

TEXAS ETHICS COMMISSION

IN THE MATTER OF

BENIGNO “BEN” MOLINA, III,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-31812376

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on November 20, 2019, to consider sworn complaint SC-31812376. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of section 254.031 of the Election Code, a law administered and enforced by the Commission. To resolve and settle this complaint without further proceedings, the Commission adopted this resolution.

II. Allegations

The complaint alleged that the respondent, in connection with the November 2018 election: 1) did not include the full address of persons from whom political contributions were accepted on the 30-day and 8-day pre-election reports, in violation of section 254.031 of the Election Code; and 2) did not include the full address of persons to whom political expenditures were made on the 30-day and 8-day pre-election reports, in violation of section 254.031 of the Election Code.

III. Facts Supported by Credible Evidence

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

1. The respondent was an opposed candidate for re-election to Corpus Christi City Council, District 2, in the November 6, 2018, election. The respondent was successful in the election and currently holds the office.
2. The respondent included 43 contributions of more than \$50 each on his 30-day pre-election report, totaling \$18,175. None of these reported contributions included the contributor's full address, listing only their city and state.

3. The respondent included 16 contributions of more than \$50 each on his 8-day pre-election report, totaling \$11,950. As with the respondent's 30-day pre-election report, none of these reported contributions included the contributor's full address, listing only the contributor's city and state.
4. On his 30-day pre-election report, the respondent included five expenditures of more than \$100 each, totaling \$6,166.56. These reported expenditures did not include the payee's full address, listing only the payee's city and state.
5. On his 8-day pre-election report, the respondent included three expenditures of more than \$100 each, totaling \$12,005.39. These reported expenditures did not include the payee's full address, listing only the payee's city and state.
6. On December 11, 2018, the respondent filed a corrected 8-day pre-election report which included the required full addresses for contributions and expenditures.
7. The sworn complaint was filed on December 19, 2018. In response to the complaint, the respondent admitted the violations alleged and on January 7, 2019, filed a corrected 30-day pre-election report disclosing the required full addresses for contributions and expenditures.

IV. Findings and Conclusions of Law

1. The Election Code requires that candidates disclose on each campaign finance report the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the candidate, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
2. The Election Code further requires that candidates disclose on each campaign finance report the amount of political expenditures that in the aggregate exceed \$100 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures. *Id.* § 254.031(a)(3).
3. The respondent failed to include the full address for 43 contributions that in the aggregate exceeded \$50 on his 30-day pre-election report, and failed to include the full address for 16 contributions that in the aggregate exceeded \$50 on this 8-day pre-election report. There is therefore credible evidence of violations of section 254.031(a)(1) of the Election Code.

4. The respondent failed to include the full address for five campaign expenditures that in the aggregate exceeded \$100 on his 30-day pre-election report and failed to include the full address for three campaign expenditures that in the aggregate exceeded \$100 on his 8-day pre-election report. There is therefore credible evidence of violations of section 254.031(a)(3) 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 in 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: 1) campaign finance reports must include the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions; and 2) campaign finance reports must include the amount of political expenditures that in the aggregate exceed \$100 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures. 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 \$100 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-31812376.

AGREED to by the respondent on this _____ day of _____, 2019.

Benigno “Ben” Molina, III, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Anne Temple Peters, Executive Director