

TEXAS ETHICS COMMISSION

IN THE MATTER OF
JAMES BECK,
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-250463

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on July 14, 2005, to consider sworn complaint SC-250463. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.156 and 254.151(6) of the Election Code, and credible evidence of technical or *de minimis* violations of sections 253.036 and 254.151(4) of the Election Code, laws administered and enforced by the commission. To resolve this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegations

The complaint alleges that the respondent failed to properly disclose the candidates supported by a general-purpose political committee and the occupations of certain contributors.

III. Facts Supported by Credible Evidence

1. The complaint is against the campaign treasurer of the Austin Police Association PAC, a general-purpose political committee, that files reports on the monthly reporting schedule.
2. The complaint relates to a May 7, 2005, municipal election.
3. The committee's April 2005 monthly campaign finance report disclosed political expenditures to support three candidates. Those candidates' names were not reported in the cover sheet section of the report.
4. The April 5, 2005, report disclosed two \$2,000 contributions and a \$1,000 contribution but did not disclose the occupation of the contributors.
5. The committee's May 2005 report disclosed contributions and direct expenditures to support three candidates. Those candidates' names are not disclosed in the cover sheet section of the report.

6. The committee's May 2005 report also disclosed as "unknown" the occupations of 27 contributors who contributed more than \$10 during the reporting period.
7. The committee corrected the May 2005 report before the reporting deadline to provide the occupation of each contributor who was disclosed on the original report.
9. The corrected May 2005 report did not include on the cover sheet the names of candidates that the committee supported.
10. The names of the candidates that the committee supported were disclosed on Schedule F of the committees April and May 2005 reports.

IV. Findings and Conclusions of Law

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

1. General-purpose political committees that file on the monthly schedule must disclose the principal occupation of each person from whom political contributions that in the aggregate exceed \$10 are accepted during the reporting period. ELEC. CODE §§ 254.151(6), 254.156.
2. The April 5, 2005, report disclosed two \$2,000 contributions and a \$1,000 contribution, but did not disclose the contributors' occupations. Therefore, there is credible evidence that the respondent violated sections 254.151(6) and 254.156 of the Election Code.
3. A political committee filing monthly must file a report by the 5th day of each month covering the activity through the 25th day of the preceding month. ELEC. CODE § 254.157.
4. The committee's May 2005, campaign finance report was corrected before the filing deadline to add the occupations that were not disclosed on the original report. Because the report was corrected and filed before the deadline the report complied with sections 254.151 and 254.156 of the Election Code. Therefore, there is credible evidence that the respondent did not violate those provisions.
5. The campaign finance report for a general-purpose committee must include the name of each identified candidate supported or opposed by the committee and indicate whether the committee supports or opposes each listed candidate. ELEC. CODE § 254.151(4).
6. A campaign finance report must be on a form prescribed by the commission. ELEC. CODE § 254.036(a). Both the paper form and electronic filing software include a space in the cover sheet section of the report to disclose the required information.

7. The April and the May 2005 reports of the committee did not include in the cover sheet section of the reports the names of the candidates the committee supported during the reporting period. The information was disclosed on Schedule F.
8. To conform with the form requirements, the name of each candidate disclosed on Schedule F must also be listed on the cover page of the report with an indication of whether the committee supports or opposes the candidate. The respondent did not disclose the candidates in that section.
9. Therefore, with respect to the April and May 2005 reports there is credible evidence of technical or *de minimis* violations of sections 254.036 and 254.151(4) 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 a general-purpose political committee that files on the monthly schedule must disclose the principal occupation of each person from whom political contributions that in the aggregate exceed \$10 are accepted during the reporting period. The respondent also acknowledges that the cover sheet section of the campaign finance report for a general-purpose committee must include the name of each identified candidate supported or opposed by the committee and indicate whether the committee supports or opposes each listed candidate. The respondent agrees to comply with these requirements of the law.

VI. Confidentiality

This order and agreed resolution describes violations that the commission has determined is 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 seriousness of the violations described under Sections III and IV, including the nature, circumstances, and consequences of the violations, and after considering the sanction

necessary to deter future violations, the commission imposes a \$500 civil penalty for the violation described under Sections III and IV.

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-250463.

AGREED to by the respondent on this _____ day of _____, 20__.

James Beck, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director