

TEXAS ETHICS COMMISSION

IN THE MATTER OF
MARTHA JO TALBOT,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-31604116

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on August 15, 2016, to consider sworn complaint SC-31604116. 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 the 30-day pre-election report for the May 7, 2016, election.

III. Facts Supported by Credible Evidence

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

1. At the time at issue in the complaint, the respondent was a candidate for election to the Dallas County Community College District (DCCCD) Board of Trustees, Place 4, in the May 7, 2016, election.
2. The complaint alleged that the respondent did not timely file the 30-day pre-election report for the May 7, 2016, election. The respondent was an opposed candidate for DCCCD Board of Trustees, Place 4, in the May 7, 2016, election. The respondent did not elect to file on the modified reporting schedule when she filed her campaign treasurer appointment on February 18, 2016. The respondent was therefore required to file a 30-day pre-election report with the DCCCD by April 7, 2016. According to records on file with DCCCD, the respondent filed the 30-day pre-election report at issue on April 25, 2016. The report disclosed that the respondent accepted political contributions totaling \$2,875 (\$1,550 was during the correct reporting period) and made political expenditures totaling \$3,995.44 (\$2,624.98 was during the correct reporting period).

3. In response to the complaint, the respondent stated that as a first time candidate, she was not aware of the filing requirements but that the report was filed immediately after realizing the error and that all other reports had been filed as required by state law.

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). 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).
2. The respondent was an opposed candidate for DCCCD Board of Trustees, Place 4, in the May 7, 2016, election. The respondent did not elect to file on the modified reporting schedule when she filed her campaign treasurer appointment on February 18, 2016. The respondent was therefore required to file a 30-day pre-election report with DCCCD by April 7, 2016. The respondent filed the report with DCCCD on April 25, 2016, which was 18 days after the filing deadline. Therefore, there is credible evidence of a violation of section 254.064 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 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. 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 \$250 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 sworn complaint SC-31604116.

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

Martha Jo Talbot, Respondent

EXECUTED ORIGINAL received by the Commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley, Executive Director