

TEXAS ETHICS COMMISSION

IN THE MATTER OF
GEOFFREY NEALE,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2605156

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on April 13, 2007, to consider sworn complaint SC-2605156. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.031, 254.151, 253.032, and 254.001 of the Election Code, laws 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 accepted unlawful political contributions, made or authorized unlawful political expenditures, failed to properly disclose information in campaign finance reports, and failed to maintain records regarding political contributions.

III. Facts Supported by Credible Evidence

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

1. The respondent was appointed as the campaign treasurer of the Libertarian Party of Texas (Party), a general-purpose committee, on June 30, 2005. The campaign finance reports at issue are the respondent's January 2006 semiannual report and 30-day and 8-day pre-election reports for the 2006 primary election.
2. The Party filed its first campaign treasurer appointment on August 4, 2004.
3. A copy of a report from the Party's website titled "Annual Report, June 2004 – September 2005" ("Annual Report") stated, "To gain ballot access in 2004, we arranged a \$25,000 no-interest loan from 5 of our members." The Party chair, Mr. Patrick Dixon, swore that the agreements to loan the money "were all made prior to the final date of the ballot access drive, which was May 24, 2004." The respondent, Mr. Neale, swore that he was not the campaign treasurer or an officer of the Party at the time the loans were made.

4. A campaign finance report filed for the committee on October 4, 2004, disclosed the total principal amount of outstanding loans as of the last day of the reporting period (September 23, 2004) as \$12,500. The report disclosed \$12,500 in political expenditures made on August 30, 2004, to several persons for “partial loan repayments.” The report did not disclose the acceptance of a loan.
5. A corrected campaign finance report filed for the committee disclosed political expenditures made to the Party’s executive director (“ED”) to repay loans the ED made to the Party by purchasing goods and services for the Party with personal funds on various dates from July 1 through August 3, 2004. There is no evidence that the respondent accepted these loans on behalf of the Party or was otherwise involved in their acceptance.
6. The Annual Report states, “We hired executive director Wes Benedict on June 13, 2004. The contract is \$1670 monthly base salary plus 20% commision [sic] on gross revenue to the state party.” The Party chair, Mr. Dixon, swore that June 13, 2004, was the date the Party “decided to retain Wes Benedict’s services, not the date [they] began paying him.” He also swore that the ED was paid monthly by the Party and that the first payment was for services provided in July 2004.
7. Corrected reports filed for the Party disclose political expenditures made to the Party’s ED and others before October 4, 2004, the 60th day after the Party’s first campaign treasurer appointment.
8. In response to the complaint, the respondent filed corrections to the reports at issue that disclosed numerous loans by the ED to the Party. The reports show that these were reported as loans because the ED made political expenditures for the Party for which he was reimbursed by the Party in a subsequent reporting period.
9. All of the respondent’s reports at issue disclosed political contributions from individuals that in the aggregate exceeded \$100 in a reporting period and did not include the principal occupations of these individuals.
10. The respondent’s 8-day pre-election report and January 2006 semiannual report disclosed political contributions from the Libertarian National Committee (LNC) that exceeded \$500 and that did not include either the committee’s Federal Election Commission (FEC) identification number, statement of organization, or list of contributors. The LNC is a political committee located in Washington, D.C., that files with the FEC and that has not filed a campaign treasurer appointment with the commission. The respondent’s January 2006 semiannual report also disclosed a political contribution under \$500 from the Badnarik/Campagna 2004 committee without including the committee’s FEC identification number, statement of organization, or list of contributors. The Badnarik/Campagna 2004 committee is a political committee located in Austin that supported a candidate for U.S. President in 2004.

