

TEXAS ETHICS COMMISSION

IN THE MATTER OF
ADDIE WISEMAN,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2511189

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on July 14, 2006, to consider sworn complaint SC-2511189. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of sections 253.032, 254.031(a)(1), and 254.031(a)(3) of the Election Code, laws administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegations

The complaint alleges that the respondent failed to provide a copy of contributing out-of-state committees' statements of organization on her July 2004 semiannual report and her July 2005 semiannual report and failed to properly report political contributions and political expenditures.

III. Facts Supported by Credible Evidence

Credible evidence available to the commission supports the following findings of fact:

1. The respondent is a council member for the City of Houston.
2. The respondent's July 2004 semiannual report disclosed a contribution of \$250 and the box on the form is marked to indicate that the committee is an out-of-state committee.
3. The respondent's July 2005 semiannual report disclosed a contribution of \$500 and the box on the form is marked to indicate that the committee is an out-of-state committee.
4. Neither committee has a campaign treasurer appointment on file with the Texas Ethics Commission.
5. The information required by section 253.032(e) of the Election Code for the two contributions from out-of-state committees is not included with the respondent's reports.

6. The respondent submitted a sworn response. The respondent's affidavit states that to the best of her knowledge the two contributions were not from out-of-state political committees.
7. The respondent has not filed correction affidavits supplementing her July 2004 and July 2005 semiannual reports to include the required information regarding contributions from the out-of-state committees.
8. The respondent failed to include the full name of the contributor on her July 2004 semiannual report.
9. The respondent has not filed a correction affidavit supplementing her July 2004 semiannual report to supply the full name of the contributor.
10. The respondent failed to report the addresses of two payees on her July 2005 semiannual report.
11. The respondent reported herself as payee for reimbursements on her January 2004 and January 2005 semiannual reports.
12. The respondent reported a person that she reimbursed but not the actual payee on her January 2004 semiannual report.

IV. Findings and Conclusions of Law

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

1. A candidate, officeholder, or political committee that accepts political contributions totaling \$500 or less from an out-of-state political committee shall include as part of the report filed under chapter 254 of the Election Code that covers the reporting period in which the contributions are accepted the same information that is required on a campaign treasurer appointment filed by a general-purpose committee in Texas or a copy of the out-of-state committee's statement of organization filed as required by law with the Federal Election Commission and certified by an officer of the out-of-state committee. ELEC. CODE § 253.032(e), 1 T.A.C. § 22.7.
2. The evidence indicates that both of the contributions at issue were from out-of-state committees. The respondent did not include the information required by section 253.032(e) of the Election Code with her July 2004 and July 2005 semiannual campaign finance reports. Therefore, there is credible evidence of a violation of section 253.032(e) of the Election Code.

3. A candidate must report the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
4. The respondent failed to properly report the full name of a contributor on her July 2004 semiannual report. Therefore, there is credible evidence of a violation of section 254.031(a)(1) of the Election Code.
5. A candidate must report the amount of political expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures. ELEC. CODE § 254.031(a)(3).
6. The respondent reported political expenditures to herself and others as reimbursements, but did not report the actual payees. Therefore, there is credible evidence of a violation of section 254.031(a)(3) 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 candidate, officeholder, or political committee that accepts political contributions totaling \$500 or less from an out-of-state political committee shall include as part of the report filed under chapter 254 of the Election Code that covers the reporting period in which the contributions are accepted the same information that is required on a campaign treasurer appointment filed by a general-purpose committee in Texas or a copy of the out-of-state committee's statement of organization filed as required by law with the Federal Election Commission and certified by an officer of the out-of-state committee.
4. The respondent also acknowledges that a candidate must report the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period, the full name and address of the person making the contributions, and the dates of the contributions.

5. The respondent also acknowledges that a candidate must report the amount of political expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures. 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 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 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 violations 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-2511189.

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

Addie Wiseman, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director