

SWORN COMPLAINT BEFORE THE TEXAS ETHICS COMMISSION

Section 571.122 of the Government Code requires that a sworn complaint be filed on a form prescribed by the Texas Ethics Commission and include specific information.

- You must complete a separate sworn complaint form for each respondent.
- You must allege a violation of a law that is within the Texas Ethics Commission's jurisdiction, listed on p. 2. More information and instructions for this form can be found at <https://www.ethics.state.tx.us/tec/sworn.html>.
- A person filing a frivolous or bad faith complaint may be subject to a civil penalty.

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

**Please completely fill out this form.
Failure to complete this form properly will cause your
complaint to be noncompliant and returned.**

I. IDENTITY OF COMPLAINANT

1 COMPLAINANT NAME (REQUIRED)	MS / MRS / MR	FIRST	MI
	NICKNAME	LAST	SUFFIX
Gardner Pate			
2 COMPLAINANT PHYSICAL ADDRESS (REQUIRED)	ADDRESS	APT / SUITE #	CITY STATE ZIP CODE
[REDACTED] (Full home or business address, including street, city, state, and zip code)			
3 COMPLAINANT MAILING ADDRESS (REQUIRED)	ADDRESS	APT / SUITE #	CITY STATE ZIP CODE
PO Box 308, Austin TX 78767 (Full street or mailing address, including city, state, and zip code)			
4 COMPLAINANT TELEPHONE NUMBER (REQUIRED)	AREA CODE	PHONE NUMBER	EXT
	(512) 477-2002		
5 COMPLAINANT E-MAIL ADDRESS (REQUIRED IF KNOWN)	[REDACTED]		

II. IDENTITY OF RESPONDENT

6 RESPONDENT NAME (REQUIRED)	MS / MRS / MR	FIRST	MI
	NICKNAME	LAST	SUFFIX
Gwendolyn Pulido			
7 RESPONDENT POSITION OR TITLE (REQUIRED)	Treasurer, Beto for Texas		
8 RESPONDENT PHYSICAL ADDRESS (REQUIRED)	ADDRESS	APT / SUITE #	CITY STATE ZIP CODE
304 Texas Avenue, Suite 1503, Box 126, El Paso TX 79901 (Full home or business address, including street, city, state, and zip code)			
9 RESPONDENT MAILING ADDRESS (REQUIRED)	ADDRESS	APT / SUITE #	CITY STATE ZIP CODE
PO Box 302647, Austin TX 78703 (Full street or mailing address, including city, state, and zip code)			
10 RESPONDENT TELEPHONE NUMBER (REQUIRED)	AREA CODE	PHONE NUMBER	EXT
	(202) 552-0221		
11 RESPONDENT E-MAIL ADDRESS (REQUIRED IF KNOWN) (If unknown, please state that)	[REDACTED]		

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III. NATURE OF ALLEGED VIOLATION

Page 2

Include the specific law(s) or rule(s) alleged to have been violated. YOU MUST ALLEGE A VIOLATION OF A LAW THAT IS WITHIN THE COMMISSION'S JURISDICTION. 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 and 2004 of the Gov't Code; (3) § 334.025 and § 335.055 of the Local Gov't Code; (4) 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; and (5) § 2152.064 and § 2155.003 of the Gov't Code.

Please completely fill out this form.

Failure to complete this form properly will cause your complaint to be noncompliant and returned.

Beto for Texas is a Texas specific-purpose committee. Gwendolyn Pulido is the treasurer of Beto for Texas. Under Texas law, Ms. Pulido is responsible for filing campaign finance reports and maintaining records of reportable activity of Beto for Texas (see Election Code secs. 254.001, 254.123, and 254.124).

On information and belief, Ms. Pulido violated Election Code Sec. 254.031(a)(1-a). This provision requires a political committee to report "the amount of political contributions from each person that are made electronically and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions". This is distinct from the general reporting provision, found in Election Code 254.031(a)(1) that allows contributions from each person that in the aggregate exceed \$90 (modified from the statute's \$50 via TEC Rule 18.31(a)) in a reporting period to be unitemized on a political committee's campaign finance reports.

