

TEXAS ETHICS COMMISSION

IN THE MATTER OF
WILLIAM VAN ALSTYNE,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2803145

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on June 10, 2008, to consider sworn complaint SC-2803145. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.063 of the Election Code, a law 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 file semiannual 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 a City of Willis alderman at the time of the complaint. The complaint alleges that the respondent failed to file July 2007 and January 2008 semiannual campaign finance reports.
2. The respondent's campaign treasurer appointment was not date stamped by the local filing authority, but the respondent dated it February 21, 2007. The respondent elected modified reporting for the May 2007 election cycle.
3. The respondent ran unopposed in the May 2007 election. The respondent swears that no money was spent on his campaign from February 21, 2007, to the present.
4. The local filing authority provided copies of all campaign finance documents filed with that office by the respondent. The local filing authority provided a copy of the respondent's

campaign treasurer appointment dated February 21, 2007, and two campaign finance reports. The first report is date stamped as received on April 21, 2008, and the report's cover page designates it as a July semiannual report. The report covers from July 15, 2007, through December 31, 2007. The report discloses zero political contributions and zero political expenditures. The respondent completed the page of the report used for designating a report as a final report.

5. The second report is date stamped as received on April 21, 2008, and the report's cover page designates it as a January 2008 semiannual report. The report covers from January 1, 2008, through July 15, 2008. The report discloses zero political contributions and zero political expenditures. The respondent completed the page of the report used for designating the report as a final report.

IV. Findings and Conclusions of Law

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

1. A candidate shall file two reports for each year, the first report shall be filed not later than July 15, and cover the period beginning January 1, 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, as applicable, and continuing through June 30; the second report shall be filed not later than January 15, and cover the period beginning July 1, 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, as applicable, and continuing through December 31. ELEC. CODE § 254.063.
2. A candidate has the duty to file semiannual reports until the candidate terminates his campaign treasurer appointment. The designation of a report as a final report terminates a candidate's campaign treasurer appointment. ELEC. CODE § 254.065.
3. If a local candidate is elected to office and terminates his campaign treasurer appointment, he must file semiannual campaign finance reports as an officeholder unless he does not exceed \$500 in officeholder contributions or officeholder expenditures. ELEC. CODE § 254.095.
4. The evidence indicates the respondent filed a campaign treasurer appointment on February 21, 2007. Therefore, the respondent was required to file semiannual reports as a candidate. The respondent did not file a final report before the due dates for the July 2007 and January 2008 semiannual reports. Therefore, the respondent did not terminate his requirement to file semiannual reports during that period. Although the respondent filed reports after receiving notice of the complaint and completed a final report affidavit for each, the reports were not filed by the respective deadlines. Further, the reports do not cover the proper reporting

periods. Therefore, there is credible evidence that the respondent violated section 254.063 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 shall file two reports for each year, the first report shall be filed not later than July 15, and the second report shall be filed not later than January 15. 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 \$100 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-2803145.

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

William Van Alstyne, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director