

TEXAS ETHICS COMMISSION

IN THE MATTER OF
SYLVIA CEDILLO,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-31410219

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) held a preliminary review hearing on December 8, 2016, to consider sworn complaint SC-31410219. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of sections 254.063 and 254.064 of the Election Code, laws 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 the July 2014 semiannual report and 30-day and 8-day pre-election reports for the March 4, 2014, primary election.

III. Facts Supported by Credible Evidence

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

1. At all times relevant to this complaint, the respondent was a candidate for Waller County Judge in the March 4, 2014, primary election.
2. At all times relevant to the complaint, the respondent had an active campaign treasurer appointment on file with Waller County.

Semiannual Report

3. The complaint alleged that the respondent did not timely file the July 2014 semiannual report.

4. According to records on file with Waller County, the respondent filed the July 2014 semiannual report on September 18, 2014. The semiannual report disclosed \$1,825 in total political contributions and \$30,169.66 in total political expenditures.

Pre-election Reports

5. The complaint also alleged that the respondent did not timely file the 30-day and 8-day pre-election reports for the March 4, 2014, primary election.
6. The respondent was an opposed candidate for Waller County Judge in the March 4, 2014, primary election. The respondent did not elect to file reports on the modified reporting schedule on her campaign treasurer appointment.
7. Waller County records show that the respondent filed the 30-day and 8-day pre-election reports for the March 4, 2014, primary election on October 16, 2014. The 30-day pre-election report disclosed \$4,593.34 in total political expenditures, \$8,000 in total principal amount of loans outstanding as of the last day of the reporting period, a \$5,000 personal loan, and \$0 for all other fields. The 8-day pre-election report disclosed \$4,412.55 in total political expenditures, \$8,000 in total principal amount of loans outstanding as of the last day of the reporting period, and \$0 for all other fields.

IV. Findings and Conclusions of Law

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

Semiannual Report

1. A candidate shall file two reports for each year as provided by this section. ELEC. CODE § 254.063(a). The first report shall be filed not later than July 15. The report 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 under this subchapter, as applicable, and continuing through June 30. *Id.* § 254.063(b).
2. "Candidate" means a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election. Examples of affirmative action include the filing of a campaign treasurer appointment. *Id.* § 251.001(1).
3. At all times relevant to the complaint, the respondent had an active campaign treasurer appointment on file with Waller County. Accordingly, the respondent was required to file the July 2014 semiannual report by July 15, 2014.

4. The respondent filed the July 2014 semiannual report on September 18, 2014, 65 days late. Therefore, there is credible evidence of a violation of section 254.063(c) of the Election Code.

Pre-election Reports

5. In addition to other required reports, for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. ELEC. CODE § 254.064(a). The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. The report covers the period beginning 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 under this chapter, as applicable, and continuing through the 40th day before election day. *Id.* § 254.064(b). The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day. *Id.* § 254.064(c).
6. An opposed candidate or specific-purpose committee required to file [pre-election reports] may file a report under subchapter G (relating to modified reporting procedures) if the candidate or committee does not intend to accept political contributions that in the aggregate exceed \$500 or to make political expenditures that in the aggregate exceed \$500 in connection with the election. To be entitled to file reports under this subchapter, an opposed candidate or specific-purpose committee must file with the campaign treasurer appointment a written declaration of intent not to exceed \$500 in political contributions or political expenditures in the election. *Id.* §§ 254.181(a), 254.182(a).
7. The respondent appeared on the ballot for the March 4, 2014, election as an opposed candidate for Waller County Judge. The respondent did not elect to file reports on the modified reporting schedule on her campaign treasurer appointment. Accordingly, the respondent was required to file the 30-day and 8-day pre-election reports. The 30-day pre-election report was due by February 3, 2014, and the 8-day pre-election report was due by February 24, 2014.
8. The respondent filed both the 30-day and 8-day pre-election reports on October 16, 2014. The 30-day pre-election report was 91 days late, and the 8-day pre-election report was 69 days late. Therefore, there is credible evidence of violations of sections 254.064(b) and 254.064(c) of the Election Code with regard to those two reports.

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 for each year as provided by section 254.063 of the Election Code. The first report shall be filed not later than July 15. The report 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 under this subchapter, as applicable, and continuing through June 30. The respondent further acknowledges that for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. The report covers the period beginning 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 under this chapter, as applicable, and continuing through the 40th day before election day. The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day. 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 \$680 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-31410219.

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

Sylvia Cedillo, Respondent

EXECUTED ORIGINAL received by the Commission on: _____.

Texas Ethics Commission

By: _____
Executive Director