

TEXAS ETHICS COMMISSION

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

Paul W. Hobby
Chair

Chase Untermeyer
Vice Chair

Natalia Luna Ashley
Executive Director



Commissioners

Hugh C. Akin
Jim Clancy
Wilhelmina Delco
Tom Harrison
Bob Long
Tom Ramsay

February 20, 2015

Mr. Jerry Wyatt
City Council Member, Missouri City, Texas

RE: Notice of Reporting Error
SC-31308137
(Jerry Wyatt, Respondent)

Dear Mr. Wyatt:

The Texas Ethics Commission (Commission) met on February 12, 2015, to consider SC-31308137. A quorum of the Commission was present. **The Commission determined that there is credible evidence of reporting errors that 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** that:

1. The respondent did not disclose total political contributions of \$50 or less as required by section 254.031(a)(5) of the Election Code;
2. The respondent did not disclose total political expenditures of \$100 or less as required by section 254.031(a)(5) of the Election Code;
3. The respondent did not properly disclose total political contributions as required by section 254.031(a)(6) of the Election Code;
4. The respondent did not properly disclose the purpose of political expenditures as required by section 254.031(a)(3) of the Election Code and section 20.61(a) of the Ethics Commission Rules; and

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.

5. The respondent did not disclose the full address of the payee of a political expenditure as required by section 254.031(a)(3) of the Election Code.

The Commission **did not find credible evidence** that:

1. The respondent did not properly disclose the full names of contributors as required by section 254.031(a)(1) of the Election Code;
2. The respondent did not disclose the date of a political expenditure as required by section 254.031(a)(3) of the Election Code; and
3. The respondent did not properly disclose total political contributions maintained as required by section 254.031(a)(8) of the Election Code.

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

Full Name of Contributors

1. It was contended that the respondent did not disclose the full names of two contributors on the respondent's July 2012 semiannual report.
2. Regarding the contribution from "Vickburg Point," there is no evidence to establish that the respondent did not properly disclose the full name of the contributor. **Therefore, there is insufficient evidence of noncompliance with section 254.031(a)(1) of the Election Code with regard to that contribution.**
3. Regarding the contribution from "Tejas Retail Cartwright, L.P.," the respondent did not disclose the words "Limited Partnership" as part of the name of the contributor. However, the disclosure substantially complied. **Therefore, there is credible evidence of compliance with section 254.031(a)(1) of the Election Code with regard to that contribution.**

Cover Sheet Totals

July 2012 Semiannual Report

4. It was contended that the respondent did not disclose the total amount of political contributions of \$50 or less and the total amount of political expenditures of \$100 or less on the respondent's July 2012 semiannual report.
5. The respondent did not disclose the total amount of political contributions of \$50 or less. The respondent corrected the July 2012 semiannual report to disclose \$8,382.56 in total political contributions of \$50 or less. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(5) of the Election Code.**

6. The respondent did not disclose the total amount of political expenditures of \$100 or less. The respondent corrected the July 2012 semiannual report to disclose \$0 in total political expenditures of \$100 or less. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(5) of the Election Code.**
7. The respondent corrected the July 2012 semiannual report to disclose \$0 in total political contributions, which is incorrect based on the amount disclosed for total political contributions of \$50 or less on the corrected report. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(6) of the Election Code.**

January 2013 Semiannual Report

8. It was contended that the respondent did not disclose the total amount of political contributions accepted and the total amount of political expenditures of \$100 or less on the respondent's January 2013 semiannual report.
9. The respondent did not disclose the total amount of political contributions on the original report. The respondent corrected the January 2013 semiannual report to disclose \$0 in total political contributions. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(6) of the Election Code.**
10. The respondent did not disclose the total amount of political expenditures of \$100 or less. The respondent corrected the January 2013 semiannual report to disclose \$0 in total political expenditures of \$100 or less. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(5) of the Election Code.**

July 2013 Semiannual Report

11. It was contended that the respondent did not disclose the total amount of political contributions and the total amount of political expenditures of \$100 or less on the respondent's July 2013 semiannual report.
12. The respondent did not disclose the total amount of political contributions. The respondent corrected the July 2013 semiannual report to disclose \$0 in total political contributions. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(6) of the Election Code.**
13. The respondent did not disclose the total amount of political expenditures of \$100 or less. The respondent corrected the July 2013 semiannual report to disclose \$0 in total political expenditures of \$100 or less. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(5) of the Election Code.**
14. The respondent disclosed \$7,022.89 in total political contributions of \$50 or less. The respondent corrected the July 2013 semiannual report to disclose \$7,004.89 in total political contributions of \$50 or less. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(5) of the Election Code.**

Purpose of Political Expenditures

15. It was contended that the respondent did not fully disclose the purpose of three expenditures totaling approximately \$1,240. The allegation was based on the fact that the respondent did not disclose a description for each expenditure and only provided a category.
16. The respondent did not include a description for the purpose of the three expenditures at issue, each of which exceeded \$100. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(3) of the Election Code and section 20.61 of the Ethics Commission Rules with regard to those three expenditures.**

Date and Address of Payee of Political Expenditures

17. It was contended that the respondent did not disclose the date of a political expenditure in the respondent's January 2013 semiannual report and did not disclose the address of the person or entity receiving a political expenditure in the respondent's July 2013 semiannual report.
18. For a \$100 expenditure to the MC Police Officer Assoc., the respondent left the field for the date of the expenditure blank. The respondent was not required to provide a date because the expenditure did not exceed \$100 in the aggregate during the reporting period. **Therefore, there is credible evidence of compliance with section 254.031(a)(3) of the Election Code with regard to that expenditure.**
19. For a \$120 expenditure to the Fort Bend Independent, the respondent disclosed the payee address as Stafford, Texas. The respondent did not properly disclose the full address of the payee of the expenditure at issue. The respondent corrected the July 2013 semiannual report to disclose the payee's complete address. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(3) of the Election Code.**

Total Political Contributions Maintained

20. It was contended that the respondent did not properly disclose total political contributions maintained on the respondent's July 2012, and January and July 2013 semiannual reports. In response to the complaint, the respondent provided bank statements establishing the ending balances of his political accounts as of the last day of each reporting period.
21. The Commission has previously determined that there is no violation of section 254.031(a)(8) of the Election Code if the difference between the amount of political contributions maintained as originally disclosed and the correct amount does not exceed the lesser of 10% of the amount originally disclosed or \$2,500.
22. Regarding the three reports at issue, the reports disclosed total political contributions maintained differing from the amounts shown in the bank statements by less than \$2,500 and 10% of the amounts originally disclosed. **Therefore, there is credible evidence of substantial compliance with section 254.031(a)(8) of the Election Code with regard to those three reports.**

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.
5. You acknowledge that:

A campaign finance report must include the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$100 or less made during the reporting period.

A campaign finance report must include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period.

A campaign finance 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.

The purpose of an expenditure means a description of goods, services, or other thing of value and must include a brief statement or description of the candidate, officeholder, or political committee activity that is conducted by making the expenditure. The brief statement or description must include the item or service purchased and must be sufficiently specific, when considered within the context of the description of the category, to make the reason for the expenditure clear. Merely disclosing the category of goods, services, or other thing of value for which the expenditure is made does not adequately describe the purpose of an expenditure.

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 \$100 assessment fee to the Commission.

This agreement is a final and complete resolution of SC-31308137.

Jerry Wyatt, Respondent

Date signed by Respondent

Executed original agreement received by the Commission on: _____.

Texas Ethics Commission

By:

Natalia Luna Ashley, Executive Director