

TEXAS ETHICS COMMISSION

IN THE MATTER OF
GEORGE D. MILES, JR.,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-3130108

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on May 30, 2013, to consider sworn complaint SC-3130108. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.128 and 254.204 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 did not file 30-day and 8-day pre-election reports for a November 2011 city election.

III. Facts Supported by Credible Evidence

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

1. The respondent is a former candidate for mayor of Huntsville, Texas.
2. In response to the allegations, on February 1, 2013, the respondent filed 30-day and 8-day pre-election reports for the November 2011 city election with the local filing authority. The 30-day pre-election report disclosed \$600 in political expenditures. The 8-day pre-election report disclosed \$200 in political expenditures.
3. The respondent filed a report of unexpended contributions on January 9, 2012, covering the period from January 7, 2011, through January 9, 2012. The report disclosed that the respondent made four \$200 political contributions and one \$100 political contribution to candidates in the city election. One of the \$200 contributions was made on September 1,

2011, two were made on September 9, 2011, and one was made on October 20, 2011. The \$100 political contribution was made on October 31, 2011.

IV. Findings and Conclusions of Law

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

1. A person may not retain political contributions covered by title 15 of the Election Code, assets purchased with the contributions, or interest and other income earned on the contributions for more than six years after the date the person either ceases to be an officeholder or candidate or files a final report under chapter 254 of the Election Code, whichever is later. ELEC. CODE § 254.203.
2. At the end of the six-year period prescribed by section 254.203 of the Election Code, the former officeholder or candidate shall remit unexpended political contributions to one or more of the following: ... (2) a candidate or political committee. ELEC. CODE § 254.204(a).
3. A person who disposes of unexpended political contributions under Subsection (a)(2) shall report each contribution as if the person were the campaign treasurer of a specific-purpose committee. ELEC. CODE § 254.204(b).
4. 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. 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. 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 § 254.124.
5. Section 254.204(b) of the Election Code required the respondent to report each contribution to a candidate from unexpended political contributions as if he were a campaign treasurer of a specific-purpose committee. The respondent made three such political contributions totaling \$600 to candidates during the applicable reporting period for the 30-day pre-election report which was from June 1, 2011, through September 29, 2011. Section 254.124 of the Election Code required the respondent to file a report with the local filing authority disclosing the expenditures by October 9, 2011. The respondent filed a report with the local filing authority disclosing the expenditures on February 1, 2013. The respondent made two such political contributions totaling \$300 to candidates during the reporting period for the 8-day pre-election report which was from September 30, 2011, through October 29, 2011.

Section 254.124 of the Election Code required the respondent to file a report with the local filing authority disclosing the expenditures by October 31, 2011. The respondent filed a report with the local filing authority disclosing the expenditures on February 1, 2013. There is credible evidence of violations of sections 254.124 and 254.204(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 person who disposes of unexpended political contributions under Subsection (a)(2) of section 254.204(a) of the Election Code shall report each contribution as if the person were the campaign treasurer of a specific-purpose committee. The respondent also acknowledges that, 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. 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. 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 \$200 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-3130108.

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

George D. Miles, Jr., Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director