



# TEXAS ETHICS COMMISSION

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

Jim Clancy  
Chair

Paul W. Hobby  
Vice Chair

David A. Reisman  
Executive Director

November 14, 2013

Commissioners

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Bob Long  
Paula M. Mendoza  
Tom Ramsay  
Chase Untermeyer

Mr. Robert T. Ratliff

FIRST CLASS MAIL

**Re: Notice of Noncompliance, SC-31311218**

Dear Mr. Ratliff:

We received sworn complaint SC-31311218 on November 6, 2013. This complaint does not comply with the legal and technical form requirements for a complaint filed with the Texas Ethics Commission.

The Ethics Commission must reject a complaint if it does not comply with certain form requirements. These requirements are meant to guarantee fairness and due process to all persons involved. A sworn complaint must state on its face an allegation that, if true, constitutes a violation of a rule adopted by or a law administered and enforced by the commission, and must provide a statement of the facts constituting the alleged violation. Section 571.122, Government Code. The alleged facts must provide sufficient detail to reasonably place the respondent on notice of the law violated and of the manner and means by which the violation allegedly occurred and to afford the respondent a basis on which to prepare a response. Section 12.61, Ethics Commission Rules. The complaint you submitted appears to allege that the respondent did not file a registration as a lobbyist as required by section 305.003 of the Government Code.

Section 305.003 of the Government Code requires a person to register if the person makes expenditures of more than \$500 in a calendar quarter on certain activities to communicate directly with one or more members of the legislative or executive branch to influence legislation or administrative action. A person must also register if the person receives, or is entitled to receive under an agreement under which the person is retained or employed, compensation or reimbursement, not including reimbursement for the person's own travel, food, or lodging expenses or the person's own membership dues, of more than \$1,000 in a calendar quarter from another person to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action. The complaint you filed does not provide a statement of facts constituting the alleged violation or sufficient detail of the manner and means by which the respondent allegedly communicated directly with a member of the legislative or executive branch to influence legislation or administrative action, or allegedly exceeded a threshold requiring a person to register. If you wish

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to re-file this complaint, please include facts that clearly identify how the respondent communicated directly with a member of the legislative or executive branch to influence legislation or administrative action. Please also include facts or other evidence that clearly indicate how the respondent made expenditures or received, or was entitled to receive, compensation or reimbursement that exceeded a threshold that required registration.

If you wish to re-file this complaint, please make the indicated changes. The revised complaint must be received by the commission no later than 21 days after the date of this letter. I have enclosed your original complaint, and a copy of the rules for filing a sworn complaint. You **must submit a complete complaint with a new affidavit.** The sworn complaint form is available at [www.ethics.state.tx.us/tec/sworn.html](http://www.ethics.state.tx.us/tec/sworn.html) on our website. Please read the instructions carefully. If the complaint is properly filed, you will receive a "Notice of Compliance" and a summary of the next few steps of the sworn complaint procedure. If the complaint is not resubmitted by the deadline, you will receive a "Notice of Dismissal." If the resubmitted complaint is again insufficient you will receive another "Notice of Noncompliance."

Future notices and correspondence will be sent by regular mail, unless the commission is notified otherwise.

Please note that at this stage in the process, Ethics Commission members and staff are required by law to keep the complaint and all documents relating to it strictly confidential. However, other persons, including the complainant and respondent named in the complaint, are not bound by this confidentiality requirement.

If you have any questions, please contact me at the above address.

Sincerely,



Brad Johnson  
Assistant General Counsel

BJ:mc

Enclosures: Complaint (original to complainant, copy to respondent)  
Rules Concerning Sworn Complaints

c: Ms. Alice Linahan

FIRST CLASS MAIL