

TEXAS ETHICS COMMISSION

IN THE MATTER OF

PAMELA RODRIGUEZ,
CAMPAIGN TREASURER,
COMMUNITY UNITED,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-31409207CI

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on August 15, 2016, to consider sworn complaint SC-31409207CI. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of section 254.151(4) of the Election Code and section 20.433 of the Ethics Commission Rules, laws and rules 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 Commission initiated this complaint alleging the respondent, as campaign treasurer for the general-purpose committee Community United (CU) did not identify candidates supported or opposed by CU in the 30-day and 8-day pre-election reports filed in connection with the November 6, 2012, Hidalgo Independent School District (HISD) and Valley View Independent School District (VVISD) board of trustees elections and the May 11, 2013, HISD board of trustees special election.

III. Facts Supported by Credible Evidence

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

1. The Commission alleged that, as the campaign treasurer of CU, a general-purpose committee, the respondent did not identify in the committee activity section of campaign finance reports the candidates that CU supported or opposed in the November 6, 2012, HISD and VVISD board of trustees elections and the May 11, 2013, HISD board of trustees special election, as required by section 254.151(4) of the Election Code and section 20.433 of the Ethics Commission Rules.

2. The allegations were based in part on multiple pre-election campaign finance reports filed by candidates for the HISD and VVUSD board of trustees elections held on November 6, 2012, that disclosed that they received a notice from CU that CU accepted political contributions or made political expenditures on the candidates' behalf. The respondent also disclosed that CU made political expenditures and accepted political contributions in connection with the HISD board of trustees special election held on May 11, 2013. However, the respondent did not identify in the committee activity section of CU's 30-day and 8-day pre-election reports filed in connection with the November 6, 2012, and May 11, 2013, elections which candidates CU supported or opposed.
3. Four candidates disclosed on their 30-day and 8-day pre-election reports before the November 6, 2012, VVUSD board of trustees election that they each received notice from CU that CU accepted a political contribution or made a political expenditure on their behalf.
4. Six candidates disclosed on their 30-day and 8-day pre-election reports before the November 6, 2012, HISD board of trustees election that they each received notice from CU that CU accepted a political contribution or made a political expenditure on their behalf.
5. Two of the HISD candidates also ran in the May 11, 2013, special election and disclosed in the campaign finance reports they filed in connection with that election receiving notice of support from CU.
6. The 30-day pre-election report filed by the respondent on behalf of CU in connection with the November 6, 2012, election did not identify the candidates CU supported or opposed. The report disclosed \$9,875 in total political contributions and \$8,072.48 in total political expenditures.
7. Several political expenditures in CU's 30-day pre-election report at issue included descriptions indicative of involvement in the HISD and VVUSD board of trustees elections. For instance, the report includes a \$1,299 political expenditure with the purpose described as "Printing of brochures-Hidalgo Candidates Bio and Valley View Candidates Bio." The report also includes a \$2,335 political expenditure with the purpose described as "printing of campaign signs for school board elections," and a \$599.38 political expenditure with the purpose described as "Printing of tri-fold campaign brochures for use by school board candidates and committee members."
8. The 8-day pre-election report filed by the respondent on behalf of CU in connection with the November 6, 2012, election also did not identify the candidates CU supported or opposed. The report disclosed \$0 in political contributions and \$862 in political expenditures.

9. The 30-day pre-election report filed by the respondent on behalf of CU in connection with the May 11, 2013, special election for the HISD board of trustees did not identify the candidates CU supported or opposed in the election. The report disclosed \$1,250 in political contributions and \$4,111.73 in political expenditures.
10. The 8-day pre-election report filed by the respondent on behalf of CU in connection with the May 11, 2013, special election for the HISD board of trustees did not identify the candidates CU supported or opposed in the election. The report disclosed \$798.12 in total political contributions and \$1,136.41 in total political expenditures.
11. In response to the complaint, the respondent admitted that she did not identify and list the candidates or officeholder(s) supported or opposed in the November 6, 2012, HISD and VVUSD school board elections and the May 11, 2013, HISD special election. The respondent swore that the omission of the candidates and officeholders supported was an oversight on her part, that the original reports were filed in good faith and without intent to mislead or misrepresent the information contained in the reports. In response to written questions, the respondent admitted that CU provided support to each of the above-referenced candidates. The respondent subsequently filed corrected reports that identify the candidates and officeholders that CU supported during the elections at issue.
12. The Commission attempted to contact all of the candidates who reported receiving notice from CU that CU had made direct campaign expenditures or accepted campaign contributions on their behalf and was able to conduct telephone interviews with five of the candidates supported by CU. All of the candidates who responded to questions indicated that they received support from CU in the form of apparent in-kind contributions. The candidates generally described being recruited, or applying to run with a slate of candidates under the CU banner. The candidates stated that they would forward their political contributions to CU and the respondent would deposit the political contributions in the CU campaign account. CU would then make expenditures on behalf of the slate of candidates.

IV. Findings and Conclusions of Law

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

1. The campaign treasurer of a general-purpose committee must include on each campaign finance report the name of each identified candidate or measure or classification by party of candidates supported or opposed by the committee, indicating whether the committee supports or opposes each listed candidate, measure, or classification by party of candidates. ELEC. CODE § 254.151(4); Ethics Commission Rules § 20.433(7).

2. Section 254.161 of the Election Code requires the campaign treasurer of a general-purpose committee to give notice to each candidate or officeholder for whom it accepts political contributions or makes political expenditures. If a candidate or officeholder receives such notice from a political committee the candidate or officeholder must disclose that fact on his or her campaign finance report covering the period in which the notice is received. *See* ELEC. CODE § 254.061.
3. Despite multiple candidates disclosing they received notice of support from CU, the campaign finance reports filed by the respondent for CU did not identify the candidates CU supported or opposed during the periods covered by the reports.
4. Interviews with the candidates supported by CU, and the respondent's response to the complaint and answers to written questions, show that CU supported 10 candidates in the November 2012 HISD and VVUSD board of trustees elections and two candidates in the May 2013 HISD board of trustees special election, but did not identify the candidates supported in the committee activity section of the campaign finance reports filed in connection with those elections. In addition, Schedule F (used to disclose political expenditures) of CU's reports at issue did not identify the candidates supported. Therefore, there is credible evidence of violations of section 254.151(4) of the Election Code and section 20.433 of the Ethics Commission Rules.

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 the campaign treasurer of a general-purpose committee must include on each campaign finance report the name of each identified candidate or measure or classification by party of candidates supported or opposed by the committee, indicating whether the committee supports or opposes each listed candidate, measure, or classification by party of candidates. The respondent agrees to comply with this requirement 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 nature, circumstances, and consequences of the violations described under Sections III and IV, and after considering the sanction necessary to deter future violations, the Commission imposes a \$400 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-31409207CI.

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

Pamela Rodriguez, Respondent

EXECUTED ORIGINAL received by the Commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley, Executive Director