

TEXAS ETHICS COMMISSION

IN THE MATTER OF
YGNACIO GARZA,
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-94024

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (“commission”) met on July 8, 1994, to consider sworn complaint SC-94024 filed against Ygnacio Garza (the “Respondent”). A quorum of the commission was present.

Based on the investigation conducted by commission staff to date, the commission determined there was no credible evidence of a violation of § 572.058 of the Government Code, a law administered and enforced by the commission, and the commission dismissed this allegation for the reasons stated in this order.

Based on the investigation conducted by commission staff to date, the commission determined there was credible evidence of a violation of § 572.021 of the Government Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this agreed resolution to Respondent.

II. Facts Supported by Credible Evidence

Credible evidence available to the commission would support the following findings of fact:

1. At all times relevant to this complaint, Respondent was the chairman of the Parks and Wildlife Commission.
2. The deadline for filing the personal financial statement required by Chapter 572, Government Code, for the reporting period ending December 31, 1992 (the “1992 PFS”), was April 30, 1993. Respondent or Respondent’s agent, by a telephone request on April 30, 1993, timely requested an extension of that filing deadline, as provided by statute. The extension request was granted and the extended filing deadline date for Respondent’s 1992 PFS was June 29, 1993.
3. The commission has no record of having received Respondent’s 1992 PFS on or before the extended deadline date of June 29, 1993. The commission notified Respondent, by letter dated July 28, 1993, that the 1992 PFS had not been received by the deadline.
4. The deadline for filing the personal financial statement required by Chapter 572, Government Code, for the reporting period ending December 31, 1993 (the “1993 PFS”), was April 30, 1994. The commission notified Respondent of this filing deadline by letter dated April 1, 1994.
5. Respondent filed both his 1992 PFS and his 1993 PFS with the commission on May 24, 1994, after this complaint had been filed.

III. Conclusions of Law

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

1. As chairman of the Parks and Wildlife Commission, Respondent was a state officer in 1993 and 1994 and was therefore required to file an annual personal financial statement with the commission pursuant to Government Code, § 572.021.
2. Respondent's personal financial statement for 1992 was due no later than June 29, 1993. Respondent violated § 572.026 of the Government Code by failing to file his 1992 personal financial statement on or before June 29, 1993.
3. Respondent's personal financial statement for 1993 was due no later than June 29, 1994, the extended deadline date for state officials required to file a personal financial statement. Respondent's 1993 personal financial statement was filed on May 24, 1994, before the extended deadline date.
4. No credible evidence available to the commission supports the remaining allegations in the sworn complaint that Respondent violated any other laws administered and enforced by the commission.

IV. Representations and Agreement by Respondent

By signing this ORDER and AGREED RESOLUTION and returning it to the commission:

1. Respondent neither admits nor denies the facts detailed under Section II and the commission's findings and conclusions of law detailed under Section III, and consents to the entry of this ORDER and AGREED RESOLUTION solely for the purpose of resolving and settling this sworn complaint.
2. Respondent consents to the entry of this Order before any adversarial evidentiary hearings or argument before the commission, and before any formal adjudication of law or fact by the commission. Respondent waives any right to a hearing before the commission or an administrative law judge appointed by the commission, and further waives any right to a post-hearing procedure established or provided by law.
3. Respondent acknowledges that § 572.021 of the Government Code requires a state officer to file an annual financial statement with the commission. Respondent agrees to fully and strictly comply with this requirement of the law.
4. Notwithstanding any other provisions of this ORDER and AGREED RESOLUTION, Respondent understands and agrees that the commission will consider the Respondent to have committed the violation detailed in Section III if it is necessary to consider a sanction to be assessed in any future sworn complaint proceedings against the Respondent.

V. Confidentiality

This ORDER and AGREED RESOLUTION describes an alleged violation that the commission has determined would be neither technical nor *de minimis*. Accordingly, this ORDER and AGREED RESOLUTION is not confidential under Texas Government Code § 571.140(b), and may be disclosed by members and staff of the Texas Ethics Commission.

VI. Sanction

After considering the seriousness of the violation described under Sections II and III, including the nature, circumstances, consequences, extent, and gravity of the violation; that no previous violations by this Respondent are known to the commission; and after considering the sanction deemed necessary to deter future violations, the commission imposes a \$100.00 civil penalty for the violation described under Section III.

VII. Order

The Texas Ethics Commission hereby ORDERS:

1. that this proposed AGREED RESOLUTION be presented to Respondent;
2. that if Respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete disposition of SC-94024;
3. that Respondent may consent to the proposed AGREED RESOLUTION only by signing an original of this document and mailing the signed original together with payment for the \$100.00 civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than September 8, 1994; and
4. that the executive director shall promptly refer SC-94024 to an administrative law judge to conduct hearings on the commission's behalf and to propose findings of fact and conclusions of law to the commission in accordance with law if Respondent does not agree to the disposition of SC-94024 as proposed in this ORDER and AGREED RESOLUTION.

AGREED to by Ygnacio Garza on _____, 1994.

Ygnacio Garza, Respondent

EXECUTED ORIGINAL received by the commission on _____, 1994.

John Steiner, Executive Director
Texas Ethics Commission