

TEXAS ETHICS COMMISSION

IN THE MATTER OF

**BOB EIGNUS,
CAMPAIGN TREASURER,
FRIENDS OF RANDY WEBER,**

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-31109219

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on August 8, 2013, to consider sworn complaint SC-31109219. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 253.032, 254.031, and 254.1212 of the Election Code and sections 20.29(a) and 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: 1) did not disclose on multiple campaign finance reports, political contributions, political expenditures, and total outstanding loans; 2) did not include on multiple campaign finance reports the principal occupation or job title and the full name of the employer for individuals who contributed \$500 or more to the committee during a reporting period; 3) did not disclose on a campaign finance report, information required for a political contribution from an out-of-state political committee; 4) accepted political contributions from a corporation or labor organization; and 5) converted political contributions to the personal use of a candidate or officeholder.

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 Friends of Randy Weber (FRW), a specific-purpose committee created to support former state representative Randy Weber.
2. The respondent was the campaign treasurer for FRW during all times relevant to the complaint.

3. At issue in the complaint are FRW's July 2010, January 2011, and July 2011 semiannual reports and 30-day and 8-day pre-election reports filed in connection with a November 2010 election.

Total Political Contributions Maintained

4. The complaint alleged that the respondent did not disclose the proper amount of total political contributions maintained on the reports at issue.

July 2010 Semiannual Report

5. On July 15, 2010, the respondent filed FRW's July 2010 semiannual report. The report disclosed \$2,761.99 in total political contributions maintained. Bank records provided by the respondent disclosed that FRW had \$1,797.86 in political contributions in their political account on the last day of the reporting period.

30-Day Pre-election Report

6. On October 4, 2010, the respondent filed FRW's 30-day pre-election report in connection with a November 2010 election. The report disclosed \$4,630.34 in total political contributions maintained. Bank records provided by the respondent disclosed that FRW had \$6,437.53 in political contributions in their political account on the last day of the reporting period.

8-Day Pre-election Report

7. On October 25, 2010, the respondent filed FRW's 8-day pre-election report in connection with a November 2010 election. The report disclosed \$14,597.10 in total political contributions maintained. Bank records provided by the respondent disclosed that FRW had \$23,275.42 in political contributions in their political account on the last day of the reporting period.

January 2011 Semiannual Report

8. On January 18, 2011, the respondent filed FRW's January 2011 semiannual report. The report disclosed \$33,780.89 in total political contributions maintained. Bank records provided by the respondent disclosed that FRW had \$19,548.07 in political contributions in their political account on the last day of the reporting period.

July 2011 Semiannual Report

9. On July 15, 2011, the respondent filed FRW's July 2011 semiannual report. The report disclosed \$19,078.07 in total political contributions maintained. Bank records provided by the respondent show that the amount reported was correct.

Outstanding Loan Totals

10. The complaint alleged that the respondent did not properly disclose the total principal amount of all outstanding loans as of the last day of the reporting period on FRW's July 2010 semiannual report and 30-day and 8-day pre-election reports filed in connection with a November 2010 election.
11. FRW's January 2010 semiannual report disclosed the total amount of outstanding loans as \$40,000. The respondent did not disclose any loans on Schedule E of the report. FRW did not disclose any loan repayments made during the reporting period at issue.
12. A \$45,000 outstanding loan balance first appeared on Randy Weber's (the candidate) January 2009 semiannual report. However, the report disclosed only one \$15,000 loan from Mr. Weber to his campaign on Schedule E of the report. There were multiple political expenditures from personal funds disclosed on the report, but the loan combined with those expenditures did not equal \$45,000. Mr. Weber's previously filed report disclosed \$0 in total outstanding loans. Mr. Weber's July 2009 semiannual report disclosed an additional \$10,000 loan to his campaign from himself. Mr. Weber's January 2010 semiannual report then disclosed \$15,000 in political expenditures to himself for "Repayment of Loan," and the total amount of outstanding loans disclosed on the report was reduced to \$40,000. Mr. Weber's July 2010 semiannual report disclosed \$0 in outstanding loans but shows no political expenditures on that report to pay off the loan.
13. FRW's July 2010 semiannual report disclosed the total amount of outstanding loans as \$75,000. Schedule E of the report (used for loans) disclosed a \$35,000 loan from Randy Weber.
14. In his response to the complaint, with regard to the July 2010 semiannual report, the respondent swore that, "The 'Outstanding Loan Total' is correct as reported."
15. FRW's 30-day pre-election report for the November 2010 election disclosed the total amount of outstanding loans as \$35,000. Schedule F of the report (used for political expenditures) disclosed a \$35,000 political expenditure to Randy Weber for "Repayment of Loan from Personal Funds."
16. In his response to the complaint, with regard to the 30-day pre-election report for the November 2010 election, the respondent swore that, "The 'Outstanding Loan Total' is not

