

TEXAS ETHICS COMMISSION

IN THE MATTER OF

ALYSSA GARZA,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-32403198

RECEIVED

SEP 11 2024

Texas Ethics Commission

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (TEC) met on September 24, 2024, to consider sworn complaint SC-32403198. A quorum of the TEC was present. The TEC determined that there is credible evidence of a violation of Section 254.063 of the Election Code, a law administered and enforced by the TEC.

To resolve and settle this complaint without further proceedings, the TEC adopted this resolution imposing a \$250 civil penalty. If the penalty is not paid in full within 30 days of the date of this Order and Agreed Resolution, then the TEC orders that an additional \$2,500 civil penalty be imposed pursuant to Section 571.173 of the Government Code for delay in complying with this Order and Agreed Resolution, and that the agreed-upon penalty and the additional \$2,500 penalty be referred to the Office of the Attorney General of Texas for collection.

II. Allegation

The respondent was a successful incumbent candidate for San Marcos City Council, Place 3, in the November 7, 2023 election. The complaint alleges that the respondent failed to file a January 2024 semiannual campaign finance report, which was due by January 16, 2024, in violation of Section 254.063 of the Election Code.

III. Findings of Fact and Conclusions of Law

Credible evidence available to the TEC supports the following findings of facts and conclusions of law:

1. The respondent was an incumbent candidate for San Marcos City Council, Place 3, in the November 7, 2023 election. The respondent was successfully re-elected.

The Respondent Failed to File A January 2024 Semiannual Campaign Finance Report

2. Records on file with the City of San Marcos show that the respondent filed an amended campaign treasurer appointment on July 25, 2023, and had not filed a final report prior to December 31, 2023, that terminated her filing obligations.

3. In response to the complaint, the respondent acknowledged that she failed to file her January 2024 semiannual report. The respondent emailed a copy of her January 2024 semiannual report to TEC staff prior to filing it with the City of San Marcos. The respondent disclosed that she accepted \$2,839.65 in total political contributions and made \$669.71 in total political expenditures.
4. The respondent did not file a final report on or before December 31, 2023, and therefore she was required to file a January 2024 semiannual report on or before January 16, 2024. *See* Tex. Elec. Code §§ 251.001(1), 254.063(c); 1 Tex. Admin. Code § 20.21. The respondent did not file her January 2024 semiannual report with the City of San Marcos until August 30, 2024. Therefore, there is credible evidence of a violation of 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 TEC:

1. The respondent neither admits nor denies the findings of fact and conclusions of law described under Section III, and consents to the entry of this order and agreed resolution solely for the purpose of resolving the sworn complaint.
2. The respondent consents to this order and agreed resolution and waives any right to further proceedings in this matter. The respondent consents to TEC staff presenting this resolution to the Commissioners outside of the respondent's presence.
3. The respondent acknowledges that a candidate must file two semiannual reports for each year, on July 15 and January 15. The respondent further acknowledges that the TEC may consider the reporting violations found in this Order and Agreed Resolution in assessing a penalty for any future violations, for which the TEC may impose a penalty of up to \$5,000 or triple the amount at issue for each violation, pursuant to Section 571.173 of the Government Code.
4. The respondent agrees to fully and strictly comply with the above requirements of law.

VI. Confidentiality

This order and agreed resolution describes violations that the TEC 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 TEC.

VII. Sanction

The TEC may impose a civil penalty of not more than \$5,000 or triple the amount at issue under a law administered and enforced by the TEC, whichever amount is more, for a delay in complying with a TEC order or for violation of a law administered and enforced by the TEC. Tex. Gov't Code

§ 571.173. The TEC shall consider the following factors in assessing a sanction: 1) the seriousness of the violation, including the nature, circumstances, consequences, extent and gravity of the violation; 2) the history and extent of previous violations; 3) the demonstrated good faith of the violator, including actions taken to rectify the consequences of the violation; 4) the penalty necessary to deter future violations, and 5) any other matters that justice may require. *Id.* § 571.177.

Factor 1: The Seriousness of the Violation

The respondent was a successful incumbent candidate for the November 2023 election and did not file a final report prior to December 31, 2023. The respondent was therefore required to file her January 2024 semiannual report. The respondent filed her January 2024 semiannual report late, which deprived the public of financial disclosure. However, the TEC takes into consideration that the respondent was an unopposed candidate for the November 2023 election and had minimal campaign financial activity during the reporting period covered by the January 2024 semiannual report.

Factor 2: The History and Extent of Previous Violations

The respondent has no previous violations.

Factor 3: The Demonstrated Good Faith of the Violator

After repeated requests from TEC staff, the respondent filed the January 2024 semiannual report and submitted her response to the complaint.

Factor 4: The Penalty Necessary to Deter Future Violations

The January 2024 semiannual report revealed that most of the political contributions that the respondent accepted were from individuals who gave \$100 or less and that the respondent made all of her political expenditures from her political contributions. While the respondent had minimal campaign financial activity, the respondent's late-filed semiannual report still harmed public disclosure. Further, according to the respondent's filing history, she failed to file her July 2021 and July 2022 semiannual reports and filed her January 2023 and July 2023 semiannual reports late.

Because the respondent is currently an officeholder and has a history of failing to timely file campaign finance reports, a penalty is necessary to deter future violations.

Factor 5: Any Other Matters that Justice May Require

The respondent failed to timely file the report at issue because of a serious personal medical issue. The respondent's medical difficulties were compounded by more mundane practical issues, which included flooding due to a failed water heater and difficulties with her payment processing service. These mitigating circumstances justify reduction of the penalty.

Conclusion

After considering the nature, circumstances, and consequences of the violations described under Section III, the TEC imposes a \$250 civil penalty. If the penalty is not paid in full within 30 days of the date of this Order and Agreed Resolution, then the TEC orders that an additional \$2,500 civil penalty be imposed pursuant to Section 571.173 of the Government Code for delay in complying with this Order and Agreed Resolution, and that the agreed-upon penalty and the additional \$2,500 penalty be referred to the Office of the Attorney General of Texas for collection.

VIII. Order

The TEC hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-32403198.

AGREED to by the respondent on this 11th day of September, 2024.



Alyssa Garza, Respondent

EXECUTED by the TEC on: 9/24/24.

Texas Ethics Commission

By: 

J.R. Johnson, Executive Director