

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
SUZANNE SALMON MEAUX,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-980331

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (the commission) met on May 8, 1998, to consider sworn complaint SC-980331 filed against Suzanne Salmon Meaux (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 254.063, 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, who was a candidate for mayor in the May 3, 1997, city election, failed to timely file a January 15, 1998, Annual Report of Unexpended Contributions.

### III. Facts Supported by Credible Evidence

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

1. At all times relevant to this complaint, the respondent was a candidate for mayor in the May 3, 1997, city election.
2. On July 15, 1997, the respondent filed a campaign finance report which was marked as a final report. The respondent's next report was a Candidate/Officeholder Report Of Unexpended Contributions, which she filed on February 6, 1998.
3. The respondent swears that the report she filed on July 15, 1997, was intended to be a semiannual report but was marked "final" in error as the intent was not to close out her campaign treasurer. The respondent filed a Corrected Form C/OH And Good-Faith Affidavit stating that the July 15, 1997, report should have been marked as a semiannual report and not a final report.

4. The respondent failed to file a report by January 15, 1998, because of the respondent's medical condition.

#### **IV. Conclusions of Law**

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

1. A person who is an unsuccessful candidate and who has unexpended political contributions after filing a final report is required to file an annual report for each year in which the person retains unexpended contributions. Section 254.201, Election Code. The annual report is required to be filed by January 15th of each year. Section 254.202, Election Code.
2. The respondent swears that she made an error in marking the July 15, 1997, report as a final report. Since the respondent had not filed a final report, the respondent was not required to file a Candidate/Officeholder Report Of Unexpended Contributions by January 15, 1998.
3. A candidate is required to file a semiannual report by January 15 of each year. Section 254.063, Election Code. The respondent was required to file a January 15, 1998, semiannual report.
4. The respondent did not timely file the January 15, 1998, semiannual report, and therefore there is credible evidence that the respondent violated Section 254.063, 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 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 4, 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 Sections III and IV, 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 4, because the untimely filing was due to the respondent's medical condition.

## 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-980331;
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-980331 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-980331 as proposed in this ORDER and AGREED RESOLUTION.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Suzanne Salmon Meaux, Respondent

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

DATE

Texas Ethics Commission

By: \_\_\_\_\_