



TEXAS ETHICS COMMISSION

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

Jim Clancy
Chair

Paul W. Hobby
Vice Chair

Natalia Luna Ashley
Interim Executive Director

Commissioners

Hugh C. Akin
Tom Harrison
Bob Long
Paula M. Mendoza
Tom Ramsay
Chase Untermeyer

December 23, 2013

Mr. Robert T. Ratliff

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

FIRST CLASS MAIL

Re: Notice of Noncompliance, SC-31312231

Dear Mr. Ratliff:

We received sworn complaint SC-31312231 on December 16, 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. Gov't Code § 571.122. 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. Ethics Commission Rules § 12.61. 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. Please note that the expenditures that count toward the expenditure threshold are expenditures that benefit a state officer or employee or the immediate family of a state officer or employee; that are made to communicate with a state officer or employee to influence legislation or administrative action; and that fall into one of the following six categories: transportation and lodging, food and beverages, entertainment, gifts, awards and mementos, and the attendance of a state officer or employee at a political fundraiser or charity event. Gov't Code § 305.003. An expenditure for a person's own food, beverages, entertainment, transportation, and lodging is not counted toward the expenditure threshold. *Id.*

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

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

The Texas Ethics Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

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, 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. Gov't Code § 305.003. Reimbursement that a person receives for the person's own transportation, food and beverage, or lodging is not counted toward the compensation and reimbursement threshold. *Id.* Please note that "communicates directly with" or any variation of the phrase means contact in person or by telephone, telegraph, letter, facsimile, electronic mail, or other electronic means of communication. Gov't Code § 305.002(2).

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 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 for these direct communications that exceeded a threshold that required registration.

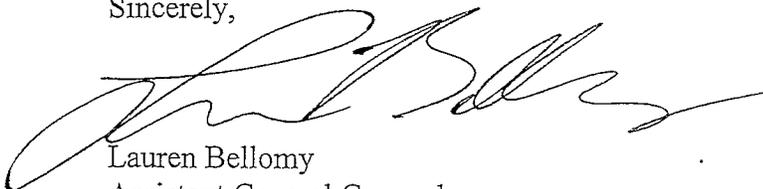
If you wish to re-file this complaint, please make the indicated changes. The revised complaint must be received by the commission no later than 21 days after the date of this letter. I have enclosed your original complaint, and a copy of the rules for filing a sworn complaint. **You must submit a complete complaint with a new affidavit.** The sworn complaint form is available at www.ethics.state.tx.us/tec/sworn.html 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,



Lauren Bellomy
Assistant General Counsel

LCB:mc

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

c: Ms. Alice Linahan
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

FIRST CLASS MAIL