

**BEFORE THE GEORGIA GOVERNMENT TRANSPARENCY AND  
CAMPAIGN FINANCE COMMISSION  
STATE OF GEORGIA**

**IN THE MATTER OF:**

**CHRIS ERWIN**

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**CASE NO.**

**2018-0029**

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**CONSENT ORDER**

This matter comes before the Georgia Government Transparency and Campaign Finance Commission (hereinafter "Commission") pursuant to a complaint filed by Ken Payne on April 12, 2018. Now, prior to a final hearing on this matter, Respondent Chris Erwin (hereinafter "Respondent") and the Commission agree to resolve the above-styled matter by Consent Order under the terms and conditions described herein.

**FINDINGS OF FACT**

Respondent is currently a candidate standing for election to the District 28 seat of the Georgia House of Representatives. Respondent commenced his current campaign for elected public office upon the filing of his Declaration of Intent to Accept Campaign Contributions on February 13, 2018, and his qualification to stand for election to said office on March 6, 2018.

At the time of the alleged violation, Respondent was a declared candidate for elected public office, who was required to regularly report the amount(s) and source(s) of his campaign contribution(s), as well as, the end recipient(s) and sum(s) of his campaign expenditures through the filing of Campaign Contribution Disclosure Reports (hereinafter "CCDR").

In addition to imposing regular reporting requirements, the Georgia General Assembly has imposed limits on the amount of campaign contributions that a candidate for public office is permitted to accept from a single contributor during an election cycle. Under current law and regulations promulgated by the Commission, the maximum campaign contribution limit that a candidate may accept during the 2018 general election cycle is \$2,600.00 for the primary and general election (\$5,200.00 total) and \$1,400.00 for a runoff election for either the primary and/or general election (\$2,800.00 total). O.C.G.A. § 21-5-41(k). While the Georgia Government Transparency and Campaign Finance Act (hereinafter "Act") defaults to only permitting a candidate to raise contributions for only one election at a time, the Act does permit a candidate to separately account for contributions over the course of several elections if certain conditions precedent are met. O.C.G.A. §§ 21-5-41(d) and 12-5-43(a)(2). Thus, the separate accounting of funds is only authorized by the Act when a candidate has properly elected and notified the Commission of their intention to separately account for campaign contributions which, otherwise in the aggregate, exceed contribution limits for the next pending election in the election cycle. *Id.*

Moreover, once a candidate has accounted for and allocated campaign contributions to a specific election, those funds may only be used for an election for which the candidate has actually qualified and stands for election (*i.e.* their name appears on the ballot). O.C.G.A. § 21-5-43(d).

In this case, the Commission finds that Respondent accepted \$5,000.00 in campaign contributions from Carroll Daniel Construction Company on February 7, 2018, prior to the Respondent's election to separately account for campaign contributions. The Respondent's election of separate accounting ("COOSA") was received by the Commission on or about April 21, 2018. The contribution from Carroll Daniel Construction Company would have been within the appropriate limits if (1) a COOSA had been received by the Commission prior to accepting the contribution and (2) the contribution was allocated for each election.

### CONCLUSIONS OF LAW

The Commission finds that Respondent exceeded maximum campaign contribution limits by accepting \$5,000.00 in campaign contributions from Carroll Daniel Construction Company on February 7, 2018, prior to the Commission receiving an election of separate accounting ("COOSA"), which would have allowed for an allocation of those funds across multiple elections, a violation of O.C.G.A. §§ 21-5-41(b)(1); 21-5-41(d); and, 21-5-43(a)(2).<sup>1</sup>

### HOLDING

In resolving this matter, Respondent hereby agrees to the following:

Respondent will pay a \$500.00 civil penalty to the Commission as a result of his error in accepting campaign contributions that could not be allocated to different elections because a COOSA had not yet been received by the Commission as detailed *supra*.

Respondent further agrees to pay said \$500.00 fee detailed *supra* to the Commission within thirty (30) days from the date of this Order.

Respondent shall reallocate the funds that would have been excess campaign contributions from Carroll Daniel Construction Company to a subsequent election that he has qualified for, consistent with the maximum campaign contribution limits imposed by O.C.G.A. § 21-5-41.

Respondent further agrees not to violate the Georgia Government Transparency and Campaign Finance Act and corresponding Commission Rules.

Respondent represents that the foregoing findings of facts are true, agrees with the conclusions of law, and further agrees to abide by all terms of this Order. By signing this Order, Respondent waives any right to appeal pursuant to the procedures outlined in the Administrative Procedures Act (APA), O.C.G.A. § 50-13-1 *et. seq.*

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<sup>1</sup> \$2,600.00 of the original \$5,000.00 campaign contribution was properly accepted and accounted for on the Respondent's March 31, 2018 Campaign Contribution Disclosure Report.

Failure to comply with the terms herein, absent a showing of good faith, will constitute a willful and knowing violation of said terms by Respondent. Respondent's failure to comply with said terms shall constitute a breach of this agreement and thereby authorize the Commission to seek enforcement and/or collection of this order by subsequent contempt or other proceedings against the Respondent in the Superior Court for the State of Georgia. The parties agree that all costs and attorneys' fees incurred by the Commission in any enforcement action shall be assessed against Respondent pursuant to O.C.G.A. § 21-5-6(b)(14)(C)(iv).

The Commission adopts the foregoing findings of fact and conclusions of law and orders the implementation of the terms of this Consent Order.

Signature attested to on this 19<sup>th</sup> day  
of June, 2018.

By: Angela Michelle Brown  
Public Notary

Chris Erwin  
Chris Erwin  
Respondent

My Commission Expires: Sept. 10, 2019

Order Prepared and Presented by:

Robert S. Lane

Robert S. Lane  
Deputy Executive Secretary  
Ga. State Bar No.: 178970



SO ORDERED this 21<sup>st</sup> day of June, 2018.

**Georgia Government Transparency and Campaign Finance Commission**

BY: Mary Paige Adams  
Mary Paige Adams, Chair