

TEXAS ETHICS COMMISSION

IN THE MATTER OF
DIANE M. DE LA GARZA,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-980214

FINAL ORDER

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

Findings of Fact

1. The respondent is Diane M. De La Garza, whose last known mailing address is 3405 Morningside Drive, Victoria, Texas 77901-1787. A sworn complaint was filed with the Texas Ethics Commission against the respondent on February 19, 1998. The Notice of Hearing was mailed to the respondent on February 22, 2002, by certified mail, return receipt requested, restricted delivery.
2. The preliminary review hearing was held on March 8, 2002, at 10:30 a.m., 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. On or about February 9, 1998, the respondent, an opposed candidate for justice of the peace, failed to file the 30-day before election report due on February 9, 1998.

Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. Section 571.061, Government Code.
2. The respondent received legally sufficient notice of the hearing in this case. Section 571.032, Government Code, and Section 12.21, 1 Texas Administrative Code.
3. The allegation in the Notice of Hearing was deemed admitted as true in accordance with Sections 12.33 and 155.55, 1 Texas Administrative Code; Sections 2001.058, 2003.021, and 2003.050, Government Code.

4. By failing to file the 30-day before election report due on February 9, 1998, the respondent violated Section 254.064, Election Code.
5. 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. Section 571.173, Government Code.

Therefore, the Texas Ethics Commission orders that:

1. The respondent pay to the State of Texas, within 30 days of the date of this order, a civil penalty in the amount of \$100.

Date: _____

FOR THE COMMISSION

Tom Harrison
Executive Director
Texas Ethics Commission