

# TEXAS ETHICS COMMISSION

IN THE MATTER OF

**KELLY A. PATTERSON,  
CAMPAIGN TREASURER,  
BRIARCLIFF POLITICAL ACTION  
COMMITTEE,**

**RESPONDENT**

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**BEFORE THE**

**TEXAS ETHICS COMMISSION**

**SC-31209244**

## **ORDER and AGREED RESOLUTION**

### **I. Recitals**

The Texas Ethics Commission (Commission) met on December 2, 2014, to consider sworn complaint SC-31209244. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of sections 254.123 and 254.124 of the Election Code, 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 timely file 30-day and 8-day pre-election reports for the May 12, 2012, uniform election; and 2) did not timely file a July 2012 semiannual report.

### **III. Facts Supported by Credible Evidence**

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

1. The respondent was the campaign treasurer for Briarcliff Political Action Committee (BPAC), a specific-purpose committee that was required to file with the Village of Briarcliff.

#### **Timely Filing of Campaign Finance Reports**

2. The complaint alleged that the respondent did not timely file BPAC's 30-day and 8-day pre-election reports for the May 12, 2012, uniform election, and that the respondent did not timely file a July 2012 semiannual report. On April 9, 2012, BPAC filed a campaign treasurer appointment and appointed the respondent as campaign treasurer. The respondent

did not select modified reporting on the second page of the treasurer appointment form. During the relevant period of time at issue, credible evidence indicates that BPAC supported the respondent and another candidate, both of whom were running for Alderman positions for the Village of Briarcliff in the May 12, 2012, uniform election.

3. On September 26, 2012, in response to the complaint, the respondent filed with the Village of Briarcliff an 8-day pre-election report for the May 2012 election and a July 2012 semiannual report.
4. The 8-day pre-election report disclosed the following totals (covering April 9, 2012, through May 2, 2012):
  - \$300 in total political contributions of \$50 or less;
  - \$860 in total political contributions;
  - \$27.60 in total political expenditures of \$100 or less;
  - \$778.91 in total political expenditures;
  - \$53.49 in total political contributions maintained;
  - \$0 in total outstanding loans

The July 2012 semiannual report disclosed the following totals (covering May 3, 2012, through June 30, 2012):

- \$130 in total political contributions of \$50 or less;
  - \$130 in total political contributions;
  - \$0 in total political expenditures of \$100 or less;
  - \$75.46 in total political expenditures;
  - \$108.03 in total political contributions maintained;
  - \$0 in total outstanding loans
5. Regarding the 30-day pre-election report for the May 2012 election, the respondent swore that BPAC did not have a treasurer appointment on file and had not accepted more than \$500 in political contributions or made more than \$500 in political expenditures during the period covered by the 30-day pre-election report. Based on the respondent's sworn statement and information disclosed in the 8-day pre-election report, credible evidence indicates that BPAC did not accept political contributions or make political expenditures totaling more than \$500 during the period covered by the 30-day pre-election report.

#### IV. Findings and Conclusions of Law

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

##### Timely Filing of Campaign Finance Reports

1. The campaign treasurer of a specific-purpose committee shall file two reports for each year. ELEC. CODE § 254.123(a). The first report shall be filed not later than July 15 and covers the period beginning January 1, the day the committee'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 June 30. *Id.* § 254.123(b).
2. In addition to other required reports, for each election in which a specific-purpose committee supports or opposes a candidate or measure, the committee's campaign treasurer shall file two reports. *Id.* § 254.124(a).
3. 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.* § 254.124(b).
4. 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.* § 254.124(c).
5. If a specific-purpose committee supports or opposes a candidate or measure in an election after a reporting period prescribed by sections 254.124(b) or 254.124(c) of the Election Code, the first report must be received by the authority with whom the report is required to be filed not later than the regular deadline for the report covering the period during which the committee becomes involved in the election. The period covered by the first report begins 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. *Id.* § 254.124(d).
6. On April 9, 2012, BPAC filed a campaign treasurer appointment and appointed the respondent as campaign treasurer. The 30-day pre-election report for the May 12, 2012, uniform election was due by April 12, 2012, and was required to cover activity occurring through April 2, 2012. Based on the respondent's sworn statement and information disclosed in the 8-day pre-election report for the May 2012 election, credible evidence indicates that BPAC did not accept political contributions or make political expenditures totaling more than \$500 during the period covered by the 30-day pre-election report. Since BPAC did not

have a campaign treasurer appointment on file and did not have activity that would have required BPAC to file a campaign treasurer appointment during the period covered by the 30-day pre-election report, the respondent was not required to file a 30-day pre-election report for BPAC. Therefore, there is credible evidence of no violation of section 254.124(b) of the Election Code.

7. The 8-day pre-election report for the May 12, 2012, uniform election was required to be filed by May 4, 2012, and cover activity occurring through May 2, 2012. Credible evidence indicates that BPAC was involved in the May 2012 uniform election and had activity in connection with the election during the period covered by the 8-day pre-election report. The respondent filed the 8-day pre-election report on September 26, 2012, which was 145 days after the deadline. Therefore, there is credible evidence of a violation of section 254.124(c) of the Election Code.
8. The July 2012 semiannual report was required to be filed by July 16, 2012 (deadline extended due to weekend). Credible evidence indicates that the respondent was the campaign treasurer of BPAC during the period at issue and filed the July 2012 semiannual report on September 26, 2012, which was 72 days after the deadline. Therefore, there is credible evidence of a violation of section 254.123(b) 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) the campaign treasurer of a specific-purpose committee shall file two reports for each year. The first report shall be filed not later than July 15 and covers the period beginning January 1, the day the committee'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 June 30; and 2) for each election in which a specific-purpose committee supports or opposes a candidate or measure, the committee's campaign treasurer shall file two reports. 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 and 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 after considering the sanction necessary to deter future violations, the Commission imposes a \$250 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-31209244.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Kelly A. Patterson, Respondent

EXECUTED ORIGINAL received by the Commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
Natalia Luna Ashley  
Executive Director