

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
GILBERT A. FLORES,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-3160113

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (Commission) met on December 8, 2016, to consider sworn complaint SC-3160113. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of section 254.063 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: 1) did not timely file the July 2014 and January and July 2015 semiannual campaign finance reports; and 2) did not properly disclose the total political contributions maintained; or in the alternative did not properly disclose political expenditures on the July 2014 and January and July 2015 semiannual campaign finance reports.

### III. Facts Supported by Credible Evidence

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

1. The respondent was the successful non-incumbent candidate for Lubbock County Commissioner, Precinct 3, in the November 8, 2016, general election.

#### Filing of Semiannual Campaign Finance Reports

2. The complaint alleged that the respondent did not timely file his July 2014 and January and July 2015 semiannual campaign finance reports.
3. The respondent had an active campaign treasurer appointment on file at the time the semiannual reports at issue were due. The respondent filed the July 2014 and January and July 2015 semiannual reports at issue on December 11, 2015.

**Disclosure of Total Political Contributions Maintained and Political Expenditures**

4. The complaint also alleged that the respondent did not properly disclose total political contributions maintained, or alternatively, did not disclose political expenditures in the July 2014 and January and July 2015 semiannual reports. Each semiannual report disclosed no activity and “0” in total political contributions maintained. However, the last campaign finance report the respondent filed prior to the filing of the semiannual reports at issue, which covered the period of July 12, 2012, through July 23, 2012, disclosed \$2,102.64 in total political contributions maintained.
5. On February 12, 2016, the respondent filed a report that was marked as a final report, but did not contain the “designation of final report” page, covering the period of July 23, 2012, through December 31, 2012. The respondent had previously filed a January 2013 semiannual report covering this period, on December 11, 2015, which disclosed zero activity. This corrected report disclosed \$2,747.64 in total political expenditures. The respondent swore that he did not maintain a campaign account during the reporting periods at issue and that all political contributions were reported.

**IV. Findings and Conclusions of Law**

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

**Filing of Semiannual Campaign Finance Reports**

1. A candidate shall file two reports for each year as provided by this section. ELEC. CODE § 254.063(a). The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the candidate’s campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through June 30. *Id.* § 254.063(b). The second report shall be filed not later than January 15. The report covers the period beginning July 1, the day the candidate’s campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through December 31. *Id.* § 254.063(c).
2. The respondent had a campaign treasurer appointment in effect during the reporting periods at issue. Thus, the respondent was required to file the July 2014 and January and July 2015 semiannual reports by July 15, 2014, January 15, 2015, and July 15, 2015, respectively. The respondent did not file these reports until December 11, 2015. The respondent’s July 2014 semiannual report was filed 514 days late; the January 2015 semiannual report was filed 330 days late; and the July 2015 semiannual report was filed 149 days late. Therefore, there is credible evidence of violations of section 254.063(b) and 254.063(c) of the Election Code.

**Disclosure of Total Political Contributions Maintained and Political Expenditures**

3. Except as otherwise provided by this chapter, a campaign finance report must include as of the last day of the 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).
4. A campaign finance report must include the amount of political expenditures that in the aggregate exceed \$100 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures. *Id.* § 254.031(a)(3).
5. During the reporting period for the respondent's corrected campaign finance report covering the period of July 23, 2012, through December 31, 2012, the respondent made political expenditures in excess of his political contributions. The respondent disclosed \$0 in total political contributions maintained and \$0 in political expenditures in each of the three semiannual reports at issue. Credible evidence indicates the respondent did not maintain any political contributions and did not make any political expenditures during the reporting periods for the three reports at issue. The political expenditures the respondent did not disclose were made in the January 2013 semiannual reporting period and are outside the two-year statute of limitations. Accordingly, there is credible evidence of no violations of sections 254.031(a)(3) and 254.031(a)(8) 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: 1) a candidate shall file two reports for each year as provided by section 254.063 of the Election Code; the first report shall be filed not later than July 15 and covers the period beginning January 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through June 30; and 2) the second report shall be filed not later than January 15. The report covers the period

beginning July 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through December 31. 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 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 \$900 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-3160113.

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

\_\_\_\_\_  
Gilbert A. Flores, Respondent

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

Texas Ethics Commission

By: \_\_\_\_\_  
Executive Director