

TEXAS ETHICS COMMISSION

IN THE MATTER OF
LUIS M. SINGLETERRY,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-3220247

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on December 13, 2022, to consider sworn complaint SC-3220247. A quorum of the Commission was present. The Commission determined that there is credible evidence of a violation of Section 254.063 of the Election Code and Section 571.1242 of the Government Code, laws 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 failed to file a January 2022 semiannual campaign finance report, which was due by January 18, 2022 (January 15 deadline extended due to holiday weekend), in violation of Section 254.063 or 254.094 of the Election Code.

The Commission also considered whether the respondent timely filed a response to the complaint, as required by Section 571.1242 of the Government Code.

III. Findings of Fact and Conclusions of Law

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

1. The respondent was elected as Judge of the 92nd District Court in the November 3, 2020 election and currently holds the office. The respondent filed his campaign treasurer appointment with the Commission on May 8, 2019 and has not filed a final report.

January 2022 Semiannual Report

2. The sworn complaint alleged that the respondent failed to file his January 2022 semiannual report. Records on file with the Commission show the respondent filed the report on August 24, 2022.
3. In response to the complaint, the respondent acknowledged the violation and swore that the late filing was a complete oversight. The report disclosed \$0 in total political contributions, \$3,690 in total political expenditures, and \$146,351.91 in total political contributions maintained.
4. A candidate shall file two reports for each year. Tex. Elec. Code § 254.063(a). The second report shall be filed not later than January 15. The report 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 under this subchapter, as applicable, and continuing through December 31. *Id.* § 254.063(c).
5. The respondent had a campaign treasurer appointment on file during the January 2022 semiannual reporting period at issue. Therefore, the respondent was required to file a January 2022 semiannual report by the January 18, 2022 filing deadline (January 15 deadline extended due to holiday weekend). Credible evidence shows the respondent filed the report late on August 24, 2022. Therefore, there is credible evidence of a violation of Section 254.063 of the Election Code.

Response to Sworn Complaint

6. Sworn complaint SC-3220247 was filed on February 4, 2022. Jurisdiction was accepted on February 10, 2022. The Commission sent a notice of the sworn complaint to the respondent by certified mail, return receipt requested to the address provided on the sworn complaint on February 10, 2022. According to the United States Postal Service's (USPS) tracking records this notice was lost in transit. A second copy of the notice was sent to the respondent by certified mail, return receipt requested on February 18, 2022. According to the USPS tracking records, the second notice was delivered on March 2, 2022. This notice informed the respondent that the alleged violation was a Category One violation, that a response was required not later than 10 business days from the date the notice was received, and that failure to respond constituted a separate violation for which a separate civil penalty may be assessed.
7. Based on the delivery date of the notice of complaint, the respondent was required to respond to the sworn complaint by March 16, 2022.

8. The respondent submitted his response to the sworn complaint on August 26, 2022, 163 days after the initial response deadline. The response did not address this delay.
9. If the alleged violation is a Category One violation, the respondent must respond to the notice not later than the 10th business day after the date the respondent receives notice. Tex. Gov't Code § 571.1242(a). A respondent's failure to timely respond is a Category One violation. *Id.* § 571.1242(c).
10. A notice required to be sent under Chapter 571 of the Government Code shall be sent to the address provided by the complainant or to the address most recently provided by the respondent. 1 Tex. Admin. Code § 12.21(b).
11. The response required by Section 571.1242 of the Government Code must be in writing, admit or deny the allegations set forth in the complaint, and be signed by the respondent. *Id.* § 12.52(a).
12. If a respondent does not submit a response within the time period prescribed by Section 571.1242 of the Government Code, the commission may issue an order imposing a civil penalty for failure to file a response. *Id.* § 12.52(b).
13. The respondent did not file a timely response to the complaint, despite receiving notice from the Commission that the allegation was a Category One violation and that he was required to respond within 10 business days under Section 571.1242 of the Government Code. Because Section 571.1242(c) of the Government Code provides that a respondent's failure to timely respond to a notice of a Category One complaint constitutes a Category One violation, there is credible evidence of a violation of Section 571.1242 of the Government Code.

IV. 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 findings of fact and conclusions of law described under Section III, 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) each candidate must file two reports for each year, and the second report shall be filed not later than January 15; and 2) a respondent shall submit a response to a sworn complaint containing a Category One violation no later than ten business days after receiving written notice of the complaint. The respondent agrees to comply with these requirements of the law.

V. 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.

VI. Sanction

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

VII. 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-3220247.

AGREED to by the respondent on this _____ day of _____, 2022.

Luis M. Singleterry, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
J.R. Johnson, Executive Director