correct as reported. It should be \$40,000 not \$35,000. The corrected report will reflect the correct number.”

17. FRW’s 8-day pre-election report for the November 2010 election disclosed the total amount of outstanding loans as \$25,000. Schedule F of the report (used for political expenditures) disclosed a \$5,000 political expenditure to Randy Weber for “Loan Repayment.”
18. In his response to the complaint, with regard to the 8-day pre-election report for the November 2010 election, the respondent swore that, “The ‘Outstanding Loan Total’ is not correct as reported. It should be \$35,000 not \$25,000. The corrected report will reflect the correct number. The \$5,000 loan repayment is correct.”

Out-of State PAC Information

19. The complaint alleged that the respondent did not include information concerning out-of-state political committees on FRW’s July 2010 semiannual report and 30-day and 8-day pre-election reports for a November 2010 election.
20. The respondent’s July 2010 semiannual report disclosed a \$1,000 contribution on February 19, 2010, from “Republic Services Employees Better Government PAC,” which commission records indicate is a Texas general-purpose committee. The report also disclosed a \$1,000 political contribution on March 30, 2010, from “The American Electric Power Company,” which commission records indicate is a Texas general-purpose committee.
21. In his response to the complaint, with regard to the July 2010 semiannual report, the respondent swore that, “The contribution from Republic Services Employees Better Government PAC is from a Texas PAC; T.E.C. account # 00060359. The contribution from the PAC of The American Electric Power Company is from a Texas PAC; T.E.C. account # 00054331.”
22. The respondent’s 30-day pre-election report filed in connection with a November 2010 election disclosed a \$1,500 political contribution on September 23, 2010, from “AEPC PAC,” which commission records indicate is a Texas general-purpose committee also known as “The American Electric Power – Texas – Committee for Responsible Government.” The report also disclosed a \$1,000 political contribution on August 27, 2010, from “Waste Management PAC,” which commission records indicate is not a Texas general-purpose committee.
23. Waste Management Employees Better Government Fund (WME) is a federal political committee with a FEC ID # of C00119008. WME’s August 2010 monthly finance report disclosed one political contribution of \$1,000 on July 22, 2010, to “Randy Weber for Texas.”

24. In his response to the complaint, with regard to the 30-day pre-election report for the November 2010 election, the respondent swore that, "The corrected report will also add the FEC PAC ID number to the listing of the contributions from Waste Management PAC and AEPC PAC."
25. The respondent's 8-day pre-election report filed in connection with a November 2010 election disclosed a \$750 political contribution on October 18, 2010, from "Exxon Mobil Corporation PAC," which commission records indicate is a Texas general-purpose committee. Exxon Mobil Corporation PAC of Texas' 8-day pre-election report filed in connection with a November 2010 election disclosed a \$750 political expenditure to "Randy Weber Campaign" on October 8, 2010.
26. In his response to the complaint, with regard to the 8-day pre-election report for the November 2010 election, the respondent swore that, "The contribution from Exxon Mobil Corporation PAC is from a Texas PAC; T.E.C. account # 00016934."

