

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
ANNA MOWERY,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-270106

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (the commission) held a preliminary review hearing on April 3, 2008, to consider sworn complaint SC-270106. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.031 of the Election Code, section 20.59 of the Ethics Commission Rules, and section 571.1242 of the Government 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 properly report political expenditures made by credit card.

### III. Facts Supported by Credible Evidence

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

1. The respondent is a former state representative.
2. The allegations are based on the respondent's January 2005, January 2006, and July 2006 semiannual reports, 8-day pre-election report for the March 7, 2006, primary election, and 30-day pre-election report for the November 7, 2006, general election.
3. The respondent disclosed the credit card company as payee on a total of approximately \$7,800 in political expenditures without disclosing the full name and address of the vendors of the goods and services purchased.
4. This complaint alleges a Category One violation. The respondent signed for receipt of a copy of the sworn complaint notice on April 27, 2007. On November 26, 2007, the commission received a response to the sworn complaint.

5. The respondent corrected each of the reports to disclose the names and addresses of the vendors who received payment from the credit card companies.

#### **IV. Findings and Conclusions of Law**

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

1. Each campaign finance report must include the amount of political expenditures that in the aggregate exceed \$50 made to a single payee 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).
2. A report of a political expenditure by credit card must identify the vendor who receives payment from the credit card company. Ethics Commission Rules § 20.59.
3. The evidence shows that the respondent failed to disclose the required information for political expenditures (totaling approximately \$7,800) on multiple campaign finance reports. Therefore, there is credible evidence that the respondent violated section 254.031(a)(3) of the Election Code and section 20.59 of the Ethics Commission Rules. The evidence shows that the respondent corrected her reports to disclose the missing information.
4. A respondent must respond to a sworn complaint that makes an allegation of a Category One violation within 10 business days from the date the respondent receives the sworn complaint. A respondent's failure to timely respond is a Category One violation. GOV'T CODE § 571.1242.
5. The respondent received the sworn complaint on April 27, 2007. The respondent filed a response on November 26, 2007. Therefore, there is credible evidence that the respondent violated section 571.1242 of the Government 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 campaign finance report must include the amount of political expenditures that in the aggregate exceed \$50 made to a single payee 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 also acknowledges that a report of a political expenditure by credit card must identify the vendor who receives payment from the credit card company. The respondent also acknowledges that a respondent must respond to a sworn complaint that makes an allegation of a Category One violation within 10 business days from the date the respondent receives the sworn complaint. 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 \$900 civil penalty.

### 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-270106.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Anna Mowery, Respondent

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

Texas Ethics Commission

By: \_\_\_\_\_  
David A. Reisman, Executive Director