

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
JAMES BECK,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-250460

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission met on July 14, 2005, to consider sworn complaint SC-250460. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.161 of the Election Code, a law administered and enforced by the commission. To resolve this complaint without further proceedings, the commission proposes this resolution to the respondent.

### II. Allegation

The complaint alleges that the committee for which the respondent is campaign treasurer made a direct expenditure to benefit a candidate and that the respondent did not timely notify the candidate of the direct expenditure.

### III. Facts Supported by Credible Evidence

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

1. The complaint is against the campaign treasurer of the Austin Police Association PAC, a general-purpose political committee, that files reports on the monthly reporting schedule.
2. The complaint relates to a May 7, 2005, municipal election.
3. On March 31, 2005, the committee filed its report due April 5, 2005. In that report the committee disclosed that it made a \$5,000 direct expenditure on March 15, 2005, to support three candidates.
4. The respondent sent the direct expenditure notice to the candidates on March 31, 2005.
5. The respondent believed the notice was timely if given by the reporting deadline for the period in which the expenditure was made.

#### **IV. Findings and Conclusions of Law**

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

1. A general-purpose political committee, other than the principal political committee of a political party, that makes a direct expenditure to support a candidate must notify the candidate of the expenditure not later than the end of the period covered by the report in which the reportable activity occurred. ELEC. CODE §§ 254.161 and 254.128.
2. A political committee filing monthly must file a report by the 5th day of each month covering the activity through the 25th day of the preceding month. ELEC. CODE § 254.157.
3. The reporting period for the committee's April 5, 2005, report went through April 25, 2005.
4. An opposed candidate in the May 7, 2005, election, was required to file a report 30 days and 8 days before the election. ELEC. CODE § 254.064.
5. The end of the reporting period for a candidate's report due 30 days before the election was March 28, 2005.
6. The committee mailed the direct expenditure notice after the end of the reporting period for both the committee and the opposed candidates. Therefore, there is credible evidence that the respondent violated section 254.161 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 general-purpose political committee, other than the principal political committee of a political party, that makes a direct expenditure to support a candidate must notify the candidate of the expenditure not later than the end of the period covered by the report in which the reportable activity occurred. The respondent agrees to comply with this requirement of the law.

**VI. Confidentiality**

This order and agreed resolution describes a violation that the commission has determined is 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 seriousness of the violation described under Sections III and IV, including the nature, circumstances, and consequences of the violation, and after considering the sanction necessary to deter future violations, the commission imposes a \$100 civil penalty for the violation described under Sections III and IV.

**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-250460.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
James Beck, Respondent

EXECUTED ORIGINAL received by the commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
David A. Reisman, Executive Director