

TEXAS ETHICS COMMISSION

IN THE MATTER OF

EVELYN “SUE” MILLER,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-2706116, SC-2706117, SC-2706121,
SC-2706139, SC-2706140, AND
SC-2708187

FINAL ORDER

The Texas Ethics Commission, having heard these cases and voting to find violations of laws under its jurisdiction, makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The respondent is Evelyn “Sue” Miller, whose last known mailing address is 605 Dale Lane, White Settlement, Texas 76108-2601. Sworn complaints SC-2706116 and SC-2706117 were filed with the Texas Ethics Commission against the respondent on June 4, 2007. Sworn complaint SC-2706121 was filed with the Texas Ethics Commission against the respondent on June 5, 2007. Sworn complaints SC-2706139 and SC-2706140 were filed with the Texas Ethics Commission against the respondent on June 12, 2007. Sworn complaint SC-2708187 was filed with the Texas Ethics Commission against the respondent on August 13, 2007. The Notice of Hearing was mailed to the respondent on October 24, 2008.
2. The preliminary review hearing was held on December 4, 2008, at 10:00 a.m., by the Texas Ethics Commission in Austin, Texas.
3. The respondent did not file a reply to the Notice of Hearing and did not appear at the hearing.
4. The complaints allege that the respondent, Evelyn “Sue” Miller, failed to properly report political contributions and expenditures in violation of section 254.031 of the Election Code.
5. The respondent was an unsuccessful incumbent candidate for city council Place 2 in the May 12, 2007, White Settlement city election.
6. The evidence shows that the respondent’s 8-day pre-election report for the May 2007 election discloses a political contribution of \$1,500. The report has the word “Unknown” entered in the section of the report used to disclose the name and address of the contributor, and does not include the date of the contribution. The report also discloses a

\$150 political contribution without disclosing the date of the contribution or the contributor's address. The respondent's 8-day pre-election report for the May 2007 election discloses political expenditures of \$92.38 to Home Depot, \$585 to US Post Office, and \$285 and \$482 to Grizzly. The report does not disclose the dates of the expenditures or the addresses of the payees.

7. The respondent received sworn complaints SC-2706116, SC-2706117, and SC-2706121 on June 11, 2007. The respondent received sworn complaints SC-2706139 and SC-2706140 on June 22, 2007. The respondent received sworn complaint SC-2708187 on August 18, 2007. The respondent has not filed a response.

Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. GOV'T CODE § 571.061.
2. The respondent was provided 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.
3. Each report must include the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1). Each report must include the amount of political expenditures that in the aggregate exceed \$50 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. ELEC. CODE § 254.031(a)(3).
4. Each candidate and each officeholder shall maintain a record of all reportable activity. ELEC. CODE § 254.001(a).
5. The evidence indicates that the respondent failed to disclose the dates of and the addresses of the payees for four political expenditures totaling approximately \$1,444. Therefore, there is credible evidence that the respondent violated section 254.031(a)(3) of the Election Code.
6. The evidence indicates that the respondent accepted a political contribution of \$1,500 without disclosing the name and address of the contributor or the date of the contribution, and disclosed a \$150 political contribution without disclosing the address of the contributor or the date of the contribution. Therefore, there is credible evidence that the respondent violated sections 254.001(a) and 254.031(a)(1) of the Election Code.
7. A respondent must respond to a Category Two sworn complaint within 25 business days from the date the respondent receives the sworn complaint. A respondent's failure to timely respond is a Category One violation. GOV'T CODE § 571.1242.

8. More than 25 days business days have passed since the respondent received the notices for the sworn complaints at issue. The respondent has not filed a response.
9. There is credible evidence that the respondent violated section 571.1242 of the Government Code.
10. The Texas Ethics 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 Texas Ethics Commission, within 30 days of the date of this order, a civil penalty in the amount of \$1,000.

Date: _____

FOR THE COMMISSION

David A. Reisman
Executive Director
Texas Ethics Commission