

TEXAS ETHICS COMMISSION

IN THE MATTER OF

DOCTOR JOSEPH A. ZAVALETTA,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-250457

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on July 14, 2005, to consider sworn complaint SC-250457. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.031(a)(3) of the Election Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegation

The complaint alleges that the respondent failed to properly itemize political expenditures on his 30-day pre-election report.

III. Facts Supported by Credible Evidence

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

1. The respondent was a candidate for re-election as city commissioner.
2. The respondent's 30-day pre-election report discloses the expenditures of \$2,000, \$2,000, \$2,125 and \$500, and entered the payee for those expenditures as "cash."
3. The respondent filed a corrected report on June 22, 2005, itemizing all of the expenditures that were required to be itemized. The corrected report listed certain individuals as the payees.
4. The respondent filed another correction that showed a building supplies company as the actual payee for expenditures for lumber and supplies. Those expenditures were originally reported as being made to individuals. The disclosure of payments to individuals for gasoline were not changed on the latest corrected report.

5. During the course of investigating the complaint, the respondent provided an explanation for the expenses in question.

IV. Findings and Conclusions of Law

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

1. A candidate is required to itemize expenditures that in the aggregate exceed \$50. ELEC. CODE § 254.031(a)(3). The respondent made political expenditures in the amount of \$6,625 without disclosing the proper payee or purpose information. On the original report, the respondent entered "cash" for the name of the payee and no purpose information. Therefore, there is credible evidence that the respondent violated section 254.031(a)(3) 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 a candidate is required to itemize expenditures that in the aggregate exceed \$50. The respondent agrees to comply with this requirement of the law.

VI. Confidentiality

This order and agreed resolution describes a violation that the commission has determined is 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 violation described under Sections III and IV, including the nature, circumstances, and consequences of the violation, and after considering the sanction necessary to deter future violations, the commission imposes a \$200 civil penalty for the violation 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-250457.

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

Doctor Joseph A. Zavaletta, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director