TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
	§	
LULAN FRASER, RESPONDENT	§	TEXAS ETHICS COMMISSION
	§	
SC-92033	§	

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission ("commission") met on September 1, 1993, to consider sworn complaint SC-92033 filed against LULAN FRASER (the "Respondent"). A quorum of the commission was present. Based on the investigation conducted by commission staff to date, the commission determined there was credible evidence of violations of § 254.031 and § 254.041 of the Election Code, laws administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this agreed resolution to Respondent.

II. Facts Supported by Credible Evidence

Credible evidence available to the commission would support the following findings of fact:

- 1. Respondent was an incumbent candidate for tax assessor-collector of Bee County in the 1992 elections.
- 2. Respondent accepted political contributions and made political expenditures in 1991 and 1992.
- 3. Respondent did not file the semi-annual report of contributions and expenditures due by January 15, 1992, until January 17, 1992.
- 4. Respondent did not file the semi-annual report of contributions and expenditures due by July 15, 1992, until July 17, 1992.
- 5. Respondent did not file the pre-election sworn report of contributions and expenditures due by October 5, 1992, until October 6, 1992.

- 6. Only one contribution (for \$142) was accepted during the period included in the report due by October 5, 1992. It was disclosed in detail on X-02 page for reporting contributions. It was not included on page X-07 for reporting totals.
- 7. Respondent accepted a \$500 in-kind contribution of political advertising signs from her husband's non-incorporated business within the reporting period that was covered by the report due by October 5, 1992. Respondent did not include this contribution in that report. Respondent voluntarily included this contribution in the next required report, which was filed on October 24, 1992.

III. Conclusions of Law

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

- 1. Respondent violated § 254.031 and § 254.041 of the Election Code by failing to file three sworn reports of contributions and expenditures by the deadline.
- 2. Respondent violated § 254.031 and § 254.041 of the Election Code by failing to report the total amount of political contributions accepted during a reporting period. Respondent did not disclose the total amount of contributions accepted during the period covered by the report due October 5, 1992, as required by § 253.031(a)(6) of the Election Code.
- 3. Respondent violated § 254.031 and § 254.041 of the Election Code by failing to timely report the acceptance of an in-kind contribution.

IV. Representations and Agreement by Respondent

By signing this ORDER and AGREED RESOLUTION and returning it to the commission:

- 1. Respondent neither admits nor denies the facts detailed under Section II and the commission's findings and conclusions of law detailed under Section III, and consents to the entry of this ORDER and AGREED RESOLUTION solely for the purpose of resolving and settling this sworn complaint.
- 2. Respondent consents to the entry of this Order before any adversarial evidentiary hearings or argument before the commission, and before any formal adjudication of law or fact by the commission. Respondent waives any right to a hearing before the commission or an administrative law judge appointed by the commission, and further waives any right to a post-hearing procedure established or provided by law.

- Respondent acknowledges that Title 15 of the Election Code requires the timely and complete
 reporting of all political contributions and expenditures accepted or made during a particular
 reporting period. Respondent promises to fully and strictly comply with this requirement of
 the law.
- 4. Notwithstanding any other provisions of this ORDER and AGREED RESOLUTION, Respondent understands and agrees that the commission will consider the Respondent to have committed the violations detailed in Section III if it is necessary to consider a sanction to be assessed in any future sworn complaint proceedings against the Respondent.

V. Confidentiality

This ORDER and AGREED RESOLUTION describes alleged violations that the commission has determined would be neither technical nor *de minimis*. Accordingly, this ORDER and AGREED RESOLUTION is not confidential under Texas Government Code, § 571.140(b), and may be disclosed by members and staff of the Texas Ethics Commission.

VI. Sanction

After considering the seriousness of the violations described under Sections II and III, including the nature, circumstances, consequences, extent, and gravity of the violations; that no previous violations by this Respondent are known to the commission; that Respondent voluntarily filed reports that correct the mistakes that occasioned this complaint; and the sanction, if any, deemed necessary to deter future violations, the commission imposes a civil penalty of \$100 for the violations described under Section III.

VII. Order

The Texas Ethics Commission hereby ORDERS:

- 1. that this proposed AGREED RESOLUTION be presented to Respondent;
- 2. that the executive director shall promptly refer SC-92033 to an administrative law judge to conduct hearings on the commission's behalf and to propose findings of fact and conclusions of law to the commission in accordance with law if Respondent does not agree to the disposition of SC-92033 as proposed in this ORDER and AGREED RESOLUTION;
- 3. that if Respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete disposition of SC-92033; and

4. that Respondent may consent to the proposed AGI original of this document and mailing the signed or civil penalty to the Texas Ethics Commission, P.O. than November 15, 1993.	iginal together with payment for the \$100
AGREED to by LULAN FRASER on	_, 1993.
EXECUTED ORIGINAL received by the commission on	Respondent, 1993.
	John Steiner, Executive Director Texas Ethics Commission