

TEXAS ETHICS COMMISSION

IN THE MATTER OF
MONICA R. ALONZO,
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-3150130

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on November 30, 2015, to consider sworn complaint SC-3150130. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of section 254.031(a)(8) 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. Allegation

The complaint alleged that the respondent did not properly disclose total political contributions maintained on multiple campaign finance reports, or in the alternative, did not disclose political contributions, political expenditures, and loans.

III. Facts Supported by Credible Evidence

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

1. The respondent was a successful incumbent candidate for Dallas City Council, District 6, in the May 11, 2013, uniform election, and is also currently the Mayor Pro Tem for the City of Dallas, Texas.

Disclosure of Total Political Contributions Maintained

2. The complaint alleged that the respondent did not properly disclose total political contributions maintained on multiple campaign finance reports, or in the alternative, did not disclose political contributions, political expenditures, and loans.

3. The respondent had an active campaign treasurer appointment on file with the City of Dallas Secretary's Office at all times relevant to this complaint. The six reports at issue are the 30-day and 8-day pre-election reports for the May 2013 uniform election, and the July 2013, January and July 2014, and January 2015 semiannual reports. The respondent disclosed \$0 in total political contributions maintained on all six campaign finance reports at issue.
4. In response to the sworn complaint, the respondent stated that she believes she "complied with both the spirit and letter of the applicable sections of the Texas Election Code." In addition, the respondent alleged that the Commission did not have jurisdiction of this sworn complaint because the complainant was not a resident of the State of Texas and thus, lacked standing to file the complaint. Lastly, in response to a request by the Commission, the respondent submitted bank statements indicating the ending balance for her campaign bank account as of the last day of the reporting period for the six campaign finance reports at issue.

The bank statements disclosed the following balances:

<u>Report</u>	<u>Actual Total Political Contributions Maintained</u> (according to bank statements)
30-day pre-election	\$3,210.39
8-day pre-election	\$34,249.64
July 2013 semiannual	\$23,210.04 (as of July 1, 2013)
January 2014 semiannual	13,584.94
July 2014 semiannual	\$4,997.63
January 2015 semiannual	\$2,181.51

Challenge to Jurisdiction

5. The respondent alleged that the Commission did not have jurisdiction of this sworn complaint because the complainant was not a resident of the State of Texas and, thus, lacked standing to file the complaint.
6. The complainant maintains that he still resides in Dallas even though he relocated to New Mexico for work. Also, the complainant submitted a document from the Dallas Central Appraisal District that listed the complainant as the owner of real property located in Dallas County, Texas.

IV. Findings and Conclusions of Law

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

Disclosure of Total Political Contributions Maintained

1. Each report filed must include, as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period. ELEC. CODE § 254.031(a)(8).
2. The total amount of political contributions maintained in one or more accounts includes balance on deposit in banks, savings and loan institutions and other depository institutions, and the present value of any investments that can be readily converted to cash, such as certificates of deposit, money market accounts, stocks, bonds, treasury bills, etc. Ethics Commission Rules § 20.50(a).
3. The respondent reported \$0 in total political contributions maintained on each of the six campaign finance reports at issue. However, the respondent submitted bank statements that show the respondent had a bank balance of more than \$0 on the last day of the reporting period for each report at issue. The respondent's bank statements indicated that the respondent did not disclose approximately \$81,434 in total political contributions maintained. In response to the complaint, the respondent corrected the reports at issue. Therefore, there is credible evidence of violations of section 254.031(a)(8) of the Election Code.

Challenge to Jurisdiction

4. To be eligible to file a sworn complaint with the Commission, an individual must be a resident of this state or must own real property in this state. GOV'T CODE § 571.122(b-1).
5. The complainant submitted a document from the Dallas Central Appraisal District that listed the complainant as the owner of real property located in Dallas County, Texas. Thus, as an owner of real property in Texas, the complainant was eligible to file the sworn complaint, as specified by section 571.122(b-1) of the Government 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 each report filed must include, as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period. 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 \$2,500 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-3150130.

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

Monica R. Alonzo, Respondent

EXECUTED ORIGINAL received by the Commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley, Executive Director