

Cause No. C-4762-16-G

A.C. CUELLAR	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff</i>	§	
	§	
v.	§	HIDALGO COUNTY, TEXAS
	§	
DAVID FUENTES	§	
	§	
<i>Defendant.</i>	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Commissioner A.C. Cuellar, and complains of David Fuentes, as to fundamental campaign finance violations regarding transparency of the political system, and for causes of action shows as follows:

A. PARTIES

1. Plaintiff A.C. Cuellar is an individual who resides in Hidalgo County, Texas.
2. Defendant David Fuentes, is an individual and may be served with process personally at 3619 S. Border Ave., Weslaco, Texas, 78596, or wherever he may be found.

B. DISCOVERY PLAN

4. Pursuant to Tex. R. Civ. P. 190.4, Plaintiff intends to conduct discovery under Level 3.

C. JURISDICTION & VENUE

5. This Court has jurisdiction over this matter because the amount in controversy exceeds the minimal jurisdictional limits of this Court. Venue in this Court is

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proper under Texas Civil Practice & Remedies Code §§ 15.002(a)(1) as all or a substantial part of the events or omissions giving rise to the claims occurred in Hidalgo County.

D. RELEVANT FACTUAL BACKGROUND

6. Plaintiff A.C. Cuellar is the sitting Hidalgo County Commissioner, Precinct 1. Plaintiff Cuellar has held this position for the past four (4) years. Defendant David Fuentes challenged A.C. Cuellar in the March 1, 2016, Democratic Primary.

7. As with other jurisdictions in the State of Texas, Hidalgo County from time to time bears witness to unscrupulous campaign tactics wherein illegal money and secret cash infect the political system and threaten the efficient and ethical administration of government. The March 1, 2016, Democratic Primary for Hidalgo County Commissioner, Precinct 1, was a hard fought battle, and apparently was not an exception to this unfortunate trend.

8. Out of 20,203 votes cast for Hidalgo County Commissioner, Precinct 1, in the March 2016 Democratic Primary, Plaintiff A.C. Cuellar lost to Defendant Fuentes by 295 votes. Following the election, it became abundantly clear that in Defendant Fuentes's zeal to win, basic laws protecting the sanctity of the ballot box and the integrity of the election process were overlooked. Secret cash was apparently funneled into the election, in an effort to conceal interests that were bankrolling the candidacy of Defendant Fuentes. Defendant's own campaign contribution and expenditure reports illustrate multiple violations of Texas campaign finance law. Given that Defendant Fuentes is a Certified Public Accountant the discrepancies in his campaign finance reports raise disturbing questions.

E. FAILURE TO REPORT CONTRIBUTIONS AND EXPENDITURES

9. Plaintiff incorporates paragraphs 1 – 8 as set forth above.

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10. At various times through calendar years 2015 and 2016, Defendant Fuentes hid various campaign contributions and expenditures from public scrutiny.

11. Defendant Fuentes failed to report approximately \$28,000 in campaign contributions in his report ending December 31, 2015.

12. Defendant Fuentes failed to report approximately \$11,000 in campaign expenditures in his report ending January 21, 2016.

13. Defendant Fuentes failed to report approximately \$1,700 in campaign expenditures in his report ending February 20, 2016.

14. Defendant Fuentes failed to report approximately \$55,000 in campaign expenditures and/or \$55,000 in contributions received via credit card charges for goods and/or services in his report ending June 30, 2016.

15. Defendant Fuentes failed to report in-kind contributions regarding the use of Tierra Santa Golf Club on multiple dates, in both 2015 and 2016, for purposes of fundraisers. Either Defendant Fuentes paid for use of the golf course and failed to disclose it, or Defendant Fuentes received in-kind contributions of significant value that he failed to list in his campaign finance reports.

16. In the course of the campaign Defendant Fuentes allegedly loaned his campaign approximately \$400,000 in personal funds. Based upon information and belief, Defendant Fuentes failed to accurately and transparently report the true underlying source of the loans in question.

17. Defendant Fuentes kept a campaign office at 709 Angelita, Weslaco, Texas 78599. Defendant occupied this space for the duration of the primary campaign, does not

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own the building in question, yet failed to list expenditures for the space and/or failed to list in-kind contributions for same.

18. On the day of the primary and during early vote, various private investigators were observed near polling sites working on behalf of Defendant Fuentes. Defendant Fuentes failed to list expenditures and/or in-kind contributions for private investigators that were utilized on his behalf.

19. Plaintiff Cuellar seeks liquidated damages in the form of twice the unreported contributions accepted by Defendant Fuentes, and twice the unreported expenditures made by Defendant Fuentes, as well as reasonable attorney's fees. Tex. Elec. Code Sec. 254.231.

F. JURY DEMAND

20. Plaintiff requests a trial by jury on all issues and has tendered the requisite jury fee with the filing of this petition.

G. REQUEST FOR DISCLOSURE

21. Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

PRAYER

Wherefore, Plaintiff prays that Defendant be cited to appear and answer herein, and that upon final consideration Plaintiff recover judgment against Defendant for liquidated damages, pre-judgment and post-judgment interest, court costs, attorney fees pursuant to Chapter 254 of the Texas Election Code, and all other relief to which Plaintiff is entitled.

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Respectfully submitted,

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