11. The respondent corrected his January 2006 semiannual report to include a political contribution from the LNC that was not originally reported. Regarding the remaining contributions from the LNC and the Badnarik/Campagna 2004 committee, records maintained by the FEC disclosed expenditures made by the committees to the Party that correspond to political contributions disclosed in the respondent's reports.
12. Three of the respondent's reports, including the January 2006 semiannual report and two pre-election reports, did not indicate any candidates supported or opposed by the Party.
13. The respondent's reports disclosed payments made to the ED for "Executive Director Service Fees" or monthly services between July 2005 and February 2006 that were greater than the amount of \$1,670 stated as the ED's compensation in the Annual Report.
14. The Annual Report stated, "We also added assistant director Arthur DiBianca on June 11, 2005 at a base rate of \$417/month."
15. The respondent swore that the Annual Report was "a political internal document intended to inform the members, and to solicit support," and that it contained "a statement of what the situation was at the writing of the annual report, not of the actual monetary relationship previously, nor on an ongoing basis."
16. The respondent swore that the Party's ED hired Mr. DiBianca as a sub-contractor and stated that the Party did not choose Mr. DiBianca as the ED's assistant or direct the ED to hire Mr. DiBianca. He also stated that the Party began paying its ED an amount greater than \$1,670 per month because the ED requested an additional monthly salary in June 2005 based on the fact that the ED decided to hire Arthur DiBianca as an assistant, who was going to be paid \$417 per month.
17. The Party made expenditures to its ED and to campaign staff or supporters to reimburse political expenditures made on behalf of the Party. The respondent's reports, when originally filed, did not include the full payee information and purposes of these expenditures. The respondent's corrected reports disclose the expenditures made by the ED and staff or supporters on behalf of the Party and the reimbursements made by the Party, in addition to loans accepted by the Party in connection with these expenditures made by the ED and campaign staff or supporters.
18. The respondent's reports disclosed \$0 in cash on hand at the end of the reporting period.
19. The latest report filed before the respondent's appointment as campaign treasurer disclosed \$7,500 in outstanding loans. Thereafter, the respondent's reports disclosed \$0 as the total amount of outstanding loans without disclosing any expenditures made to repay any amount of the loans.

20. The respondent swore that the amounts of outstanding loans disclosed in the reports were correct and admits that five loan repayments totaling \$7,500 were not properly disclosed in his January 2006 semiannual report.
21. The respondent's January 2006 semiannual report disclosed 105 political expenditures with a date of July 5, 2005. The respondent admitted these dates were incorrect.
22. The respondent's January and July 2005 semiannual reports disclosed political contributions from individuals who contributed over \$100 in the respective reporting period. The reports disclosed the full last name and the first initial of the contributors.
23. The respondent's 8-day pre-election report disclosed \$825.90 in political expenditures made to its ED for commission, dated February 24, 2006. The complaint alleges that these amounts and dates were incorrect because it was readily determinable on the last day of the reporting period that its ED would be paid \$1,352.94 as commission for the contributions accepted during the period.
24. The respondent swore that the Party pays commission based upon fundraising for the prior calendar month, not the reporting period, and that the Party does not know how much to pay in commission until the invoice is received from the Party's ED.
25. The respondent's January 2006 semiannual report disclosed two contributions of \$199 and \$199.99 from "N. Taylor" and a \$300 contribution from "Williamson County LP." The respondent's corrected reports disclosed additional political contributions that were not disclosed when originally filed. Each contribution was from a person from whom the Party accepted over \$100 in the respective reporting period.
26. The respondent's January 2006 semiannual report discloses political contributions from "none Anynomous" and described as "Anonymous cash received at event." The report discloses the occupation of the anonymous contributor as "Restaurant Mgr" and the employer as "Rock & Sea Seefood [sic] Grill." The respondent's corrected reports also show that the Party accepted four additional political contributions, totaling \$61, from anonymous sources.
27. The respondent's 30-day pre-election report for the 2006 primary indicates that it was filed for a primary election and discloses "03/07/2020" as the date of the election. The date of the 2006 primary election was March 7, 2006.

