

TEXAS ETHICS COMMISSION

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

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November 18, 2014

Mr. Tim Jones
Former Treasurer
Lubbock Fire Fighters PAC
P.O. Box 64623
Lubbock, Texas 79464-4623

**RE: Notice of Reporting Error
SC – 31311219
(Tim Jones, Respondent)**

Dear Mr. Jones:

The Texas Ethics Commission (Commission) met on October 29, 2014, to consider SC-31311219. 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 properly disclose political contributions maintained as required by section 254.031(a)(8) of the Election Code.
2. The respondent did not disclose the actual payee of political expenditures by credit card as required by section 254.031(a)(3) of the Election Code and section 20.59 of the Ethics Commission Rules.
3. The respondent did not identify the candidates or classification by party of candidates supported or opposed, nor officeholders assisted by the committee as required by sections 254.151(4) and (5) of the Election Code.

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

1. 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 of the Ethics Commission Rules.

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

1. The complaint alleged that the respondent, as campaign treasurer for Lubbock Fire Fighters PAC (LFF), did not properly disclose total political contributions maintained in LFF's July 2013 semiannual report. The report disclosed \$15,375.33 in total political contributions maintained as of June 30, 2013. The respondent provided bank records that showed the account balance for LFF was actually \$18,361.71 on that date. The reported amount of contributions maintained differs from the actual amount on the committee's bank statement by approximately \$2,640. The respondent has not corrected the July 2013 semiannual report to reflect the correct balance. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(8) of the Election Code.**
2. The complaint alleged that the respondent did not disclose the actual payees of three political expenditures made by credit card disclosed on LFF's July 2013 semiannual report. These expenditures all listed the payee as "Capital One Credit Card." The combined amount of these expenditures is approximately \$6,180. Neither the respondent nor LFF has corrected the report to disclose the actual payees of these expenditures. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(3) of the Election Code and section 20.59 of the Ethics Commission Rules.**
3. The complaint alleged that the respondent did not properly disclose the purpose of five political expenditures on LFF's July 2013 semiannual report. All five expenditures were categorized as "Gifts/Awards/Memorial Expense" and described as "PAC Incentive Gifts." The named payees both appear to specialize in creating customized novelty items. Given the context of the category and the payee names, the description "PAC incentives" makes the reason for the expenditure clear. **Therefore, there is credible evidence of compliance with section 254.031(a)(3) of the Election Code and section 20.61 of the Ethics Commission Rules.**
4. The complaint alleged that the respondent did not disclose the name of each identified candidate or classification by party of candidates supported or opposed by LFF and the name of each identified officeholder assisted by LFF on its July 2013 semiannual report. The respondent left the relevant portion of the report at issue blank. The report at issue included three expenditures that indicate support of a political party and a candidate. The total amount of these expenditures is \$820. **Therefore, there is credible evidence of noncompliance with sections 254.151(4) and 254.151(5) 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.
5. You acknowledge that:

Each campaign finance report must include, as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period.

Each 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. A report of a political expenditure by credit card must identify the vendor who receives payment from the card company.

Each campaign finance report by a campaign treasurer of a general-purpose committee must include the name of each identified candidate or measure or classification by party of candidates supported or opposed by the committee, indicating whether the committee supports or opposes each listed candidate, measure, or classification by party of candidates, and the name of each identified officeholder or classification by party of officeholders assisted by the committee.

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 has tendered a \$500 assessment fee to the Commission.

This agreement is a final and complete resolution of SC-31311219.

Tim Jones, Respondent

Date signed by Respondent

Executed original agreement received by the Commission on: _____.

Texas Ethics Commission

By:

Natalia Luna Ashley
Executive Director