Principal Occupation and Employer Information

27. The complaint alleged that the respondent did not properly disclose on FRW's July 2010 semiannual report and 8-day pre-election report for the November 2010 election the principal occupations or job titles and names of employers for five contributions of \$500 or more totaling approximately \$2,000.
28. Three political contributions disclosed on the July 2010 semiannual report, totaling approximately \$1,500, disclosed principal occupations or job titles and employers.
29. Two political contributions disclosed on the 8-day pre-election report, totaling \$500, from the same contributor disclosed blank spaces for both principal occupation or job title and employer.

Disclosure of Full Names of Contributors

30. The complaint alleged that the respondent did not disclose on the reports at issue the full name of 21 contributors for political contributions totaling approximately \$13,200. The respondent provided copies of the checks for the contributions at issue. With the exception of a few contributions from political committees that listed the full word "Political Action Committee," instead of the word PAC as disclosed in the reports, and one \$100 political contribution from an individual, the contributor names at issue in the report is the same as the name or address that appears on a check for the contributions.
31. With regard to the \$100 political contribution from W.H. Mann disclosed on the FRW's 8-day pre-election report for the November 2010 election, the check actually included two

names of individuals at the top but was signed by only one individual, who was not disclosed as the contributor.

32. In his response to the complaint, the respondent swore that the contributor's names at issue were reported as they appear on the face of the contribution checks. The respondent also swore that:

SB 1 from the 81st Legislature's Special Session provides that it is not a valid basis of a complaint to allege that a campaign finance report contains the improper name or address of a contributor if the name or address in the report is the same as the name or address that appears on a check for the contribution. The bill also provides that the Commission shall dismiss a complaint to the extent that the complaint makes such an allegation.

Personal Use

33. The complaint alleged that the respondent converted approximately \$16,000 to the personal use of Randy Weber, the candidate FRW supported, during the periods covered by the July 2010 and January 2011 semiannual reports and 8-day pre-election report for the November 2010 election. The evidence did not establish that the expenditures were made to further an individual or family purpose not connected to his activities as a candidate or officeholder.

Staff Reimbursement

34. The complaint alleged that the respondent did not properly disclose on FRW's July 2010 and 2011, and January 2011 semiannual reports, approximately \$7,950 in reimbursements to staff. The expenditures were made to Randy Weber and were described as loan repayments or reimbursements of various types.
35. In his response to the complaint, for each of the reports at issue the respondent swore that the expenditures to Randy Weber were properly reported as reimbursements for Schedule G expenditures that had previously been properly reported.

Purpose of Political Expenditures

36. The complaint alleged that the respondent did not disclose on the reports at issue sufficient purposes for 50 political expenditures totaling approximately \$5,820.
37. The reports at issue disclosed approximately \$4,820 in political expenditures with descriptions such as "Facilities," "Travel," "Lodging," and "Office Supplies."
38. The July 2010 semiannual report at issue disclosed one \$1,000 political expenditure with a description of "Public Promotion."

Political Contributions from Corporations or Labor Unions

39. The complaint alleged that, based on disclosures in FRW's 30-day pre-election report for the November 2010 election, the respondent accepted a political contribution from a corporation.
40. FRW's 30-day pre-election report for the November 2010 election disclosed one political contribution of \$250 from the Texas Agricultural Aviation Association.
41. Ag-Air PAC is a general-purpose committee on file with the commission. Ag-Air PAC's 30-day pre-election report for the November 2010 election disclosed one \$250 political contribution to Randy Weber.

Payee Name

42. The complaint alleged that the respondent did not disclose the proper payee name for a political expenditure disclosed on FRW's July 2011 semiannual report. At issue is a \$300 political expenditure to BARWPAC disclosed on the report.
43. Bay Area Republican Women PAC is a general-purpose committee on file with the commission that also uses the acronym BARW PAC. Their July 2011 semiannual report disclosed one \$300 political contribution from Randy Weber.

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 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).
2. 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).
3. Bank records provided by the respondent show that the respondent reported the incorrect amount of total political contributions maintained on FRW's July 2010 and July 2011 semiannual reports and 30-day and 8-day pre-election reports for a November 2010 election.

