

TEXAS ETHICS COMMISSION

IN THE MATTER OF § BEFORE THE
ERNESTO “NETO” MADRIGAL, § TEXAS ETHICS COMMISSION
RESPONDENT § SC-31207227

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on November 29, 2012, to consider sworn complaint SC-31207227. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.063 of the Election Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposed this resolution to the respondent.

II. Allegations

The complaint alleged that the respondent did not timely file semiannual campaign finance reports.

III. Facts Supported by Credible Evidence

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

1. The respondent was an opposed incumbent candidate for Caldwell County Commissioner, Precinct 3, in the November 6, 2012, general election.

Timely Filing of Campaign Finance Reports

2. The complaint alleged that the respondent did not timely file the January 2011, July 2011, and July 2012 semiannual reports.
3. During the period of time relevant to the complaint, the respondent had an active campaign treasurer appointment on file with the Caldwell County clerk (the respondent never filed a final report terminating his campaign treasurer appointment and filing requirements as a candidate). Therefore, the respondent was required to file the January 2011 semiannual report by the January 18, 2011, deadline (the deadline was extended due to a weekend and holiday), the July 2011 semiannual report by the July 15, 2011,

deadline, and the July 2012 semiannual report by the July 16, 2012, deadline (the deadline was extended due to a weekend).

4. In response to the complaint on August 21, 2012, the respondent filed the January 2011 and July 2011 semiannual reports, and on August 28, 2012, the July 2012 semiannual report.

IV. Findings and Conclusions of Law

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

Timely Filing of Campaign Finance Reports

1. A candidate shall file two reports for each year. ELEC. CODE § 254.063(a). The first report shall be filed not later than July 15 and covers the period beginning January 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed, as applicable, and continuing through June 30. *Id.* § 254.063(b). The second report shall be filed not later than January 15 and covers the period beginning July 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed, as applicable, and continuing through December 31. *Id.* § 254.063(c). A candidate has the duty to file semiannual reports until the candidate terminates his campaign treasurer appointment. The designation of a report as a final report terminates a candidate's campaign treasurer appointment. *Id.* § 254.065.
2. All three semiannual campaign finance reports at issue were not timely filed. Therefore, there is credible evidence of violations 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 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 a candidate shall file two reports each year. The first report shall be filed not later than July 15 and covers the period beginning January 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed, as applicable, and continuing through June 30. The second report shall be filed not later than January 15 and covers the period beginning July 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed, as

applicable, and continuing through December 31. The respondent agrees to comply with these requirements of the law.

VI. Confidentiality

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

VII. Sanction

After considering the nature, circumstances, and consequences of the violations described under Sections III and IV, and after considering the sanction necessary to deter future violations, the commission imposes a \$500 civil penalty.

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-31207227.

AGREED to by the respondent on this _____ day of _____, 20__.

Ernesto "Neto" Madrigal, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director