

TEXAS ETHICS COMMISSION

IN THE MATTER OF
AVINASH RANGRA,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-3100371

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on June 11, 2010, to consider sworn complaint SC-3100371. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.064 of the Election Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposed this resolution to the respondent.

II. Allegations

The complaint alleged that the respondent failed to timely file pre-election campaign finance reports.

III. Facts Supported by Credible Evidence

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

1. During the time at issue, the respondent was an opposed candidate for Brewster County Judge in the March 2010 primary election.
2. The complaint alleged that the respondent failed to file his 30-day and 8-day pre-election reports for the March 2010 primary election. The respondent filed both reports on March 11, 2010, with the Brewster County Clerk.
3. The respondent's 30-day pre-election report disclosed \$0 in total political contributions of \$50 or less, \$29,000 in total political contributions (that amount was disclosed on Schedule E as loans made by the candidate to his campaign), a line in the space for total political expenditures of \$50 or less, \$8,444.61 in total political expenditures, \$20,555.39 in total political contributions maintained and the same amount for total principal amount of all outstanding loans (this amount appears to be the amount of loans he disclosed less political expenditures).

4. The respondent's 8-day pre-election report disclosed \$0 in total political contributions of \$50 or less, \$29,000 in total political contributions, no amount for total political expenditures of \$50 or less, \$11,548.96 in total political expenditures, \$17,451.04 in total political contributions maintained and the same amount for total principal amount of all outstanding loans.

IV. Findings and Conclusions of Law

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

1. For each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. *Id.* § 254.064(a). The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. *Id.* § 254.064(b). The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. *Id.* § 254.064(c).
2. As an opposed candidate in the March 2010 primary election, the respondent was required to file 30-day and 8-day pre-election reports. To be considered timely filed, the 30-day and 8-day pre-election reports must have been received by the Brewster County Clerk by February 1, 2010, and February 22, 2010, respectively. The respondent filed both reports on March 11, 2010, after the dates that the reports were due and after the election. Therefore, there is credible evidence of violations of 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 for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The respondent agrees to comply with these requirements of the law.

VI. Confidentiality

This order and agreed resolution describes violations that the commission has determined are 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 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 a \$1,000 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-3100371.

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

Avinash Rangra, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director