



# TEXAS ETHICS COMMISSION

P. O. Box 12070, Capitol Station  
Austin, Texas 78711-2070

Paula M. Mendoza  
Chair

Jim Graham  
Vice Chair

David A. Reisman  
Executive Director

Commissioners

Jim Clancy  
Wilhelmina Delco

Tom Harrison

George H. "Trey" Henderson, III

Tom Ramsay

Chase Untermeyer

June 30, 2010

Mr. M. J. Martinez  
5229 Tower Trail  
Austin, Texas 78723-6039

**CERTIFIED MAIL NO. 7008 3230 0002 6487 2086,  
RETURN RECEIPT REQUESTED**

**Re: Notice of Complaint, SC-31006193**

Dear Mr. Martinez:

We received sworn complaint SC-31006193 on June 24, 2010. The complaint meets the technical form requirements for a complaint filed with the Texas Ethics Commission, and the executive director has determined that the Ethics Commission has jurisdiction over the violations of law alleged in the sworn complaint. The complaint alleges that you: (1) failed to properly disclose political contributions and political expenditures on campaign finance reports, in violation of section 254.031 of the Election Code, and sections 20.59 and 20.62 of the Ethics Commission Rules, (2) failed to disclose your campaign treasurer's street address in violation of section 254.061 of the Election Code, and (3) accepted political contributions from corporations or labor organizations in violation of sections 253.003 and 253.094 of the Election Code.

With this notice, I have included a copy of the sworn complaint, the Ethics Commission's sworn complaint rules, a Statement of Respondent's Rights, and a copy of the relevant statutes of the Election Code. More information about the complaint process is available on the Ethics Commission's website at [www.ethics.state.tx.us](http://www.ethics.state.tx.us).

If you have any information relevant to the complaint, please provide it at this time. Your response must be in writing and under oath. We have enclosed an affidavit form that you may wish to use for your response. Your response must include any challenge you seek to raise to the Ethics Commission's jurisdiction. In addition, in your response you may acknowledge the occurrence or commission of the violation, or deny the allegations and provide evidence supporting that denial.

The sworn complaint allegations will be processed as Category Two violations. You are required to respond to an allegation of a Category Two violation not later than 25 business days from the date you receive this notice. **Failure to respond will constitute a separate violation for which a separate civil penalty may be assessed.**

*Come visit our home page at <http://www.ethics.state.tx.us> on the Internet.*

**(512) 463-5800 • 1-800-325-8506 • FAX (512) 463-5777 • TDD 1-800-735-2989**

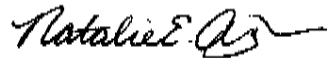
The Texas Ethics Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

The law requires the commission to send this sworn complaint notice by registered or certified mail, return receipt requested. Future notices and correspondence will be sent by regular mail, unless the commission is notified otherwise.

Please note that at this stage in the process, Ethics Commission members and staff are required by law to keep the complaint and all documents relating to it strictly confidential. However, other persons, including the complainant and respondent named in the complaint, are not bound by this confidentiality requirement.


Please call me if you have any questions.

Sincerely,



Natalie E. Adelaja  
Assistant General Counsel

Jurisdiction accepted  
For the Texas Ethics Commission



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David A. Reisman  
Executive Director

NEA:mc

Enclosures: Copy of Sworn Complaint  
Statutes and Rules Concerning Sworn Complaints  
Statement of Respondent's Rights  
Affidavit

c: Mr. Jim Doyle  
16728 Bending Oaks  
Conroe, Texas 77385-3600

**CERTIFIED MAIL NO. 7008 3230 0002 6487 2093,  
RETURN RECEIPT REQUESTED**

# SWORN COMPLAINT BEFORE THE TEXAS ETHICS COMMISSION

An individual must be a resident of the state of Texas to be eligible to file a sworn complaint with the Texas Ethics Commission. The complainant is required to attach to the complaint a copy of one of the following documents:

- complainant's driver's license or personal identification certificate issued under Chapter 521 of the Transportation Code, or commercial driver's license issued under Chapter 522 of the Transportation Code; or
- a utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the complainant and is dated not more than 30 days before the date on which the complaint is filed.

