

TEXAS ETHICS COMMISSION

IN THE MATTER OF
LATRONDA T. DARNELL,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-31608177CI

FINAL ORDER

The Texas Ethics Commission (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 LaTronda T. Darnell, whose last known mailing address is 5641 Copper Creek, New Braunfels, Texas 78132. The Commission met on August 15, 2016, and on its own motion initiated this sworn complaint. The first Notice of Hearing was mailed to the respondent on April 19, 2017, by certified mail, return receipt requested, restricted delivery, and delivery confirmation. United States Postal Service (USPS) records indicate that the first Notice of Hearing was delivered to the respondent on April 21, 2017. A second Notice of Hearing was mailed to the respondent by Lone Star Overnight (LSO) on May 3, 2017. LSO records indicate the second Notice of Hearing was delivered to the respondent on May 4, 2017.
2. The preliminary review hearing was held on May 17, 2017, 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.

Personal Financial Statement

4. The respondent was a candidate for State Representative, District 120, in the March 1, 2016, primary election.
5. The respondent was required to file a personal financial statement (PFS) with the Commission by February 12, 2016.
6. Records on file with the Commission show the respondent did not file the report.

Response to Notice of a Sworn Complaint

7. On August 18, 2016, an attempt to contact the respondent was made by Commission staff by telephone. Commission staff left a voicemail message for the respondent. The Commission sent notice of the sworn complaint to the respondent by certified mail on August 22, 2016. According to USPS tracking information, the notice was undeliverable and returned to the Commission on September 6, 2016. On September 9, 2016, another attempt to contact the respondent was made by Commission staff by telephone and a voicemail message was left. The respondent returned the telephone call. The respondent was notified of the complaint and advised Commission staff of her new address.
8. On September 13, 2016, a second notice of the sworn complaint was sent, and according to USPS tracking information, a delivery notice was left on September 15, 2016. The notice was not returned to the Commission. This notice informed the respondent that the alleged violation in the sworn complaint was a Category One violation, and that response to the sworn complaint was required not later than 10 business days from the date the notice was received and that failure to respond to the notice constituted a separate violation for which a separate penalty may be assessed. Based on delivery date of the notice, the respondent was required to respond to the sworn complaint by September 29, 2016. The respondent did not respond to the sworn complaint.

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 received legally sufficient notice of the hearing in this case. *Id.* § 571.032 and 1 TAC § 12.21. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.

Personal Financial Statement

3. Except as provided by Section 572.0211, a state officer, a partisan or independent candidate for an office as an elected officer, and a state party chair shall file with the commission a verified financial statement complying with Sections 572.022 through 572.0252. GOV'T CODE § 572.021.
4. An individual who is a partisan or independent candidate for an office as an elected officer shall file the financial statement required by this subchapter not later than the later of the 60th day after the date of the regular filing deadline for an application for a place on the ballot in the general primary election or February 12. *Id.* § 572.027(a).
5. "State officer" means an elected officer, an appointed officer, a salaried appointed officer, an appointed officer of a major state agency, or the executive head of a state agency. *Id.* § 572.002(12).

6. The respondent was a candidate for State Representative, District 120. Her candidacy in the March 1, 2016, general primary election required her to file a PFS by February 12, 2016. Records on file with the Commission reflect that the respondent did not file the PFS. Thus, there is credible evidence of a violation of section 572.027 of the Government Code.

Response to Notice of a Sworn Complaint

7. If the alleged violation in a sworn complaint is a Category One violation, the respondent must respond to the notice required by section 571.123(b) of the Government Code not later than the 10th business day after the date the respondent receives the notice. GOV'T CODE § 571.1242(a)(1). A respondent's failure to timely respond to a sworn complaint as required by subsection (a)(1) or (b)(1) is a Category One violation. *Id.* § 571.1242(c).
8. The response required by section 571.1242 of the Government Code must be in writing, admit or deny the allegations set forth in the complaint, and be signed by the respondent. Ethics Commission Rules § 12.52(a). If a respondent does not submit a response within the time period prescribed by section 571.1242 of the Government Code, the Commission may issue an order imposing a civil penalty for failure to file a response. *Id.* § 12.52(b).
9. A notice of the sworn complaint was sent, and according to USPS tracking information, a delivery notice was left on September 15, 2016. The notice stated that the respondent was required to respond not later than 10 business days from receiving the notice. The respondent was required to respond to the sworn complaint by September 29, 2016.
10. The respondent did not respond to the sworn complaint. Therefore, there is credible evidence of a violation of section 571.1242(c) of the Government Code.
11. 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 Commission, within 30 days of the date of this order, a civil penalty in the amount of \$2,500.

Order Date: _____

FOR THE COMMISSION

Seana Willing
Executive Director
Texas Ethics Commission