

TEXAS ETHICS COMMISSION

IN THE MATTER OF
GREGORY GARCIA,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-270452

FINAL ORDER

The Texas Ethics Commission, having heard this case and voting to find violations of laws under its jurisdiction, makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The respondent is Gregory Garcia, whose last known mailing address is 604 E. Van Week Street, Edinburg, Texas 78541-2614. Sworn complaint SC-270452 was filed with the Texas Ethics Commission against the respondent on April 19, 2007. The Notice of Hearing was mailed to the respondent on October 23, 2008.
2. The preliminary review hearing was held on December 4, 2008, by the Texas Ethics Commission in Austin, Texas.
3. The respondent did not file a reply to the Notice of Hearing and did not appear at the hearing.
4. The complaint alleges that the respondent, Gregory Garcia, failed to provide the complete addresses of payees and the purpose of political expenditures.
5. The respondent was a candidate for trustee of the Edinburg School Board in the May 12, 2007, trustee election.
6. Schedule F (used to disclose political expenditures) of the respondent's 30-day pre-election report for the May 12, 2007, trustee election discloses 32 political expenditures totaling approximately \$12,271 without disclosing complete addresses for the payees. The report discloses "contract services" for the purpose of ten political expenditures totaling \$7,150 and "Reimbursement for Refreshments" for the purpose of one political expenditure for \$103.38.
7. In response to the sworn complaint, the respondent filed a corrected report providing complete addresses for all the political expenditures at issue, but did not describe the categories of services received in exchange for the political expenditures that were originally disclosed as being for "contract services."

Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. GOV'T CODE § 571.061.
2. The respondent was provided legally sufficient notice of the hearing in this case. GOV'T CODE § 571.032 and 1 TAC § 12.21. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.
3. Each report must include the amount of political expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures. ELEC. CODE § 254.031(a)(3).
4. The report of a political expenditure for goods or services must describe the categories of goods or services received in exchange for the expenditure. Ethics Commission Rules § 20.61(a).
5. The evidence shows that the respondent failed to properly disclose the complete addresses of payees, for 32 political expenditures totaling approximately \$12,271, and failed to properly disclose the purpose of 11 political expenditures totaling approximately \$7,253 (included in the \$12,271). Therefore, there is credible evidence that the respondent violated section 254.031(a)(3) of the Election Code and section 20.61(a) of the Ethics Commission Rules.
6. The Texas Ethics Commission may impose a sanction against the respondent of not more than \$5,000 or triple the amount at issue, whichever amount is greater. GOV'T CODE § 571.173.

Therefore, the Texas Ethics Commission orders that:

1. The respondent pay to the Texas Ethics Commission, within 30 days of the date of this order, a civil penalty in the amount of \$1,000.

Date: _____

FOR THE COMMISSION

David A. Reisman
Executive Director
Texas Ethics Commission