Effective September 1, 2009, an individual may also be eligible to file a sworn complaint with the Texas Ethics Commission if the individual owns real property in the state of Texas. Under this provision, the complainant will be required to attach to the complaint a copy of a property tax bill, notice of appraised value, or other government document that shows the name of the complainant, shows the address of the real property in Texas, and identifies the complainant as the owner of the real property.

| OFFICE USE ONLY                        |  |
|--|--|
| Docket Number                          |  |
| Date Hand-delivered or Date Postmarked |  |

## I. IDENTITY OF COMPLAINANT

|   |                    |                |        |                                     |          |
|---|--------------------|----------------|--------|-------------------------------------|----------|
| <b>1</b> COMPLAINANT NAME   | MS / MRS / MR      | FIRST          | MI     |                                     |          |
|   | Mr.                | Jim            |        |                                     |          |
|   | NICKNAME           | LAST           | SUFFIX |                                     |          |
|   |                    | Doyle          |        |                                     |          |
| <b>2</b> COMPLAINANT PHYSICAL ADDRESS   | ADDRESS            | APT / SUITE #: | CITY:  | STATE:                              | ZIP CODE |
|   | 16728 Bending Oaks |                | Conroe | TX                                  | 77385    |
| (Full home or business address, including street, city, state, and zip code)  |                    |                |        |                                     |          |
| <b>3</b> COMPLAINANT MAILING ADDRESS  | ADDRESS            | APT / SUITE #: | CITY:  | STATE:                              | ZIP CODE |
|   |                    |                |        |                                     |          |
| <input checked="" type="checkbox"/> (check if same as above) (Full home or business address, including street, city, state, and zip code) |                    |                |        |                                     |          |
| <b>4</b> COMPLAINANT TELEPHONE NUMBER   | AREA CODE          | PHONE NUMBER   | EXT    | <b>5</b> COMPLAINANT E-MAIL ADDRESS | none     |
|   | 936                | 321-2976       |        |                                     |          |

## II. IDENTITY OF RESPONDENT

|  |                                       |                |        |  |          |
|--|---------------------------------------|----------------|--------|--|----------|
| <b>6</b> RESPONDENT NAME   | MS / MRS / MR                         | FIRST          | MI     |  |          |
|  | Mr.                                   | M J            |        |  |          |
|  | NICKNAME                              | LAST           | SUFFIX |  |          |
|  |                                       | Martinez       |        |  |          |
| <b>7</b> RESPONDENT POSITION OR TITLE  | City Council, Place 2, City of Austin |                |        |  |          |
| <b>8</b> RESPONDENT PHYSICAL ADDRESS   | ADDRESS                               | APT / SUITE #: | CITY:  | STATE:   | ZIP CODE |
|  | 301 W. 2nd St.                        | 2nd. Floor     | Austin | TX   | 78701    |
| (Full home or business address, including street, city, state, and zip code)   |                                       |                |        |  |          |
| <b>9</b> RESPONDENT MAILING ADDRESS  | ADDRESS                               | APT / SUITE #: | CITY:  | STATE:   | ZIP CODE |
|  | P. O. Box 1088                        |                | Austin | TX   | 78767    |
| <input type="checkbox"/> (check if same as above) (Full home or business address, including street, city, state, and zip code) |                                       |                |        |  |          |
| <b>10</b> RESPONDENT TELEPHONE NUMBER  | AREA CODE                             | PHONE NUMBER   | EXT    | <b>11</b> RESPONDENT E-MAIL ADDRESS (IF KNOWN) | unknown  |
|  | 512                                   | 974-2264       |        |  |          |

GO TO PAGE 2

**III. NATURE OF ALLEGED VIOLATION**

Include the specific law(s) or rule(s) alleged to have been violated. The Texas Ethics Commission has jurisdiction to enforce only the following laws: (1) Title 15 of the Election Code; (2) Chapters 302, 303, 305, 572, 2004 of the Gov't Code; (3) § 334.025 and § 335.055 of the Local Gov't Code; (4) Subchapter C, Chapter 159 of the Local Gov't Code, in connection with a county judicial officer who elects to file a financial statement with the commission; (5) § 2152.064 and § 2155.003 of the Gov't Code; (6) § 306.005 of the Gov't Code.

