

7. The deadline for the July 2016 semiannual report was July 15, 2016, and the deadline for the January 2017 semiannual report was January 17, 2017 (deadline extended due to weekend and holiday). According to records on file with the Tarrant County Clerk, the respondent did not file the July 2016 and January 2017 semiannual reports at issue. The last report that the respondent filed was the January 2016 semiannual report. The report was not marked as a final report and disclosed that the respondent had \$2,045.08 in total political contributions maintained as of December 31, 2015.

Response to Notice of a Sworn Complaint

8. The Commission received sworn complaint SC-3170453 on April 4, 2017. On that same day, a Commission staff member contacted the respondent by telephone and informed her of the complaint and obtained the respondent's current mailing address. The Commission mailed the respondent notice of the sworn complaint by certified mail, return receipt requested, on April 6, 2017. According to USPS records, the notice was delivered to the address, specified by the respondent, on April 8, 2017. The notice informed the respondent that the alleged violations in the sworn complaint were Category One violations, and that response to the sworn complaint was required not later than 10 business days from the date the notice was received and that failure to respond to the notice constituted a separate violation for which a separate civil penalty may be assessed. Based on the delivery date of the notice, the respondent was required to respond to the sworn complaint by April 24, 2017. The respondent did not submit a response to the sworn complaint.

Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Commission. GOV'T CODE § 571.061.
2. The respondent received legally sufficient notice of the hearing in this case. GOV'T CODE § 571.032 and 1 TAC § 12.21. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.

Did Not File the July 2016 and January 2017 Semiannual Reports

3. 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).
4. Examples of affirmative action include the filing of a campaign treasurer appointment. *Id.* § 251.001(1)(a).
5. 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 under this subchapter, as applicable, and continuing through December 31. *Id.* § 254.063(c).

6. The respondent filed a JCTA with Tarrant County on August 1, 2013, and did not file a final report prior to the deadlines for the July 2016 and January 2017 semiannual reports. Thus, the respondent was a candidate and was required to file the July 2016 and January 2017 semiannual reports. The respondent did not file the July 2016 and January 2017 semiannual reports. Therefore, there is credible evidence of violations of section 254.063 of the Election Code.

Response to Notice of Sworn Complaint

7. If the alleged violation in a sworn complaint is a Category One violation, the respondent must respond to the notice required by section 571.123(b) not later than the 10th business day after the date the respondent receives the notice. GOV'T CODE § 571.1242(a)(1).
8. A respondent's failure to timely respond to a sworn complaint as required by subsection (a)(1) or (b)(1) is a Category One violation. *Id.* § 571.1242(c).
9. Notice of the sworn complaint was delivered to the address, specified by the respondent, on April 8, 2017. The respondent was required to respond by April 24, 2017. The Commission did not receive a response to the sworn complaint from the respondent. Therefore, there is credible evidence of a violation of section 571.1242(c) of the Government Code.
10. The Commission may impose a sanction against the respondent of not more than \$5,000 or triple the amount at issue, whichever amount is greater. GOV'T CODE § 571.173.

Therefore, the Texas Ethics Commission orders that:

1. The respondent pay to the Commission, within 30 days of the date of this order, a civil penalty in the amount of \$1,500.

Order Date: _____

FOR THE COMMISSION

Seana Willing
Executive Director
Texas Ethics Commission