

Ck# 9753
Amt. \$500.00
Receipt# SC06282304
Pymt Rec'd 4-28-2023

TEXAS ETHICS COMMISSION

N/M

IN THE MATTER OF

ELOY VERA,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-3230210



ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on June 27, 2023, to consider sworn complaint SC-3230210. A quorum of the Commission was present. The Commission determined that there is credible evidence of a violation 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. Allegation

The complaint alleged that the respondent failed to file a January 2023 semiannual campaign finance report 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 elected to the position of Starr County Judge in 1998. The respondent was the successful incumbent candidate for Starr County Judge in the November 8, 2022 election.
2. The complaint alleged that the respondent did not file his January 2023 semiannual campaign finance report.

3. The information submitted with the complaint showed that as of February 9, 2023, the respondent had not filed his January 2023 semiannual campaign finance report, which was due by January 17, 2023.
4. In response to the complaint, the respondent swore that the report had not been filed due to an oversight. The respondent filed his January 2023 semiannual campaign finance report on February 13, 2023. The report disclosed \$8,500 in total political contributions, \$10,940 in total political expenditures, and \$3,240 in total political contributions maintained.
5. A candidate shall file two reports for each year. Tex. 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 this subchapter, as applicable, and continuing through December 31. *Id.* § 254.063(c).
6. If the deadline for a report falls on a Saturday, Sunday, or a legal state or national holiday, the report is due on the next regular business day. 1 Tex. Admin. Code § 20.21.
7. January 15, 2023, was a Sunday. Monday, January 16, 2023, was a state holiday. Therefore, the January 2023 semiannual report was due on January 17, 2023.
8. The respondent filed his campaign treasurer appointment on November 18, 2021 and has not yet filed a final report terminating his candidacy. Therefore, the respondent is a candidate and was required to file his January 2023 semiannual campaign finance report.
9. The respondent filed his January 2023 semiannual campaign finance report on February 13, 2023. Therefore, there is credible evidence of a violation 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.
3. The respondent acknowledges the filing requirement prescribed by Section 254.063 of the Election Code. The respondent agrees to comply with this requirement of law.

V. 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.

VI. Sanction

After considering the seriousness of the violation described under Section III, including the nature, circumstances, consequences, extent, and gravity of the violation, and after considering the sanction necessary to deter future violations, the Commission imposes a \$500 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-3230210.

AGREED to by the respondent on this 24th day of April, 2023.



Eloy Vera, Respondent

EXECUTED by the Commission on: June 29, 2023.

Texas Ethics Commission

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