



TEXAS ETHICS COMMISSION

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

Tom Harrison
Chair

Ross Fischer
Vice Chair

David A. Reisman
Executive Director

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Wilhelmina Delco
Jim Graham
Paula M. Mendoza
David Montagne
Nicholas C. Taylor

November 18, 2008

Ms. Linda Colbert
3217 Avenue M 1/2
Galveston, Texas 77550-4354

**CERTIFIED MAIL NO. 7008 1300 0000 4508 5111,
RETURN RECEIPT REQUESTED**

Re: Notice of Complaint, SC-2811378

Dear Ms. Colbert:

We received sworn complaint SC-2811378 on November 13, 2008. 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 disclose on your campaign finance reports information required by section 254.031 of the Election Code. The complaint also alleges that you failed to file a semiannual campaign finance report due July 15, 2007, in violation of section 254.063 or 254.093 of the Election Code.

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.

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.

The sworn complaint allegations will be processed as Category One violations. You are required to respond to an allegation of a Category One violation not later than 10 business days from the date you receive this notice. **Failure to respond will constitute a separate violation for which a separate civil penalty may be assessed.**

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.

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.

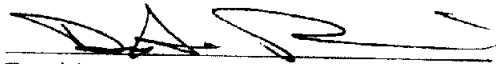
Please call me if you have any questions.

Sincerely,



Susana G. Esparza
Assistant General Counsel

Jurisdiction accepted
For the Texas Ethics Commission



David A. Reisman
Executive Director

SGE:mc

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

c: Mr. Richard McDuffee
27907 Hanson Court
Spring, Texas 77386-3807

**CERTIFIED MAIL NO. 7008 1300 0000 4508 5128,
RETURN RECEIPT REQUESTED**

**SWORN COMPLAINT
BEFORE
THE TEXAS ETHICS COMMISSION**

| |
|------------------------|
| Office Use Only |
| Docket Number |

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I. IDENTITY OF COMPLAINANT

I, Richard McDuffee, complainant,
(full name of individual filing the complaint)

hereby file this sworn complaint with the Texas Ethics Commission. My address is
27907 Hanson Ct., Spring, TX 77386
(full mailing or street address, including P.O. box number or street, city, state, and zip code)

My telephone number is 832-205-5073
(telephone number, including area code)

II. IDENTITY OF RESPONDENT

The respondent is Linda Colbert
(full name of respondent)

The respondent holds the position or title of City Council District 2
(position or title held by respondent)
City of Galveston

The respondent's address is 3217 Avenue M1/2
(full mailing or street address, including P.O. box number or street, city, state, and zip code of respondent)
Galveston, TX 77550

The respondent's telephone number is 409-763-3745
(telephone number of respondent, including area code)

Attach additional pages, if necessary.

III. NATURE OF ALLEGED VIOLATION

(Include the specific law or rule alleged to have been violated, if possible. The Texas Ethics Commission has jurisdiction to enforce *only* Chapters 302, 305, and 572 of the Government Code and Title 15 of the Election Code.)

C/OH Campaign Finance Report (8th day) - 5/4/07

1) Failed to disclose the total amount of political contributions maintained, in violation of Section

254.031(a)(8).

2) Failed to disclose the total principal amount of all outstanding loans, in violation of Section 254.031(a)(2).

3) Failed to fully disclose the addresses of persons giving a political contribution (21 places), in violation of

Section 254.031(a)(1).

4) Failed to fully disclose the addresses of persons receiving political expenditures (3 places), in violation of

Section 254.031(a)(3).

5) Failed to disclose the purposes of political expenditures (10 places), in violation of Section 254.031(a)(3).

C/OH Campaign Finance Report (Runoff) - 6/8/07

1) Failed to disclose the total principal amount of all outstanding loans, in violation of Section 254.031(a)(2).

2) Failed to fully disclose the addresses of persons receiving political expenditures (2 places), in violation of

Section 254.031(a)(3).

3) Failed to disclose the purposes of political expenditures (7 places), in violation of Section 254.031(a)(3).

Failed to file the July 2007 semiannual campaign finance report, in violation of Section 254.093.

Attach additional pages, if necessary.

VI. AFFIDAVIT
BASED ON PERSONAL KNOWLEDGE
(Execute this affidavit if the acts alleged are within your direct personal knowledge.)

I, _____, complainant,
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

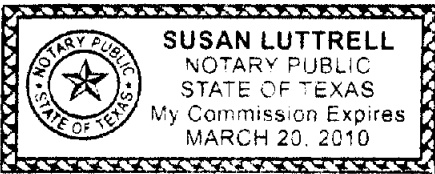
Print name of officer administering oath

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, RICHARD MCDUFFEE, complainant,
swear that I have reason to believe and do believe that the violation alleged in
this complaint has occurred. The source and basis of my information and belief
is Campaign Finance Reports.

Signature of complainant



AFFIX NOTARY STAMP/SEAL ABOVE

Sworn to and subscribed before me, by the said Richard McDuffee, this
the 7 day of NOVEMBER, 2008, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Print name of officer administering oath

Title of officer administering oath

Susan Luttrell
Texas Ethics Commission

Susan Luttrell
P.O. Box 12070

PR
Austin, Texas 78711-2070