IV. Findings and Conclusions of Law

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

1. A political committee may not knowingly accept political contributions totaling more than \$500 at a time when a campaign treasurer appointment for the committee is not in effect. ELEC. CODE § 253.031(b).
2. A political contribution includes a campaign contribution. *Id.* § 251.001(5). A contribution means, in pertinent part, a direct or indirect transfer of money and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. *Id.* § 251.001(2). A campaign contribution means, in pertinent part, a contribution that is offered or given with the intent that it be used in connection with a campaign for elective office. *Id.* § 251.001(3).
3. A pledge is a contribution in the form of an unfulfilled promise or unfulfilled agreement, whether enforceable or not, to provide a specified amount of money or specific goods or services. 1 T.A.C. § 20.1(12).
4. In Ethics Advisory Opinion 231, the commission addressed the appropriate time to report pledges of political contributions. In the opinion, the commission determined that the date of a pledge is the date of the acceptance of the pledge, and once a contribution in the form of a pledge is reported, a committee is not required to report the contribution a second time when it is actually received. Ethics Advisory Opinion No. 231 (1994). In Ethics Advisory Opinion No. 382, the commission also stated that the date of a pledge is the date the pledge is accepted and that if a recipient accepts an offer in 1997 of a payment to be made in 1998, then the contribution would be made in 1997. Ethics Advisory Opinion No. 382 (1997).
5. Ethics Commission rules prohibit the commission from considering an allegation barred from criminal prosecution by operation of the applicable statute of limitations. Ethics Commission Rules § 12.5(3). The criminal offense for a violation of section 253.031 of the Election Code is a Class A misdemeanor. ELEC. CODE § 253.031(f). The statute of limitations for a Class A misdemeanor is two years from the date of the commission of the offense. Code of Criminal Procedure Article 12.02. The evidence shows that the Party accepted the \$25,000 in loans as pledges before May 24, 2004. Therefore, allegations relating to the unlawful acceptance of the \$25,000 in loans are based on alleged offenses that occurred more than two years before the complaint was filed (May 25, 2006), and are not within the commission's sworn complaint jurisdiction.
6. In a situation where a person makes an expenditure for a political committee using his personal funds with the understanding that a political committee will repay him, and the person is not repaid in the same reporting period as when the expenditure was made, the expenditure constitutes a loan to the committee. Ethics Advisory Opinion No. 450 (2003). The Party's ED made political expenditures for the Party between July 1 and August 3, 2004, for which the ED was reimbursed in a subsequent reporting period. Thus, there is credible evidence that the Party accepted loans from its ED during that period. There is no credible

- evidence that the respondent was involved in the acceptance of these loans. Therefore, there is credible evidence that the respondent did not violate section 253.031(b) of the Election Code in connection with these loans.
7. A political committee may not knowingly make or authorize political expenditures totaling more than \$500 at a time when a campaign treasurer appointment for the committee is not in effect. ELEC. CODE § 253.031(b). A general-purpose committee may not make or authorize political expenditures totaling more than \$500 unless the committee has: (1) filed its campaign treasurer appointment not later than the 60th day before the date the expenditure is made that causes the total expenditures to exceed \$500, and (2) accepted political contributions from at least 10 persons. ELEC. CODE § 253.037(a); Ethics Advisory Opinion No. 161 (1993).
 8. A political expenditure includes a campaign expenditure. ELEC. CODE § 251.001(10). A campaign expenditure means, in pertinent part, an expenditure made by any person in connection with a campaign for an elective office. *Id.* § 251.001(7).
 9. An expenditure means a payment of money or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a payment. *Id.* § 251.001(6).
 10. A political expenditure is not considered to have been made until the amount is readily determinable by the person making the expenditure. *Id.* § 254.035(a).
 11. On or about June 13, 2004, the Party made an agreement with its ED to pay him \$1,670 every month plus an additional amount that varied depending on the amount of the Party's revenue for the month. The Party made additional political expenditures to the ED and to others prior to the 60th day after the Party filed a campaign treasurer appointment. There is no credible evidence that the respondent made or authorized these expenditures. Therefore, there is credible evidence that the respondent did not violate section 253.031(b) or 253.037(a) of the Election Code in connection with these political expenditures.
 12. A campaign finance report must include the amount of loans that are made during the reporting period for campaign or officeholder purposes to the committee required to file the report and that in the aggregate exceed \$50, the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period. ELEC. CODE § 254.031(a)(2).
 13. For a general-purpose committee with less than \$20,000 in one or more accounts maintained by the committee in which political contributions are deposited, as of the last day of the