With regard to the FRW's July 2010 semiannual report and 30-day and 8-day pre-election reports for the November 2010 election, there is credible evidence of violations of section 254.031(a)(8) of the Election Code.

4. With regard to FRW's July 2011 semiannual report, the commission has previously determined that there is no violation of section 254.031(a)(8) of the Election Code if the difference between the amount of political contributions maintained as disclosed and the correct amount or the amount alleged does not exceed the lesser of 10% of the amount disclosed or \$2,500. The amount disclosed on the report is within that threshold. Therefore, there is credible evidence of no violation of section 254.031(a)(8) of the Election Code with respect to the July 2011 semiannual report at issue.
5. The respondent disclosed the correct amount of total political contributions maintained on his January 2011 semiannual report. Therefore, there is credible evidence of no violation of section 254.031(a)(8) of the Election Code with respect to the January 2011 semiannual report at issue.

Outstanding Loan Totals

6. Each report must include the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report and that in the aggregate exceed \$50, the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period. ELEC. CODE § 254.031(a)(2).
7. The complaint alleged that the respondent did not properly disclose the total principal amount of all outstanding loans as of the last day of the reporting period on the reports at issue.
8. Although not at issue in this complaint, FRW's January 2010 semiannual report disclosed the total amount of outstanding loans as \$40,000. The report did not disclose any loans on Schedule E of the report. It appears that FRW may have taken over the obligation to pay back a loan for Randy Weber at that time. Based on the face of the committee's reports of January 2010 or earlier, it does not appear that the committee received a loan. Since the committee never received a loan, it should not have shown \$40,000 in outstanding loans on the January 2010 semiannual report.
9. The reports at issue do show multiple loans from Randy Weber to FRW. However, the total amount of outstanding loans disclosed on those reports are incorrect because they include the \$40,000 loan that was also disclosed in the outstanding loan totals on Randy Weber's

January 2010 semiannual report. Therefore, there is credible evidence of violations of section 254.031(a)(2) of the Election Code.

Out-of-State PAC Information

10. A person who files a report with the commission by electronic transfer and who accepts political contributions from an out-of-state political committee required to file its statement of organization with the Federal Election Commission shall either enter the out-of-state committee's federal PAC identification number in the appropriate place on the report or timely file a certified copy of the out-of-state committee's statement of organization that is filed with the Federal Election Commission. ELEC. CODE § 253.032; Ethics Commission Rules § 20.29(a).
11. The complaint alleged that the respondent did not include the FEC identification number for the multiple political contributions disclosed on FRW's July 2010 semiannual report and 30-day and 8-day pre-election reports for a November 2010 election. It appears that the only political contribution from a political committee registered with the FEC came from WME, and the respondent did not include its FEC identification number on the report at issue. Therefore, with regard to the contribution from WME, there is credible evidence of a violation of section 253.032 of the Election Code and section 20.29(a) of the Ethics Commission Rules. With regard to the remaining contributions at issue there is credible evidence of no violations of section 253.032 of the Election Code and section 20.29(a) of the Ethics Commission Rules.

Principal Occupation and Employer Information

12. Each report by a candidate for statewide office in the executive branch or legislative office must include, for each individual from whom the person filing the report has accepted political contributions that in the aggregate equal or exceed \$500 during the reporting period, the individual's principal occupation or job title, and the full name of the individual's employer. ELEC. CODE § 254.0612.
13. In addition to the contents required by sections 254.031 and 254.121 of the Election Code, each report by a specific-purpose committee for supporting or opposing a candidate for or assisting a holder of a statewide office in the executive branch or a legislative office must include the contents prescribed by section 254.0612 of the Election Code. ELEC. CODE § 254.1212.
14. Approximately \$1,500 of the contributions at issue sufficiently discloses the principal occupations or job titles and names of employers of contributors. Therefore, with regard to \$1,500 at issue, there is credible evidence of no violations of section 254.1212 of the Election Code.

15. By leaving blank spaces on one of the reports at issue, the political contributions from one individual failed to disclose his principal occupation or job title and the name of his employer. Therefore, with regard to \$500 at issue, there is credible evidence of violations of section 254.1212 of the Election Code.

