

TEXAS ETHICS COMMISSION

IN THE MATTER OF
LYDIA E. CABALLERO,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2707162

FINAL ORDER

The Texas Ethics Commission, having heard this case and voting to find a violation of laws under its jurisdiction, makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The respondent is Lydia E. Caballero, whose last known mailing address is 901 West Hackberry Dr., Weslaco, Texas 78596. A sworn complaint was filed with the Texas Ethics Commission against the respondent on July 26, 2007. The Notice of Hearing was mailed to the respondent on June 24, 2008, by certified mail, return receipt requested, restricted delivery, and by delivery confirmation.
2. The preliminary review hearing was held on August 15, 2008, by the Texas Ethics Commission in Austin, Texas.
3. The respondent did not file a reply to the Notice of Hearing and did not appear at the hearing.
4. The respondent is the campaign treasurer of Committee to Keep Weslaco United (CKWU), a specific-purpose political committee.
5. The complaint alleges that the respondent failed to timely file CKWU's January 2007 semiannual campaign finance report due January 15, 2007, and 30-day and 8-day pre-election campaign finance reports.
6. On April 5, 2007, the respondent filed with the City of Weslaco, page one of a campaign treasurer appointment for CKWU.
7. The respondent has not filed any campaign finance reports with the City of Weslaco.
8. The commission sent the initial sworn complaint notice by certified mail, restricted delivery, to the respondent on August 2, 2007. The notice was delivered and signed for on August 4, 2007.

9. The complaint raises allegations that are classified as Category One violations under chapter 571 of the Government Code. The respondent was given 10 business days to respond to the sworn complaint notice. The notice advised the respondent that a failure to respond was a separate Category One violation. The respondent did not respond to the sworn complaint.

Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. GOV'T CODE § 571.061.
2. The respondent received legally sufficient notice of the hearing in this case. GOV'T CODE § 571.032 and 1 T.A.C. § 12.21. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.
3. The campaign treasurer of a specific-purpose committee shall file two reports for each year as provided by this section. The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the committee'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 second report shall be filed not later than January 15. The report covers the period beginning July 1, the day the committee's campaign treasurer appointment is filed, or the first day after the period covered by the last report, and continuing through December 31. ELEC. CODE § 254.123.
4. In addition to other required reports, for each election in which a specific-purpose committee supports or opposes a candidate or measure, the committee's campaign treasurer shall file two reports. The first report must be filed not later than the 30th day before election day. The report covers the period beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, and continuing through the 40th day before election day. The second report must be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day. ELEC. CODE § 254.124.
5. A respondent is required to respond to the notice of a sworn complaint. GOV'T CODE § 571.1242.
6. The respondent failed to file the January 2007 semiannual report. Therefore, there is credible evidence that the respondent violated section 254.123 of the Election Code.
7. The evidence does not show that CKWU was involved in an election during a period covered by a pre-election report. Therefore, there is insufficient evidence of a violation of section 254.124 of the Election Code.

8. The respondent received the notice of sworn complaint. The notice stated that the respondent was required to respond within 10 business days from receipt of the notice. The respondent failed to respond. Therefore, there is credible evidence of a violation of section 571.1242 of the Government Code.
9. The Texas Ethics Commission may impose a sanction against the respondent of not more than \$5,000 or triple the amount at issue, whichever amount is greater for each violation. GOV'T CODE § 571.173.

Therefore, the Texas Ethics Commission orders that:

The respondent pay to the Texas Ethics Commission, within 30 days of the date of this order, a civil penalty in the amount of \$1,000.

Date: _____

FOR THE COMMISSION

David A. Reisman
Executive Director
Texas Ethics Commission