C/OH Campaign Finance Report (Jan. 15) - 2/12/09, corrected

1) Failed to include the campaign treasurer's street address, in violation of Section 254.061.

C/OH Campaign Finance Report (30th day) - 04/09/09

1) Failed to include the campaign treasurer's street address, in violation of Section 254.061.

2) Reported an incorrect "Contribution Balance". After adjusting for in-kind contributions (\$433.41), the contribution balance should be \$88,790.84, and not \$89,764.54, as reported, in violation of Section 254.031(a)(8). Note that the officeholder disclosed a contribution balance of \$24,574.77 in the corrected January 2009 semiannual report filed on 2/12/09. In the alternative, if the contribution balance is correct, the officeholder failed to report additional political contributions and/or expenditures, in violation of Section 254.031.

3) Accepted a political contribution from a corporation/labor union (4 places), in violation of Sections 253.003 and 253.094.

|         |          |                     |
|---------|----------|---------------------|
| 1/14/09 | \$350.00 | 5th Street Car Wash |
| 1/15/09 | \$100.00 | H20 Car Wash LLC    |
| 3/06/09 | \$350.00 | Rancho Garza LTD.   |
| 2/05/09 | \$100.00 | Roma Austin Design  |

4) Failed to fully disclose the name of person making a political contribution (9 places), in violation of Section 254.031(a)(1).

|         |          |             |
|---------|----------|-------------|
| 2/03/09 | \$350.00 | A/TCEMS PAC |
| 3/12/09 | \$350.00 | AFSCME PAC  |
| 1/06/09 | \$350.00 | BMcPAC      |

**ATTACH ADDITIONAL PAGES AS NEEDED**

**III. NATURE OF ALLEGED VIOLATION**

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|  |            |                                  |
|--|------------|----------------------------------|
| 3/17/09  | \$350.00   | BOMA Austin PAC                  |
| 1/12/09  | \$350.00   | CDM PAC                          |
| 3/30/09  | \$150.00   | Halford, R.L.                    |
| 1/09/09  | \$350.00   | Hutto, D.                        |
| 1/14/09  | \$350.00   | LAN-PAC                          |
| 1/27/09  | \$350.00   | PANTEX PAC                       |
| 5) Failed to disclose the actual vendor payee, address, date, and amount pertaining to the stated purpose of a political expenditure (1 place), in violation of Section 254.031(a)(3) and TEC rule 20.59.  |            |                                  |
| 1/05/09  | \$378.35   | Paypal                           |
| 6) Failed to disclose the actual vendor payee, address, date, and amount pertaining to the stated purpose of a political expenditure (3 places), in violation of Section 254.031(a)(3) and TEC rule 20.62.   |            |                                  |
| 3/12/09  | \$541.13   | Newton, Scott                    |
| 1/23/09  | \$100.00   | Ramos, Joseph                    |
| 1/27/09  | \$374.85   | Ranes, Jim                       |
| 7) Failed to fully disclose the purpose of a political expenditure (3 places), in violation of Section 254.031(a)(3). An adequate description would include the specific goods or services purchased or leased, and enable one to know how the expenditure defrayed an actual campaign or office expense. Such vague "purpose of payment" descriptions suggest the unlawful conversion of campaign funds to personal use, in violation of Section 253.035. |            |                                  |
| 2/12/09  | \$200.00   | Austin Under 40 / Sunshine Camps |
| 3/10/09  | \$500.00   | Opinion Analysts                 |
| 1/13/09  | \$5,657.31 | Worley                           |

**ATTACH ADDITIONAL PAGES AS NEEDED**

**III. NATURE OF ALLEGED VIOLATION**

**Page 2**

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C/OH Campaign Finance Report (8th day) - 5/01/09

1) Failed to include the campaign treasurer's street address, in violation of Section 254.061.

