

TEXAS ETHICS COMMISSION

IN THE MATTER OF
GABRIEL A. CASTRO,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2608181

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on February 2, 2007, to consider sworn complaint SC-2608181. 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 complaint alleges that the respondent failed to file timely a July 2006 semiannual campaign finance report.

III. Facts Supported by Credible Evidence

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

1. The respondent is a Cibolo city council member.
2. The respondent filed an amended campaign treasurer appointment form on February 27, 2006, on which he selected for modified reporting.
3. The respondent filed a July semiannual report with the city secretary on November 14, 2006, after the complaint was filed.
4. The respondent disclosed receiving zero political contributions and making zero political expenditures. The evidence, including statements by the respondent, indicates that the respondent actually made over \$400 in political expenditures from personal funds. The report filed by the respondent also included the incorrect "period covered." The respondent stated that he did not realize that political expenditures from personal funds should have been reported.

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 two reports each year. The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed, and continuing through June 30. ELEC. CODE § 254.063. A candidate who selects to file according to modified reporting procedures is required to file semiannual reports, which must be filed not later than July 15 and January 15. ELEC. CODE § 254.184.
2. The respondent filed his July semiannual report on November 14, 2006. The deadline to file the report was on July 17, 2006. Therefore, there is credible evidence that the respondent violated section 254.063 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 two semiannual reports each year. The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed, and continuing through June 30. The respondent further acknowledges that a candidate who selects to file according to modified reporting procedures is required to file semiannual reports. The respondent agrees to comply with these requirements 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 \$200 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-2608181.

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

Gabriel A. Castro, Respondent

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

By: _____
David A. Reisman, Executive Director