

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
ROLANDO OLVERA, JR.,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-220999

## 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-220999. The commission met again on November 15, 2002, to consider Sworn Complaint SC-220999. The commission held a preliminary review hearing on March 11, 2004, to consider jurisdiction and the allegations. The commission determined that it had jurisdiction over the allegations and found credible evidence that the respondent violated section 254.0611 of the Election Code. There were no allegations that the respondent accepted contributions in excess of the statutory limits. 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, a state district judge, failed to include on his January 2002 semiannual campaign finance report the principal occupation, job title and employer of contributors.

### III. Facts Supported by Credible Evidence

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

1. When the complaint was filed, the respondent was the judge of the 357th Judicial District Court. He was defeated for that office in the November 5, 2002, general election.
2. The complainant provided a copy of the respondent's January 2002 semiannual campaign finance report.
3. The contribution schedule, Schedule A, contains 60 pages. None of the entries disclose the occupations, job titles, or employers of the contributors.
4. The respondent submitted an unsworn response along with a form "COR-C/OH" correction affidavit.

5. Before the March 11, 2004, hearing the respondent submitted a motion challenging the jurisdiction of the commission to consider the complaint.

#### **IV. Findings and Conclusions of Law**

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

1. A judicial candidate's campaign finance report must include the principal occupation and job title of the individual and the full name of the employer of the individual or of the law firm of which the individual or the individual's spouse is a member, if any, for each individual from whom the person filing the report has accepted political contributions that in the aggregate exceed \$50 during the reporting period. ELEC. CODE § 254.0611.
2. The respondent was a judicial candidate for the elective public office of district judge.
3. The respondent's January 2002 semiannual report did not contain the principal occupations, job titles, or employers of contributors.
4. Section 254.0611 is in title 15 of the Election Code. Section 571.061 of the Government Code gives the commission jurisdiction over violations of title 15 of the Election Code.
5. The allegations are within the commission's jurisdiction.
6. There is credible evidence that the respondent violated section 254.0611 of the Election Code because he did not include the information required by that section.

#### **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 and 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 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 each report by a candidate for district judge must include the principal occupation, job title, and employer of each individual from whom the candidate

accepted political contributions that in the aggregate exceed \$50 during a reporting period. The respondent agrees to fully and strictly comply with this requirement 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.

### **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 seriousness of the violations described under Sections III and IV, including the nature, circumstances, consequences, extent, and gravity of the violations, after considering the fact that no previous violations by this respondent are known to the commission, and after considering the sanction necessary to deter future violations, the commission imposes a \$500 civil penalty for the violations described under Sections III and IV.

### **VIII. 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-220999.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Rolando Olvera, Jr., Respondent

EXECUTED ORIGINAL received by the commission on: \_\_\_\_\_.  
Texas Ethics Commission

By: \_\_\_\_\_  
Karen Lundquist, Executive Director