ATTACH ADDITIONAL PAGES AS NEEDED

IV. STATEMENT OF FACTS

Page 3

You must 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 you, but alleged on information and belief. Use simple, concise, and direct statements. You must state facts that, if true, would constitute a violation of a law within the Commission's jurisdiction and allege facts to sufficiently indicate the manner and means by which each alleged violation occurred.

Please completely fill out this form.

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On information and belief, Ms. Pulido violated Election Code Sec. 254.031(a)(1-a). This provision requires a political committee to report "the amount of political contributions from each person that are made electronically and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions". This is distinct from the general reporting provision, found in Election Code 254.031(a)(1) that allows contributions from each person that in the aggregate exceed \$90 (modified from the statute's \$50 via TEC Rule 18.31(a)) in a reporting period to be unitemized on a political committee's campaign finance reports.

Based on public statements by Beto O'Rourke's campaign as reported by The Hill, 80% of contributions accepted during the period covered by the January 18, 2022 semiannual report were from online donations. Online donations would be donations "made electronically". Those statements by Beto for Texas referred to total contributions raised of \$7.2 million in the reporting period, which roughly matches the \$7,221,691.67 in monetary political contributions reflected on the January 18, 2022 campaign finance report. 80% of \$7,221,691.67 is \$5,777,353.33.

Ms. Pulido/Beto for Texas apparently only reported the contribution amount, contributor name and address, and the contribution date for contributions accepted from a person that exceeded \$90 in the reporting period, and did not include that information on any other contributions.

On information and belief, based on the claims made by Beto for Texas as reported in the news, Ms. Pulido/Beto for Texas should have reported the contributor's full name and address, date of the contribution, and amount of the contribution for at least \$5,777,353.33 on the January 18, 2022 report, which accounts for 80% of the committee's monetary political contributions in the reporting period. Instead, on the January 18, 2022 report, Ms. Pulido/Beto for Texas only reported that information for \$5,454,824.99 of monetary political contributions. On information and belief, Ms. Pulido/Beto for Texas failed to properly report at least \$322,528.34 in electronic political contributions.

Based on the above reasons, Ms. Pulido violated Election Code Sec. 254.031(a)(1-a).

ATTACH ADDITIONAL PAGES AS NEEDED

V. LISTING OF DOCUMENTS AND OTHER MATERIALS

Page 4

You must 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. Relevant documents that are available to you or in your possession must be included.

Please completely fill out this form.

Failure to complete this form properly will cause your complaint to be noncompliant and returned.

Beto for Texas campaign finance report due January 18, 2022; copies of pages 1 (filer information), 2 (report totals showing \$8,951,637.80 in total political contributions and \$1,766,866.68 in unitemized political contributions), 3 (report subtotals showing 7,221,691.67 in monetary political contributions and 1,729,946.13 in in-kind contributions), and 4 (first page of Schedule A1 showing 5,316 pages of detail reporting of monetary political contributions) (the full report is available electronically <http://204.65.203.5/public/100847548.pdf>)

Article from The Hill citing Beto for Texas team members claiming they raised more than \$7.2 million in the reporting period, "from more than 115,600 contributions" and "80 percent of the total raised was from online donations"

(<https://thehill.com/homenews/campaign/590142-orourke-says-he-raised-record-72m-since-launching-campaign-for-texas>)

