

TEXAS ETHICS COMMISSION

IN THE MATTER OF

ALEJANDRO ‘ALEX’ DOMINGUEZ,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-31310190

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on April 3, 2014, to consider sworn complaint SC-31310190. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 255.006 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. Allegation

The complaint alleged that the respondent represented in campaign communications that he held an elective public office that he did not hold at the time the representations were made.

III. Facts Supported by Credible Evidence

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

1. At the time relevant to the complaint, the respondent was a candidate for Cameron County Commissioner, Precinct 2, in the March 2014 primary election.
2. At issue in the complaint are two attachments that were on the respondent’s Facebook Page on October 9, 2013, and were visible on the website as of March 22, 2014.
3. The first communication was an announcement that contained the language, “Elect Alex Dominguez Cameron County Commissioner, Precinct 2. ... I have recently thrown my hat into the ring and announced my candidacy for Cameron County Commissioner, Precinct 2.”

4. The second communication contained the language, “Vote Alex Dominguez Cameron County Commissioner, Precinct 2.” The complaint alleged that the respondent represented in campaign communications that he held an elective public office that he did not hold at the time the representations were made by not using the word “for” before the name of the office sought.
5. In an affidavit submitted in response to the complaint, the respondent stated, as to the announcement “this was not a fundraiser as alleged.” The respondent’s response also stated that the word “for” was not included in the announcement due to a “clerical mistake” and that the issue was corrected on subsequent advertising.
6. The respondent’s campaign website on Facebook included additional communications and photographs of campaign signs that included the word “for.” However, the communications at issue in the complaint had not been corrected through March 22, 2014, and a similar graphic that states “Elect Alex Dominguez County Commissioner, Precinct 2” remained displayed in the title of the Facebook website.

IV. Findings and Conclusions of Law

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

1. A person commits an offense if the person knowingly represents in a campaign communication that a candidate holds a public office that the candidate does not hold at the time of the representation is made. ELEC. CODE § 255.006(b).
2. A person represents that a candidate holds a public office that the candidate does not hold if the candidate does not hold the office that the candidate seeks, and the political advertising or campaign communication states the public office sought but does not include the word “for” in a type size that is at least one-half the type size used for the name of the office. *Id.* § 255.006(c).
3. At the time relevant to the complaint, the respondent did not hold the office of county commissioner. The respondent’s campaign communications at issue did not include the word “for” before the name of the office sought. Therefore, there is credible evidence of violations of section 255.006(b) 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 a person commits an offense if the person knowingly represents in a campaign communication that a candidate holds a public office that the candidate does not hold at the time of the representation is made. The respondent also acknowledges that a person represents that a candidate holds a public office that the candidate does not hold if the candidate does not hold the office that the candidate seeks, and the political advertising or campaign communication states the public office sought but does not include the word "for" in a type size that is at least one-half the type size used for the name of the office. The respondent agrees to comply with this requirement of the law.

VI. Confidentiality

This order and agreed resolution describes a violation that the commission has determined is 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. No Sanction

After considering the nature, circumstances, and consequences of the violation described under Sections III and IV, and after considering the sanction necessary to deter future violations, the commission imposes no 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-31310190.

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

Alejandro 'Alex' Dominguez, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Executive Director