

TEXAS ETHICS COMMISSION

IN THE MATTER OF
SYLVIA R. GARCIA,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2209105

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on October 11, 2002, and voted to accept jurisdiction of Sworn Complaint SC-2209105 filed against Sylvia R. Garcia. The commission met again on July 10, 2003, to consider Sworn Complaint SC-2209105. A quorum of the commission was present at both meetings. To resolve and settle this complaint without further proceedings, the commission proposes this agreed resolution to the respondent.

II. Allegations

The complainant alleges that the respondent failed to comply with various reporting requirements in connection with four campaign finance reports.

III. Findings

Credible evidence available to the commission supports the following findings:

1. Seafarers International Union of NA-AGLIWD District is an out-of-state political committee from which the respondent accepted a \$500 contribution on March 1, 2002. Although the contribution was reported, the respondent did not provide documentation regarding the organization with the report that covered the reporting period in which the contribution was accepted, as required by section 253.032 of the Government Code.
2. The respondent's 8-day pre-election report filed in October 2001 shows that she used political contributions to reimburse herself for \$515.14 in appropriate political expenditures made from personal funds. The respondent had not reported the expenditures in the report covering the period in which they were made, as required by section 253.035(h) of the Election Code.
3. The respondent had no activity to report on the January 2002 semiannual report. The respondent did not file the January 2002 semiannual report by the applicable filing deadline, as required by section 253.063 of the Election Code.

4. The respondent's 2001 semiannual report did not list complete addresses for eight payees, as required by section 254.031 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 described under Section III and consents to the entry of this ORDER and AGREED RESOLUTION solely for the purpose of resolving and settling this sworn complaint.
2. The respondent consents to the entry of this order before any adversarial evidentiary hearings or argument before the commission, and before any formal adjudication of law or fact by the commission. The respondent waives any right to a hearing before the commission or an administrative law judge, and further waives any right to a post-hearing procedure established or provided by law.
3. The respondent acknowledges that a filer must include with a report certain documentation in regard to a contribution from an out-of-state political committee; that there are restrictions on the use of political contributions to make reimbursement for political expenditures from personal funds; that an individual who has a campaign treasurer appointment on file must file semiannual reports regardless of whether there is activity to report; and that a campaign finance report must include the full name and address of a person to whom expenditures were made if expenditures to that payee exceed \$50 in the reporting period. The respondent agrees to fully and strictly comply with these requirements of the law.
4. Notwithstanding any other provisions of this ORDER and AGREED RESOLUTION, the respondent understands and agrees that the commission will consider the respondent to have committed the violations described under Section IV, if it is necessary to consider a sanction to be assessed in any future sworn complaint proceedings against the respondent.

V. Confidentiality

This ORDER and AGREED RESOLUTION describes a violation that the commission has determined is 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

The commission imposes a \$150 civil penalty.

VII. Order

The commission hereby ORDERS that if the respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete resolution of SC-2209105.

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

Sylvia R. Garcia, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Karen Lundquist, Executive Director