

TEXAS ETHICS COMMISSION

IN THE MATTER OF
RAUL ALVAREZ,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2507146

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on November 1, 2005, to consider sworn complaint SC-2507146. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.063 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 did not timely file his July 2005 semiannual campaign finance report.

III. Facts Supported by Credible Evidence

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

1. The respondent is an Austin City Council member. The respondent had an active campaign treasurer appointment on file at the time of the allegation.
2. The respondent's July 2005 semiannual report was filed on July 19, 2005, which is four days after its due date.

IV. Findings and Conclusions of Law

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

1. A candidate must file a semiannual campaign finance report by January 15 and July 15 of each year. ELEC. CODE § 254.063.
2. The respondent was a candidate for purposes of the reporting requirements of title 15 of the Election Code. ELEC. CODE § 251.001(1).
3. The respondent's July 2005 semiannual campaign finance report was filed four days after the deadline. Therefore, there is credible evidence that the respondent violated 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 semiannual reports are due on July 15 and January 15. The respondent agrees to comply with this requirement 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 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 \$100 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-2507146.

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

Raul Alvarez, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director