

TEXAS ETHICS COMMISSION

IN THE MATTER OF
VICTOR A. "TONY" STINES
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-2803132

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on December 4, 2008, to consider sworn complaint SC-2803132. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.064 of the Election Code, a law 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 file pre-election campaign finance reports.

III. Facts Supported by Credible Evidence

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

1. The respondent was an unsuccessful candidate for constable in Jefferson County in a primary election held on March 4, 2008.
2. According to records of the Jefferson County Clerk (county clerk), the respondent filed a campaign treasurer appointment on January 10, 2008, and did not select modified reporting.
3. The respondent did not file a campaign finance report with the county clerk until March 24, 2008.
4. In response to the allegations, the respondent swears that he did not clearly understand the reporting requirements and that he believed he was not required to file pre-election reports because he did not receive more than \$500 in monetary contributions.

5. The respondent filed complete reports with the county clerk, the last of which was filed on April 30, 2008. The respondent's 30-day pre-election report disclosed that on January 10, 2008, the respondent accepted an in-kind political contribution of \$2,001 in the form of campaign signs, and a monetary contribution of \$100.
6. The respondent's 8-day pre-election report disclosed approximately \$970 in political contributions, including approximately \$671 in in-kind political contributions, approximately \$363 in political expenditures, and approximately \$37 in political contributions maintained.

IV. Findings and Conclusions of Law

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

1. For each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. ELEC. CODE § 254.064(a).
2. The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. The report covers the period beginning the day the candidate's campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed under this chapter, as applicable, and continuing through the 40th day before election day. *Id.* § 254.064(b).
3. The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day. *Id.* § 254.064(c).
4. The evidence indicates that the respondent was a candidate in an election held on March 4, 2008. Thus, the respondent was required to file pre-election reports on February 4 and February 25, 2008. The respondent did not file any reports until after the election on March 24, 2008. Therefore, there is credible evidence that the respondent violated section 254.064 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 for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file a campaign finance report not later than the 30th day before election day and an additional campaign finance report not later than the eighth day before election day. 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 \$300 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-2803132.

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

Victor A. "Tony" Stines, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director