TEXAS ETHICS COMMISSION

IN THE MATTER OF	**§**	**BEFORE THE**
	§	
ANNETTE G. GALIK,	**§**	**TEXAS ETHICS COMMISSION**
	§	
RESPONDENT	**§**	**SC-971059**
	§	

ORDER
and
AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on May 8, 1998, to consider sworn complaint SC-971059 filed against Annette G. Galik (the respondent). A quorum of the commission was present. The commission voted to accept jurisdiction of this complaint. Based on the investigation conducted by commission staff, the commission determined there was credible evidence of a violation of Section 253.164, Election Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this agreed resolution to the respondent.

II. Allegations

The complainant alleges that the respondent violated the Election Code by failing to file a judicial declaration of intent to comply or not to comply with the expenditure limits provided by the Judicial Campaign Fairness Act.

III. Facts Supported by Credible Evidence

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

1. The respondent is currently a district judge who is seeking re-election in 1998.

2. The respondent has had a campaign treasurer appointment on file since 1993. She filed a judicial declaration of intent on November 12, 1997. The respondent made campaign expenditures and accepted campaign contributions before filing the judicial declaration of intent.

3. The respondent swears that the failure to file a judicial declaration of intent was due solely to an oversight.

IV. Conclusions of Law

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

1. The Judicial Campaign Fairness Act imposes contribution limits and imposes limits on the reimbursement of personal funds from political contributions. Sections 253.155 and 253.162, Election Code. It also sets out voluntary limits on campaign expenditures. Section 253.168, Election Code.

2. A person who becomes a candidate for a judicial office on or after June 16, 1995 (the effective date of the Judicial Campaign Fairness Act), must file a declaration of intent to comply or not to comply with those expenditure limits. Section 253.164, Election Code.

3. Additionally, all judicial candidates are prohibited from knowingly accepting campaign contributions or making campaign expenditures unless a judicial declaration of intent has been filed. *Id.*

4. The respondent filed her campaign treasurer appointment and therefore became a candidate for a judicial office for purposes of Title 15, Election Code, before June 16, 1995. Thus, the obligation to file a judicial declaration of intent did not apply at the time the respondent became a candidate.

5. The respondent is subject to the prohibition against accepting campaign contributions or making campaign expenditures before a judicial declaration of intent has been filed. The respondent made campaign expenditures and accepted campaign contributions before filing the judicial declaration of intent. Thus, there is credible evidence that the respondent violated Section 253.164, Election Code.

V. Representations and Agreement by the Respondent

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

1. The respondent neither admits nor denies the facts detailed under Section III and the commission's findings and conclusions of law detailed under Section IV, and consents to the entry of this ORDER and AGREED RESOLUTION solely for the purpose of resolving and settling this sworn complaint.

2. The respondent consents to the entry of this ORDER and AGREED RESOLUTION before any adversarial evidentiary hearings or argument before the commission, and before any formal adjudication of law or fact by the commission. The 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.

3. Notwithstanding any other provisions of this ORDER and AGREED RESOLUTION, the respondent understands and agrees that the commission will consider the respondent to have committed the violation detailed in Section IV, Paragraph 5, if it is necessary to consider a sanction to be assessed in any future sworn complaint proceedings against the respondent.

VI. Confidentiality

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

VII. Sanction

After considering the seriousness of the violation described under Section IV, Paragraph 5, including the nature, circumstances, consequences, extent, and gravity of the violation; that no previous violations by this respondent are known to the commission; and after considering the sanction deemed necessary to deter future violations, the commission imposes no civil penalty for the violation described under Section IV, Paragraph 5.

VIII. Order

The Texas Ethics Commission hereby ORDERS:

1. that this proposed AGREED RESOLUTION be presented to the respondent;

2. that if the respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete resolution of SC-971059;

3. that the respondent may consent to the proposed AGREED RESOLUTION only by signing an original of this document and mailing the signed original to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than June 5, 1998; and

4. that the executive director shall promptly refer SC-971059 to either the commission or 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 the respondent does not agree to the resolution of SC-971059 as proposed in this ORDER and AGREED RESOLUTION.

AGREED to by the respondent on: _____.
DATE

_____
Annette G. Galik

EXECUTED ORIGINAL received by the commission on: _____.
DATE

Texas Ethics Commission

By: _____
Tom Harrison, Executive Director