

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
	Mr.	Wayne	
	NICKNAME	LAST	SUFFIX
	Hamilton		
2 COMPLAINANT PHYSICAL ADDRESS	ADDRESS	APT / SUITE #;	CITY; STATE; ZIP CODE
	502 E. 11th Street	300	Austin TX 78701
(Full home or business address, including street, city, state, and zip code)			
3 COMPLAINANT MAILING ADDRESS	ADDRESS	APT / SUITE #;	CITY; STATE; ZIP CODE
<input checked="" type="checkbox"/> (check if same as above)	(Full home or business address, including street, city, state, and zip code)		
4 COMPLAINANT TELEPHONE NUMBER	AREA CODE	PHONE NUMBER	EXT
	(512)	477-2002	
5 COMPLAINANT E-MAIL ADDRESS	info@gregabbott.com		

II. IDENTITY OF RESPONDENT

6 RESPONDENT NAME	MS / MRS / MR	FIRST	MI
	Ms.	Wendy	R
	NICKNAME	LAST	SUFFIX
	Davis		
7 RESPONDENT POSITION OR TITLE	State Senator And Candidate For Governor; Treasurer Of Wendy R. Davis For Governor, Inc.		
8 RESPONDENT PHYSICAL ADDRESS	ADDRESS	APT / SUITE #;	CITY; STATE; ZIP CODE
	2737 Calder Ct.		Fort Worth TX 76107
(Full home or business address, including street, city, state, and zip code)			
9 RESPONDENT MAILING ADDRESS	ADDRESS	APT / SUITE #;	CITY; STATE; ZIP CODE
<input type="checkbox"/> (check if same as above)	P.O. Box 1039		Fort Worth TX 76101
(Full home or business address, including street, city, state, and zip code)			
10 RESPONDENT TELEPHONE NUMBER	AREA CODE	PHONE NUMBER	EXT
	(817)	886-8863	
11 RESPONDENT E-MAIL ADDRESS (IF KNOWN)			

GO TO PAGE 2

III. NATURE OF ALLEGED VIOLATION

Page 2

Include the specific law(s) or rule(s) alleged to have been violated. The Texas Ethics Commission has jurisdiction to enforce only the following laws: (1) Title 15 of the Election Code; (2) Chapters 302, 303, 305, 572, 2004 of the Gov't Code; (3) § 334.025 and § 335.055 of the Local Gov't Code; (4) Subchapter C, Chapter 159 of the Local Gov't Code, in connection with a county judicial officer who elects to file a financial statement with the commission; (5) § 2152.064 and § 2155.003 of the Gov't Code; (6) § 306.005 of the Gov't Code.

Senator Davis converted political contributions to her personal use in violation of Election Code Section 253.035.

ATTACH ADDITIONAL PAGES AS NEEDED

IV. STATEMENT OF FACTS**Page 3**

State the facts constituting the alleged violation(s), including the dates on which or the period of time in which the alleged violation(s) occurred. Identify allegations of fact not personally known to the complainant, but alleged on information and belief. Please use simple, concise, and direct statements.

Senator Davis is a candidate for Texas Governor and she is the treasurer of the specific-purpose committee Wendy R Davis for Governor, Inc. ("SPAC"). She has raised contributions for that office through her candidate/officeholder account ("COH") and the SPAC.

Senator Davis Personally Profits From Her Book:

According to press reports, in 2013, Senator Davis, through her wholly owned company, Croquet and Other Games LLC ("LLC"), entered into a contract with Blue Rider Press, a subsidiary of Penguin Random House, to write and publish a memoir. According to her tax returns, Senator Davis, through her LLC, received in excess of \$130,000 from Blue Rider Press as an advance on future royalties from sales of her book.

Political Funds Paid For Senator Davis To Travel To New York City:

On September 9-10, 2014, Senator Davis traveled to New York City. According to quotes attributed to her communications director, Zac Petkanas, Senator Davis's campaign paid for the travel. Based on prior filings with the Texas Ethics Commission, I believe this travel was paid for by the SPAC, but it is possible it was paid for by the COH. While in New York City, Senator Davis did two things: she promoted her book (which she personally profits from) and she held a single solitary campaign fundraiser.

Senator Davis's Interviews In New York City Were For Her Personal Benefit, Not The Campaign's:

The interviews took place on September 9-10. These interviews—the purpose and intent of which were to promote her book (again, Senator Davis receives royalties from the book sales)—were obviously of a personal benefit to Senator Davis. The purpose and intent of the interviews is evident from the content of those interviews; the news reports of the interviews; and, indeed, her own campaign communications director. Mr. Petkanas said in an article that the campaign purpose was "to attend a campaign event", while the "other non-campaign activities" were "scheduled by and covered by...persons not affiliated with the campaign." In other words, Mr. Petkanas admitted that the interviews were not campaign activities, were not designed to support the campaign, and were not coordinated or staffed by the campaign. According to news reports, Penguin Random House arranged the interviews for Senator Davis.

The Campaign Event Was A Small, Minor Activity On The Trip:

The campaign event took place on September 10. There were no campaign events on September 9. Therefore, there was no campaign purpose for traveling to New York City on September 9, and no campaign purpose to pay for lodging on September 9. The only reason for such a trip would be to allow Senator Davis to take a free ride on the campaign's tab to promote her book, which she personally profits from.

Texas Law Prohibits Personal Use Of Political Contributions:

Texas law prohibits converting political funds to a candidate's personal use. This prohibition applies whether the funds were accepted and spent by the COH or by the SPAC. Thus, regardless of which campaign entity paid for the travel, the prohibition would apply.

