

# TEXAS ETHICS COMMISSION

<b>IN THE MATTER OF</b>	§	<b>BEFORE THE</b>
<b>EJIKE EDWARD OKPA, II,</b>	§	<b>TEXAS ETHICS COMMISSION</b>
<b>RESPONDENT</b>	§	<b>SC-31608178CI</b>

## FINAL ORDER

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

### Findings of Fact

1. The respondent is Ejike Edward Okpa, II, whose last known mailing address is P. O. Box 1132, Addison, Texas 75001-1132. The Commission met on August 15, 2016, and on its own motion initiated this sworn complaint. The first Notice of Hearing was mailed to the respondent on October 13, 2017, by certified mail, return receipt requested, restricted delivery, and delivery confirmation. United States Postal Service (USPS) records indicate that the first Notice of Hearing was received by the respondent on October 17, 2017. A second Notice of Hearing was mailed to the respondent by delivery confirmation on October 26, 2017.
2. The preliminary review hearing was held on November 13, 2017, by the Texas Ethics Commission in Austin, Texas.
3. The respondent did not appear at the hearing.

### Personal Financial Statements

4. At all times relevant to the complaint, the respondent was a board member of the Product Development and Small Business Incubator Board.
5. The respondent was appointed as a board member of the Product Development and Small Business Incubator Board in May 2011, with a term expiring on February 1, 2017.
6. The respondent was required to file a Personal Financial Statement (PFS) with the Commission by April 30, 2015. The respondent was also required to file a PFS with the Commission by May 2, 2016 (deadline extended due to weekend).
7. The respondent filed both PFS reports with the Commission on March 29, 2017.

**Response to Sworn Complaint**

8. Sworn Complaint SC-31608178CI was initiated by the Commission on August 15, 2016. On August 18, 2016, Commission staff contacted the respondent by telephone and informed him of the complaint. The Commission sent notice of the sworn complaint to the respondent by certified mail, return receipt requested on August 22, 2016. According to United States Postal Service (USPS) records of the delivery, the notice of this complaint was returned to the Commission on September 20, 2016, with a status of "unclaimed." The Commission sent a second notice of sworn complaint to the respondent by delivery confirmation on September 26, 2016. According to USPS records of the delivery, the second notice of this complaint was delivered to the respondent on September 28, 2016. The notice informed the respondent that the alleged violation in the sworn complaint was a Category One violation, and that response to the sworn complaint was required not later than 10 business days from the date the notice was received and that failure to respond to the notice constituted a separate violation for which a separate penalty may be assessed. Based on the delivery date of the notice, the respondent was required to respond to the sworn complaint by October 12, 2016. The Commission received a written response to the complaint on February 9, 2017.

**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. *Id.* § 571.032 and 1 TAC § 12.21. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.

**Personal Financial Statement**

3. Except as provided by Section 572.0211, a state officer, a partisan or independent candidate for an office as an elected officer, and a state party chair shall file with the commission a verified financial statement complying with Sections 572.022 through 572.0252. GOV'T CODE § 572.021.
4. Not later than April 30 each year, a state officer or a state party chair shall file the financial statement as required by this subchapter. *Id.* § 572.026(a).
5. "State officer" means an elected officer, an appointed officer, a salaried appointed officer, an appointed officer of a major state agency, or the executive head of a state agency. *Id.* § 572.002(12).
6. "Appointed officer" includes an officer of a state agency who is appointed for a term of office specified by the Texas Constitution or a statute of this state, excluding an appointee to a vacated elective office. *Id.* § 572.002(1)(C).

7. The respondent was an appointed officer of a state agency, the Product Development and Small Business Incubator Board, during 2015 and 2016. Accordingly, the respondent was required to file a PFS with the Commission by April 30, 2015, and May 2, 2016. Records on file with the Commission reflect that the respondent filed both PFS reports on March 29, 2017. Therefore, there is credible evidence of violations of section 572.026 of the Government Code.

### **Response to Sworn Complaint**

8. The respondent must respond to the notice of a Category One violation not later than the 10th business day after the date the respondent receives the notice. GOV'T CODE § 571.1242(a)(1). A respondent's failure to timely respond to a sworn complaint as required by subsection (a)(1) or (b)(1) is a Category One violation. *Id.* § 571.1242(c).
9. The response required by section 571.1242 of the Government Code must: (1) be in writing; (2) admit or deny the allegations set forth in the complaint; and (3) be signed by the respondent. Ethics Commission Rules § 12.52(a).
10. According to USPS records of the delivery, the notice of complaint was delivered to the respondent on September 28, 2016. The notice informed the respondent that a response to the sworn complaint was required not later than 10 business days from receipt of the notice. The respondent was required to respond to the sworn complaint by October 12, 2016. The Commission did not receive a response until February 9, 2017. Therefore, there is credible evidence of a violation of section 571.1242(c) of the Government Code.
11. 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. GOV'T CODE § 571.173.

### **Therefore, the Texas Ethics Commission orders that:**

1. The respondent pay to the Commission, within 30 days of the date of this order, a civil penalty in the amount of \$1,500.

Order Date: \_\_\_\_\_

FOR THE COMMISSION

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Seana Willing  
Executive Director  
Texas Ethics Commission