

TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
ROBERT "BEAU" NETTLETON,	§	TEXAS ETHICS COMMISSION
RESPONDENT	§	SC-31610208

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on February 15, 2017, to consider sworn complaint SC-31610208. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of section 254.063 of the Election Code. 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 the January 2015, July 2015, and July 2016 semiannual reports.

III. Facts Supported by Credible Evidence

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

1. The respondent was a candidate in the March 2016 primary election for Val Verde County Commissioner, Precinct 3.
2. Records on file with the Val Verde County Clerk's office indicate that the respondent filed a campaign treasurer appointment on October 18, 2011.
3. The respondent filed his campaign treasurer appointment with Val Verde County on October 18, 2011, and had an active campaign treasurer appointment on file during all periods relevant to the complaint.
4. The January 2015 semiannual report was due by January 15, 2015. The July 2015 semiannual report was due by July 15, 2015. The respondent did not file a report covering the January 2015 or July 2015 semiannual reporting periods until November 4, 2015. The report was marked as an 8-day pre-election report that covered the period of May 9, 2012, to November 4, 2015, and disclosed \$5,550 in total political contributions and \$4,998.17 in total political expenditures.

5. The July 2016 semiannual report was due by July 15, 2016. The respondent did not file a report covering the July 2016 semiannual reporting period until October 19, 2016, which combined with a prior-filed report, covers the entire July 2016 semiannual reporting period from January 1, 2016, to June 30, 2016. The respondent disclosed \$2,300 in political contributions, and \$1,393.05 in total political expenditures in the two campaign finance reports that cover the July 2016 semiannual reporting period.
6. The respondent admitted that the he did not timely file the reports at issue in the complaint.

IV. Findings and Conclusions of Law

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

1. A candidate means a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election. ELEC. CODE § 251.001(1).
2. Examples of affirmative action include the filing of a campaign treasurer appointment. *Id.* § 251.001(1)(a).
3. A candidate shall file two reports for each year. *Id.* § 254.063(a). The first report shall be filed not later than July 15. The report covers the period beginning January 1, 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 subchapter, as applicable, and continuing through June 30. *Id.* § 254.063(b). The second report shall be filed not later than January 15. The report covers the period beginning July 1 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, and continuing through December 31. *Id.* § 254.063(c).
4. The respondent filed his campaign treasurer appointment with Val Verde County on October 18, 2011, and had an active campaign treasurer appointment on file during all periods relevant to the complaint. Thus, the respondent was a candidate and was required to file a January 2015, July 2015, and July 2016 semiannual report.
5. The January 2015 semiannual report was due by January 15, 2015. The July 2015 semiannual report was due by July 15, 2015. The respondent did not file a report covering the January 2015 or July 2015 semiannual reporting periods until November 4, 2015. The report was marked as an 8-day pre-election report that covered the period of May 9, 2012, to November 4, 2015, and disclosed \$5,550 in total political contributions and \$4,998.17 in total political expenditures. Thus, the report that covers the January 2015 semiannual reporting period was filed nine months and 20 days late and the report that covers the July 2015 semiannual reporting period was filed three months and 20 days late.

6. The July 2016 semiannual report was due by July 15, 2016. The respondent did not file a report covering the July 2016 semiannual reporting period until October 19, 2016, which combined with a prior-filed report, covers the entire July 2016 semiannual reporting period from January 1, 2016, to June 30, 2016. The report covering the July 2016 semiannual reporting period was filed three months and four days late. The respondent disclosed \$2,300 in political contributions, and \$1,393.05 in total political expenditures in the two campaign finance reports that cover the July 2016 semiannual reporting period.
7. Credible evidence indicates that the respondent did not timely file the three semiannual reports at issue. Therefore, there is credible evidence of violations of section 254.063(b) and (c) 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 candidate shall file two reports for each year. The first report shall be filed not later than July 15. The report covers the period beginning January 1, 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 and continuing through June 30. The second report shall be filed not later than January 15. The report covers the period beginning July 1 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, and continuing through December 31.

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 after considering the sanction necessary to deter future violations, the Commission imposes a \$300 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-31610208.

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

Robert "Beau" Nettleton, Respondent

EXECUTED ORIGINAL received by the Commission on: _____.

Texas Ethics Commission

By: _____
Seana Willing, Executive Director