

# TEXAS ETHICS COMMISSION

IN THE MATTER OF

CHARLA HAWKES VINYARD,

RESPONDENT

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§

BEFORE THE

TEXAS ETHICS COMMISSION

SC-31209264

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (the commission) met on November 29, 2012, to consider sworn complaint SC-31209264. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.063 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: 1) accepted political contributions and made political expenditures at a time when a campaign treasurer appointment was not in effect; and 2) did not timely file a semiannual 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 Arlington City Council, Place 8, in the May 12, 2012, special election.

#### **Contributions and Expenditures Without Campaign Treasurer Appointment**

2. The complaint alleged that the respondent accepted political contributions and made political expenditures when a campaign treasurer appointment was not on file.
3. The complaint included a copy of a campaign treasurer appointment that was filed by the respondent on March 7, 2012, with the Arlington city secretary. The allegation is based on the respondent's 30-day pre-election report for the May 12, 2012, special election that disclosed numerous political contributions and political expenditures prior to March 7, 2012.

4. The evidence indicated that the campaign treasurer appointment of March 7, 2012, was, in effect, an amended appointment of a campaign treasurer. The respondent's original campaign treasurer appointment was filed with the Arlington city secretary on January 24, 2012. The respondent included an affidavit from the custodian of records for the City of Arlington authenticating the information.

### **Timely Filing of Semiannual Report**

5. The complaint alleged that the respondent did not timely file the July 2012 semiannual campaign finance report.
6. In response to the complaint, the respondent acknowledged that she did not timely file the report and swore that she inadvertently thought the report was due on October 15, 2012. The report was filed on October 9, 2012, and disclosed the following activity:

#### July 2012 Semiannual Report

- Period covered: May 5, 2012, through October 9, 2012
  - \$25 in total political contributions of \$50 or less
  - \$1,775 in total political contributions
  - \$0 in total political expenditures of \$100 or less
  - \$27,558.51 in total political expenditures
  - \$0 in total political contributions maintained
  - \$8,855.39 in total outstanding loans
7. Regarding the July 2012 semiannual report at issue, the report should have covered from May 3, 2012, through June 30, 2012. Moreover, the respondent disclosed in the July 2012 semiannual report a political expenditure of \$4,250 for consulting and advertising that was made on April 24, 2012. Accordingly, the political expenditure was made outside the July 2012 semiannual reporting period and should have been disclosed in an earlier report.

### **IV. Findings and Conclusions of Law**

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

#### **Contributions and Expenditures Without Campaign Treasurer Appointment**

1. A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. *Id.* § 253.031(a).
2. Credible evidence indicates that the respondent filed a campaign treasurer appointment with the Arlington city secretary on January 24, 2012, and indicated that she was seeking the office of City Council, Place 8, Arlington, Texas. The respondent's 30-day pre-election report for the May 2012 special election covered from January 1, 2012, through

April 12, 2012, and did not disclose any activity prior to January 24, 2012. There is credible evidence of no violation of section 253.031(a) of the Election Code.

### **Timely Filing of Semiannual Report**

3. A candidate shall file two reports for each year. ELEC. CODE § 254.063(a). The first report shall be filed not later than July 15. The report covers the period beginning January 1, 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 under this subchapter, as applicable, and continuing through June 30. *Id.* § 254.063(b).
4. The respondent was a candidate in the May 12, 2012, special election and had an active campaign treasurer appointment on file during the period of time relevant to the complaint. Thus, the respondent was required to file a July 2012 semiannual report no later than July 16, 2012 (deadline extended due to weekend). The report was not filed until October 9, 2012. Therefore, there is credible evidence of a violation of section 254.063(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 a candidate shall file two reports each year. The first report shall be filed not later than July 15 and covers the period beginning January 1, the day the candidate's campaign treasurer appointment was filed, or the first day after the period covered by the last report required to be filed, as applicable, and continuing through June 30. The second report shall be filed not later than January 15 and covers the period beginning July 1, the day the candidate's campaign treasurer appointment was filed, or the first day after the period covered by the last report required to be filed, as applicable, and continuing through December 31. The respondent also acknowledges that a candidate has the duty to file semiannual reports until the candidate terminates his or her campaign treasurer appointment. The respondent agrees to comply with these requirements of the law.

### **VI. Confidentiality**

This order and agreed resolution describes a violation that the commission has determined is 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 violation described under Sections III and IV, and after considering the sanction necessary to deter future violations, the commission imposes a \$500 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-31209264.

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

\_\_\_\_\_  
Charla Hawkes Vinyard, Respondent

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

Texas Ethics Commission

By: \_\_\_\_\_  
David A. Reisman, Executive Director