2) Reported an incorrect "Contribution Balance". After adjusting for in-kind contributions (\$220.00), the contribution balance should be \$49,505.29, and not \$48,478.99, as reported, in violation of Section 254.031(a)(8). In the alternative, if the contribution balance is correct, the officeholder failed to report additional political contributions and/or expenditures, in violation of Section 254.031.

3) Accepted a political contribution from a corporation/labor union (5 places), in violation of Sections 253.003 and 253.094.

|         |          |                          |
|---------|----------|--------------------------|
| 3/31/09 | \$350.00 | Austin Board of Realtors |
|---------|----------|--------------------------|

|         |          |                             |
|---------|----------|-----------------------------|
| 4/15/09 | \$350.00 | Braker Pointe Joint Venture |
|---------|----------|-----------------------------|

|         |          |                            |
|---------|----------|----------------------------|
| 4/15/09 | \$350.00 | Fifth Lamar Retail I, Ltd. |
|---------|----------|----------------------------|

|         |          |                     |
|---------|----------|---------------------|
| 4/15/09 | \$350.00 | LSA/WF Project, LTD |
|---------|----------|---------------------|

|         |          |                  |
|---------|----------|------------------|
| 4/24/09 | \$350.00 | Rod Arend Rental |
|---------|----------|------------------|

4) Failed to disclose the actual vendor payee, address, date, and amount pertaining to the stated purpose of a political expenditure (1 place), in violation of Section 254.031(a)(3) and TEC rule 20.59.

|         |         |        |
|---------|---------|--------|
| 4/29/09 | \$88.49 | Paypal |
|---------|---------|--------|

5) Failed to disclose the actual vendor payee, address, date, and amount pertaining to the stated purpose of a political expenditure (2 places), in violation of Section 254.031(a)(3) and TEC rule 20.62.

|         |          |            |
|---------|----------|------------|
| 4/02/09 | \$309.90 | Ranes, Jim |
|---------|----------|------------|

|         |          |            |
|---------|----------|------------|
| 4/27/09 | \$554.85 | Ranes, Jim |
|---------|----------|------------|

6) Failed to fully disclose the purpose of a political expenditure (2 places), in violation of Section 254.031(a)(3). An

**ATTACH ADDITIONAL PAGES AS NEEDED**

**III. NATURE OF ALLEGED VIOLATION**

**Page 2**

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adequate description would include the specific goods or services purchased or leased, and enable one to know how the expenditure defrayed an actual campaign or office expense. Such vague "purpose of payment" descriptions suggest the unlawful conversion of campaign funds to personal use, in violation of Section 253.035.

4/27/09 \$28,574.06 Kelly Graphics

4/29/09 \$489.76 Kelly Graphics

C/OH Campaign Finance Report (July 15) - 7/15/09

1) Failed to include the campaign treasurer's street address, in violation of Section 254.061.

2) Reported an incorrect "Contribution Balance". After adjusting for in-kind contributions (\$100.00), the contribution balance should be \$25,501.31, and not \$24,525.01, as reported, in violation of Section 254.031(a)(8). In the alternative, if the contribution balance is correct, the officeholder failed to report additional political contributions and/or expenditures, in violation of Section 254.031.

3) Failed to disclose the actual vendor payee, address, date, and amount pertaining to the stated purpose of a political expenditure (2 places), in violation of Section 254.031(a)(3) and TEC rule 20.62.

6/12/09 \$400.00 Livaudais, Shelley

5/08/09 \$150.00 Middleton, Jim

4) Failed to fully disclose the purpose of a political expenditure (1 place), in violation of Section 254.031(a)(3). An adequate description would include the specific goods or services purchased or leased, and enable one to know how the expenditure defrayed an actual campaign or office expense. Such vague "purpose of payment" descriptions suggest the unlawful conversion of campaign funds to personal use, in violation of Section 253.035.

