

# SWORN COMPLAINT BEFORE THE TEXAS ETHICS COMMISSION

An individual must be a resident of the state of Texas to be eligible to file a sworn complaint with the Texas Ethics Commission. The complainant is required to attach to the complaint a copy of one of the following documents:

- complainant's driver's license or personal identification certificate issued under Chapter 521 of the Transportation Code, or commercial driver's license issued under Chapter 522 of the Transportation Code; or
- a utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the complainant and is dated not more than 30 days before the date on which the complaint is filed.

Effective September 1, 2009, an individual may also be eligible to file a sworn complaint with the Texas Ethics Commission if the individual owns real property in the state of Texas. Under this provision, the complainant will be required to attach to the complaint a copy of a property tax bill, notice of appraised value, or other government document that shows the name of the complainant, shows the address of the real property in Texas, and identifies the complainant as the owner of the real property.

OFFICE USE ONLY	
Docket Number	
Date Hand-delivered or Date Postmarked	

## I. IDENTITY OF COMPLAINANT

1 COMPLAINANT NAME	MS / MRS / MR	FIRST	MI
	NICKNAME	LAST	SUFFIX
Mr. CRAIG Mc DONALD			
2 COMPLAINANT PHYSICAL ADDRESS	ADDRESS	APT / SUITE #:	CITY: STATE: ZIP CODE
	(Full home or business address, including street, city, state, and zip code)		
609 W. 18 <sup>th</sup> St. E AUSTIN TX 78701			
3 COMPLAINANT MAILING ADDRESS	ADDRESS	APT / SUITE #:	CITY: STATE: ZIP CODE
	(Full home or business address, including street, city, state, and zip code)		
<input checked="" type="checkbox"/> (check if same as above)			
4 COMPLAINANT TELEPHONE NUMBER	AREA CODE	PHONE NUMBER	EXT
	512 - 472 - 9770		
5 COMPLAINANT E-MAIL ADDRESS		TPJ @ TPJ . ORG	

## II. IDENTITY OF RESPONDENT

6 RESPONDENT NAME	MS / MRS / MR	FIRST	MI
	NICKNAME	LAST	SUFFIX
King Street Patriots - a Non-profit Corporation. KSP / True the Vote			
7 RESPONDENT POSITION OR TITLE	Catherine Engelbrecht, Registered Agent & Director		
8 RESPONDENT PHYSICAL ADDRESS	ADDRESS	APT / SUITE #:	CITY: STATE: ZIP CODE
	(Full home or business address, including street, city, state, and zip code)		
9562 Hempstead Rd. Houston, TX 77092			
9 RESPONDENT MAILING ADDRESS	ADDRESS	APT / SUITE #:	CITY: STATE: ZIP CODE
	(Full home or business address, including street, city, state, and zip code)		
<input checked="" type="checkbox"/> (check if same as above)			
10 RESPONDENT TELEPHONE NUMBER	AREA CODE	PHONE NUMBER	EXT
	713 401 - 3550		
11 RESPONDENT E-MAIL ADDRESS (IF KNOWN)		info @ kingstreet patriots . org	

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### **Section III. Nature of Alleged Violation.**

Available evidence suggests that two Texas non-profit corporations, the King Street Patriots and its affiliate KSP/True the Vote, have violated the state's prohibition on corporate contributions to political parties and candidates by making repeated in-kind corporate contributions. These in-kind corporate contributions collectively appear to be worth tens, if not hundreds of thousands of dollars. The contributions include recruiting partisan poll watchers for the Harris County Republican Party and promoting the election of a number of Republican candidates appearing on the November 2010 election ballot. Candidates were promoted through sponsorship of public forums and the production and distribution of videotapes of those Republican candidate events. Texas Election Code Section 253.003 prohibits a person, including a non-profit corporation (Section 253.091 and 253.094), from knowingly making a corporate political contribution to a political party or to political candidates except for narrow exceptions specifically authorized by Chapter 253.

Respondent non-profit corporations appear to have spent substantial sums of money on paid personnel, professional videos, and communication materials recruiting "conservative" poll watchers to serve on behalf of the Harris County Republican Party in precincts in Harris County. Texas law requires poll watchers to be designated by either political parties or candidates. (Texas Election Code Sections 33.001, 33.003.) The respondents appear to have coordinated recruitment of poll with the Harris County Republican Party for partisan purposes.

