

TEXAS ETHICS COMMISSION

IN THE MATTER OF
TANISHA C. GREEN,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-3140257

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on February 12, 2015, to consider sworn complaint SC-3140257. A quorum of the Commission was present. The Commission determined that there is credible evidence of a violation of section 254.064 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. Allegation

The complaint alleged that the respondent did not timely file a 30-day pre-election report for the March 4, 2014, primary election.

III. Facts Supported by Credible Evidence

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

1. During the time in question, the respondent was a candidate for Fort Bend County Justice of the Peace, Precinct 2, in the March 4, 2014, primary election and had an opponent whose name appeared on the ballot.
2. The complaint alleged that the respondent did not timely file a 30-day pre-election report for the March 4, 2014, primary election.
3. The primary election was held on March 4, 2014. The 30-day pre-election report was due by February 3, 2014. The respondent filed her 30-day pre-election report on February 13, 2014. The report disclosed that the respondent had political contributions and political expenditures in excess of \$500 and would not have qualified to file on the modified reporting schedule.

IV. Findings and Conclusions of Law

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

1. In addition to other required reports, for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. ELEC. CODE § 254.064(a).
2. 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 and covers the period beginning 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 chapter, as applicable, and continuing through the 40th day before election day. *Id.* § 254.064(b).
3. The respondent was a candidate in the March 4, 2014, primary election and had an opponent whose name appeared on the ballot.
4. The respondent filed her 30-day pre-election report with Fort Bend County on February 13, 2014. The filing deadline for the 30-day pre-election report for the March 4, 2014, primary election was February 3, 2014. The report was 10 days late. Therefore, there is credible evidence of a violation of section 254.064(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 for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person 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 and covers the period beginning 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 chapter, as applicable, and continuing through the 40th day before election day.

The respondent agrees to comply with this requirement 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-3140257.

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

Tanisha C. Green, Respondent

EXECUTED ORIGINAL received by the Commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley, Executive Director