

TEXAS ETHICS COMMISSION

IN THE MATTER OF

JIMMY A. HILL,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-31205184

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on August 8, 2013, to consider sworn complaint SC-31205184. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.064 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. Allegation

The complaint alleged that the respondent did not timely file an 8-day pre-election campaign finance report.

III. Facts Supported by Credible Evidence

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

1. The respondent was a candidate for Angelina County Sheriff.
2. The complaint alleged that the respondent did not timely file the 8-day pre-election report for the May 29, 2012, Republican primary election.
3. On December 19, 2011, the respondent filed a campaign treasurer appointment with the Angelina County Clerk indicating that he was seeking the office of Angelina County Sheriff. Thus, the respondent was a candidate during the period at issue. On his campaign treasurer appointment, the respondent signed the section acknowledging that he was aware of his responsibility to timely file campaign finance reports. The 8-day pre-election report for the

May 29, 2012, primary election was due on May 21, 2012. The respondent filed the report on June 8, 2012.

4. The respondent submitted a timely response which stated:

I completed the report – no money was received and none spent. I gave it to my manager on the 21st of May. It was completed and notarized. She however misunderstood and thought it was the Final Report and due after the Election. It has been filed. I also made sure the final report was filed.

5. In response to the complaint, on June 8, 2012, the respondent filed his 8-day pre-election report for the May 29, 2012 primary election with the Angelina County Clerk. The report disclosed no activity. The respondent filed a timely 30-day pre-election report for that primary. The report disclosed political contributions totaling \$3,500 and political expenditures totaling \$3,625.

IV. Findings and Conclusions of Law

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

1. In addition to other required reports, for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person is required to file two reports, 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 candidate's campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed, as applicable, and continuing through the 40th day before election day. 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. ELEC. CODE § 254.064.
2. There is credible evidence of a violation of section 254.064 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 in addition to other required reports, for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person is required to file two reports, 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 candidate's campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed, as applicable, and continuing through the 40th day before election day. 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. 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 \$250 civil penalty.

The respondent agrees that the Texas Ethics Commission, P. O. Box 12070, Austin, Texas 78711, must receive from the respondent full payment of the \$250 civil penalty no later than March 5, 2014, and agrees to waive any right to a hearing related to this sworn complaint. The respondent agrees that if the full amount is not received by March 5, 2014, the matter of the collection of the civil penalty will be referred to the Office of the Attorney General of Texas.

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-31205184.

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

Jimmy A. Hill, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director