



# TEXAS ETHICS COMMISSION

P. O. Box 12070, Capitol Station  
Austin, Texas 78711-2070

Raymond R. "Tripp" Davenport, III  
Chair

Tom Harrison  
Vice Chair

David A. Reisman  
Executive Director

May 10, 2007

Commissioners

Ross Fischer  
Jim Graham  
Cullen R. Looney  
Paula M. Mendoza  
David Montagne  
Nicholas C. Taylor

Mr. Edward M. Shack  
814 San Jacinto Boulevard, Suite 202  
Austin, Texas 78701-2404

**CERTIFIED MAIL NO. 7006 3450 0000 1440 0723,  
RETURN RECEIPT REQUESTED  
AND  
DELIVERY CONFIRMATION NO.  
0306 1070 0000 9482 4343**

**Re: Notice of Final Resolution, SC-270118 (Bob Hebert)**

Dear Mr. Shack:

The Texas Ethics Commission has completed its consideration of this sworn complaint by entering an order that was agreed to by your client, the respondent. I have enclosed a copy for your files.

You will note that the Ethics Commission determined that the violations were neither technical nor *de minimis*. This finding means that the order is not confidential and may be disclosed by Ethics Commission members and staff.

Please call me at (800) 325-8506 or (512) 463-5800 if you have any questions concerning the enclosed order.

Sincerely,

A handwritten signature in black ink, appearing to read "Homer A. Diaz".

Homer A. Diaz  
Assistant General Counsel

Enclosure: Order and Agreed Resolution

HAD:mc

c: Ms. Susan Duquesnay Bankston  
1703 Magnolia Lane  
Richmond, Texas 77469-4849

**VIA FIRST CLASS MAIL**

*Come visit our home page at <http://www.ethics.state.tx.us> on the Internet.*

**(512) 463-5800 • 1-800-325-8506 • FAX (512) 463-5777 • TDD 1-800-735-2989**

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CR# 1017  
Amt. \$100,000  
ID# 26936

TEXAS ETHICS COMMISSION

IN THE MATTER OF

BOB HEBERT,

RESPONDENT

RECEIVED

APR 30 2007

Texas Ethics Commission

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§  
§  
§  
§

BEFORE THE

TEXAS ETHICS COMMISSION

SC-270118

#10880

ORDER  
and  
AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on April 13, 2007, to consider sworn complaint SC-270118. A quorum of the commission was present. The commission **determined that there is credible evidence of violations of section 253.041 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. Allegation

The complaint alleges that the respondent used political contributions to pay his wife for personal services that she provided to the respondent's campaign in violation of section 253.041 of the Election Code.

III. Facts Supported by Credible Evidence

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

1. The respondent is a county judge.
2. On his January 2007 semiannual report the respondent discloses two expenditures paid to his wife, Pat Hebert:
  - a. The first entry, dated 8/13/2006, lists \$5,000 paid for "bookkeeping services for campaign 12/18/2001-3/12/2005."
  - b. The second entry, dated 11/07/2006, lists \$1,200 paid for "bookkeeping services for the 2006 campaign."
3. The respondent filed corrected reports and reimbursed his campaign prior to the filing of the complaint.

4. The evidence shows that the respondent was aware that the complainant was making an issue of the payments before the respondent repaid the money and filed the corrected report.

#### **IV. Findings and Conclusions of Law**

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

1. A candidate or officeholder may not knowingly make or authorize a payment from a political contribution if the payment is made for personal services rendered by the spouse of the candidate or officeholder to the candidate or officeholder. ELEC. CODE § 253.041.
2. Ethics Advisory Opinion No. 434 (2001) reiterates that a candidate may not use political contributions to pay a spouse or dependent child for campaign work.
3. The respondent's January 2007 semiannual report discloses that the respondent used political contributions to pay his wife for bookkeeping services she provided to the respondent's campaign. The respondent acknowledges that he made the payments. Therefore, there is credible evidence that the respondent violated section 253.041 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 or officeholder may not knowingly make or authorize a payment from a political contribution if the payment is for personal services rendered by the spouse of the candidate or officeholder. The respondent agrees to comply with this requirement of the law.

#### **VI. Confidentiality**

This order and agreed resolution describes violations 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 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-270118.

AGREED to by the respondent on this 25<sup>th</sup> day of April, 2007.

  
Bob Hebert, Respondent

EXECUTED ORIGINAL received by the commission on: April 30, 2007.

Texas Ethics Commission

By:   
David A. Reisman, Executive Director