



# 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

April 25, 2007

Commissioners

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

Mr. Bruce C. Tough  
51 Rolling Stone Place  
The Woodlands, Texas 77381-6528

**CERTIFIED MAIL NO. 7006 2760 0002 8414 2238,  
RETURN RECEIPT REQUESTED**

**RE: Notice of Complaint, SC-270451**

Dear Mr. Tough:

We received sworn complaint SC-270451 on April 19, 2007. The complaint meets the technical form requirements for a complaint filed with the Texas Ethics Commission, and the executive director has determined that the Ethics Commission has jurisdiction over the violations of law alleged in the sworn complaint.

The complaint alleges that you failed to include required information in your campaign finance reports, in violation of section 254.0612 or 254.0912 of the Election Code. Those sections only apply to reports filed by a candidate for or holder of a statewide office in the executive branch or a legislative office. Since the respondent is a school board trustee, the commission will not consider those allegations.

The complaint also includes allegations related to campaign finance reports filed more than two years before the date this sworn complaint was filed. Allegations that relate to reports that were filed more than two years before the date that a sworn complaint is filed are outside the statute of limitations and may not be considered by the Commission. Ethics Commission Rules § 12.5.

The complaint also alleges that you failed to timely file the July 2005, January 2006, July 2006, and January 2007, campaign finance reports in violation of section 254.063 or 254.093 of the Election Code. Those allegations are within the statute of limitations and will be considered by the commission.

With this notice, I have included a copy of the sworn complaint, the Ethics Commission's sworn complaint rules, a Statement of Respondent's Rights, and a copy of the relevant statutes of the Election Code. More information about the complaint process is available on the Ethics Commission's website at [www.ethics.state.tx.us](http://www.ethics.state.tx.us).

If you have any information relevant to the complaint, please provide it at this time. Your response must be in writing and under oath. We have enclosed an affidavit form that you may wish to use for your response. Your response must include any challenge you seek to raise to the Ethics Commission's jurisdiction. In addition, in your response you may acknowledge the occurrence or commission of the violation, or deny the allegations and provide evidence supporting that denial.

*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**

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.

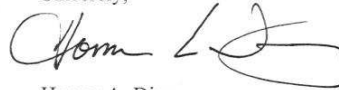
Sworn Complaint SC-270451 will be processed as a Category One violation. You are required to respond to an allegation of a Category One violation not later than the 10th business day from the date you receive this notice. **Failure to respond will constitute a separate violation for which a separate civil penalty may be assessed.**

The law requires the commission to mail certain notices relating to a sworn complaint to the respondent and the complainant. The notices are required to be sent by registered or certified mail, restricted delivery, return receipt requested unless the requirement is waived by the respondent or complainant. The enclosed form may be used to submit a waiver.

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.

Please call me if you have any questions.

Sincerely,



Homer A. Diaz  
Assistant General Counsel

Jurisdiction accepted  
For the Texas Ethics Commission



David A. Reisman,  
Executive Director

HAD:mc

Enclosures: Copy of Sworn Complaint  
Statutes and Rules Concerning Sworn Complaints  
Statement of Respondent's Rights  
Affidavit  
Waiver of Notice

c: Mr. Joe Merrill  
123 E. Mistybreeze Circle  
The Woodlands, Texas 77381-3067

**CERTIFIED MAIL NO. 7006 2760 0002 8414 2245,  
RETURN RECEIPT REQUESTED**