5/05/09 \$6,390.71 Kelly Graphics

**ATTACH ADDITIONAL PAGES AS NEEDED**

**III. NATURE OF ALLEGED VIOLATION**

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C/OH Campaign Finance Report (Jan. 15) - 1/15/10

1) Failed to include the campaign treasurer's street address, in violation of Section 254.061.

2) Reported an incorrect "Contribution Balance". After adjusting for in-kind contributions (\$0.00), the contribution balance should be \$13,426.79, and not \$12,462.54, as reported, in violation of Section 254.031(a)(8). In the alternative, if the contribution balance is correct, the officeholder failed to report additional political contributions and/or expenditures, in violation of Section 254.031.

3) Failed to disclose the actual vendor payee, address, date, and amount pertaining to the stated purpose of a political expenditure (1 place), in violation of Section 254.031(a)(3) and TEC rule 20.62.

|          |         |               |
|----------|---------|---------------|
| 10/22/09 | \$25.00 | Newton, Scott |
|----------|---------|---------------|

4) Failed to fully disclose the purpose of a political expenditure (3 places), in violation of Section 254.031(a)(3). An adequate description would include the specific goods or services purchased or leased, and enable one to know how the expenditure defrayed an actual campaign or office expense. Such vague "purpose of payment" descriptions suggest the unlawful conversion of campaign funds to personal use, in violation of Section 253.035.

|          |            |             |
|----------|------------|-------------|
| 10/14/09 | \$2,865.82 | Apple Store |
|----------|------------|-------------|

|         |          |      |
|---------|----------|------|
| 9/02/09 | \$640.83 | AT&T |
|---------|----------|------|

|          |         |                   |
|----------|---------|-------------------|
| 11/06/09 | \$70.36 | The Flower Bucket |
|----------|---------|-------------------|

**ATTACH ADDITIONAL PAGES AS NEEDED**

**IV. STATEMENT OF FACTS**

State the facts constituting the alleged violation(s), including the dates on which or the period of time in which the alleged violation(s) occurred. Identify allegations of fact not personally known to the complainant, but alleged on information and belief. Please use simple, concise, and direct statements.

As a public official, Mr. Martinez knows the importance of following the law when dealing with the taxpayers' public funds. He must also know that the same concerns apply when dealing with political campaign funds. Over the last 18 months, Mr. Martinez converted political contributions to his personal use, failed to disclose the actual vendor payees, dates, and amounts of political expenditures, and filed several incomplete reports, with contribution balances indicating missing campaign funds or undisclosed campaign contributions and expenditures. He has also apparently violated the legal prohibition against corporate contributions. Accepting a political contribution from a corporation or labor organization carries a potential third-degree felony charge.

Mr. Martinez signed his campaign finance reports under the penalty of perjury. He alone bears the responsibility of checking the report accuracy and fully disclosing the campaign information required by state law. Mr. Martinez should also be aware that, under Section 37.03 of the Texas Penal Code, making a false, material, perjurious statement during or in connection with an official Texas Ethics Commission proceeding constitutes aggravated perjury, a felony of the third degree.

**ATTACH ADDITIONAL PAGES AS NEEDED**

**V. LISTING OF DOCUMENTS AND OTHER MATERIALS**

List all documents and other materials filed with this complaint. Additionally, list all other documents and other materials that are relevant to this complaint and that are within your knowledge, including their location, if known.

**Campaign Finance Reports (selected pages) -**

2/12/09 (Jan. '09), corrected

4/04/09 (30th day)

5/01/09 (8th day)

7/15/09 (July '09)

1/15/10 (Jan. '10)

**Information on corporate contributors -**

H2O Carwash - Brodie, Inc.

Rancho Garza Investments, Inc.

Roma Design Group dba Roma Design Group, Inc.

Austin Board of Realtors Management Corporation

Braker Pointe Association, Inc.

Lamar Retail Partners, Ltd.

LSA/WF Project, Ltd.

Rod Arend, Inc.