Similarly, the respondents have likely spent substantial amounts to organize, advertise, promote and host public meetings that have served to promote the election of particular candidates for public office while failing to invite or include their opponents to the public gatherings.

Political contributions include both cash and in-kind contributions: "Contribution" means a direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer." Texas Election Code 253.001(2). (See also 1 Texas Admin Code 20.1 (8) (in-kind contribution). Third-party paid personnel and communications materials are in-kind contributions if provided to the recipient for its benefit or in coordination with it. See 1 Texas Administrative Code 20.1 (5)(A), (8).

Section 253.104, which provides the only exception to the prohibition on corporate contributions to political parties, authorizes a narrow exception that respondents appear not to satisfy. Section 253.104(a) allows corporations to give corporate contributions to political parties only pursuant to the exception in Chapter 257 of the Election Code. In addition, Section 253.104(b) does not allow any corporate contributions within 60 days of a general election, such as this November's election. Texas Election Code Section 257.002 states, in pertinent part that "a political party that accepts a contribution authorized by Section 253.104 may use the contribution only to "defray normal overhead and administrative or operating costs incurred by the party..."

The Texas Ethics Commission's opinions state clearly that normal overhead and administrative costs of political parties include only the routine administrative costs of any organization:

“We understand the phrase "normal overhead and administrative or operating costs" to describe items such as expenditures for office space, utilities, and other usual costs of operating an organization. We do not consider costs associated with the printing and distribution of brochures soliciting donations to and membership in the party to be 'normal overhead and administrative or operating costs.'... Nor do we consider expenditures for voter registration drives to be overhead or administrative costs.”

Tex. Ethics Adv Op. No. 272 (1995). See also Tex Ethics Adv Op. Nos. 176 (1993) and 132 (1993). The new definition in Section 253.100 of allowable administrative expenses for general purpose committees concurs, specifically prohibiting corporate contributions for partisan voter registration, partisan voter turnout, voter identification, and voter databases. See Texas Election Code 253.100(d). Just like voter registration, poll watching is not a routine administrative expense that would be incurred by any business. In addition, the non-administrative activities of political parties, such as voter registration and poll watching, are considered inherently political because parties are created to engage in partisan political activities. Evidence indicates that much of the recruitment of the poll watchers by respondent for the Harris County Republican Party has occurred within 60 days of the election when corporate contributions to a party are expressly prohibited in any circumstances.

The Texas Ethics Commission is also clear about the use of corporate funds to promote the election of particular candidates. Tex. Ethics Adv Op. No. 340 (1996) states, in part:

“The use of corporate resources to allow a particular candidate or a particular candidate’s representative to address an audience and advocate his election would be a prohibited corporate contribution to the candidate. This would be true regardless of whether the candidate explicitly solicited contributions to his campaign.”

“The requestor asks whether the candidate appearance would be permissible if each candidate for a particular office were invited to speak. In Ethics Advisory Opinion Nos. 336 and 327 (1996), the commission dealt with the use of corporate expenditures to provide a forum for all candidates in a particular race to present themselves. In Ethics Advisory Opinion No. 327, we determined that a corporation providing Internet services may create and maintain a site on the Internet for posting the credentials and photos of Texas political candidates, provided that the corporation does not include endorsements of any candidate and makes the site available to all candidates on an equal basis. In Ethics Advisory Opinion No. 336 (citing Ethics Advisory Opinion No. 327), we concluded that a corporation may make candidates’ campaign material available to corporate employees if it provides each candidate with the same opportunity to provide information, and handles the information provided in such a way that no candidate is given more advantageous treatment than any other. Similarly, we do not believe a corporate contribution would result if a corporation invited all candidates for a particular office to address a corporate audience, if all candidates were given the same opportunity to appear, and the corporation did not endorse any particular candidate or present any candidate in a more advantageous way than any other candidate.”

