

TEXAS ETHICS COMMISSION

IN THE MATTER OF
SYLVIA SPIVEY,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2608179

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on November 28, 2006, to consider sworn complaint SC-2608179. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 572.023(b)(6) of the Government 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 complaint alleges that the respondent failed to identify on her personal financial statement filed February 17, 2006, a beneficial interest in real property held by her spouse.

III. Facts Supported by Credible Evidence

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

1. The respondent was a candidate for state representative.
2. The respondent's personal financial statement filed February 17, 2006, does not disclose any interests in real property.
3. The respondent admits that she failed to disclose a beneficial interest held by her spouse in real property. In response to the complaint, the respondent filed a corrected personal financial statement on September 1, 2006, disclosing a beneficial interest held by her spouse in real property.

IV. Findings and Conclusions of Law

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

1. A candidate for state representative is required to file a personal financial statement complying with sections 572.022 through 572.0252 of the Government Code. GOV'T CODE § 572.021.
2. A financial statement must include an account of the financial activity of the individual required to file a financial statement and an account of the financial activity of the individual's spouse and dependent children if the individual had actual control over that activity for the preceding calendar year. GOV'T CODE § 572.023(a).
3. The account of financial activity includes identification by description of all beneficial interests in real property and business entities held or acquired, and if sold, the category of the amount of the net gain or loss realized from the sale. GOV'T CODE § 572.023(b)(6).
4. The evidence indicates that the respondent failed to identify on her personal financial statement a beneficial interest in real property held by her spouse. Therefore, there is credible evidence of a violation of section 572.023(b)(6) of the Government 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 for state representative is required to identify on their personal financial statement a beneficial interest in real property held by their spouse. The respondent agrees to 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. Sanction

After considering the seriousness of the violation described under Sections III and IV, including the nature, circumstances, and consequences of the violation, and after considering the sanction necessary to deter future violations, the commission imposes a \$500 civil penalty for the violation described under Sections III and 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-2608179.

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

Sylvia Spivey, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director