

TEXAS ETHICS COMMISSION

IN THE MATTER OF
IRIS ZAMUDIO,
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-2406110

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on July 16, 2004, to consider sworn complaint SC-2406110. 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, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegation

The complainant alleges that the respondent failed to file pre-election reports and two semi-annual reports.

III. Facts Supported by Credible Evidence

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

1. The respondent is a school board trustee of the Somerset Independent School District.
2. The respondent filed a campaign treasurer appointment for school board trustee on February 25, 2003, for an election scheduled for May 3, 2003.
3. On March 25, 2003, the Board of Trustees declared the respondent the winner because she was unopposed. An election for the office she was seeking was not held.
4. In June 2004, the respondent filed a report marked as a July 2003 and a January 2004 semiannual report and a final report. The report disclosed no reportable activity.

5. The respondent submitted a sworn statement in which she apologizes for not filing the reports. She swears that she was unaware that she was required to file the reports because the election was canceled and because she did not have any reportable activity.

IV. Findings and Conclusions of Law

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

1. A candidate is required to file semiannual reports. ELEC. CODE §§ 253.000(1)(B) (defining “candidate”) and 254.063 (requiring a candidate to file semiannual reports).
2. For each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person is required to file reports 30 days and 8 days before the election. ELEC. CODE § 254.064.
3. The respondent became a candidate for filing purposes when she filed a campaign treasurer appointment on February 25, 2003. Therefore, she was required to file semiannual reports in July 2003 and in January 2004.
4. The respondent filed those reports on June 30, 2004, after the filing deadline. Therefore, there is credible evidence that the respondent violated section 254.063 of the Election Code.
5. The respondent did not have an opponent in the May 3, 2003, election. Therefore, the respondent was not required to file pre-election reports for that election. Therefore, there is credible evidence that the respondent did not violate section 254.064 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 under 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 a candidate is required to file semiannual campaign finance reports. The respondent agrees to fully comply with this requirement of the law.

VI. 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.

VII. No Sanction

After considering the seriousness of the violations described under Sections III and IV, including the nature, circumstances, and consequences of the violations, and after considering the sanction necessary to deter future violations, the commission imposes no civil penalty for the violations described under Section IV.

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-2406110.

AGREED to by the respondent on this _____ day of _____, 2004

Iris Zamudio, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Sarah Woelk, Acting Executive Director