**ATTACH ADDITIONAL PAGES AS NEEDED**


[Taxable Entity Search Results](#)

## Franchise Tax Certification of Account Status

### This Certification Not Sufficient for Filings with Secretary of State

Do **not** include a certificate from this Web site as part of a filing with the Secretary of State for dissolution, merger, withdrawal, or conversion. The Secretary of State will reject a filing that uses the certification from this site.

To obtain a certificate that is sufficient for dissolution, merger, or conversion, see Publication 98-336d, [Requirements to Dissolve, Merge or Convert a Texas Entity](#).

#### Certification of Account Status

#### Officers And Directors Information

Entity Information:

**AUSTIN BOARD OF REALTORS.**  
10900 STONELAKE BLVD STE A-100  
AUSTIN, TX 78759-5826

Status:

**IN GOOD STANDING - EXEMPT ENTITY**

Registered Agent:

DAVID FOSTER  
10900 STONELAKE BLVD., SUITE 100  
AUSTIN, TX 78759

Registered Agent Resignation Date:

State of Formation:

TX

File Number:

0009804901

SOS Registration Date:

February 11, 1949

Taxpayer Number:

17411293073

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[Taxable Entity Search Results](#)

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#### Certification of Account Status

#### Officers And Directors Information

Entity Information:

**RANCHO GARZA INVESTMENTS,  
INC.**

17830 SERENE HILLS PASS  
AUSTIN, TX 78738-1232

Status:

**IN GOOD STANDING NOT FOR  
DISSOLUTION OR  
WITHDRAWAL through May 16,  
2011**

Registered Agent:

RON WHITE  
17830 SERENE HILLS PASS  
AUSTIN, TX 78738

Registered Agent Resignation Date:

State of Formation:

TX

File Number:

0800371621

SOS Registration Date:

July 30, 2004

Taxpayer Number:

15508790852

texas.gov | Statewide Search from the Texas State Library | State Link Policy | Texas Homeland Security

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#### Certification of Account Status

#### Officers And Directors Information

Entity Information:

**ROD AREND INC**  
508 E 39TH ST ATTN: R G AREND  
AUSTIN, TX 78751-5102

Status:

**NOT IN GOOD STANDING**

Registered Agent:

RODGER G AREND  
508 E. 39TH ST.  
AUSTIN, TX 78751

Registered Agent Resignation Date:

State of Formation:

TX

File Number:

0065711000

SOS Registration Date:

May 25, 1983

Taxpayer Number:

17422722342

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**VI. AFFIDAVIT**  
BASED ON PERSONAL KNOWLEDGE

Page 5

(Execute this affidavit if the acts alleged are within your direct personal knowledge.)

I, \_\_\_\_\_, complainant,  
swear that I am a resident of the state of Texas. I swear that I have knowledge of the  
facts alleged in this complaint and that the information contained in this complaint is  
true and correct.

\_\_\_\_\_  
Signature of Complainant

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said \_\_\_\_\_, this the \_\_\_\_\_ day of  
\_\_\_\_\_, 20 \_\_\_\_\_, to certify which, witness my hand and seal of office.

\_\_\_\_\_  
Signature of officer administering oath

\_\_\_\_\_  
Printed name of officer administering oath

\_\_\_\_\_  
Title of officer administering oath

**VII. AFFIDAVIT**  
BASED ON INFORMATION AND BELIEF

(Execute this affidavit if the acts alleged are not within your direct personal knowledge, but are based on reasonable belief.)

I, \_\_\_\_\_, complainant,  
swear that I am a resident of the state of Texas. I swear that I have reason to believe  
and do believe that the violation alleged in this complaint has occurred. The source  
of my information and belief is  
Campaign Finance Reports.

\_\_\_\_\_  
Signature of Complainant

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said \_\_\_\_\_, this the \_\_\_\_\_ day of  
\_\_\_\_\_, 20 \_\_\_\_\_, to certify which, witness my hand and seal of office.

\_\_\_\_\_  
Signature of officer administering oath

\_\_\_\_\_  
Printed name of officer administering oath

\_\_\_\_\_  
Title of officer administering oath