

TEXAS ETHICS COMMISSION

IN THE MATTER OF
RUBEN BECERRA,
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-3190458

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on November 20, 2019, to consider sworn complaint SC-3190458. A quorum of the Commission was present. The Commission determined that there is credible evidence of a violation of sections 254.063 and 254.064 of the Election Code, laws administered and enforced by the Commission. To resolve and settle this complaint without further proceedings, the Commission adopted this resolution.

II. Allegations

The complaint alleged that the respondent did not timely file the 30-day pre-election report for the November 2018 general election and the January 2019 semiannual report.

III. Facts Supported by Credible Evidence

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

1. The respondent was an opposed candidate for Hays County Judge in the November 6, 2018, general election. The respondent was successful in the election and currently holds the office.
2. Regarding the 30-day pre-election report for the November 2018 general election, the respondent was required to file the report by October 9, 2019. Records on file with Hays County show the respondent filed the report on October 12, 2019. The report disclosed \$18,004.30 in total political contributions and \$13,157.13 in total political expenditures.
3. Regarding the January 2019 semiannual report, the respondent was required to file the report by January 15, 2019. Records on file with Hays County show the respondent filed the report on June 11, 2019. The report disclosed \$2,150 in total political contributions and \$5,280 in total political expenditures.
4. In response to the complaint, the respondent swore that the reports were filed late because he did not have all of the required information when the reports were due.

IV. Findings and Conclusions of Law

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

1. A candidate shall file two reports for each year. ELEC. CODE § 254.063(a). The second report shall be filed not later than January 15. The report covers the period beginning July 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under subchapter C of chapter 254, as applicable, and continuing through December 31. *Id.* § 254.063(c).
2. In addition to other required reports, for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. ELEC. CODE § 254.064(a). The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. The report covers the period beginning the day the candidate's campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed under chapter 254, as applicable, and continuing through the 40th day before election day. *Id.* § 254.064(b).
3. Regarding the 30-day pre-election report for the November 2018 general election, credible evidence shows the respondent filed the report three days late. Therefore, there is credible evidence of a violation of section 254.064 of the Election Code.
4. Regarding the January 2019 semiannual report, credible evidence shows the respondent filed the report approximately five months late. Therefore, there is credible evidence of a violation of section 254.063 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 candidate shall file two reports for each year until a final report is filed. The second report shall be filed not later January 15. The respondent also acknowledges that in addition to other required reports, for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file

two reports. The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. 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 nature, circumstances, and consequences of the violations described under Sections III and IV, and after considering the sanction necessary to deter future violations, the Commission imposes a \$500 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-3190458.

AGREED to by the respondent on this _____ day of _____, 2019.

Ruben Becerra, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Executive Director