

# TEXAS ETHICS COMMISSION

IN THE MATTER OF

DAYSI MARIN,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-3240109

## FINAL ORDER

### I. Recitals

The Texas Ethics Commission (TEC) met on June 12, 2025, to consider sworn complaint SC-3240109 at a formal hearing held in accordance with Sections 571.061, 571.121, 571.126 through 571.132, 571.137, and 571.139 of the Government Code. A quorum of the TEC was present and proceeded with the formal hearing in the respondent's absence.

The TEC found that the respondent failed to appoint a campaign treasurer or file campaign finance reports. In light of the respondent's participation in a scheme to conceal the source of political advertising mailers, the TEC assessed a \$12,438 civil penalty.

### II. Allegations

The sworn complaint alleges that, in association with the Houston Hispanic Political Action Committee or Houston Hispanic Action Committee and the Harris County Progressive PAC (together, "the PACs"), the respondent: 1) failed to file campaign treasurer appointments for the PACs, in violation of Section 252.001 of the Election Code; 2) accepted political contributions and/or made or authorized political expenditures for the PACs at a time when campaign treasurer appointments for the PACs were not in effect, in violation of Section 253.031(b) of the Election Code; 3) failed to file campaign finance reports for the PACs, in violation of Sections 254.123, -.124, -.153, -.154, or -.157 of the Election Code; and 4) failed to disclose political contributions accepted by and political expenditures made by the PACs on the appropriate campaign finance reports, in violation of Section 254.031 of the Election Code.

### III. Findings of Fact and Conclusions of Law

Credible evidence available to the TEC supports the following findings of fact and conclusions of law:

1. The PACs sent mailers opposing Mary Nan Huffman, a candidate for Houston's city council. No campaign treasurer appointments or campaign finance reports were ever filed for the PACs.

2. The respondent was director and registered agent of the Houston Hispanic Political Action Committee, and, along with her husband and at least one other person, arranged to send the mailers for both PACs.
3. There is credible evidence that the respondent failed to file a campaign treasurer appointment for either PAC, in violation of Section 252.001 of the Election Code.
4. There is credible evidence that the respondent accepted political contributions and made political expenditures for the PACs at a time when the PACs did not have campaign treasurer appointments on file, in violation of Section 253.031(b) of the Election Code.
5. There is credible evidence that the respondent failed to file campaign finance reports for the PACs, in violation of Sections 254.124 and 254.153 of the Election Code.
6. Because the respondent never filed any reports for the PACs at all, and the statute addresses the required contents of reports that are filed, there is credible evidence of no violation of Section 254.031 of the Election Code.

#### **IV. Default Judgment**

1. The formal hearing was held on June 12, 2025, at the State Capitol Extension, Room E1.014, in Austin, Texas. The respondent failed to appear at the hearing.
2. If a respondent fails to file an initial response to a complaint, or fails to appear for a formal hearing, the TEC may proceed on a default basis. 1 Tex. Admin. Code § 12.93(a). The TEC may only proceed in default if: 1) the notice of formal hearing warned that default could result if the respondent failed to appear; 2) the notice satisfied the requirements set by the Texas Administrative Procedure Act; and 3) the notice of hearing was received by the defaulting party, or was sent by regular or certified mail, return receipt requested, to the party's last known address per the TEC's records. *Id.* § 12.93(b).
3. The sworn complaint listed a residential address in Spring, Texas, as the respondent's address. Public records confirm that this was, and remains, the respondent's home address. The respondent also signed for delivery of the notice of the March 11, 2025, preliminary review hearing at this address.
4. Enforcement staff sent notice of the formal hearing to the respondent on March 17, 2025. This notice warned that a default order could be entered against her if she did not appear at the hearing. The notice also complied with the Administrative Procedure Act's requirements for notice of a contested case hearing. *See* Tex. Gov't Code §§ 2001.051, -.052; 1 Tex. Admin. Code § 12.93(b)(2).
5. Enforcement staff sent the notice of formal hearing by both certified mail and first class mail with tracking to the respondent's last known address, at which the respondent had signed for

notice of the preliminary review hearing several weeks before. The respondent also signed for notice of the formal hearing, though it was with a generic squiggle and not with a legible name like she had for the preliminary review hearing notice.<sup>1</sup>