Tex. Ethics Adv Op. No. 340 (1996) concludes:

**“An incorporated association may make expenditures for candidate appearances before the association’s members or stockholders only if all candidates for the office are given the same opportunity to appear and are presented on an equal footing.”**

It appears that respondents did not invite or allow all candidates for a particular office to appear at their candidate events. It also appears that the sponsored events were open to the public and were not restricted to the corporations’ members, directors, employers and their families.

In this manner, the respondents appear to have violated the corporate prohibition by making large in-kind contributions to identify, recruit, train and deliver poll watchers to the Harris County Republican Party, for its appointment and use, and to promote the election of particular candidates to public office in violation Title 15 of the Election Code.

#### **IV. Statement of Facts**

##### **1) Recruitment of poll watchers and coordination with Republican Party.**

King Street Patriots and True the Vote appear to have spent substantial sums on materials, videos, national speakers, and personnel since at least May 2010 to recruit “conservative” poll watchers for the Harris County Republican Party. In May 2010, True the Vote brought David Horowitz, a nationally known right-wing commentator, to Houston to talk to a large audience about the importance of defeating Democrats and using poll watchers to prevent “rampant voter fraud”. In an exchange with respondents’ founder, Catherine Engelbrecht at that event, Horowitz states:

“In the next six months, the most important thing you need to do is True the Vote. Because election fraud is rampant. Here you have a chance to unseat some very bad people but you have to win the election by 3 to 5 points. This is what was told to me by a Democratic consultant who built the most powerful Democratic machine in my state – regrets it. He said you guys—the Republicans—don’t win by 3 to 5 percent, we will steal that margin. So that’s your immediate task.”

(Video 4 of 6, starting at 4:00, at <http://www.youtube.com/watch?v=vBEJfuOE1Lk>). There are 6 videos of the Horowitz event and all are relevant and incorporated into this complaint.  
[http://www.youtube.com/results?search\\_query=king+street+david+horowitz&aq=f](http://www.youtube.com/results?search_query=king+street+david+horowitz&aq=f))

Poll watching is a centerpiece of the “action plan” on True the Vote’s website. The website has a professionally produced video, “Stop the Voter Fraud Now,” (see it on the front page of [www.trueethevote.org](http://www.trueethevote.org)) in which Horowitz and Engelbrecht discuss “massive voter fraud.” Another speaker addresses respondents’ partisan agenda: “In the legislature in Texas there is a seven vote conservative majority, and what that mean is, in the big picture, if we lose Houston, we lose Texas...if we lose Texas, we lose the country.” Horowitz says that the highest priorities are election monitoring and poll watching. Engelbrecht then makes a call to action, saying True the Vote wants five poll watchers at every precinct.

The website’s “resources for activists” page includes “A True The Vote Election Monitor Guide for Harris County (attached), which calls not only for poll watchers, but precinct chairs and paid election workers (<http://www.trueethevote.org/resources-for-activists>). This King Street Patriots guide reveals that respondents are working exclusively with the Harris County Republican Party. The guide refers poll watchers to the [harriscountygop.com](http://harriscountygop.com) web site for the “Poll Watcher’s Guide” and tells their poll watchers “to type up your notes from Election Day and email them to Brian Bishop, Harris County Ballot Security Committee ([brian.bishop@harriscountygop.com](mailto:brian.bishop@harriscountygop.com)). From Bishop, respondents’ poll watchers get their GOP appointment form (attached). The coordination between the respondents and the Republican Party has been noted in the press (<http://www.americanindependent.com/tx-houston-tea-party-group-king-street-patriots-may-risk-violating-state-federal-laws-experts-say/>) and the party is directing poll watchers to the King Street Patriots’ training, exhibiting their coordination. (<http://www.americanindependent.com/tx-harris-county-gop-directs-pollworkers-to-training-from-tea-party-group/>)

This poll-watcher message has been repeated weekly at the King Street Patriots' meetings, where generally more than 200 people attend, and at countless other venues and tea party gatherings. (See, e.g., <http://www.examiner.com/elections-2010-in-houston/hundreds-of-citizen-patriots-attendwebster-tea-party>; <http://www.examiner.com/brazoria-county-conservative-in-houston/tea-partytalk>). The "Houston Examiner" reported that "She [Mary Huls of KSP] also discussed the need for volunteers to serve as poll watchers, judges, and poll workers. Huls stressed that this is extremely important in Harris County." (<http://www.examiner.com/elections-2010-in-houston/hundreds-of-citizen-patriots-attend-webster-tea-party?render=print#print>)