ATTACH ADDITIONAL PAGES AS NEEDED

**SPECIFIC-PURPOSE COMMITTEE
CAMPAIGN FINANCE REPORT**

**FORM SPAC
COVER SHEET PG 1**

The SPAC Instruction Guide explains how to complete this form.		1 Filer ID (Ethics Commission Filers) 00086103	2 Total pages filed: 5432
3 COMMITTEE NAME Beto for Texas		OFFICE USE ONLY	
		Date Received ELECTRONICALLY FILED 01/18/2022	
4 COMMITTEE ADDRESS <input type="checkbox"/> Change of Address	ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE PO Box 302647 Austin, TX 78703		
	Date Hand-delivered or Date Postmarked		
	Receipt #	Amount	
	Date Processed		
	Date Imaged		
5 CAMPAIGN TREASURER NAME	MS / MRS / MR	FIRST Gwendolyn	MI
	NICKNAME	LAST Pulido	SUFFIX
6 CAMPAIGN TREASURER STREET ADDRESS <small>(Residence or Business)</small>	STREET ADDRESS (NO PO BOX PLEASE); APT / SUITE #; CITY; STATE; ZIP CODE 304 Texas Avenue Ste. 1503, Box 126 El Paso, TX 79901		
7 CAMPAIGN TREASURER MAILING ADDRESS <input type="checkbox"/> Change of Address	STREET OR PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE PO Box 302647 Austin, TX 78703		
8 CAMPAIGN TREASURER PHONE	AREA CODE	PHONE NUMBER	EXTENSION
	(202)	552-0221	
9 REPORT TYPE	<input checked="" type="checkbox"/> January 15 <input type="checkbox"/> 30th day before election <input type="checkbox"/> Exceeded modified reporting limit <input type="checkbox"/> July 15 <input type="checkbox"/> 8th day before election <input type="checkbox"/> Dissolution (Attach PAC-DR) <input type="checkbox"/> Runoff <input type="checkbox"/> 10th day after campaign treasurer termination		
10 PERIOD COVERED	Month Day Year 07/01/2021		Month Day Year 12/31/2021
	THROUGH		
11 ELECTION	ELECTION DATE Month Day Year 03/01/2022		ELECTION TYPE <input checked="" type="checkbox"/> Primary <input type="checkbox"/> Runoff <input type="checkbox"/> Other <input type="checkbox"/> General <input type="checkbox"/> Special

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**SPECIFIC-PURPOSE COMMITTEE REPORT:
PURPOSE AND TOTALS**

**FORM SPAC
COVER SHEET PG 2**

12 COMMITTEE NAME Beto for Texas	13 Filer ID (Ethics Commission Filers) 00086103
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14 COMMITTEE PURPOSE (Attach lists on plain paper to complete this report if necessary.) <input checked="" type="checkbox"/> SUPPORT (Candidate or Measure) <input type="checkbox"/> OPPOSE (Candidate or Measure) <input type="checkbox"/> ASSIST (Officeholder)	<input checked="" type="checkbox"/> Candidate <input type="checkbox"/> Officeholder	CANDIDATE / OFFICEHOLDER NAME Beto O'Rourke OFFICE SOUGHT (candidate) / OFFICE HELD (officeholder) Governor				
	<input type="checkbox"/> Measure	<table style="width:100%"> <tr> <td style="width:50%">BALLOT IDENTIFICATION / #</td> <td style="width:50%">ELECTION DATE</td> </tr> <tr> <td></td> <td style="text-align:center">Month Day Year</td> </tr> </table>	BALLOT IDENTIFICATION / #	ELECTION DATE		Month Day Year
		BALLOT IDENTIFICATION / #	ELECTION DATE			
	Month Day Year					
DESCRIPTION						

15 CONTRIBUTION TOTALS	1. TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS, OR CONTRIBUTIONS MADE ELECTRONICALLY), UNLESS ITEMIZED	\$ 1,766,866.68
	2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)	\$ 8,951,637.80
EXPENDITURE TOTALS	3. TOTAL UNITEMIZED POLITICAL EXPENDITURES	\$ 4,538.49
	4. TOTAL POLITICAL EXPENDITURES	\$ 3,690,970.38
CONTRIBUTION BALANCE	5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF THE REPORTING PERIOD	\$ 4,755,176.39
OUTSTANDING LOAN TOTALS	6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD	\$ 0.00

16 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.