6. Enforcement staff sent a formal hearing notice that complied with the requirements to the respondent's last known address. The available evidence indicates that the respondent received this notice. The TEC finds that the respondent received legally sufficient notice of the formal hearing. *See* 1 Tex. Admin. Code § 12.93. Finding the notice sufficient, the TEC proceeded in default at the formal hearing, and issues this Final Order.
7. The respondent may ask to set aside this Final Order by filing a motion to set aside the default within fifteen days of the date of this Final Order.
8. This order will become final 15 days after it is signed if no motion to set aside the default order is filed. If a motion to set aside the default order is filed and not granted, the order will be final on the date the motion is denied.

### **V. Confidentiality**

This Final Order is not confidential under Sections 571.132 and 571.140 of the Government Code and may be disclosed by members and staff of the TEC.

### **VI. Sanction**

The statutory penalty factors require that a substantial penalty be imposed.

The TEC may impose a civil penalty of not more than \$5,000 or triple the amount at issue, whichever amount is more. Tex. Gov't Code § 571.173. The TEC shall consider the following factors in assessing a sanction: 1) the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the violation; 2) the history and extent of previous violations; 3) the demonstrated good faith of the violator, including actions taken to rectify the consequences of the violation; 4) the penalty necessary to deter future violations; and 5) any other matters that justice may require. Tex. Gov't Code § 571.177.

#### *The Amount at Issue*

The PACs spent at least \$7,438 on the mailers. Therefore, the amount at issue is at least \$7,438.

#### *Factor 1: The Seriousness of the Violation*

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<sup>1</sup> Some weeks later, the respondent mailed back the formal hearing notice to the respondent, along with some other notice letters previously sent by enforcement staff. This is not the first time the respondent has mailed back the TEC's letters, marked "return to sender." That she has returned letters for which she had personally signed for delivery reveals this as a ruse to evade service.

The respondent participated in a deliberate scheme to evade disclosure, which is always serious. By sending mailers for an unidentified third party, the respondent shielded that third party from both public disclosure and legal consequences. Further, the mailers were an attempt to steer votes away from a viable opponent to a non-viable third candidate. As part of this attempt, the mailer's backers appear to have misrepresented themselves as opponents of Huffman from the opposite end of the political spectrum. Without the respondent's help, this deceptive mailer scheme would not have been possible.

Further, failure to file campaign finance reports and engaging in campaign activity without a treasurer appointment on file are both criminal offenses.

*Factor 2: The History and Extent of Previous Violations*

The respondent has no previous violations.

*Factor 3: The Demonstrated Good Faith of the Violator*

The TEC cannot conclusively confirm that the respondent knew about the disclosure requirements or that she was part of a scheme to cheat the public out of disclosure. However, the respondent's evasion of the TEC's attempts to communicate with her suggests bad intentions.

*Factor 4: The Penalty Necessary to Deter Future Violations*

To adequately deter intentional concealment of campaign financial activity, the TEC must impose penalties substantially exceeding the amount of the activity.

*Factor 5: Any Other Matters that Justice May Require*

The respondent has avoided all contact with the TEC. By making it difficult for TEC staff to identify the PACs' financial backers, this has shielded the PACs' backers from accountability. The result is that the public is still deprived of disclosure.

*Conclusion*

Therefore, the TEC orders that the respondent pay to the TEC, within 30 days of the date of this Order, a civil penalty in the amount of \$12,438. If the respondent does not pay the \$12,438 civil penalty within 30 days of the date this order becomes final, then the matter of the collection of the civil penalty will be referred to the Office of the Attorney General of Texas.

FOR THE TEC

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James Tinley  
Executive Director  
Texas Ethics Commission