## **2) Use of Corporate Expenditures to Support Candidates for Office.**

In recent months King Street Patriots and and/or its affiliate KSP/True the Vote has promoted and hosted numerous public meetings or forums where just one candidate for a particular office was invited to participate. The exact number of these meetings in which just one candidate was invited to promote him or herself for election, is not clear. This complaint provides evidence of at least five such meetings or forums which were held at the offices of the The King Street Patriots, 9562 Hempstead Road, Houston. As the attached evidence shows, respondents promoted four of the public meetings as "Neighborhood Link-Ups." Respondents describe these events as "Meeting to help you organize your neighborhood and get out the conservative vote!" Attached are copies of e-mail invitations to the four meetings. Each is billed as an opportunity to "get to know your candidates." The dates and candidates invited or attending the four meetings are:

- 1) September 22, 2010 Link UP  
Featured candidates:  
Jack O'Connor, Candidate for State Representative, District 149  
Sarah Davis, Candidate for State Representative, District 134
- 2) September 29, 2010 Link UP  
Featured candidates:  
John Faulk, Candidate for U.S. Representative District 18
- 3) October 6, 2010 Link UP  
Featured candidates:  
Jack O'Connor, Candidate for State Representative, District 149  
Lynn Bradshaw-Hull, Candidate for District Judge, 280<sup>th</sup> District Court
- 4) October 13, 2010 Link UP  
Featured candidates:  
Adrian Heath, Candidate for Montgomery County Judge  
Martha Hill Jamison, Candidate for 14<sup>th</sup> Court of Appeals

Video evidence also exists of a fifth meeting on September 20, 2010. There again, respondents invited just one candidate for a contested office (<http://vimeo.com/15611184>). In the video of the event, Jim Murphy, candidate for State Representative, District 133 promotes his candidacy and denigrates his Democratic opponent, Representative Kristi Thibaut, who was not invited to attend according to press accounts (*Houston tea party group may be violating state law*, The Texas Independent, 10-6-10). (Video is attached.)

Press accounts indicate that the five public events noted above were not the extent of the corporations' violations of the election code. The Texas Independent reports that the corporation(s) provided in-kind political contributions by organizing and supporting block-walking activities to "spread the word on great conservative candidates including Fernando Herrera (candidate for State Representative, District 148), Jack Morman (candidate for Harris County Commissioner), Chris Daniel (candidate for Harris County Clerk), Judge Dan Hinde (candidate for 269<sup>th</sup> District Judge), Judge Lynn Bradshaw-Hull (candidate for 280<sup>th</sup> District Court), Judge Sheri Dean (candidate for 309<sup>th</sup> District Court), Judge Vanessa Velasquez (candidate for 183<sup>rd</sup> District Court), and more." (*Houston tea party group may be violating state law*, The Texas Independent, 10-6-10) (Attached.)

As relatively new organizations, The King Street Patriots and KSP/True the Vote organizations have not filed IRS Forms 990. Therefore, it is impossible for the public to discern the sources and amounts of money raised by the corporations. Texas Ethics Commission reports that the political action committee of the Houston Assn of Insurance Agents provide True the Vote with a \$2,500 contribution on 9/20/2010.

**VI. AFFIDAVIT**

**BASED ON PERSONAL KNOWLEDGE**

(Execute this affidavit if the acts alleged are within your direct personal knowledge.)

I, \_\_\_\_\_, complainant, swear that I am a resident of the state of Texas. I swear that I have knowledge of the facts alleged in this complaint and that the information contained in this complaint is true and correct.

\_\_\_\_\_  
Signature of Complainant

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said \_\_\_\_\_, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to certify which, witness my hand and seal of office.

