

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
BILLY MARTINEZ,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-2809332

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (the commission) held a preliminary review hearing on December 2, 2009, to consider sworn complaint SC-2809332. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of sections 253.003 and 253.094 of the Election Code, laws 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 alleged that the respondent used the funds of a labor organization to make a political contribution to a candidate for public office.

### III. Facts Supported by Credible Evidence

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

1. The respondent is the president of Lubbock Central Labor Council (CLC).
2. The CLC is an intermediate voluntary labor federation comprised of local unions from in and around the Lubbock, Texas area.
3. A candidate's January 2007 semiannual campaign finance report discloses that on October 30, 2006, the candidate accepted a \$500 political contribution from the CLC.
4. The evidence indicates that the respondent may not have been aware of the prohibition against a labor organization making a political contribution to a candidate. The candidate has returned the contribution to the CLC.

#### IV. Findings and Conclusions of Law

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

1. A person may not knowingly make a political contribution in violation of chapter 253 of the Election Code. ELEC. CODE § 253.003(a).
2. A labor organization may not make a political contribution or political expenditure that is not authorized by subchapter D, chapter 253, Election Code. ELEC. CODE § 253.094(a).
3. “Labor organization” means an agency, committee, or any other organization in which employees participate that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. ELEC. CODE § 251.001(18).
4. The evidence indicates that the Lubbock CLC is a labor organization. The evidence indicates that the respondent knowingly used the funds of a labor organization to make a \$500 political contribution to a candidate for public office. Therefore, there is credible evidence that the respondent violated sections 253.003 and 253.094 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 labor organization may not make a political contribution to a candidate. 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 \$200 civil penalty.

**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-2809332.

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

\_\_\_\_\_  
Billy Martinez, Respondent

EXECUTED ORIGINAL received by the commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
David A. Reisman, Executive Director