Disclosure of Full Names of Contributors

16. 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 by the person or committee 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).
17. It is not a valid basis of a complaint to allege that a campaign finance report contains the improper name or address of a contributor if the name or address in the report is the same as the name or address that appears on a check for the contribution. The bill also provides that the Commission shall dismiss a complaint to the extent that the complaint makes such an allegation.¹ ELEC. CODE § 571.122(e).
18. The complaint alleged that the respondent did not disclose the full name of contributors for four political contributions totaling approximately \$13,200 on all of the reports at issue, of that amount approximately \$13,100 disclosed the names of contributors that is the same as the name or address that appeared on the checks for the contributions. Therefore, those allegations are dismissed in compliance with section 571.122(e) of the Government Code.
19. The remaining \$100 political contribution disclosed as being from an individual disclosed on the FRW's 8-day pre-election report for the November 2010 election, appears to have actually come from another individual whose name appeared on the heading of the check. Although both names were on the check for the contribution at issue, the individual who signed the check is not the individual disclosed as the contributor. The respondent did not show the correct contributor on the entry at issue. Therefore, with regard to that contribution, there is credible evidence of a violation of section 254.031(a)(1) of the Election Code.

Personal Use

20. A specific-purpose committee that accepts a political contribution may not convert the contribution to the personal use of a candidate, officeholder, or former candidate or officeholder. ELEC. CODE § 253.035(b).
21. "Personal use" means a use that primarily furthers individual or family purposes not connected with the performance of duties or activities as a candidate for or holder of a public office. ELEC. CODE § 253.035(d).

¹ Effective September 28, 2011. This complaint was filed September 29, 2011.

22. There is insufficient evidence of violations of section 253.035 of the Election Code.

Staff Reimbursement

23. A campaign finance report must include, for all political expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom political expenditures are made and the dates and purposes of the expenditures. ELEC. CODE § 254.031(a)(3).
24. Political expenditures made out of personal funds by a staff member of an officeholder, a candidate, or a political committee with the intent to seek reimbursement from the officeholder, candidate, or political committee that in the aggregate do not exceed \$5,000 during the reporting period may be reported as follows if the reimbursement occurs during the same reporting period that the initial expenditure was made: the amount of political expenditures that in the aggregate exceed \$100² 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; and included with the total amount or a specific listing of the political expenditures of \$100³ or less made during the reporting period. Except as provided above, a political expenditure made out of personal funds by a staff member of an officeholder, a candidate, or political committee with the intent to seek reimbursement from the officeholder, candidate, or political committee must be reported as follows: the aggregate amount of the expenditures made by the staff member as of the last day of the reporting period is reported as a loan to the officeholder, candidate, or political committee; the expenditure made by the staff member is reported as a political expenditure by the officeholder, candidate, or political committee; and the reimbursement to the staff member to repay the loan is reported as a political expenditure by the officeholder, candidate, or political committee. Ethics Commission Rules § 20.62.
25. The complaint alleged that the respondent did not properly disclose on FRW's July 2010, January 2011, and July 2011 semiannual reports, approximately \$7,950 in reimbursements to staff. The respondent swore that the expenditures to Randy Weber were properly reported as reimbursements for Schedule G expenditures that had previously been properly reported. In that case, the expenditures were not reimbursements to the respondent's staff, but political contributions to Randy Weber (which could then be used for reimbursement). Whether Mr. Weber properly reported those payments on his campaign finance reports as a candidate is not at issue in this complaint. Political contributions to candidates are disclosed as political expenditures on Schedule F of a political committee's campaign finance report. Therefore, there is credible evidence of no violations of section 254.031(a)(3) of the Election Code and section 20.62 of the Ethics Commission Rules.

² \$50 during the time at issue.

³ \$50 during the time at issue.

