



TEXAS ETHICS COMMISSION

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

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Vice Chair

Natalia Luna Ashley
Interim Executive Director

May 28, 2014

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Tom Harrison
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Mr. Sandy B. Bahm, III
148 Lipan Street
Greenville, Texas 75402-2808

FIRST CLASS MAIL

Re: Notice of Noncompliance, SC-31405128 (James "Jim" Graham)

Dear Mr. Bahm:

We received sworn complaint SC-31405128 on May 20, 2014. 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. In order to meet the form requirements, the facts alleged in a complaint must disclose the specific date or dates on which the alleged violations occurred, if known, or a specific period of time during which the alleged violations may have occurred. Section 12.61, Ethics Commission Rules. The statement of facts in the complaint did not specify any dates or periods of time in which the alleged violations occurred.

In addition, 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. Section 571.122, Government Code. A complaint must also allege facts that provide sufficient detail to reasonably place the respondent on notice of the law violated and 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 includes an allegation that the respondent did not include a correct disclosure statement on political advertising, as required by section 255.001 of the Election Code. Section 255.001 of the Election Code requires that political advertising containing express advocacy include a disclosure statement. That section also provides that a person may not knowingly cause to be published, distributed, or broadcast political advertising containing express advocacy that does not contain the disclosure statement. The facts alleged in the complaint do not clearly show how the respondent was responsible for or otherwise caused the political advertising to be published, distributed, or broadcasted. Therefore, the allegations do not sufficiently state facts that indicate the manner and means by which the respondent committed a violation.

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.

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,



Nicholas S. Espinosa
Assistant General Counsel

NSE:mc

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