

TEXAS ETHICS COMMISSION

IN THE MATTER OF
CIMRON CAMPBELL,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2211133

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on January 10, 2003, and voted to accept jurisdiction of Sworn Complaint SC-2211133 filed against Cimron Campbell. The commission met again on July 11, 2003, to consider Sworn Complaint SC-2211133. A quorum of the commission was present at both meetings. The commission determined that there is credible evidence of violations of sections 254.094, 254.063, and 254.064(c) of the Election Code, laws administered and enforced by the commission. To resolve this complaint without further proceedings, the commission proposes this agreed resolution to the respondent.

II. Allegations

The complainant alleges that the respondent filed the following five reports after the applicable deadline: the report due 15 days after the respondent appointed a campaign treasurer; the January 2002 semiannual report; the report due eight days before the March 2002 primary election; the July 2002 semiannual report; and the report due 30 days before the November general election.

III. Facts Supported by Credible Evidence

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

1. The respondent was an unsuccessful candidate for re-election as justice of the peace in a county with a population of 86,658. According to the local filing authority, the respondent was unopposed in his party's 2002 primary, and he was opposed in the general election.
2. The respondent filed a campaign treasurer appointment on December 17, 2001.
3. The respondent filed a report marked as a January 2002 semiannual report on January 23, 2002.
4. The report covers a period beginning on July 1, 2001, and ending on December 31, 2001. The report lists no contributions and one expenditure: the payment of a \$300 filing fee.

5. The respondent filed a report marked as a 30-day pre-election report on February 11, 2002. The report covers a period beginning on January 1, 2002, and ending on January 31, 2002. The report lists no contributions and no expenditures.
6. The respondent filed a report marked as a 30-day pre-election report on October 23, 2002. The report covers a period beginning on February 1, 2002, and ending on September 26, 2002. The report lists \$2,070 in contributions and \$4,037.55 in expenditures.
7. The respondent filed a report marked as an 8-day pre-election report on October 28, 2002. The report covers a period beginning on September 26, 2002, and ending on October 27, 2002. The report lists \$6,515 in contributions and \$5,931.55 in expenditures.
8. The respondent did not submit a written response.

IV. Findings and Conclusions of Law

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

1. An officeholder who appoints a campaign treasurer is required to file a campaign finance report not later than 15 days after doing so. Elec. Code § 254.094. The report is to cover the period ending on the day before the date of the appointment. *Id.*
2. Because the respondent filed a campaign treasurer appointment on December 17, 2001, he was required to file a “15-day” report by January 2, 2002. The report should have covered a period ending on December 16, 2001. The respondent did not file a report covering that period until January 23, 2002. Therefore, there is credible evidence that the respondent violated section 254.094 by not filing a “15-day” report by the applicable deadline.
3. Because he was a candidate in an upcoming election, the respondent was required to file a semiannual report by January 15, 2002. Elec. Code §§ 254.063, 251.001(1)(A). The report should have covered a period ending on December 31, 2001. *Id.* § 254.063. The respondent did not file a report covering that period until January 23, 2002. Therefore, there is credible evidence that the respondent violated section 254.063 of the Election Code by not filing a January 2002 semiannual report by the applicable deadline.
4. A candidate who has an opponent on the ballot is required to file an 8-day pre-election report. Elec. Code § 254.064(c).
5. The respondent had no opponent on the ballot in the March 2002 primary. Therefore, the respondent was not required to file an 8-day pre-election report. There is credible evidence that the respondent did not violate section 254.064(c) of the Election Code in connection with the March 2002 primary.
6. Because he was a candidate in an upcoming election, the respondent was required to file a semiannual report by July 15, 2002. Elec. Code § 254.063. The report should have covered a period ending on June 30, 2002. *Id.* § 254.063. The respondent did not file a report

covering that period until October 23, 2002. Therefore, there is credible evidence that the respondent violated section 254.063 of the Election Code by not filing a July 2002 semiannual report by the applicable deadline.

7. The respondent had an opponent on the ballot in the November 5, 2002, election. Therefore, he was required to file a 30-day pre-election report by October 8, 2002. Elec. Code § 254.064(b). The report should have covered a period ending on September 28, 2002. *Id.* The respondent did not file a report covering that period until October 23, 2002. Therefore, there is credible evidence that the respondent violated section 254.064 of the Election Code by not filing a 30-day pre-election report in connection with the November 2002 election by the applicable deadline.

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 and 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 the entry of this Order before any adversarial hearings or argument before the commission, and before any formal adjudication of law or fact by the commission. The respondent waives any right to a hearing before the commission or an administrative law judge, and further waives any right to any post-hearing procedure.
3. The respondent acknowledges that an officeholder who appoints a campaign treasurer is required to file a campaign finance report not later than 15 days after doing so. The respondent acknowledges that an officeholder who appoints a campaign treasurer is required to file a campaign finance report not later than 15 days after doing so. The respondent acknowledges that a candidate is required to file semiannual reports. The respondent further acknowledges that a candidate who has an opponent on the ballot is required to file an 8-day pre-election report. The respondent agrees to comply with these requirements of the law.
4. Notwithstanding any other provisions of this ORDER and AGREED RESOLUTION, the respondent agrees that the commission will consider the respondent to have committed the violations described under Section IV, Paragraphs 2, 3, 6, and 7 if it is necessary to consider a sanction to be assessed in any future proceedings against the respondent.

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

The commission imposes a civil penalty of \$300 against the respondent for the violations described under Section IV, Paragraph 2, 3, 6, and 7.

VIII. Order

The commission hereby ORDERS:

1. that this proposed AGREED RESOLUTION be presented to the respondent;
2. that if the respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final resolution of SC-2211133;
3. that the respondent may consent to the proposed AGREED RESOLUTION only by signing an original of this document and mailing the signed original and the \$300 civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than August 8, 2003; and
4. that the executive director shall promptly set SC-2211133 for a preliminary review hearing if the respondent does not agree to the resolution of SC-2211133 as proposed in this ORDER and AGREED RESOLUTION.

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

Cimron Campbell, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Karen Lundquist, Executive Director