

TEXAS ETHICS COMMISSION

IN THE MATTER OF
CRISTOBAL ROJAS,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-260226

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on July 14, 2006, to consider sworn complaint SC-260226. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 255.007 of the Election Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegations

The complaint alleges that the respondent failed to properly appoint a campaign treasurer, that the respondent made political expenditures at a time when a campaign treasurer appointment was not in effect, and that the respondent failed to include the right-of-way notice on political advertisements designed to be seen from a road.

III. Facts Supported by Credible Evidence

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

1. The respondent was a candidate for school board in a May 13, 2006, election.
2. Documents on file with the local filing authority indicate that the respondent filed a Campaign Treasurer Appointment (CTA) on November 29, 2005, and then filed a second CTA on December 19, 2005.
3. Signs supporting the respondent were posted by January 2, 2006.
4. The evidence shows that the respondent made no campaign expenditures prior to appointing his campaign treasurer on November 29, 2005.

5. The evidence shows that the respondent did not include a highway right-of-way notice on three signs.

IV. Findings and Conclusions of Law

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

1. Each candidate is required to appoint a campaign treasurer. ELEC. CODE § 252.001.
2. A campaign treasurer appointment takes effect at the time it is filed with the proper authority and remains in effect until terminated. ELEC. CODE § 252.011.
3. A campaign treasurer may be removed at any time by filing the written appointment of a successor in the same manner as the original appointment. ELEC. CODE § 252.012(a).
4. The appointment of a successor terminates the appointment of the campaign treasurer who is removed. ELEC. CODE § 252.012(b).
5. The respondent appointed a campaign treasurer on November 29, 2005. That treasurer was removed when the respondent filed another CTA form on December 19, 2005, appointing a successor.
6. Therefore, the respondent had a campaign treasurer appointment in effect continuously since November 29, 2005.
7. The evidence shows that the respondent did not make campaign expenditures before November 29, 2005.
8. Therefore, there is credible evidence of no violation of sections 252.001 and 253.031 of the Election Code.
9. Each political advertising sign designed to be seen from a road must include a right-of-way notice. ELEC. CODE § 255.007.
10. The respondent placed three political advertising signs designed to be seen from a road that did not include the right-of-way notice.
11. Therefore, there is credible evidence of three instances of a violation of section 255.007 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 each political advertising sign designed to be seen from a road must include a right-of-way notice. 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 seriousness of the violations described under Sections III and IV, including the nature, circumstances, and consequences of the violations, and after considering the sanction necessary to deter future violations, the commission imposes a \$100 civil penalty for the violations described under Sections III and IV.

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-260226.

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

Cristobal Rojas, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director