 Gwendolyn Pulido
 Signature of Campaign Treasurer

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

SUBTOTALS - SPAC

17 COMMITTEE NAME Beto for Texas		18 Filer ID 00086103	(Ethics Commission Filers)
19 SCHEDULE SUBTOTALS			SUBTOTAL AMOUNT
NAME OF SCHEDULE			
1.	<input checked="" type="checkbox"/> SCHEDULE A1: MONETARY POLITICAL CONTRIBUTIONS	\$	7,221,691.67
2.	<input checked="" type="checkbox"/> SCHEDULE A2: NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS	\$	1,729,946.13
3.	<input checked="" type="checkbox"/> SCHEDULE B: PLEDGED CONTRIBUTIONS	\$	81,000.00
4.	<input type="checkbox"/> SCHEDULE C1: MONETARY CONTRIBUTIONS FROM CORPORATION OR LABOR ORGANIZATION	\$	
5.	<input type="checkbox"/> SCHEDULE C2: NON-MONETARY (IN-KIND) CONTRIBUTIONS FROM CORPORATION OR LABOR ORGANIZATION	\$	
6.	<input type="checkbox"/> SCHEDULE D: PLEDGED CONTRIBUTIONS FROM CORPORATION OR LABOR ORGANIZATION	\$	
7.	<input checked="" type="checkbox"/> SCHEDULE E: LOANS	\$	27,444.47
8.	<input checked="" type="checkbox"/> SCHEDULE F1: POLITICAL EXPENDITURES FROM POLITICAL CONTRIBUTIONS	\$	3,676,032.56
9.	<input type="checkbox"/> SCHEDULE F2: UNPAID INCURRED OBLIGATIONS	\$	
10.	<input type="checkbox"/> SCHEDULE F3: PURCHASE OF INVESTMENTS FROM POLITICAL CONTRIBUTIONS	\$	
11.	<input checked="" type="checkbox"/> SCHEDULE F4: EXPENDITURES MADE BY CREDIT CARD	\$	14,937.82
12.	<input type="checkbox"/> SCHEDULE H: PAYMENT FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH	\$	
13.	<input type="checkbox"/> SCHEDULE I: NON-POLITICAL EXPENDITURES FROM POLITICAL CONTRIBUTIONS	\$	
14.	<input checked="" type="checkbox"/> SCHEDULE K: INTEREST, CREDITS, GAINS, REFUNDS, AND CONTRIBUTIONS RETURNED TO FILER	\$	2,805.00

MONETARY POLITICAL CONTRIBUTIONS

SCHEDULE A1

The Instruction Guide explains how to complete this form.		1 Total pages Schedule A1: Sch: 1/5316 Rpt: 4/5432
2 FILER NAME Beto for Texas		3 Filer ID (Ethics Commission Filers) 00086103
4 Date 11/23/2021	5 Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____) Aaby, Trygve <hr/> 6 Contributor address; City; State; Zip Code Austin, TX 78733-1250	7 Amount of Contribution (\$) \$100.00
8 Principal occupation / Job title (See Instructions) Software Engineer		9 Employer (See Instructions) Schwab
Date 12/23/2021	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____) Aaby, Trygve <hr/> Contributor address; City; State; Zip Code Austin, TX 78733-1250	Amount of Contribution (\$) \$25.00
Principal occupation / Job title (See Instructions) Software Engineer		Employer (See Instructions) Schwab
Date 11/17/2021	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____) Aarons, Ellen A. <hr/> Contributor address; City; State; Zip Code San Diego, CA 92115-3110	Amount of Contribution (\$) \$100.00
Principal occupation / Job title (See Instructions) Not Employed		Employer (See Instructions) Not Employed
Date 12/10/2021	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____) Aaronson-Kulhavy, Pamela <hr/> Contributor address; City; State; Zip Code Nacogdoches, TX 75964-6522	Amount of Contribution (\$) \$100.00
Principal occupation / Job title (See Instructions) Not Employed		Employer (See Instructions) Not Employed
Date 11/17/2021	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____) Abad, Boris <hr/> Contributor address; City; State; Zip Code San Antonio, TX 78204-1404	Amount of Contribution (\$) \$25.00
Principal occupation / Job title (See Instructions) Petroleum Engineer		Employer (See Instructions) Self Employed



O'Rourke says he raised record \$7.2M since launching campaign for Texas governor

BY MAX GREENWOOD - 01/18/22 09:58 AM EST

Just In...

