

TEXAS ETHICS COMMISSION

P.O. Box 12070, Capitol Station
Austin, Texas 78711-2070

Jim Clancy
Chair

Paul W. Hobby
Vice Chair

Natalia Luna Ashley
Interim Executive Director



Commissioners

Hugh C. Akin
Wilhelmina Delco
Tom Harrison
Bob Long
Tom Ramsay
Chase Untermeyer

February 20, 2014

Mr. John Brian Hutcheson

**RE: Notice of Reporting Error
SC – 31206199 and SC-31207226
(John Brian Hutcheson, Respondent)**

Dear Mr. Hutcheson:

The Texas Ethics Commission (the commission) held a preliminary review hearing on February 12, 2014, to consider SC-31206199 and SC-31207226. A quorum of the commission was present. The commission determined that there is credible evidence of reporting errors that in the opinion of the commission do not materially defeat the purpose of disclosure. To resolve and settle this case without further proceedings, the commission proposed this Notice of Reporting Error Agreement (agreement).

The commission found credible evidence with respect to this allegation:

1. The respondent did not properly disclose political expenditures regarding certain printed political advertisements as required by section 254.031(a)(3) of the Election Code.

The commission did not find credible evidence with respect to these allegations:

1. The respondent did not disclose political contributions as required by section 254.031(a)(1).
2. The respondent did not disclose the total amount of all outstanding loans as required by section 254.031(a)(2) of the Election Code.
3. The respondent did not disclose certain political expenditures regarding political advertising signs and fundraiser invitations as required by section 254.031(a)(3) of the Election Code.

Come visit our home page at <http://www.ethics.state.tx.us> on the Internet.

(512) 463-5800 • FAX (512) 463-5777 • TDD 1-800-735-2989

The Texas Ethics Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

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

1. It was alleged that the respondent did not properly disclose political expenditures on campaign finance reports. Sworn complaint SC-31206199 alleged that the respondent did not disclose political expenditures made for the production or purchase of political advertising signs, fundraiser invitations, and printed political advertisements that appeared in a publication called Classic Ads from February to April 2012 in connection with the May 2012 election. The respondent disclosed the expenditures for his political advertising signs and fundraiser invitations on the original and corrected 30-day pre-election reports for the May 2010 election and on the 30-day pre-election report for the May 2012 election, respectively. Therefore, there is credible evidence of no violations of section 254.031(a)(3) of the Election Code with respect to those expenditures. With respect to the expenditures for the printed political advertisements in Classic Ads, the respondent did not properly disclose the expenditures. Therefore, there is credible evidence of violations of section 254.031(a)(3) of the Election Code with respect to those expenditures.
2. It was alleged that the respondent did not disclose political contributions or loans on campaign finance reports. The respondent swore that he did not receive any loans or accept any contributions in connection with his campaign that were not disclosed. The complaint did not provide specific evidence to support those allegations. Therefore, there is credible evidence of no violation of sections 254.031(a)(1) and 254.031(a)(2) of the Election Code.

By signing this agreement and returning it to the commission:

1. You consent to this agreement.
2. You accept the determinations made by the commission in this agreement.
3. You waive any right to further proceedings in this matter.
4. You understand and agree that the commission will consider this agreement in any future proceedings against you regarding similar allegations.
5. You acknowledge that:

Each 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.

For purposes of reporting, the date of a political expenditure is the date the amount is readily determinable by the person making the expenditure. If under normal business practices, the amount of an expenditure is not known or readily ascertainable until receipt of a periodic bill, the date of the expenditure is the date the bill is received. Examples of expenditures to which this subsection is applicable are expenditures for use of electricity or for long-distance telephone calls.

You agree to comply with these requirements of the law.

This agreement describes reporting errors that the commission has determined are neither technical nor *de minimis*. Accordingly, this agreement is not confidential under section 571.140 of the Government Code.

The respondent agrees to tender a \$250 assessment fee to the commission.

This agreement is a final and complete resolution of SC-31206199 and SC-31207226.

John Brian Hutcheson, Respondent
(Signature)

Date signed by Respondent

Executed original agreement received by the commission on: _____.

Texas Ethics Commission

By: _____
Executive Director