

TEXAS ETHICS COMMISSION

IN THE MATTER OF
JOSEPH A. ADAME,
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-31105161

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on October 6, 2011, to consider sworn complaint SC-31105161. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.031 of the Election Code, a law 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 properly disclose political contributions.

III. Facts Supported by Credible Evidence

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

1. The respondent is the mayor of Corpus Christi, Texas, and was elected to the office in an April 4, 2009, election.
2. The complaint alleged that the respondent did not properly disclose \$3,000 in political contributions in a January 2011 semiannual report. The report at issue was filed with the Corpus Christi City Secretary on January 17, 2011. The report covered the period from July 1, 2010, to December 31, 2010, and disclosed the following on its cover page:
 - \$0 in political contributions of \$50 or less
 - \$3,000 in total political contributions
 - \$0 in political expenditures of \$50 or less
 - \$4,927.46 in total political expenditures
 - \$26,356.17 in political contributions maintained
 - \$0 in outstanding loans

3. The report did not include a Schedule A (used for providing detailed information about political contributions) to itemize any contributions.
4. In response to the allegation, the respondent swore:

In reviewing my files I see where Schedule A was prepared but must have been left out of the report turned into the City Secretary in error. Schedule A is attached.

Also enclosed is a memorandum from the City Secretary showing the report was filed on time.
5. The respondent corrected the report on August 26, 2011, by filing a correction with the city secretary, including a Schedule A that detailed approximately \$3,000 in political contributions.

IV. Findings and Conclusions of Law

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

1. 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 under this chapter, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
2. The respondent accepted approximately \$3,000 in political contributions from July 1, 2010, to December 31, 2010. The respondent was required to disclose all of the contributions on Schedule A of his January 2011 semiannual report, which was due on January 18, 2011. The report did not include a Schedule A when it was originally filed. Therefore, there is credible evidence that the respondent violated section 254.031(a)(1) 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, 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 under this chapter, the full name and address of the person making the contributions, and the dates of the contributions. The respondent agrees to comply with this requirement 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 \$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-31105161.

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

Joseph A. Adame, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director