

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
SHANE SCOTT,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-32312332 AND SC-32402126



## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (TEC) held a preliminary review hearing on September 24, 2024, to consider sworn complaints SC-32312332 and SC-32402126. A quorum of the TEC was present. The TEC determined that there is credible evidence of violations of Sections 254.063 and 254.064 of the Election Code, laws administered and enforced by the TEC. The TEC met again on December 3, 2024, to consider a resolution to sworn complaints SC-32312332 and SC-32402126. A quorum of the TEC was present.

To resolve and settle these complaints without further proceedings, the TEC adopted this resolution imposing a \$50 civil penalty. If the respondent does not pay the \$50 civil penalty within 30 days of the date of this Order, then the TEC orders that an additional \$2,500 civil penalty be imposed pursuant to Section 571.173 of the Government Code for delay in complying with this Order and Agreed Resolution, and that the agreed-upon penalty and the additional \$2,500 penalty be referred to the Office of the Attorney General of Texas for collection.

### II. Allegations

The respondent was an opposed incumbent candidate for City Council, Place 4, in San Marcos, Texas, in the November 7, 2023 election. The respondent was successfully re-elected.

Sworn complaint SC-32312332 alleges that the respondent: 1) failed to timely file the 30-day and 8-day pre-election reports for the November 7, 2023 election and did not cover the correct reporting periods, in violation of Section 254.064 of the Election Code; and 2) failed to properly disclose political contributions and/or political expenditures on the reports, in violation of Section 254.031 of the Election Code.

Sworn complaint SC-32402126 alleges that the respondent failed to file a January 2024 semiannual campaign finance report, which was due by January 16, 2024, in violation of Section 254.063 of the Election Code.

### III. Findings of Fact and Conclusions of Law

Credible evidence available to the TEC supports the following findings of facts and conclusions of law:

#### *The Respondent Failed to Timely File Three Reports*

1. Records on file with the City of San Marcos show that the respondent filed his campaign treasurer appointment on July 25, 2023. The respondent's campaign treasurer appointment remained on file during the January 2024 semiannual reporting period. The respondent did not file a final report prior to December 31, 2023, nor did the respondent select modified reporting on the treasurer appointment form. The records also show that the respondent filed his 30-day and 8-day pre-election reports on November 27, 2023. Both pre-election reports covered the time period from January 1, 2023 through November 1, 2023. The reports disclosed \$0 in total political contributions and \$0 in total political expenditures.
2. The respondent had an opponent on the ballot in the November 2023 election and did not select modified reporting when he filed his campaign treasurer appointment. Therefore, the respondent was required to file the 30-day pre-election report by October 10, 2023, and the 8-day pre-election report by October 30, 2023. *See* Tex. Elec. Code § 254.064. The respondent's 30-day pre-election report was required to cover the period beginning July 1, 2023, through the 40th day before election day, September 28, 2023. *See id.* § 254.064(b). The respondent's 8-day pre-election report was required to cover the period beginning the 39th day before election day, September 29, 2023, through the 10th day before election day, October 28, 2023. *See id.* § 254.064(c).
3. The respondent filed his 30-day and 8-day pre-election reports late, on November 27, 2023. In addition, the respondent did not cover the correct reporting periods in the reports. Therefore, there is credible evidence of violations of Section 254.064 of the Election Code.
4. The respondent did not file a final report on or before December 31, 2023, and was therefore required to file a January 2024 semiannual report. *See* Tex. Elec. Code §§ 251.001(1), 254.063(c). Records on file with the City of San Marcos show that the respondent filed his January 2024 semiannual report late, on February 6, 2024. The respondent disclosed no contributions or expenditures on the report. Therefore, there is credible evidence of a violation of Section 254.063 of the Election Code.

#### *The Respondent Was Not Required to Disclose Contributions or Expenditures for his Campaign Signs*

5. Sworn complaint SC-32312332 included a picture of one of the respondent's political advertising signs that was displayed during the November 2023 election. The complaint

alleged that the respondent did not disclose in his campaign finance reports political contributions and/or political expenditures for the political advertising.

6. In response to the complaint, the respondent stated that the sign was from his previous campaign and was purchased in 2020. The complaint included no other evidence to indicate the respondent made a political expenditure or accepted a political contribution for the political advertising. Therefore, there is no credible evidence of a violation of Section 254.031 of the Election Code.

#### **IV. Representations and Agreement by Respondent**

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

1. The respondent neither admits nor denies 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 these sworn complaints.
2. The respondent consents to this order and agreed resolution and waives any right to further proceedings in this matter. The respondent consents to TEC staff presenting this resolution to the Commissioners outside of the respondent's presence.
3. The respondent acknowledges the campaign finance report filing deadlines and requirements under Sections 254.063 and 254.064 of the Election Code. The respondent further acknowledges that the TEC may consider the reporting violations found in this Order and Agreed Resolution in assessing a penalty for any future violations, for which the TEC may impose a penalty of up to \$5,000 or triple the amount at issue for each violation, pursuant to Section 571.173 of the Government Code.
4. The respondent agrees to fully and strictly comply with the above requirements of law.

#### **V. Confidentiality**

This order and agreed resolution describes violations that the TEC 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 TEC.

#### **VI. Sanction**

The TEC may impose a civil penalty of not more than \$5,000 or triple the amount at issue under a law administered and enforced by the TEC, whichever amount is more, for a delay in complying with a TEC order or for violation of a law administered and enforced by the TEC. Tex. Gov't Code

§ 571.173. The TEC shall consider the following factors in assessing a sanction: 1) the seriousness of the violation, including the nature, circumstances, consequences, extent and gravity of the violation; 2) the history and extent of previous violations; 3) the demonstrated good faith of the violator, including actions taken to rectify the consequences of the violation; 4) the penalty necessary to deter future violations, and 5) any other matters that justice may require. *Id.* § 571.177.

*Factor 1: The Seriousness of the Violations*

The respondent filed all of his campaign finance reports in connection with the November 2023 election late. Specifically, the respondent filed his pre-election reports 20 days after the election occurred and filed his January 2024 semiannual report 15 days late. However, the TEC takes into account that the reports disclosed no campaign financial activity.

*Factor 2: The History and Extent of Previous Violations*

The respondent has no previous violations.

*Factor 3: The Demonstrated Good Faith of the Violator*

The respondent filed the reports at issue before the respective complaints were filed. However, the respondent still failed to file the pre-election reports before the November 7, 2023 election.

*Factor 4: The Penalty Necessary to Deter Future Violations*

There is no reason to believe that this respondent intends to commit future violations.

*Factor 5: Any Other Matters that Justice May Require*

A \$50 civil penalty is reasonable given the lack of reportable activity by the respondent.

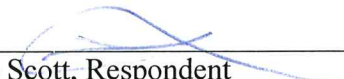
*Conclusion*

After considering the nature, circumstances, and consequences of the violations described under Section III, the TEC imposes a \$50 civil penalty. If the respondent does not pay the \$50 civil penalty within 30 days of the date of this Order, then the TEC orders that an additional \$2,500 civil penalty be imposed pursuant to Section 571.173 of the Government Code for delay in complying with this Order and Agreed Resolution, and that the agreed-upon penalty and the additional \$2,500 penalty be referred to the Office of the Attorney General of Texas for collection.

**VII. Order**

The TEC hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-32312332 and SC-32402126.

AGREED to by the respondent on this 7<sup>th</sup> day of February, 2025.

  
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Shane Scott, Respondent

EXECUTED by the TEC on: 02/18/2025.

Texas Ethics Commission

By:   
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J.R. Johnson, Executive Director