preceding reporting period for which the committee was required to file a report, itemization of political contributions is required only when the committee accepts political contributions from a person that in the aggregate exceed \$100 in a reporting period. *Id.* § 254.1541. This alternate reporting threshold only applies to a campaign finance report required to be filed on or after September 1, 2005. In the complaint at issue, this threshold applies to all of the respondent's reports.

14. The campaign treasurer of a general-purpose committee shall file two reports for each year. *Id.* § 254.153(a). The first report shall be filed not later than July 15, covering the period beginning January 1, the day the committee'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. *Id.* § 254.153(b). The campaign treasurer of a general-purpose committee shall also file, for each election in which the committee is involved, a report not later than the 30th day before election day and a report not later than the eighth day before election day. *Id.* § 254.154.
15. The campaign treasurer of a political committee is required to properly file a campaign finance report for the political committee that covers the period of the treasurer's appointment. The \$25,000 in loans accepted by the Party to gather signatures were accepted before the respondent was appointed as the Party's campaign treasurer. Therefore, there is credible evidence that the respondent did not violate section 254.031(a)(2) of the Election Code in connection with these loans.
16. During the respondent's appointment as campaign treasurer, the Party accepted loans from its ED and campaign staff or supporters that in the aggregate exceeded \$100 in a reporting period and these loans were not properly disclosed in the campaign finance reports at issue. Therefore, there is credible evidence that the respondent violated section 254.031(a)(2) of the Election Code by failing to properly disclose loans accepted by the Party.
17. With the exception of campaign finance reports to which section 254.1541 of the Election Code applies, a report by a campaign treasurer of a general-purpose political committee must include the principal occupation of each person from whom political contributions that in the aggregate exceed \$50 are accepted during the reporting period. ELEC. CODE § 254.151(6).
18. The respondent's reports show that the Party accepted political contributions from individuals who contributed over \$100 in the aggregate in a reporting period but the reports did not include the principal occupation of each contributor. Therefore, there is credible evidence that the respondent violated section 254.151 of the Election Code in connection with these contributions.
19. If a political committee accepts political contributions totaling more than \$500 in a reporting period from an out-of-state political committee, the campaign treasurer must include as part of the report that covers the reporting period in which the contributions are accepted: (1) the

- same information for the out-of-state political committee required for general-purpose committees by sections 252.002 and 252.003 of the Election Code; or (2) a copy of the out-of-state committee's statement of organization filed as required by law with the FEC and certified by an officer of the out-of-state committee. ELEC. CODE § 253.032(e).
20. A person who files a report with the commission by electronic transfer and who accepts political contributions from an out-of-state political committee required to file its statement of organization with the FEC shall either: (1) enter the out-of-state committee's federal PAC identification number in the appropriate place on the report; or (2) timely file a certified copy of the out-of-state committee's statement of organization that is filed with the FEC. 1 T.A.C. § 20.29(a).
 21. The out-of-state committee information must be included in a report for each reporting period in which a political committee accepts a political contribution, even if the information was included in a prior report. Ethics Advisory Opinion No. 166 (1993).
 22. An "out-of-state political committee" means a political committee that: (A) makes political expenditures outside this state; and (B) in the 12 months immediately preceding the making of a political expenditure by the committee inside this state (other than an expenditure made in connection with a campaign for a federal office or made for a federal officeholder), makes 80 percent or more of the committee's total political expenditures in any combination of elections outside this state and federal offices not voted on in this state. ELEC. CODE § 251.001(15).
 23. There is credible evidence that the LNC and Badnarik/Campagna 2004 committee are out-of-state political committees that file with the FEC. The respondent filed reports for the Party that did not properly include either a FEC identification number or a copy of a statement of organization in connection with political contributions from either of these out-of-state political committees. Therefore, there is credible evidence that the respondent violated section 253.032(e) of the Election Code and rule 20.29(a) of the Ethics Commission Rules in connection with these contributions.
 24. With the exception of campaign finance reports to which section 254.1541 of the Election Code applies, a report for a general-purpose committee must include the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the committee required to file the report, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
 25. The respondent failed to properly disclose a political contribution from the LNC in a report. The remaining contributions from the out-of-state committees to the Party were also disclosed in reports filed with the FEC by the out-of-state committees. Therefore, there is

