TEXAS ETHICS COMMISSION

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

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December 19, 2013

Mr. Mark T. McCaig
26110 Sandersgate Lane
Katy, Texas 77494-6527

VIA E-MAIL: mark@markmccaig.com

Re: Notice of Complaint, SC-31312230 (Sidney C. "Sid" Miller)

Dear Mr. McCaig:

We received sworn complaint SC-31312230 on December 12, 2013. The complaint meets the technical form requirements for a complaint filed with the Texas Ethics Commission, and the interim executive director has determined that the Ethics Commission has jurisdiction over some of the matters alleged in the sworn complaint.

This letter only acknowledges that the complaint meets the jurisdictional and form requirements for a complaint filed with the Texas Ethics Commission and does not constitute any findings regarding the allegations made in the complaint.

The complaint you filed alleged that the respondent: 1) did not disclose in a personal financial statement filed in 2012 information required by section 572.023 of the Government Code, and 2) made an improper reimbursement to himself, which is prohibited by section 253.035 of the Election Code.

Please note, the Texas Ethics Commission may not consider an allegation that is outside the applicable statute of limitations. The statute of limitations for allegations of reporting violations is two years. Section 12.5, Ethics Commission Rules. Allegations relating to information that was required to be disclosed in a report that was due more than two years before a complying complaint's postmark date are not within the commission's sworn complaint jurisdiction. Accordingly, the allegations as they relate to the 2011 personal financial statement that was due May 2, 2011, are outside the applicable statute of limitations and cannot be considered by the commission.

In addition, the complaint alleges that the respondent did not disclose the aggregate principal amount of outstanding loans on campaign finance reports as required by section 254.031(a)(2) of the Election Code. A sworn complaint must allege facts that, if true, would constitute a violation of a law or rule administered and enforced by the commission. Section 571.122, Government Code. The evidence indicates that the loans made by the respondent were

made from personal funds. Please note that section 253.0351(c) of the Election Code states that a candidate or officeholder who deposits personal funds into an account into which political contributions are held is required to include the amounts deposited in the report of the amounts of total political contributions maintained. The loan amounts are not required to be disclosed in the section of the report designated for the total principal amount of outstanding loans. Thus, the allegations, if true, would not constitute a violation of a law or rule administered or enforced by the commission and will not be considered.

More information about the complaint process is available on the Ethics Commission's website at www.ethics.state.tx.us.

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,

Natalie E. Adelaja

Natalie E. Adelaja
Assistant General Counsel

NEA:mc