Purpose of Political Expenditures

26. Each campaign finance report must include the amount of political expenditures that in the aggregate exceed \$100⁴ 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).
27. Prior to July 1, 2010, Ethics Commission Rule § 20.61 required 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. Ethics Commission Rules § 20.61.
28. On December 2, 2009, the commission adopted changes to rule 20.61 to require additional information concerning the purpose of expenditures. This rule effected expenditures made after July 1, 2010. Rule 20.61 currently states that the purpose of an expenditure means a description of goods, services, or other thing of value *and* must include a brief statement or description of the candidate, officeholder, or political committee activity that is conducted by making the expenditure. The brief statement or description must include the item or service purchased and must be sufficiently specific, when considered within the context of the description of the category, to make the reason for the expenditure clear. Merely disclosing the category of goods, services, or other thing of value for which the expenditure is made does not adequately describe the purpose of an expenditure. Ethics Commission Rules § 20.61.
29. During the time at issue in the period covered by the July 2010 semiannual report, the law required that a political expenditure for goods or services describe the categories of goods or services received in exchange for the expenditure. The political expenditures disclosed as “Public Promotion,” did not sufficiently describe the categories of goods or services received in exchange for the expenditure. That term is too vague and ambiguous to describe the purpose of purchased items. Therefore, with regard to that political expenditure, 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.
30. The remaining political expenditures descriptions of “Facilities,” “Travel,” “Lodging,” and “Office Supplies,” sufficiently describe the purposes of those political expenditures. Therefore, with regard to those political expenditures, there is credible evidence of no violation of section 254.031(a)(3) of the Election Code and section 20.61 of the Ethics Commission Rules.

Political Contributions from Corporations or Labor Unions

31. 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

⁴ \$50 during the time at issue.

- the person or committee required to file a report, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
32. A person may not knowingly accept a political contribution that the person knows was made in violation of chapter 253 of the Election Code. ELEC. CODE § 253.003.
 33. A corporation may not make a political contribution or political expenditure that is not authorized by subchapter D, chapter 253, Election Code. ELEC. CODE § 253.094.
 34. The prohibition applies to corporations that are organized under the Texas Business Corporation Act, the Texas For-Profit Corporation Law, the Texas Non-Profit Corporation Act, the Texas Nonprofit Corporation Law, federal law, or law of another state or nation. ELEC. CODE § 253.091.
 35. The complaint alleged that, based on disclosures in FRW's 30-day pre-election report for the November 2010 election, the respondent accepted a political contribution from a corporation. The contribution at issue came from a political committee and not a corporation. Therefore, there is credible evidence of no violation of sections 253.003 and 253.094 of the Election Code.

Payee Name

36. A campaign finance report must include, for all political expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom political expenditures are made and the dates and purposes of the expenditures. ELEC. CODE § 254.031(a)(3).
37. The complaint alleged that the respondent did not disclose the proper payee name for a political expenditure to BARWPAC on FRW's July 2011 semiannual report. The evidence indicates that BARW PAC is the recognized abbreviation for Bay Area Republican Women PAC. Thus, the respondent reported the correct payee for that expenditure. Therefore, there is credible evidence of no violation of section 254.031(a)(3) 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: 1) each 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; 2) a person who files a report with the commission by electronic transfer and who accepts political contributions from an out-of-state political committee required to file its statement of organization with the Federal Election Commission shall either enter the out-of-state committee's federal PAC identification number in the appropriate place on the report or timely file a certified copy of the out-of-state committee's statement of organization that is filed with the Federal Election Commission; 3) in addition to the contents required by sections 254.031 and 254.121 of the Election Code, each report by a specific-purpose committee for supporting or opposing a candidate for or assisting a holder of a statewide office in the executive branch or a legislative office must include the contents prescribed by section 254.0612 of the Election Code; 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 by the person or committee 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; 5) each campaign finance report must include the amount of political expenditures that in the aggregate exceed \$100 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; 6) the purpose of political expenditures must be disclosed in compliance with section 20.61 of the Ethics Commission Rules; and 7) each report must include the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report and that in the aggregate exceed \$50, the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period.

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 nature, circumstances, and consequences of the violations described under Sections III and IV, and the sanction necessary to deter future violations, the commission imposes a \$400 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-31109219.

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

Bob Eignus, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director