

# TEXAS ETHICS COMMISSION

**IN THE MATTER OF**  
**STEVEN P. MURRAY,**  
**RESPONDENT**

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**BEFORE THE**  
**TEXAS ETHICS COMMISSION**  
**SC-31604110**

## **ORDER and AGREED RESOLUTION**

### **I. Recitals**

The Texas Ethics Commission (Commission) met on December 8, 2016, to consider sworn complaint SC-31604110. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of sections 254.031, 254.061, and 254.036 of the Election Code, laws 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 alleged that the respondent: 1) did not report required information on his 30-day pre-election campaign finance report; and 2) did not execute an affidavit on his 30-day pre-election campaign finance report.

### **III. Facts Supported by Credible Evidence**

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

1. The respondent was a candidate for Aubrey City Council, Place 1, in the May 2016 election.
2. The complaint alleged that the respondent did not report required information and did not execute an affidavit on his 30-day pre-election campaign finance report for the May 2016 election.
3. Records on file with the City Secretary for the City of Aubrey confirm that on April 7, 2016, the respondent filed a Schedule G (used to disclose political expenditures from personal funds) with the City Secretary for the City of Aubrey. The respondent filed the Schedule G on the 30-day pre-election report filing deadline, so the Schedule G was therefore presumed

to be the respondent's 30-day pre-election campaign finance report for the May 2016 election. The report only consisted of the single Schedule G page and was missing cover sheet pages 1, 2, and 3. Thus, the report disclosed the respondent's political expenditures made from personal funds, but disclosed no other candidate information or reporting activities. Furthermore, the report was not notarized. The report disclosed two political expenditures totaling \$1,472.30.

4. In response to the complaint, the respondent filed a correction to the 30-day pre-election report at issue, which included the cover sheet pages and disclosed five political contributions totaling \$1,050 that were not disclosed in the original report. The report was also notarized.

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

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

1. Except as otherwise provided by this chapter, each report filed under this chapter must include the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
2. Each report filed under this chapter must include the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report and that in the aggregate exceed \$50, the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period. *Id.* § 254.031(a)(2).
3. Each report filed under this chapter must include the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$100 or less made during the reporting period. *Id.* § 254.031(a)(5).
4. Each report filed under this chapter must include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period. *Id.* § 254.031(a)(6).

5. Each report filed under this chapter 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. *Id.* § 254.031(a)(8).
6. In addition to the contents required by Section 254.031, each report by a candidate must include: (1) the candidate's full name and address, the office sought, and the identity and date of the election for which the report is filed; (2) the campaign treasurer's name, residence or business street address, and telephone number; (3) for each political committee from which the candidate received notice under Section 254.128 or 254.161: (A) the committee's full name and address; (B) an indication of whether the committee is a general-purpose committee or a specific-purpose committee; and (C) the full name and address of the committee's campaign treasurer; and (4) on a separate page or pages of the report, the identification of any payment from political contributions made to a business in which the candidate has a participating interest of more than 10 percent, holds a position on the governing body of the business, or serves as an officer of the business. *Id.* § 254.061.
7. Each report filed under this chapter that is not filed by electronic transfer must be accompanied by an affidavit executed by the person required to file the report. The affidavit must contain the statement: "I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code." Each report filed under this chapter by electronic transfer must be under oath by the person required to file the report and must contain, in compliance with commission specifications, the digitized signature of the person required to file the report. A report filed under this chapter is considered to be under oath by the person required to file the report, and the person is subject to prosecution under Chapter 37, Penal Code, regardless of the absence of or a defect in the affidavit. *Id.* § 254.036(h).
8. The respondent was an opposed candidate during the 30-day and 8-day pre-election reporting periods for the May 2016 election and was required to file pre-election reports. Records on file with the Aubrey City Secretary confirm that the respondent filed a 30-day pre-election report for the May 2016 election that only contained a Schedule G and was missing all three cover pages. The respondent did not include in his original 30-day pre-election report the pages on which to disclose political contributions, but the respondent itemized five political contributions totaling \$1,050 in his amended report, all of which exceeded \$50. The respondent did not include the \$1,050 in political contributions in his original 30-day pre-election campaign report for the May 2016 election and did not report the total amount of political contributions accepted and the total amount of political expenditures made. Thus, there is credible evidence of violations of sections 254.031(a)(1) and 254.031(a)(6) of the Election Code.

9. Additionally, the respondent did not disclose outstanding loans on his original report, but had \$0 in outstanding loans to report on his amended report. The respondent did not disclose political contributions of \$50 or less and political expenditures of \$100 or less on his original report, but had \$0 to report during the period covered by the 30-day pre-election report at issue. The respondent also did not disclose total political contributions maintained on his original report, but had \$0 in total political contributions maintained to report on his amended report. Thus, there is credible evidence of technical or *de minimis* violations of sections 254.031(a)(2), 254.031(a)(5), and 254.031(a)(8) of the Election Code.
10. Because the 30-day pre-election campaign finance report for the May 2016 election was also missing cover sheet page 1, the respondent did not disclose his full name and address, office sought, identity and date of the election, and the campaign treasurer's name, address, and telephone number. Thus, there is credible evidence of violations of section 254.061 of the Election Code.
11. Records on file with the Aubrey City Secretary also confirm that the respondent's 30-day pre-election campaign finance report for the May 2016 election was not notarized. Accordingly, there is credible evidence of a violation of section 254.036(h) 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: 1) each campaign finance 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 by the person or committee required to file a report, the full name and address of the person making the contributions, and the dates of the contributions; 2) each campaign finance report must include the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report and that in the aggregate exceed \$50, the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the

full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period; 3) each campaign finance report must include the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$100 or less made during the reporting period; 4) each campaign finance report must include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period; 5) each campaign finance 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; 6) each report by a candidate must include the candidate's full name and address, the office sought, and the identity and date of the election for which the report is filed; the campaign treasurer's name, residence or business street address, and telephone number; and 7) each campaign finance report that is not filed by electronic transfer must be accompanied by an affidavit executed by the person required to file the report. The affidavit must contain the statement: "I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code."

The respondent agrees to comply with these requirements of the law.

## **VI. Confidentiality**

This order and agreed resolution describes certain 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 \$200 civil penalty.

**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-31604110.

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

\_\_\_\_\_  
Steven P. Murray, Respondent

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

Texas Ethics Commission

By: \_\_\_\_\_  
Executive Director