

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

October 31, 2011

The Honorable Norma G. Garcia
Hidalgo County Treasurer
2810 S. Business Hwy 281
Edinburg, TX 78539

Ref: Chief Deputy Daniel Marichalar

Dear Ms. Garcia:

This letter serves as notification that I am not authorized to approve payment of salaries and fringe benefits to Chief Deputy Constable Marichalar effective with the pay period beginning October 24, 2011 because his appointment was not in compliance with the law as noted below. Pursuant to Local Government Code § 113.065, the County Auditor may not audit or approve a claim unless the claim was incurred as provided by law.

Mr. Marichalar was appointed Constable for Precinct No. 5 by Commissioners Court on October 14, 2008. On December 31, 2008, Mr. Marichalar approved a Change of Status to reclassify himself as Chief Deputy Constable effective December 31, 2008. Local Government Code Section § 86.011(a) provides:


An elected constable who desires to appoint a deputy must apply in writing to the commissioners court of the county and show that it is necessary to appoint a deputy in order to properly handle the business of the constable's office that originates in the constable's precinct. The application must state the name of the proposed deputy. The commissioners court shall approve and confirm the appointment of the deputy only if the commissioners court determines that the constable needs a deputy to handle the business originating in the precinct.

We have found no evidence that Commissioners Court approved this appointment. Local Government Code Section § 86.011(d) provides:

A person commits an offense if the person: (1) serves as a deputy constable and the person has not been appointed as provided by Subsection (a); or (2) is a constable and issues a deputyship without the consent and approval of the commissioners court.

This matter has been referred to the District Attorney for review. If you should have any questions, please do not hesitate to call me at (956) 318-2511 ext. 4604.

Sincerely,


Ray Euffacio, CPA
County Auditor

- Cc: Mr. Daniel Marichalar, Chief Deputy Constable
- Honorable Rene Guerra, Criminal District Attorney
- Honorable Guadalupe Trevino, Hidalgo County Sheriff
- ✓ Mr. Valde Guerra, Executive Officer

RECEIVED

OFFICE OF EXECUTIVE OFFICER
ON:  BY: 

HIDALGO COUNTY DISTRICT JUDGES

- RODOLFO DELGADO, JUDGE, 114th D.C.
- J. R. "BOBBY" FLORES, JUDGE, 114th D.C.
- ROSE GUERRA REYNA, JUDGE, 114th D.C.
- JUAN R. PARTIDA, JUDGE, 275th D.C.
- MARIO E. RAMPEZ, JR., JUDGE, 322nd D.C.
- NCE GONZALEZ, JUDGE, 370th D.C. OVERSEER
- LETICIA LOPEZ, JUDGE, 381st D.C.
- ADA SALINAS FLORES, JUDGE, 398th D.C.
- ISRAEL RAMON, JR., JUDGE, 430th D.C.
- JESSE CONTRERAS, JUDGE, 449th D.C.