



TEXAS ETHICS COMMISSION

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

Ross Fischer
Chair

David Montagne
Vice Chair

David A. Reisman
Executive Director

Commissioners

Raymond R. "Tripp" Davenport, III
Wilhelmina Delco
Jim Graham
Tom Harrison
Paula M. Mendoza
Nicholas C. Taylor

January 9, 2009

Ms. Dianna D. Puccetti
4802 Avenue Q
Galveston, Texas 77551-5255

**CERTIFIED MAIL NO. 7008 1300 0000 4508 6415,
RETURN RECEIPT REQUESTED**

Re: Notice of Complaint, SC-290103

Dear Ms. Puccetti:

We received sworn complaint SC-290103 on January 5, 2009. 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 properly disclose on your campaign finance reports information required by section 254.031 of the Election Code. The complaint also alleges that you failed to execute an affidavit with your July 2007 semiannual campaign finance report in violation of section 254.036 of the Election Code. The complaint further alleges that you accepted cash contributions exceeding \$100 in violation of section 253.033 of the Election Code and failed to keep a record of political contributions in violation of section 254.001 of the Election Code. In addition, the complaint alleges that you accepted a political contribution from a labor organization in violation of sections 253.003 and 253.094 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 Two violations. You are required to respond to an allegation of a Category Two violation not later than 25 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

**SWORN COMPLAINT
BEFORE
THE TEXAS ETHICS COMMISSION**

Office Use Only
Docket Number

§
§
§
§
§

I. IDENTITY OF COMPLAINANT

I, William Berntsen, complainant,
(full name of individual filing the complaint)

hereby file this sworn complaint with the Texas Ethics Commission. My address is
32 North Rain Forest Court, The Woodlands, TX 77380
(full mailing or street address, including P.O. box number or street, city, state, and zip code)

My telephone number is 281-298-8525
(telephone number, including area code)

II. IDENTITY OF RESPONDENT

The respondent is Dianna D. Puccetti
(full name of respondent)

The respondent holds the position or title of former Council Member District 6
(position or title held by respondent)
City of Galveston

The respondent's address is 4802 Ave Q
(full mailing or street address, including P.O. box number or street, city, state, and zip code of respondent)
Galveston, TX 77551

The respondent's telephone number is 409-740-0424
(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) - 5/03/07

- 1) Failed to disclose the total amount of political contributions of \$50 or less accepted, in violation of Section 254.031(a)(5).
- 2) Failed to disclose the total amount of political expenditures of \$50 or less made, in violation of Section 254.031(a)(5).
- 3) Failed to disclose the purpose of a political expenditure (1 place), in violation of Section 254.031(a)(3).

C/OH Campaign Finance Report (July 15) - 7/16/07

- 1) Failed to disclose the total amount of political contributions of \$50 or less accepted, in violation of Section 254.031(a)(5).
- 2) Failed to disclose the total amount of political expenditures of \$50 or less made, in violation of Section 254.031(a)(5).
- 3) Failed to properly execute the report affidavit (missing notary witness), in violation of Section 254.036(h).
- 4) Failed to timely report political contributions (3 places), in violation of Section 254.031(a)(1).

4/26/07	\$250.00	John & Susan Eckel
---------	----------	--------------------

5/01/07	\$100.00	Leo & Jeanette Ritzler
---------	----------	------------------------

5/01/07	\$500.00	GMPA-PAC
---------	----------	----------

- 5) Accepted cash political contributions of unknown amount, in potential violation of Section 253.033.
-

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.)

5/12/07 \$300.00 Misc Cash Donations

6) Failed to fully disclose the addresses of persons receiving political expenditures (4 places), in violation of Section 254.031(a)(3).

C/OH Campaign Finance Report (Jan. 15) - 1/15/08

1) Failed to fully disclose the address of person receiving political expenditure (1 place), in violation of Section 254.031(a)(3).

C/OH Campaign Finance Report (30th day) - 4/10/08

1) Failed to disclose the total amount of political contributions of \$50 or less accepted, in violation of Section 254.031(a)(5).

2) Failed to disclose the total amount of political expenditures of \$50 or less made, in violation of Section 254.031(a)(5).

3) Failed to fully disclose the addresses of persons receiving political expenditures (10 places), in violation of Section 254.031(a)(3).

C/OH Campaign Finance Report (8th day) - 5/02/08

1) Accepted a political contribution from a corporation/labor union (1 place), in apparent violation of Section

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.)

253.003. (A political contribution from a corporation or labor organization to a candidate/officeholder made in violation of Section 253.094 is prohibited.)

4/10/08 \$1,000.00 Int'l Union of Operating Eng.

2) Failed to timely report a political contribution (1 place), in violation of Section 254.031(a)(1).

3/28/08 \$2,000.00 GMPA-PAC

3) Failed to fully disclose the address of person receiving political expenditure (1 place), in violation of Section 254.031(a)(3).

C/OH Campaign Finance Report (July 15) - 7/15/08

1) Falsely reported the total amount of all political contributions accepted, in violation of Section 254.031(a)(6). Note that the calculated total of political contributions listed is \$3,576.00, and not \$3,426.00, as reported.

2) Failed to disclose the dates of political contributions (2 places), in violation of Section 254.031(a)(1).

3) Failed to timely report political contributions (4 places), in violation of Section 254.031(a)(1).

4/10/08 \$1,000.00 Responsible Government PAC

4/02/08 \$500.00 Russel Walla

4/09/08 \$400.00 W. A. Kilpatrick

4/15/08 \$150.00 Bettijane Schoeffler

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, WILLIAM M BERTSEN, 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 William Mervin Bertsen, this
the 29th day of December, 20 08, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Stephanie M. Covarrubias
Print name of officer administering oath

Notary
Title of officer administering oath