- credible evidence that the respondent violated section 254.031 of the Election Code by failing to properly disclose one of the contributions.
26. A report for a general-purpose committee must include the name of each identified candidate or measure or classification by party of candidates supported or opposed by the committee, indicating whether the committee supports or opposes each listed candidate, measure, or classification by party of candidates. ELEC. CODE § 254.151(4).
 27. The name of the Party's committee, the Libertarian Party of Texas, satisfies the legal requirement that each report identify candidates supported by party classification. Therefore, there is credible evidence that the respondent did not violate section 254.151(4) of the Election Code in connection with these reports.
 28. A report for a general-purpose committee must include the amount of political expenditures that in the aggregate exceed \$50 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. ELEC. CODE § 254.031(a)(3).
 29. According to Ethics Advisory Opinion No. 450, when a person makes a campaign expenditure on behalf of a committee using the person's personal funds and later receives reimbursement from the committee, the committee is required to report a single expenditure by listing the name of the individual or entity paid by the person as the payee, showing the date of the expenditure as the date the person made the expenditure, and explaining in the "purpose" section that a person made the expenditure from personal funds and that the committee subsequently reimbursed the person. Ethics Advisory Opinion No. 450 (2003). If the reimbursement occurs in a subsequent reporting period, the payment made by the person for the committee must be reported as a loan. *Id.*
 30. There is insufficient evidence to determine whether the Party actually paid Mr. DiBianca or directed that its ED pay or hire Mr. DiBianca for his services. Therefore, there is insufficient evidence that Mr. Neale violated section 254.031(a) of the Election Code in connection with the expenditures made to the Party's ED for monthly services.
 31. There is credible evidence that the Party's expenditures made to the ED for commission were reported accurately in the respondent's original reports. Therefore, there is credible evidence that Mr. Neale did not violate section 254.031(a)(3) of the Election Code in connection with these expenditures.
 32. There is credible evidence that the respondent violated section 254.031(a)(3) of the Election Code by failing to properly disclose the purposes, dates, and payees in connection with political expenditures made by the Party's ED and campaign staff or supporters on behalf of the Party as well as the reimbursements made by the Party in subsequent reporting periods.

33. A report for a general-purpose committee 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).
34. The respondent's reports did not disclose the Party's amount of cash on hand at the end of each reporting period. Therefore, there is credible evidence that the respondent violated section 254.031(a)(8) of the Election Code in connection with these reports.
35. The respondent was not required to disclose \$7,500 as its balance of outstanding loans in his campaign finance reports because the loans were completely repaid before the end of the reporting period covered by his very first report. The reports did not disclose the payments made to repay the loans. Therefore, there is credible evidence that the respondent violated section 254.031(a)(3) of the Election Code by failing to properly disclose the expenditures to repay the loans.
36. For reporting purposes, the date of a political expenditure is the date the amount is readily determinable by the person making the expenditure. *Id.* § 254.035(a).
37. There is credible evidence that the respondent failed to disclose in a report the correct dates for 105 political expenditures. Therefore, there is credible evidence that Mr. Neale violated section 254.031(a)(e) of the Election Code in connection with these expenditures.
38. There is credible evidence that the expenditures made to the Party's ED for commission were properly disclosed in the respondent's reports. Therefore, there is credible evidence that the respondent did not violate section 254.031(a)(3) of the Election Code in connection with expenditures made to the Party's ED for commission.
39. The respondent's reports disclosed political contributions from individuals who contributed over \$100 in their respective reporting period without disclosing the full names of the individuals. Therefore, there is credible evidence that the respondent violated section 254.031(a)(1) of the Election Code by failing to properly disclose the full names of contributors.
40. The respondent's corrected reports disclosed political contributions from individuals who contributed over \$100 in their respective reporting period without itemizing the contributions. Therefore, there is credible evidence that the respondent violated section 254.031(a)(1) of the Election Code in connection with these contributions.

