

TEXAS ETHICS COMMISSION

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IN THE MATTER OF

CLAUDIA LIZETTE RODRIGUEZ,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-32211436

ORDER and AGREED RESOLUTION

RECEIVED
JAN 31 2023
Texas Ethics Commission

I. Recitals

The Texas Ethics Commission (Commission) met on February 15, 2023, to consider sworn complaint SC-32211436. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Sections 253.003, 253.094, and 254.031 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 properly itemize political contributions (on Schedule A1), and did not properly disclose total political contributions on her 30-day pre-election report for the November 8, 2022 election, in violation of Section 254.031 of the Election Code.

Although not specifically alleged in the complaint, the Commission also considered evidence that showed the respondent accepted a political contribution from a corporation, in violation of Sections 253.003 and 253.094 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. During the period at issue in the complaint, the respondent held the office of El Paso City Council for District 6 and was running for re-election in the November 8, 2022 election. The respondent was unsuccessful in the December 17, 2022 runoff election.
2. Sworn complaint SC-32211436 was filed on November 7, 2022, alleging the respondent did not disclose complete address information for political contributors (Schedule A1) on her original 30-day pre-election report that was filed on October 10, 2022. In the report, the respondent omitted the street address for all of her political contributors and only disclosed a city, state, and zip code. The respondent also omitted the dates for all of the contributions. For some of the contributors, the respondent only disclosed a city and state. The respondent filed a corrected report on October 24, 2022, but inadvertently failed to disclose a city and state for three of the

- contributors. On November 7, 2022, the respondent filed another corrected report to provide complete address information for the remaining contributors.
3. Upon request from Commission staff, the respondent provided copies of contribution checks. One of the checks was from “Harvey Development Company, Inc.,” for \$1,000, dated September 15, 2022. The address appearing on the check was “PO Box 12730, El Paso, Texas, 79913-0782.” Records on file with the Texas Secretary of State show that Harvey Development Company, Inc. is a domestic for-profit corporation with the address of “PO Box 12730, El Paso, Texas, 79913.” The contribution was disclosed in the respondent’s original 30-day pre-election report as a \$1,000 political contribution from “Will Harvey.” The respondent did not disclose a date of the contribution and a street address for the contributor. In the corrected 30-day report filed on October 24, 2022, the respondent disclosed the contributor’s street address as “640 Camino Real EPTX 79922,” changed the amount of the contribution to \$100, and did not change the name of the contributor. In response to the complaint, the respondent stated that she believed the contribution was from Will Harvey individually and was properly disclosed.
 4. The complaint included an allegation that the respondent did not disclose the correct amount of a political contribution. In the corrected 30-day report filed October 24, 2022, the respondent changed the amount of one contribution from \$1,000 to \$2,500. A copy of the contribution check provided by the respondent confirms that the amount of the contribution was \$2,500, and that all of the other contributor information disclosed by the respondent was correct.
 5. The complaint also alleged that the respondent did not properly disclose total political contributions in her original 30-day pre-election report. In the original report filed on October 10, 2022, the respondent disclosed \$30,760 in total unitemized political contributions, and \$0 in total political contributions. On November 15, 2022, the respondent amended the 30-day report to change the amount of unitemized contributions to \$0, and the amount of total political contributions to \$33,860. In response to the complaint, the respondent stated that she reported the total amount of all political contributions accepted during the campaign, rather than only the amount of political contributions accepted during the 30-day pre-election reporting period.
 6. Each campaign finance report filed under Chapter 254 of the Election Code must include the amount of political contributions, other than political contributions that are made electronically, from each person that in the aggregate exceed \$50 (\$90 as of January 1, 2022) and that are accepted during the reporting period, the full name and address of the person making the contributions, and the dates of the contributions. Tex. Elec. Code § 254.031(a)(1); 1 Tex. Admin. Code § 18.31.
 7. Each campaign finance report must include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period. Tex. Elec. Code § 254.031(a)(6).
 8. At any stage of a sworn complaint proceeding, the Commission shall dismiss a complaint to the extent the complaint alleges a statement, registration, or report violates a law or rule if the

- respondent has filed a corrected or amended statement registration, or report before the Commission accepts jurisdiction over the complaint, and the corrected or amended statement, registration, or report remedies the alleged violation. Tex. Gov't Code § 571.1223.
9. A person may not knowingly accept a political contribution the person knows to have been made in violation of Chapter 253 of the Election Code. Tex. Elec. Code § 253.003(b). Under Section 253.094 of the Election Code, a corporation may not make a political contribution that is not authorized by Chapter 253, Subchapter D, of the Election Code. *Id.* § 253.094(a).
 10. Chapter 253, Subchapter D, of the Election Code applies only to corporations that are organized under the Texas Business Corporation Act, the Texas For-Profit Corporation Law, the Texas Non-Profit Corporation Act, the Texas Nonprofit Corporation Law, federal law, or law of another state or nation. *Id.* § 253.091.
 11. The Commission accepted jurisdiction over the sworn complaint on November 14, 2022. The respondent corrected some of the errors and filed amended reports on October 13, 2022, October 24, 2022, and November 7, 2022, before the Commission accepted jurisdiction over the complaint. The corrections remedied the alleged violations with respect to most of the political contributor information that was originally omitted or improperly disclosed. Therefore, pursuant to Section 571.1223 of the Government Code, the Commission dismisses all but one of the allegations related to incomplete or incorrect political contributor information.
 12. Credible evidence shows the respondent accepted a \$1,000 political contribution from a corporation and that the respondent incorrectly disclosed the name, address, and amount of the contribution. Therefore, there is credible evidence of a violation of Sections 253.003(b), 253.094, and 254.031(a)(1) of the Election Code. There is also credible evidence of a violation of Section 254.031(a)(6) of the Election Code regarding the respondent not properly disclosing total political contributions in the 30-day pre-election report at issue.

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 that: 1) a candidate or officeholder may not knowingly accept a political contribution from a corporation; 2) each campaign finance report must include the amount of political contributions, other than political contributions that are made electronically, from each person that in the aggregate exceed \$50 (\$90 as of January 1, 2022) and that are

accepted during the reporting period, the full name and address of the person making the contributions, and the dates of the contributions; and 3) each campaign finance report must include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period. 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.

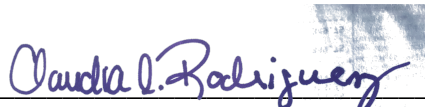
VI. Sanction

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 \$1,000 civil penalty. The Commission also considers the demonstrated good faith of the respondent to rectify the consequences of the violations by promptly responding to the sworn complaint and filing corrected reports, and by participating in the sworn complaint discovery process.

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-32211436.

AGREED to by the respondent on this 30 day of January, 2023.



Claudia Lizette Rodriguez, Respondent

EXECUTED by the Commission on: February 17, 2023.

Texas Ethics Commission

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