

TEXAS ETHICS COMMISSION

IN THE MATTER OF

SANTIAGO "JIMMY" SANCHEZ,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-260227

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on September 21, 2006, to consider sworn complaint SC-260227. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 252.001, 253.031, and 255.007 of the Election Code, laws 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, accepted political contributions at a time when a campaign treasurer appointment was not in effect, and failed to include the right-of-way notice on political advertising signs 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 of the San Benito Consolidated Independent School District in a May 13, 2006, election.
2. Billboards supporting the respondent were placed on January 16, 2006, and during the week of January 16-20, 2006.
3. Documents on file with the local filing authority indicate that the respondent filed a campaign treasurer appointment on January 24, 2006.

4. The respondent submitted a sworn statement explaining that the billboards were paid for by another candidate and the other candidate spent about \$10 in paint to add the respondent's name to the signs.
5. The complainant submitted photographs of three billboard signs. The signs do not have the right-of-way notice on them.
6. The respondent admits that the signs did not include the right-of-way notice, and added the notice in response to this complaint.
7. The respondent admits that the billboards did not include the right-of-way notice and indicates that the notice has been added to the billboards in response to this complaint.

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. "Candidate" means a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office. ELEC. CODE § 251.001(1).
3. One example of affirmative action is the accepting of a campaign contribution.
4. The respondent submitted a statement, which indicates that he accepted campaign contributions in the form of billboards from another candidate.
5. The billboards appeared as early as January 16, 2006. The respondent appointed a campaign treasurer on January 24, 2006.
6. Therefore, there is credible evidence of a violation of sections 252.001 and 253.031 of the Election Code.
7. Each political advertising sign designed to be seen from a road must include a right-of-way notice which reads: "NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE), TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY." ELEC. CODE § 255.007.
8. The evidence indicates that the billboards at issue did not include the highway right-of-way notice. Therefore, there is credible evidence 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 candidate is required to appoint a campaign treasurer, candidates must appoint a campaign treasurer before accepting any political contributions, and each political advertising sign designed to be seen from a road must include the right-of-way notice. 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 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 \$200 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-260227.

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

Santiago "Jimmy" Sanchez, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director