41. A campaign treasurer of a political committee shall maintain a record of all reportable activity that contains the information that is necessary for filing required reports. ELEC. CODE §§ 254.001(b), (c).
42. In Ethics Advisory Opinion No. 207, the commission stated that it is necessary to know the name of each individual making a contribution and the amount of each contribution in order to assure compliance with the detailed reporting requirements and the prohibitions against corporate contributions and cash contributions in excess of \$100. Ethics Advisory Opinion No. 207 (1994). The commission further explained that in a case where an anonymous contribution is received but not accepted, there is no statutory solution to this problem. In such a case, the commission advised that no violation would result if the contribution is transferred to a charity. *Id.*
43. The Party accepted anonymous political contributions. It is necessary for a campaign treasurer to have records of the names and addresses of the persons who make anonymous contributions so that the sources of the contributions can be properly included in a report. Therefore, there is credible evidence that the respondent violated section 254.001 of the Election Code by failing to maintain records regarding the anonymous contributions.
44. There is insufficient evidence to establish whether any of the anonymous contributions accepted by the Party was from a person who gave over \$100 in the respective reporting period. Therefore, there is insufficient evidence that the respondent violated section 254.031(a)(1) of the Election Code in connection with the anonymous contributions.
45. A campaign finance report for a general-purpose committee must include the identity and date of the election for which the report is filed. ELEC. CODE § 254.151(3).
46. The respondent's report for the January 2006 primary election indicated that the report was filed for a primary election that included an incorrect year. Therefore, there is credible evidence that the respondent committed a technical or *de minimis* violation of section 254.151 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 with the exception of campaign finance reports to which section 254.1541 of the Election Code applies, a campaign finance report for a general-purpose committee must include the amount of loans that are made during the reporting period for campaign or officeholder purposes to the committee required to file the report and that in the aggregate exceed \$50, the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period. The respondent acknowledges that a campaign finance report for a general-purpose committee must include the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the committee required to file the report, the full name and address of the person making the contributions, and the dates of the contributions, and that a report by a campaign treasurer of a general-purpose political committee must include the principal occupation of each person from whom political contributions that in the aggregate exceed \$50 are accepted during the reporting period. The respondent also acknowledges that if a political committee accepts political contributions totaling more than \$500 in a reporting period from an out-of-state political committee, the campaign treasurer must include as part of its report that covers the reporting period in which the contributions are accepted: (1) the same information for the out-of-state political committee required for general-purpose committees by sections 252.002 and 252.003 of the Election Code, or (2) a copy of the out-of-state committee's statement of organization filed as required by law with the FEC and certified by an officer of the out-of-state committee. The respondent acknowledges that a person who files a report with the commission by electronic transfer and who accepts political contributions from an out-of-state political committee required to file its statement of organization with the FEC shall either: (1) enter the out-of-state committee's federal PAC identification number in the appropriate place on the report, or (2) timely file a certified copy of the out-of-state committee's statement of organization that is filed with the FEC. The respondent acknowledges that a campaign finance report for a general-purpose committee must include the amount of political expenditures that in the aggregate exceed \$50 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; that a report for a general-purpose committee 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 acknowledges that a campaign treasurer of a political committee shall maintain a record of all reportable activity that contains the information that is necessary for filing required reports, and that a campaign finance report for a general-purpose committee must include the identity and date of the election for which the report is filed. 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 \$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-2605156 as to the respondent.

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

Geoffrey Neale, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director