

TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
PATRICIO “PAT” AHUMADA,	§	TEXAS ETHICS COMMISSION
RESPONDENT	§	SC-3230340

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on September 27, 2023, to consider sworn complaint SC-3230340. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Sections 252.001 and 253.031 of the Election 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: 1) failed to timely file a campaign treasurer appointment, in violation of Section 252.001 of the Election Code; and 2) accepted political contributions and/or made or authorized political expenditures without a campaign treasurer appointment on file, in violation of Section 253.031 of the Election 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 Mayor of Brownsville, Texas for two terms, once in 1991 and again in 2007. On May 1, 2021, the City of Brownsville passed a term limit charter. On December 11, 2022 and January 9, 2023, the respondent wrote letters to the City Secretary’s Office, requesting to know if the term limit charter applied retroactively and would therefore prohibit him from running for Mayor in the May 7, 2023 election. The respondent filed his campaign treasurer appointment and application for a place on the ballot on February 15, 2023 as a candidate for Mayor of Brownsville, Texas in the May 7, 2023 election. On February 16, 2023, the respondent’s ballot application was declared ineligible. The respondent did not file a declaration of write-in candidacy.

Failure to File Campaign Treasurer Appointment

2. The complaint alleged that the respondent did not timely file his campaign treasurer appointment.
3. The information submitted with the complaint showed that the respondent posted photographs on Facebook of his political advertising signs for the May 7, 2023 election on February 12, 2023. The information submitted with the complaint also showed that the respondent submitted his campaign treasurer appointment to the Office of the City Secretary on February 15, 2023.
4. In response to written questions, the respondent provided a copy of a check dated January 11, 2023, made out to Digital Print, for the purchase of the political advertising signs. The memo line of the check read “personal loan to campaign.”
5. Each candidate shall appoint a campaign treasurer. Tex. Elec. Code § 252.001.
6. “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 soliciting or accepting of a campaign contribution or the making of a campaign expenditure. *Id.* § 251.001(G).
7. Credible evidence indicates that the respondent became a candidate on or before January 11, 2023 when he took affirmative action by purchasing political advertising signs. The respondent did not file his campaign treasurer appointment until February 15, 2023. Therefore, there is credible evidence of a violation of Section 252.001 of the Election Code.

Accepting Political Contributions and Making or Authorizing Political Expenditures Without a Campaign Treasurer Appointment on File

8. The complaint alleged that the respondent accepted political contributions and made or authorized political expenditures for political advertising signs without a campaign treasurer appointment on file.
9. The information submitted with the complaint showed that the respondent posted photographs on Facebook of his political advertising signs for the May 7, 2023 election on February 12, 2023. The information submitted with the complaint also showed that the respondent submitted his campaign treasurer appointment to the Office of the City Secretary on February 15, 2023.
10. The information submitted with the complaint showed that the respondent had two different crowd funding campaigns to accept political contributions for his mayoral campaign.

11. In response to written questions, the respondent stated that he had made \$4,312.57 in total political expenditures prior to filing his campaign treasurer appointment. In addition, the respondent stated that he had accepted \$500 in political contributions on February 12, 2023, three days before he filed his campaign treasurer appointment. However, the respondent also stated that he did not accept any political contributions through the crowd funding campaigns and that all funds sent through those platforms were returned to contributors and not accepted.
12. A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. Tex. Elec. Code § 253.031.
13. Credible evidence indicates that the respondent both accepted political contributions and made political expenditures before he filed his campaign treasurer appointment on February 15, 2023. Therefore, credible evidence indicates violations of Section 253.031 of the Election 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 the filing requirements prescribed by Sections 252.001 and 253.031 of the Election Code. 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 \$100 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-3230340.

AGREED to by the respondent on this _____ day of _____, 2023.

Patricio "Pat" Ahumada, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
J.R. Johnson, Executive Director