The Trip Was Primarily Personal Use:

Texas law defines personal use as one that primarily furthers individual purposes not connected with the performance of the duties or activities of a candidate for or holder of public office. Looking at the facts, it is clear that the vast majority of the time on the trip was spent on promoting Senator Davis's book. Indeed, a simple balancing act of time shows that the more than 7 interviews—spanning both September 9 and 10—far outweigh the single event campaign purpose, which only occurred on September 10. Further, there was no campaign purpose for travel to New York City on September 9, as the only activity conducted in the City on that day was interviews to promote the book.

Senator Davis Violated The Law:

If Senator Davis paid for this trip from her COH, she violated the law by converting contributions she accepted to her personal use. If the SPAC paid for the trip, Senator Davis again violated the law, as she is the treasurer of her SPAC.

ATTACH ADDITIONAL PAGES AS NEEDED

V. LISTING OF DOCUMENTS AND OTHER MATERIALS

Page 4

List all documents and other materials filed with this complaint. Additionally, list all other documents and other materials that are relevant to this complaint and that are within your knowledge, including their location, if known.

"Davis Criticized For Leaving Texas To Promote Book"

By Patrick Svitek

Houston Chronicle

September 10, 2014

<http://blog.chron.com/texaspolitics/2014/09/davis-criticized-for-leaving-texas-to-promote-book/>****Excerpts****

Since launching a tour Monday to promote the book, titled "Forgetting to Be Afraid," Davis has traveled to New York to appear for in-studio interviews on two MSNBC shows, a CNN program and HuffPost Live, the website's live-streaming network. She has also filmed satellite interviews from New York for TV stations elsewhere in the country, one of which aired Wednesday morning on a Fox affiliate in North Carolina. The national promotion has raised some eyebrows back home, where her publisher, Penguin Random House, also set up at least one satellite interview, with the Fox affiliate in Dallas.

(...)

Spokesman Zac Petkanas said the campaign used its funds to fly Davis to New York, where she was scheduled to go to a fundraiser in addition to promoting her book. "The purpose of this trip is to attend a campaign event and, therefore, the plane ride is covered by the campaign," Petkanas said in a statement. "Any other non-campaign activities were scheduled by and covered by the appropriate parties not affiliated with the campaign." Penguin Random House arranged the promotional activities, apparently informing the North Carolina TV outlet and others that she would be available for satellite interviews between 8 and 10 a.m. Eastern time Wednesday.

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"Abbott Lambastes Davis On Taxes"

By Matthew Waller

Scripps Newspapers

August 29, 2014

****Excerpts****

(...)

[Sen. Davis] also received \$132,000 for an upcoming memoir, "Forgetting to Be Afraid," due out in September. Davis lists the business Croquet and Other Games as handling the expenses and income of the book.

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The Texas Secretary Of State lists Wendy Davis as the "Registered Agent" and sole officer for Croquet and Other Games LLC. This information can be located at via the Texas Secretary of State both in-person and through SOSDirect, which can be accessed via their website.

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"State Sen. Wendy Davis' Memoir To Be Published Next Fall"

By Robert Wilonsky

Dallas Morning News Trail Blazers Blog

November 8, 2013

<http://trailblazersblog.dallasnews.com/2013/11/state-sen-wendy-davis-memoir-to-be-published-next-fall.html/>****Excerpts****

(...)

Today, the Penguin Random House imprint makes it official: State Sen. Wendy Davis joins their ranks. Blue Rider Press announced in a press release Friday that it has acquired world rights to publish Davis' as-yet-untitled memoir. The release date remains vague: "the fall of 2014," though it's safe to assume it'll be on shelves, actual and virtual, well before Texas voters pick a governor on November 4.

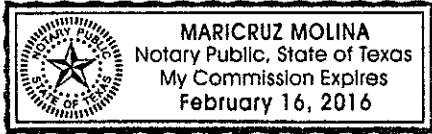
ATTACH ADDITIONAL PAGES AS NEEDED

VI. AFFIDAVIT

BASED ON PERSONAL KNOWLEDGE

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

I, WAYNE HAMILTON, 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.



Wayne Hamilton
Signature of Complainant

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Wayne Hamilton, this the 11th day of
September, 20 14, to certify which, witness my hand and seal of office.

Maricruz Molina Notary Public
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, _____, 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

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

A COMPLAINT WILL BE DISMISSED IF A COPY OF ONE OF THE FOLLOWING DOCUMENTS IS NOT ATTACHED AS PROOF OF TEXAS RESIDENCY.

Please check one of the boxes below to indicate the copy of the document you have attached to the complaint:

Texas driver's license

personal identification certificate
(issued under Chapter 521 of the Transportation Code)

commercial driver's license
(issued under Chapter 522 of the Transportation Code)

utility bill *

bank statement *

government check *

paycheck *

other government document *

* with name and address of complainant and dated not more than 30 days before the date on which the complaint is filed *

**WAIVER OF NOTICE BY CERTIFIED MAIL REQUIREMENT
FOR COMPLAINANT**

I waive the requirement that written notices addressed to me concerning any pending sworn complaint be sent by registered or certified mail, restricted delivery, return receipt requested.

I understand that I may withdraw this waiver by written notice to the executive director of the Ethics Commission.

I further understand that unless the commission's staff and I agree on an alternate means, the commission will send all written notices to me by email to the email address I provided on the sworn complaint form or to a different email address provided by me to the commission staff, or by first class mail.

I also understand that the commission retains the right to mail any notices to me by a more restrictive means than first class mail or email if the commission in its discretion determines it is warranted.

WAYNE HAMILTON

Print Name

INFO@GREGABBOTT.COM

Alternate Email Address for Notices (optional)

Wayne Hamilton

Signature

9/11/14

Date