

TEXAS ETHICS COMMISSION

IN THE MATTER OF
KENNETH L. MAUN,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-3200275

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on June 18, 2020, to consider sworn complaint SC-3200275. A quorum of the Commission was present. The Commission determined that there is credible evidence of a violation of Sections 254.031, 254.063, and 254.064 of the Election Code, laws administered and enforced by the Commission. To resolve and settle this complaint without further proceedings, the Commission adopted this resolution.

II. Allegations

The complaint alleged that the respondent: 1) did not file a January 2020 semiannual report by the January 15, 2020, filing deadline, in violation of Section 254.063 of the Election Code; 2) did not file a 30-day pre-election report by the February 3, 2020, filing deadline, in violation of Section 254.064 of the Election Code; and 3) did not disclose a political expenditure or political contribution for a ballot application filing fee, in violation of Section 254.031 of the Election Code.

III. Findings of Fact and Conclusions of Law

Credible evidence available to the Commission supports the following findings of fact and conclusions of law:

1. The respondent was an opposed incumbent candidate for Collin County Tax Assessor-Collector in the March 3, 2020, primary election. The respondent was successful in the election.
2. Regarding the January 2020 semiannual report, the respondent was required to file the report by January 15, 2020. Records on file with Collin County show the respondent filed the report on February 10, 2020. The report disclosed \$0 in political contributions and \$3,870.62 in total political expenditures made from the respondent's personal funds. The report did not disclose the respondent's \$1,250 ballot application filing fee.

3. Regarding the 30-day pre-election report for the March 3, 2020, primary election, the respondent was required to file the report by February 3, 2020. Records on file with Collin County show the respondent filed the report on February 28, 2020. The report disclosed \$0 in total political contributions and \$0 in total political expenditures.
4. In response to the complaint, the respondent acknowledged the violations. The respondent swore that the January 2020 semiannual report was filed late because he lost track of time, and that the 30-day pre-election report was filed late because he initially thought the report was unrequired since he self-funded his campaign and did not have any activity during the reporting period. The respondent stated that the ballot application filing fee was paid from his personal funds.
5. Each campaign finance report must include the amount of political expenditures that in the aggregate exceed \$100 (\$180 as of January 1, 2020) and that are made 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. Tex. Elec. Code § 254.031(a)(3); 1 Tex. Admin. Code § 18.31.
6. Each campaign finance report must include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period. Tex. Elec. Code § 254.031(a)(6).
7. A candidate shall file two reports for each year. *Id.* § 254.063(a). The second report shall be filed not later than January 15. The report covers 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 under subchapter C of chapter 254, as applicable, and continuing through December 31. *Id.* § 254.063(c).
8. In addition to other required reports, 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. *Id.* § 254.064(a). 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 chapter 254, as applicable, and continuing through the 40th day before election day. *Id.* § 254.064(b).
9. Regarding the January 2020 semiannual report, credible evidence shows the respondent filed the report 26 days late and did not disclose a \$1,250 political expenditure for his ballot application filing fee. Therefore, there is credible evidence of a violation of Sections 254.031(a)(3), 254.031(a)(6), and 254.063 of the Election Code.

10. Regarding the 30-day pre-election report for the March 3, 2020, primary election, credible evidence shows the respondent filed the report 25 days late. Therefore, there is credible evidence of a violation of Section 254.064 of the Election Code.

IV. 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 findings of fact and conclusions of law described under Section III, 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: 1) each campaign finance report must include the amount of political expenditures that in the aggregate exceed \$100 (\$180 as of January 1, 2020) and that are made 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; 2) each campaign finance report must include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period; 3) a candidate shall file two reports for each year until a final report is filed. The second report shall be filed not later than January 15; and 4) in addition to other required reports, 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. 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 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 nature, circumstances, and consequences of the violations described under Section III, and after considering the sanction necessary to deter future violations, the Commission imposes a \$500 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-3200275.

AGREED to by the respondent on this _____ day of _____, 2020.

Kenneth L. Maun, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Anne Temple Peters, Executive Director