Senate Democrats call for investigation into reported price gouging for COVID-19 tests

HEALTHCARE — 9M 40S AGO

Man pardoned by former Kentucky governor sentenced again in homicide case

NEWS — 9M 52S AGO

UK's Johnson dismisses calls to resign over lockdown party

INTERNATIONAL — 14M 8S AGO

Israeli minister says police did not use spyware on protesters

INTERNATIONAL — 15M 15S AGO

Netflix to release 25 Korean original series and movies in 2022 following 'Squid Game' success

CHANGING AMERICA — 15M 21S AGO

Ukraine: Russia's military deployment near border 'almost completed'

DEFENSE — 15M 27S AGO

White House forms council to oversee 'Made in America' push

ADMINISTRATION — 25M 11S AGO

DACA highlights pitfalls of legalization schemes

8,198 SHARES

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00:02 / 15:35

Former Rep. Beto O'Rourke (D-Texas) pulled in more than \$7.2 million for his bid for Texas governor in the six weeks since launching his campaign.

He raised more than a quarter of that money — about \$2 million — in the 24-hour period after announcing his plans to seek the Democratic nomination to take on Gov. Greg Abbott (R) in 2022. O'Rourke's latest fundraising total spans the period from Nov. 15 to Dec. 31.

The 46-day fundraising haul is a record for a Democratic candidate in Texas. No Democratic campaign in the state's history has raised so much in the opening days of a race, O'Rourke's team said.

The money came from more than 115,600 contributions, the campaign said, and 80 percent of the total was raised from online donations.

"I'm grateful to everyone who helped us raise more than \$7.2 million in the first weeks of our campaign," O'Rourke said in a statement. "While Abbott is taking million-dollar checks from the CEOs who profited off of the grid collapse, we're receiving support from people all over Texas who want to ensure that our state finally leads in great jobs, world class schools and the ability to see a doctor."

O'Rourke has proven himself time and again as one of the Democratic Party's most prolific fundraisers. He raised more than \$80 million over the

VIEW ALL

course of his unsuccessful 2018 campaign to unseat Sen. Ted Cruz (R-Texas).

Hochul raises \$21.6 million since launching gubernatorial campaign

Sununu says he skipped Senate bid to avoid being 'roadblock' to Biden...

Related News by 

Of course, O'Rourke will still have to compete against Abbott, who had more time to raise money and has amassed a staggering war chest of his own.

Abbott's campaign announced on Tuesday that it has more than \$65 million on hand after pulling in nearly \$19 million in the six-month period spanning from July 1 to Dec. 31. The total came from nearly 159,000 contributions with an average donation size of \$119, his campaign said.

Conservative pundit Ann Coulter says Trump 'is

O'Rourke is the heavy favorite to win the Democratic nomination in March. Meanwhile, more than half a dozen Republicans have lined up to challenge Abbott in the primary, including former Texas GOP Chair Allen West and former state Sen. Don Huffines.

TAGS BETO O'ROURKE GREG ABBOTT TED CRUZ 2022 MIDTERMS TEXAS POLITICS TEXAS GOVERNOR FUNDRAISING

Rebecca Kleefisch raises \$3.3 million in Wisconsin

SHARE

TWEET



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.)

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and returned.

I, Gardner Pate, 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 (state below):

Beto for Texas January 18, 2022 campaign finance report
News article from The Hill

Signature of Complainant (Declarant)

NEW: Please complete EITHER the Notary section OR the Unsworn Declaration section.

NOTARY SECTION



Sworn to and subscribed before me, by the said Gardner Pate, this the 19 day of

January, 2022, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

NOTARY PUBLIC
Title of officer administering oath

OR

UNSWORN DECLARATION SECTION

My name is _____, and my date of birth is _____.

My Address is _____ (street), _____ (city), _____ (state), _____ (zip code), _____ (country)

Executed in _____ County, State of _____, on the _____ day of _____, 20_____.

Signature of Complainant (Declarant)