

# TEXAS ETHICS COMMISSION

|                             |   |                         |
|-----------------------------|---|-------------------------|
| IN THE MATTER OF            | § | BEFORE THE              |
|                             | § |                         |
| MOSIS WILLETT,              | § |                         |
| CAMPAIGN TREASURER,         | § | TEXAS ETHICS COMMISSION |
| AFRICAN COALITION POLITICAL | § |                         |
| ACTION COMMITTEE,           | § |                         |
|                             | § |                         |
| RESPONDENT                  | § | SC-31009282             |

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (the commission) met on December 14, 2011, to consider sworn complaint SC-31009282. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.031 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. Allegation

The complaint alleged that, as the campaign treasurer of African Coalition Political Action Committee, the respondent failed to properly disclose political contributions and political expenditures on multiple 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 former campaign treasurer for the African Coalition Political Action Committee (ACPAC), a general-purpose committee. The respondent was campaign treasurer for ACPAC at all times relevant to this complaint. At issue in the complaint are ACPAC's January and July 2010 semiannual reports filed by the respondent.
2. The complaint alleged that the respondent failed to include the correct amount of total political contributions maintained on each of the reports at issue.

3. On January 15, 2010, the respondent filed ACPAC's January 2010 semiannual report, which disclosed \$0 in total political contributions, total political expenditures and total political contributions maintained.
4. On July 14, 2010, the respondent filed ACPAC's July 2010 semiannual report which disclosed \$0 in total political contributions and total political expenditures, but \$955.01 in total political contributions maintained.
5. The respondent admitted that he did not include the correct amount of total political contributions maintained on ACPAC's January 2010 semiannual report.
6. The evidence indicated that on January 1, 2010, ACPAC maintained \$2,043.45 in total political contributions in its accounts.
7. The respondent swore that he disclosed the correct amount of total political contributions maintained on ACPAC's July 2010 semiannual report
8. The evidence indicated that on July 1, 2010, ACPAC maintained approximately \$955.01 in total political contributions in its accounts.

#### **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 as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period. ELEC. CODE § 254.031(a)(8).
2. The complaint alleged that the respondent disclosed the incorrect amount of total political contributions maintained on ACPAC's January 2010 semiannual report. The respondent admitted that he did not include the correct amount on ACPAC's January 2010 semiannual report and the bank statements he submitted indicated that he failed to include \$2,043.45 in the total political contributions maintained amount. Therefore, as to ACPAC's January 2010 semiannual report, there is credible evidence of a violation of section 254.031(a)(8) of the Election Code.
3. The complaint also alleged that the respondent disclosed the incorrect amount of total political contributions maintained on ACPAC's July 2010 semiannual report. The amount of

political contributions maintained disclosed on ACPAC's July 2010 semiannual report was consistent with the amount of political contributions maintained in ACPAC's accounts on July 1, 2010. There is credible evidence of no violation of section 254.031(a)(8) of the Election Code with respect to the July 2010 semiannual report.

### **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 each campaign finance report must include as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period.

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 is 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 \$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-31009282.

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

\_\_\_\_\_  
Mosis Willett, Respondent

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

Texas Ethics Commission

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