\_\_\_\_\_  
Signature of officer administering oath

\_\_\_\_\_  
Printed name of officer administering oath

\_\_\_\_\_  
Title of officer administering oath

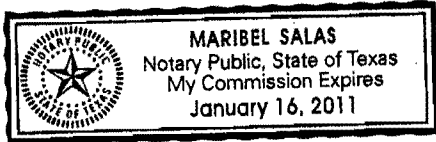
**VII. AFFIDAVIT**

**BASED ON INFORMATION AND BELIEF**

(Execute this affidavit if the acts alleged are not within your direct personal knowledge, but are based on reasonable belief.)

I, Craig McDonald, complainant, swear that I am a resident of the state of Texas. I swear that I have reason to believe and do believe that the violation alleged in this complaint has occurred. The source of my information and belief is

public documents and media reports.



Craig McDonald  
Signature of Complainant

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said CRAIG McDONALD, this the 15<sup>th</sup> day of October, 2010, to certify which, witness my hand and seal of office.

Maribel Salas

Maribel Salas

Notary Public

\_\_\_\_\_  
Signature of officer administering oath

\_\_\_\_\_  
Printed name of officer administering oath

\_\_\_\_\_  
Title of officer administering oath



neighborhood

# LINKUP

MEET YOUR NEIGHBORS // TALK WITH YOUR ELECTED // STAY ENGAGED

**purpose:**

LINKS Meeting to help you organize your neighborhood and get out the conservative vote!

Please join our informal meeting to get ideas, learn from each other and get to know your candidates.

This week we will feature:

Jack O'Connor, Candidate for State Representative, Legislative District 149

Sarah Davis, Candidate for State Representative, Legislative District 134

**day & time:**

Wednesday, September 22

7:00pm - 8:00pm

**place:**

King Street Patriots  
9562 Hempstead Road  
Houston, TX 77092

**contact:**

Shirley Andries  
[shirley@kingstreetpatriots.org](mailto:shirley@kingstreetpatriots.org)

neighborhood

# LINKUP

MEET YOUR NEIGHBORS // TALK WITH YOUR ELECTED // STAY ENGAGED

## purpose:

LINKS Meeting to help you organize your neighborhood and get out the conservative vote!

Please join our informal meeting to get ideas, learn from each other and get to know your candidates.

This week we will feature:

Wednesday, Oct 13:

Americans for Prosperity's Citizen Watchdog of the Year, and candidate for County Judge in Montgomery County Adrian Heath and Judge Martha Hill Jamison, candidate for 14th Court of Appeals, Place 5.

## day & time:

Wednesday, October 13th  
7:00pm - 8:00pm

## place:

King Street Patriots  
9562 Hempstead Road  
Houston, TX 77092

## contact:

Shirley Andries  
[shirley@kingstreetpatriots.org](mailto:shirley@kingstreetpatriots.org)

neighborhood

# LINKUP

MEET YOUR NEIGHBORS // TALK WITH YOUR ELECTED // STAY ENGAGED

**purpose:**

LINKS Meeting to help you organize your neighborhood and get out the conservative vote!

Please join our informal meeting to get ideas, learn from each other and get to know your candidates.

This week we will feature:

Wednesday, Oct 6:

Jack O'Connor - Candidate for State Representative, Legislative District 149

Lynn Bradshaw-Hull Candidate for District Judge, 280th District Court

**day & time:**

Wednesday, October 6th

7:00pm - 8:00pm

**place:**

King Street Patriots

9562 Hempstead Road

Houston, TX 77092

**contact:**

Shirley Andries

[shirley@kingstreetpatriots.org](mailto:shirley@kingstreetpatriots.org)

neighborhood

# LINKUP

MEET YOUR NEIGHBORS // TALK WITH YOUR ELECTED // STAY ENGAGED

## purpose:

LINKS Meeting to help you organize your neighborhood and get out the conservative vote!

Please join our informal meeting to get ideas, learn from each other and get to know your candidates.

This week we will feature:

Wednesday, Sept 29:

John Faulk speaking on Shepherding and is candidate for US Representative for Congressional District 18

Next week, Wednesday, Oct 6:

Jack O'Connor - Candidate for State Representative, Legislative District 149  
Lynn Bradshaw-Hull Candidate for District Judge, 280th District Court

## day & time:

Wednesday, September 29  
7:00pm - 8:00pm

## place:

King Street Patriots  
9562 Hempstead Road  
Houston, TX 77092

## contact:

Shirley Andries