

TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
ANGELA GRAHAM-WEST,	§	TEXAS ETHICS COMMISSION
RESPONDENT	§	SC-32104107

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (“Commission”) met on February 24, 2022, to consider sworn complaint SC-32104107. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Sections 254.031, 254.061, and 254.064 of the Election Code, laws administered and enforced by the Commission. To resolve and settle this complaint without further proceedings, the Commission adopted this resolution.

II. Allegations

The complaint alleged that the respondent did not: 1) disclose the full name and address of the persons to whom expenditures over \$190 were made, as well as the date and purpose of the expenditures, during the reporting period for the 8-day pre-election report due April 23, 2021, in violation of Section 254.031(a)(3) of the Election Code; 2) disclose the total amount of political expenditures made during the reporting period for the 8-day pre-election report due April 23, 2021, in violation of Section 254.031(a)(6) of the Election Code; 3) disclose the total amount of contributions maintained as of the last day of the reporting period for 8-day pre-election report due April 23, 2021, in violation of Section 254.031(a)(8) of the Election Code; 4) disclose the name, address, and telephone number of her campaign treasurer in the 8-day pre-election report due April 23, 2021, in violation of Section 254.061(2) of the Election Code; and 5) timely file an 8-day pre-election report due by April 23, 2021, for the May 1, 2021, election in violation of Section 254.064(c) of the Election Code.

III. Findings of Fact and Conclusions of Law

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

1. The respondent was an unsuccessful opposed candidate for Garland City Council, District 3, in the May 1, 2021, election.
2. Records obtained from the Garland City Secretary show that the respondent filed a campaign treasurer appointment (“CTA”) on February 9, 2021, and an amendment on February 12, 2021. Modified reporting was not selected. The respondent filed the 8-day

- pre-election report on April 26, 2021. The respondent filed no other reports before the election.
3. The respondent's 8-day pre-election report covered the period of March 15, 2021, through April 23, 2021, and contained the following:
 - a. On Coversheet Page 1, the campaign treasurer's name, address, and telephone number was not disclosed.
 - b. On Coversheet Page 2, the total un-itemized political contributions, total political contributions, total un-itemized political expenditures, total expenditures, total contributions maintained, and the total amount of all outstanding loans were left blank.
 - c. On Coversheet Page 3, schedule subtotals, the respondent disclosed \$1,600 in monetary political contributions (Schedule A1) and \$1,600 in political expenditures made from personal funds (Schedule G). Political expenditures made from political contributions (Schedule F1), expenditures made by credit card (Schedule F4), and the remaining subtotal sections disclosed \$0 in activity.
 - d. On Schedule A1, the report properly disclosed three political contributions in the amounts of \$1,000, \$100, and \$500, all accepted during the reporting period. All remaining schedules were left blank or stated "N/A."
 4. The respondent filed a corrected 8-day pre-election report on August 26, 2021, in response to the complaint. Although not alleged in the complaint, the respondent was also required to file a 30-day pre-election report and did so on August 26, 2021, after this sworn complaint was filed. The late 30-day report disclosed \$0 in total political contributions and \$1,385.87 in total political expenditures.

Failure to Disclose Campaign Treasurer Information

5. In response to the allegation of the failure to include the campaign treasurer's contact information on the 8-day pre-election report, the respondent swore the campaign treasurer resigned before she could verify his address or telephone number and that is why she did not disclose the campaign treasurer in her original report. The respondent later explained that when she filed the amended CTA on February 12, 2021, appointing the new campaign treasurer and disclosing his contact information within, she subsequently attempted to contact the new campaign treasurer to verify his contact information. According to the respondent, a week after filing the amended CTA and attempting to contact the new campaign treasurer to verify his contact information, he resigned. The respondent filed a corrected 8-day pre-election report and disclosed the resigned campaign treasurer's name but disclosed her own address for the campaign treasurer's address because she still could not verify the former campaign treasurer's address. The section for the campaign treasurer's telephone number was still left blank.

6. Each candidate shall appoint a campaign treasurer as provide by Chapter 252 of the Election Code. Tex. Elec. Code § 252.001.
7. A candidate may not knowingly accept a political contribution or make or authorize a political expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. *Id.* § 253.031(a).
8. Each report filed by a candidate must include the campaign treasurer's name, residence or business address, and telephone number. *Id.* § 254.061(2).
9. If a campaign treasurer resigns or otherwise vacates the position, the appointment is terminated at the time the vacancy occurs. *Id.* § 252.013(a). A campaign treasurer who vacates the treasurer's position shall immediately notify the appointing authority in writing of the vacancy. *Id.* § 252.013(b).
10. A person may terminate his or her own status as campaign treasurer by immediately notifying both the appointing authority and the filing authority in writing. 1 Tex. Admin. Code § 20.207(b). If a person terminates his or her own status as campaign treasurer, the termination is effective on the date the candidate receives the notice or on the date the filing authority actually receives the notice, whichever is later. *Id.* § 20.207(c).
11. The original CTA was filed on February 8, 2021, and an amended CTA was filed on February 12, 2021. The respondent stated that the campaign treasurer named in the amended CTA resigned on or around February 19, 2021, thereby vacating the position. There is no record on file with the City of Garland to show the treasurer submitted a written notice. Nonetheless, the respondent, as a candidate accepting political contributions and making political expenditures, was required to have a CTA in effect during the reporting period at issue and disclose the campaign treasurer's name and contact information in the 8-day pre-election report. The respondent did not disclose any campaign treasurer information in the original report. Therefore, there is credible evidence of a violation of Section 254.061(2) of the Election Code.

