

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
ANNETTE LUGO,  
RESPONDENT

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§

BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-2406109

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission met on July 16, 2004, to consider sworn complaint SC-2406109. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.064 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. Allegation

The complainant alleges that the respondent failed to file pre-election reports in connection with a May 15, 2004, school board election.

### III. Facts Supported by Credible Evidence

Credible evidence available to the commission supports the following findings of fact:

1. The respondent was a candidate for school board trustee of the Somerset Independent School District in a May 15, 2004, election.
2. The respondent filed a campaign treasurer appointment for school board trustee on March 4, 2004.
3. In June 2004, the respondent filed 30-day and 8-day pre-election reports for the May 15, 2004, election. The 30-day pre-election report disclosed contributions totaling \$200 and expenditures totaling \$200. The 8-day pre-election report disclosed no reportable activity.

4. The respondent submitted a sworn statement in which she apologizes to the commission for not filing the reports in a timely manner and says that she does not have a legitimate excuse. She also apologizes to the complainant and thanks him for making her aware of the matter.

#### **IV. Findings and Conclusions of Law**

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

1. For each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person is required to file reports 30 days and 8 days before the election. ELEC. CODE § 254.064.
2. The respondent had an opponent in the May 15, 2004, election. Therefore, the respondent was required to file pre-election reports for that election. The evidence shows that the respondent did not file the reports before the election. There is credible evidence that the respondent violated section 254.064 of the Election Code.

#### **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 an opposed candidate is required to file pre-election campaign finance reports. The respondent agrees to fully comply with this requirement of the law.

#### **VI. Confidentiality**

This order and agreed resolution describes a violation that the commission has determined is 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 violation described under Sections III and IV, including the nature, circumstances, and consequences of the violation, and after considering the sanction necessary to deter future violations, the commission imposes a \$200 civil penalty for the violation described under Section 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-2406109.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 2004

\_\_\_\_\_  
Annette Lugo, Respondent

EXECUTED ORIGINAL received by the commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
Sarah Woelk, Acting Executive Director