

TEXAS ETHICS COMMISSION

IN THE MATTER OF
JOHNNIE Q. WARD, II,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-260262

FINAL ORDER

The Texas Ethics Commission, having heard this case and voting to find a violation of laws under its jurisdiction, makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The respondent is Johnnie Q. Ward, II, whose last known mailing address is 510 Judy Drive, Dripping Springs, Texas 78620. A sworn complaint was filed with the Texas Ethics Commission against the respondent on February 22, 2006. The Notice of Hearing was mailed to the respondent on January 5, 2007, by certified mail, return receipt requested, restricted delivery.
2. The preliminary review hearing was held on February 2, 2007, at 9:00 a.m., by the Texas Ethics Commission in Austin, Texas.
3. The respondent did not file a reply to the Notice of Hearing and did not appear at the hearing.
4. The respondent filed a campaign treasurer appointment on December 30, 2005, and was an opposed candidate for the position of county commissioner in the March 2006 primary election. The respondent did not select modified reporting on his treasurer appointment form.
5. The complaint alleges that the respondent failed to timely file the January 2006 semiannual campaign finance report due January 17, 2006, and the 30-day pre-election report due on February 7, 2006.
6. The complaint raises allegations that are classified as Category One violations under chapter 571 of the Government Code. The respondent was given 10 business days to respond. The notice advised the respondent that a failure to respond was a separate Category One violation.
7. According to the United States Postal Service, the complaint notice was delivered on April 14, 2006. The deadline for a response was May 1, 2006.

8. The respondent did not respond to the sworn complaint.
9. According to the county elections administrator, as of October 24, 2006, the respondent had still not filed the campaign finance reports at issue with the county.

Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. GOV'T CODE § 571.061.
2. The respondent received legally sufficient notice of the hearing in this case. GOV'T CODE § 571.032 and 1 T.A.C. § 12.21. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.
3. A candidate is required to file reports semiannually and 30 days and 8 days before each election in which the candidate is opposed. ELEC. CODE §§ 254.063 and 254.064.
4. A respondent is required to respond to the notice of a sworn complaint. GOV'T CODE § 571.1242.
5. The respondent failed to file the January 2006 semiannual report and the February 7, 2006 30-day pre-election report. Therefore, there is credible evidence that the respondent violated sections 254.063 and 254.064 of the Election Code.
6. The respondent did not respond to the notice of complaint. Therefore, there is credible evidence that the respondent violated section 571.1242 of the Government Code.
7. The Texas Ethics Commission may impose a sanction against the respondent of not more than \$5,000 or triple the amount at issue, whichever amount is greater for each violation. GOV'T CODE § 571.173.

Therefore, the Texas Ethics Commission orders that:

The respondent pay to the Texas Ethics Commission, within 30 days of the date of this order, a civil penalty in the amount of \$500.

Date: _____

FOR THE COMMISSION

David A. Reisman
Executive Director
Texas Ethics Commission