Failure to Disclose Political Expenditure Information

12. The complaint alleged the respondent violated Section 254.031(a)(3) of the Election Code by not itemizing the \$1,600 in political expenditures the respondent reported on the schedule subtotals page, Coversheet Page 3, and violated Section 254.031(a)(6) by not including the \$1,600 in political expenditures in the total amount of political expenditures made during the reporting period on Coversheet Page 2.
13. The respondent did not address the allegations relating to political expenditures in her response but did work with Commission staff to make the necessary corrections. During this process, the respondent learned that \$700 in political expenditures disclosed in the 8-day pre-election report were supposed to be reported in the 30-day pre-election report because they took place during the 30-day pre-election reporting period. The respondent also acknowledged that the political expenditures reported as political expenditures from

personal funds were supposed to be reported as expenditures made by credit card on the subtotals page.

14. The corrected 8-day pre-election report properly disclosed \$900 in total political expenditures on Coversheet Page 2. In the subtotals, the respondent also properly reported \$900 in political expenditures made by credit card and removed the originally reported \$1,600 in political expenditures made from personal funds. On the corresponding Schedule F4 (used to disclose political expenditures made by credit card), the respondent properly disclosed the full name, address, date, and purpose for each expenditure.
15. Each report must include the total amount of all political expenditures made during the reporting period. Tex. Elec. Code § 254.031(a)(6).
16. Each report must include the amount of political expenditures that in the aggregate exceed \$190 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures. Tex. Elec. Code § 254.031(a)(3); 1 Tex. Admin. Code 18.31(a)(threshold adjustment).
17. The respondent did not properly report the total amount of political expenditures made during the reporting period and did not properly itemize each expenditure that exceeded \$190. Therefore, there is credible evidence of a violation of Sections 254.031(a)(3) and 254.031(a)(6) of the Election Code.

Failure to Report the Total Amount of Contributions Maintained

18. In response to the allegation of not reporting total political contributions maintained, the respondent explained that when she filed the 8-day pre-election report, there was no cash on hand and that she was not permitted to begin campaign fundraising until approved by her employer on April 3, 2021. The respondent further explained that she received \$600 in political contributions between March 26 and March 29, 2021, but did not deposit those contributions until April 15, 2021. The respondent also accepted an additional \$1,000 political contribution that she did not deposit.
19. The respondent attempted to make the necessary corrections. The respondent properly disclosed in the corrected 8-day pre-election report \$1,600 in total political contributions and \$900 in total political expenditures on Coversheet Page 2. However, the respondent did not disclose the amount of total political contributions maintained.
20. Each report must include, as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period. Tex. Elec. Code § 254.031(a)(8).

21. The original report disclosed three political contributions in the amounts of \$1,000, \$100, and \$500, all accepted during the reporting period. The \$100 and \$500 political contributions were deposited during the reporting period while the \$1,000 political contribution was not. Since the reported political expenditures were made by credit card, no expenditures were made from political contributions. As such, the respondent was required to report \$600 in political contributions since they were maintained in one or more accounts as of the last day of the reporting period. The respondent left the field for total political contributions maintained blank in the original report. Therefore, there is credible evidence of a violation of Section 254.031(a)(8) of the Election Code.

Failure to Timely File 8-Day Pre-election Report

22. The respondent filed the 8-day pre-election report on April 26, 2021. In response to the allegation that the 8-day pre-election report was filed late, the respondent swore that the report was filed late because the campaign treasurer resigned and she was unable to locate him.
23. 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. Tex. Elec. Code § 254.064(a). The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day. *Id.* § 254.064(c).
24. The 8-day pre-election report was due by April 23, 2021. As an opposed candidate not filing on the modified reporting schedule, the respondent was required to file both the 30-day and 8-day pre-election reports. Records obtained from the Garland city secretary show the respondent filed the 8-day pre-election report on April 26, 2021, three days late. Therefore, there is credible evidence of a violation of Section 254.064(c) of the Election Code. Although not alleged in the complaint, the respondent was also required to file a 30-day pre-election report and did so on August 26, 2021, after the complaint was filed.

IV. Representations and Agreement by Respondent

By signing this order and agreed resolution and returning it to the Commission:

1. The Respondent admits to the findings of fact and conclusions of law described under Section III, 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 each report must include: 1) the full name and address of each person to whom an expenditure of over \$190 is made, as well as the date and purpose of the expenditure; 2) the total amount of political expenditures made during the reporting period; and 3) the total amount of political contributions maintained as of

the last day of the reporting period. The respondent also 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 candidate shall file two reports. The first report must be received not later than 30 days before election day, and the second report must be received not later than the 8th day before election day. The respondent agrees to fully and strictly comply with these requirements of 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 Section III, including the fact that the respondent did not file a campaign finance report until five days before the election, and after considering the sanction necessary to deter future violations, the Commission imposes a \$400 civil penalty. If the \$400 civil penalty is not paid within 30 days after the date this order is executed, then the civil penalty is increased to \$2,500 and the matter of the collection of the civil penalty will be referred to the Office of the Attorney General of Texas.

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-32104107.

AGREED to by the respondent on this _____ day of _____, 2021.

Angela Graham-West, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Anne Temple Peters, Executive Director