

TEXAS ETHICS COMMISSION

NM

IN THE MATTER OF
JENNIFER MARTINEZ,
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-32307216

RECEIVED
DEC 13 2023
Texas Ethics Commission

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on December 18, 2023, to consider sworn complaint SC-32307216. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Section 254.063 of the Election Code, a law 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 failed to file her July 2021, January 2022, July 2022, and January 2023 semiannual campaign finance reports in violation of Section 254.063 of the Election Code.

III. Findings of Fact and Conclusions of Law

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

1. The respondent was a successful incumbent candidate for alderwoman for Somerset, Texas, in the May 6, 2023 election.
2. The complaint alleged that the respondent did not file her July 2021, January 2022, July 2022, and January 2023 semiannual campaign finance reports.
3. In response to the complaint, the respondent swore that she was not aware of the legal obligation to file the semiannual campaign finance reports. The respondent further stated that the failure to file was a genuine mistake and she believed the reports were not required as “no money was raised.”

4. A candidate shall file two reports for each year. Tex. Elec. Code § 254.063(a). The first report shall be filed not later than July 15. The report covers the period beginning January 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, and continuing through June 30. *Id.* § 254.063(b). 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, and continuing through December 31. *Id.* § 254.063(c).
5. The respondent filed a campaign treasurer appointment on February 12, 2021, and never filed a final report terminating that campaign treasurer appointment. The respondent filed a second campaign treasurer appointment on February 9, 2023. Therefore, the respondent was a candidate starting on February 12, 2021, and remains one currently. Therefore, the respondent was required to file semiannual reports after February 12, 2021.
6. Credible evidence indicates that the respondent was a candidate and was obligated to file semiannual campaign finance reports. Credible evidence also indicates that the respondent did not file her July 2021, January 2022, July 2022, and January 2023 semiannual reports on time. Therefore, there is credible evidence of violations of Section 254.063 of the Election Code.

IV. 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 findings of fact and conclusions of law described under Section III, 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. The respondent consents to Commission staff presenting this resolution to the Commission outside of the respondent's presence.
3. The respondent acknowledges the filing requirements and restrictions prescribed by Section 254.063 of the Election Code. The respondent agrees to comply with these requirements of the law.

V. 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.

VI. Sanction

After considering the nature, circumstances, and consequences of the violations described under Section III, and after considering the sanction necessary to deter future violations, the Commission imposes a \$400 civil penalty.

VII. 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-32307216.

AGREED to by the respondent on this 13 day of December, 2023.


Jennifer Martinez, Respondent

EXECUTED by the Commission on: December 21, 2023.

Texas Ethics Commission

By: J.R. Johnson
J.R. Johnson, Executive Director