campaign treasurer's absence, the assistant campaign treasurer has the same authority as a campaign treasurer. *Id.* § 252.015(b).

31. The Election Code does not specifically define “affidavit,” but the generally accepted definition includes the requirement that the facts be sworn to before an officer qualified to administer an oath. The January 2011 semiannual report was properly signed by F.F.U. PAC’s appointed assistant campaign treasurer, but the affidavit did not include a signature of an officer administering an oath. Although the respondent filed a correction to the report at issue and included a properly executed affidavit, the affidavit was not properly executed at the time the report was originally filed. Nevertheless, the report is considered to be under oath by the respondent or appointed assistant campaign treasurer even if the affidavit was defective. Therefore, there is credible evidence of a technical or *de minimis* violation of section 254.036(h) 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 each 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 or committee required to file the report, the full name and address of the person making the contributions, and the dates of the contributions.

The respondent also acknowledges that each campaign finance report must include the aggregate principal amount of all outstanding loans as of the last day of the reporting period.

The respondent also acknowledges that each campaign finance report must include the amount of political expenditures that in the aggregate exceed \$100 (\$50 until 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. The respondent also acknowledges that the report of a political expenditure for goods or services must describe the categories of goods or services received in exchange for the expenditure.

The respondent also acknowledges that each 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 \$100 or less (\$50 until September 28, 2011) made during the reporting period.

The respondent also acknowledges that each 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 also acknowledges that a campaign finance report must include, 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 each report by a campaign treasurer of a general-purpose committee must include the full name, residence or business street address, and telephone number of the committee's campaign treasurer, and if the campaign treasurer's mailing address is different from the street address provided for the campaign treasurer, the campaign treasurer's mailing address.

The respondent also acknowledges that each report by a campaign treasurer of a general-purpose committee must include the principal occupation of each person from whom political contributions that in the aggregate exceed \$50 are accepted during the reporting period.

The respondent also acknowledges that, in addition to other required reports, for each election in which a general-purpose committee supports or opposes a candidate or measure, the committee's campaign treasurer shall file two reports. The first report must be filed not later than the 30th day before election day. The report covers the period beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, and continuing through the 40th day before election day. The second report must 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 also acknowledges that each campaign finance report that is not filed by electronic transfer must be accompanied by an affidavit executed by the person required to file the report. The affidavit must contain the statement: "I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code."

The respondent agrees to comply with these requirements of the law.

VI. Confidentiality

This order and agreed resolution describes certain 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-3110470.

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

Michael L. Oldham, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director