

TEXAS ETHICS COMMISSION

IN THE MATTER OF
BILL TAYLOR,
CAMPAIGN TREASURER OF
BOERNEFORWARD,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2805225

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on June 9, 2009, to consider sworn complaint SC-2805225. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.154(c) of the Election Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposed this resolution to the respondent.

II. Allegations

The complaint alleged 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 is the campaign treasurer of BoerneForward, a general-purpose political committee.
2. On July 11, 2007, BoerneForward filed a campaign treasurer appointment naming the respondent as its campaign treasurer.
3. The City of Boerne held an election on May 10, 2008. Eight-day pre-election reports in connection with that election were due on May 2, 2008.
4. On May 14, 2008, the respondent filed an 8-day pre-election campaign finance report for BoerneForward disclosing no political contributions and \$2,269 in political expenditures.

The political expenditures consisted of two expenditures to the Boerne Star Newspaper for "Advertising." The expenditures were dated April 22, 2008, and April 29, 2008. The report also disclosed four non-political expenditures totaling approximately \$1,030. Two of the non-political expenditures were to the Boerne Star Newspaper for "Advertising." The other two were to Tracy Taha Photography & Design for "Website updates." The non-political expenditures were all dated between February 4, 2008, and March 3, 2008.

IV. Findings and Conclusions of Law

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

1. The campaign treasurer of a general-purpose political committee is responsible for properly filing the committee's campaign finance reports. ELEC. CODE §§ 254.153, 254.154.
2. In addition to other required reports, for each election in which a general-purpose committee supports or opposes a candidate or measure, the committee's campaign treasurer shall file two reports. The first report must be filed not later than the 30th day before election day. The report covers the period beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, and continuing through the 40th day before election day. The second report must 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. ELEC. CODE § 254.154(a),(b), and (c).
3. BoerneForward's 8-day pre-election report for the May 10, 2008, election disclosed two non-political expenditures to Tracy Taha Photography & Design for "Website updates," and two non-political expenditures to the Boerne Star Newspaper for "Advertising." The evidence indicates that all four expenditures were made prior to 40 days before the May 10 election. However, there is insufficient evidence to show that any of these expenditures were made in connection with the May 10, 2008, election. Therefore, there is insufficient evidence that the respondent violated section 254.154(b) of the Election Code, by failing to file a 30-day pre-election report.
4. The evidence indicates that BoerneForward made at least two political expenditures totaling \$2,269 for newspaper advertising in connection with the May 10, 2008, election. The evidence also indicates that those expenditures were readily determinable prior to 10 days before that election. Thus, the respondent as campaign treasurer for BoerneForward, was required to file an 8-day pre-election report for BoerneForward by May 2, 2008. The respondent did not file the report until May 14, 2008, after the election. Therefore, with regard to BoerneForward's 8-day pre-election report, there is credible evidence of a violation of section 254.154(c) 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 in addition to other required reports, for each election in which a general-purpose committee supports or opposes a candidate or measure, the committee's campaign treasurer shall file two reports. The second report must 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. The respondent agrees to comply with this requirement of the law.

VI. Confidentiality

This order and agreed resolution describes a violation 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 violation described under Sections III and IV, including the nature, circumstances, and consequences of the violation, and after considering the sanction necessary to deter future violations, the commission imposes a \$1,000 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-2805225.

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

Bill Taylor, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director