

TEXAS ETHICS COMMISSION

IN THE MATTER OF
CHRIS VALADEZ,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-260119

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on September 21, 2006, to consider sworn complaint SC-260119. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 252.001, 252.005, 253.031, and 254.063 of the Election Code, laws administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegations

The complaint alleges that the respondent failed to properly file a campaign treasurer appointment, made or authorized campaign expenditures at a time when a campaign treasurer appointment was not in effect, and failed to properly file campaign finance reports.

III. Facts Supported by Credible Evidence

Credible evidence available to the commission supports the following findings of fact:

1. The respondent was an unsuccessful candidate for commissioner of Cameron County in the 2006 primary election.
2. The respondent filed an application for a place on the ballot as a candidate and paid a filing fee on December 29, 2005.
3. The respondent filed a campaign treasurer appointment with a county political party on December 29, 2005.
4. The county clerk received the respondent's campaign treasurer appointment on February 6, 2006.

5. The respondent's first campaign finance report filed on February 8, 2006, disclosed four political expenditures totaling approximately \$7,600 during the reporting period ending February 6, 2006. The report does not disclose the dates for the expenditures and did not disclose the filing fee.

IV. Findings and Conclusions of Law

The facts described in Section III support the following findings and conclusions of law:

1. A candidate is a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office, including the filing of an application for a place on the ballot, the accepting of a campaign contribution, and the making of a campaign expenditure. ELEC. CODE § 251.001(1)(B), (G). Each candidate shall appoint a campaign treasurer as provided by chapter 252 of the Election Code. *Id.* § 252.001. Chapter 252 of the Election Code requires a candidate for a county elective office to file an appointment of a campaign treasurer with the county clerk. *Id.* § 252.005(2).
2. A campaign contribution is a contribution to a candidate that is offered or given with the intent that it be used in connection with a campaign for elective office. *Id.* § 251.001(3). A campaign expenditure is an expenditure made by any person in connection with a campaign for an elective office. *Id.* § 251.001(7).
3. There is credible evidence that the respondent was required to file a campaign treasurer appointment with the proper filing authority on December 29, 2005, because he filed an application for a place on the ballot as a candidate for the office of county commissioner and paid a filing fee on December 29, 2005.
4. There is credible evidence that the respondent's campaign treasurer appointment was not filed with the county clerk until February 6, 2006. Therefore, there is credible evidence that the respondent violated sections 252.001 and 252.005 of the Election Code by failing to properly file an appointment of a campaign treasurer.
5. A candidate may not knowingly make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. *Id.* § 253.031(a).
6. A campaign expenditure means, in pertinent part, a payment of money or any other thing of value made in connection with a campaign for an elective office. *Id.* §§ 251.001(6), (7).
7. There is credible evidence that the respondent made expenditures in connection with a campaign for an elective office, including a fee to file for a place on the ballot, before February 6, 2006. Therefore, there is credible evidence that the respondent violated section 253.031(a) of the Election Code by making campaign expenditures at a time when a campaign treasurer appointment was not in effect.

8. A candidate shall file two reports for each year. *Id.* § 254.063(a). A candidate shall file a report not later than January 15, covering the period beginning July 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed and continuing through December 31. *Id.* § 254.063(c).
9. The respondent became a candidate on or before December 29, 2005. Therefore, he was required to file a January 2006 semiannual campaign finance report covering the period beginning on July 1, 2005, through December 31, 2005. The respondent did not file a January 2006 semiannual report. Therefore, there is credible evidence of a violation of section 254.063 of the Election Code.

V. Representations and Agreement by Respondent

By signing this order and agreed resolution and returning it to the commission:

1. The respondent neither admits nor denies the facts described under Section III or the commission's findings and conclusions of law described under Section IV, and consents to the entry of this order and agreed resolution solely for the purpose of resolving this sworn complaint.
2. The respondent consents to this order and agreed resolution and waives any right to further proceedings in this matter.
3. The respondent acknowledges: that each candidate shall appoint a campaign treasurer as provided by chapter 252 of the Election Code; that chapter 252 of the Election Code requires a candidate for a county elective office to file an appointment of a campaign treasurer with the county clerk; that a candidate may not knowingly make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect; that a candidate shall file two reports for each year; and that a candidate shall file a report not later than January 15, covering the period beginning July 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed and continuing through December 31. The respondent agrees to comply with these requirements of the law.

VI. Confidentiality

This order and agreed resolution describes violations that the commission has determined are neither technical nor *de minimis*. Accordingly, this order and agreed resolution is not confidential under section 571.140 of the Government Code and may be disclosed by members and staff of the commission.

VII. Sanction

After considering the seriousness of the violations described under Sections III and IV, including the nature, circumstances, and consequences of the violations, and after considering the sanction necessary to deter future violations, the commission imposes a \$500 civil penalty for the violations described under Sections III and IV.

VIII. Order

The commission hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-260119.

AGREED to by the respondent on this _____ day of _____, 20__.

Chris Valadez, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director