

TEXAS ETHICS COMMISSION

IN THE MATTER OF
NORMA CHAVEZ,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-260249

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on September 21, 2006, to consider sworn complaint SC-260249. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.031 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. Allegations

The complaint alleges that the respondent failed to disclose political contributions maintained on four campaign finance reports and incorrectly reported political contributions maintained on another 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 a state representative.
2. The respondent did not disclose political contributions maintained when she originally filed her January 2004 semiannual, July 2004 semiannual, January 2005 semiannual, and February 2006 30-day pre-election reports.
3. The respondent filed corrected reports to disclose political contributions maintained on each of the reports at issue.
4. The respondent's July 2005 semiannual report originally disclosed \$900 of political contributions maintained.
5. The respondent corrected the July 2005 semiannual report. The corrected report discloses \$28,650.71 of political contributions maintained.

IV. Findings and Conclusions of Law

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

1. Each campaign finance report must include the amount of political contributions maintained as of the last day of the reporting period. ELEC. CODE § 254.031(a)(8).
2. Regarding the January 2004 semiannual campaign finance report, the statute of limitations for a reporting violation is two years. Ethics Commission Rules § 12.5. The complaint was filed on February 16, 2006. Therefore, any possible violations regarding the January 2004 semiannual campaign finance report fall outside of the statute of limitations.
3. The respondent did not disclose political contributions maintained on the three reports within the statute of limitations. Because the respondent failed to disclose political contributions maintained on her campaign finance reports there is credible evidence of a violation of section 254.031(a)(8) of the Election Code.
4. The respondent's July 2005 semiannual report originally disclosed \$900 of political contributions maintained. The corrected report discloses \$28,650.71 of political contributions maintained.
5. Therefore, there is credible evidence that the respondent violated section 254.031(a)(8) of the Election Code with respect to the July 2005 semiannual report.

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 the total political contributions maintained as of the last day of the reporting period must be reported on each campaign finance report. 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 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 \$1,000 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-260249.

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

Norma Chavez, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director