

TEXAS ETHICS COMMISSION

IN THE MATTER OF
STEVEN NOSKIN,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-31707119

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on June 26, 2018, to consider sworn complaint SC-31707119. 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, 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. Allegations

The complaint alleges the respondent did not file the July 2016, January 2017, and July 2017 semiannual reports in violation of section 254.063 of the Election Code.

III. Facts Supported by Credible Evidence

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

1. On February 14, 2016, the respondent filed his campaign treasurer appointment (CTA) to run for Frisco Independent School District (FISD) school board trustee, Place 2, in the May 2016 election.
2. The respondent timely filed his 30-day and 8-day pre-election reports for the May 2016 election; neither were marked as a final report.
3. Following the election, the respondent was required to file a final report or a July 2016 semiannual report by July 15, 2016. The respondent filed the July 2016 semiannual report on

May 27, 2018. The respondent swore that he did not have any reportable activity during that reporting period.

4. The respondent was required to file a January 2017 semiannual report by January 17, 2017; he did not file the January 2017 semiannual report until September 1, 2017. The report disclosed a total of \$80 in political expenditures and \$2,550 in total contributions maintained as of the last day of the reporting period.
5. The respondent was required to file the July 2017 semiannual report by July 17, 2017; he did not file the report until September 5, 2017. The report showed no activity.
6. In response to the complaint, the respondent stated that he did not realize he was required to file a report for a reporting period in which he had no activity. The respondent further stated he hired a consultant to ensure he does not make the same mistake in the future.

IV. Findings and Conclusions of Law

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

1. A candidate shall file two reports for each year as provided by this section. ELEC. CODE § 254.063(a). The first report is due by 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 is due by January 1. 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).
2. The complaint alleged that the respondent failed to file three campaign finance reports: 1) the July 2016 semiannual report; 2) the January 2017 semiannual report; and 3) the July 2017 semiannual report.
3. The respondent filed his CTA on February 14, 2016, making him a candidate. He did not file a final report before the deadline for the three reports making him a candidate for campaign finance and reporting purposes at all times relevant to this complaint.
4. As a candidate, the respondent was required to timely file the three reports at issue regardless of whether he had any reportable activity during the reporting period. *See id.* § 254.031(b) ("If no reportable activity occurs during a reporting period, the person required to file a report shall indicate that fact in the report.").

5. Credible evidence shows the respondent did not timely file the three reports at issue in violation of section 254.063 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 deny 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 as provided by section 254.063 of the Election Code. The first report is due by July 15. The second report is due by January 15.

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 \$250 civil penalty.

VIII. Order

The Commission hereby orders that if the respondent consent to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-31707119

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

Steven Noskin, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Seana Willing, Executive Director