

TEXAS ETHICS COMMISSION

IN THE MATTER OF
RONALD GARZA,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-32210374

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on September 27, 2023, to consider sworn complaint SC-32210374. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Sections 254.063 and 254.064 of the Election Code, and Section 571.1242 of the Government Code, laws administered and enforced by the Commission. To resolve and settle this complaint without further proceedings, the Commission adopted this resolution.

II. Allegations

The complaint alleged that the respondent: 1) failed to file a July 2022 semiannual report in violation of Section 254.063 of the Election Code; and 2) failed to file a 30-day pre-election report for the November 8, 2022 election in violation of Section 254.064 of the Election Code.

III. Findings of Fact and Conclusions of Law

Credible evidence available to the Commission supports the following findings of fact and conclusions of law:

1. The respondent was the successful incumbent candidate for Uvalde County Commissioner, Precinct Number 4, in the November 8, 2022 election.

July 2022 Semiannual Report

2. The complaint alleged that the respondent did not file his July 2022 semiannual campaign finance report.

3. The information submitted with the complaint showed that as of October 12, 2022, the respondent had not filed his July 2022 semiannual campaign finance report, which was due by July 15, 2022.
4. In response to the complaint, on April 17, 2023, the respondent emailed a copy of his July 2022 semiannual campaign finance report to Commission staff. The report was not stamped as filed with the Uvalde County Elections Official. The report disclosed \$0 in total political contributions, \$207 in total political expenditures, and \$0 in total political contributions maintained.
5. A candidate shall file two reports for each year as provided by this section. Tex. Elec. Code § 254.063(a). The first report shall be filed not later than July 15. The reports covers the period beginning January 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through June 30. *Id.* § 254.063(b).
6. Credible evidence indicates that the respondent failed to timely file his July 2022 semiannual report. Therefore, credible evidence indicates a violation of Section 254.063 of the Election Code.

30-Day Pre-election Report

7. The complaint alleged that the respondent had a named opponent on the ballot for the November 8, 2022 election and failed to file the required 30-day pre-election report.
8. The information submitted with the complaint showed that as of October 12, 2022, the respondent had not filed a 30-day pre-election report for the November 8, 2022 election.
9. In response to the complaint, the respondent filed a 30-day pre-election report with the Uvalde County Elections Official on December 8, 2022. The report disclosed \$2,000 in total political contributions, \$2,139 in total political expenditures, and \$0 in total political contributions maintained.
10. In addition to other required reports, for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. Tex. Elec. Code § 254.064(a). The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. The report covers the period beginning the day the candidate's campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed under this chapter, as applicable, and continuing through the 40th day before election day. *Id.* § 254.064(b).

11. Credible evidence indicates that the respondent had a named opponent on the ballot for the November 8, 2022 election. Therefore, the respondent was required to file a 30-day pre-election report by September 29, 2022. The respondent filed his 30-day pre-election report on December 8, 2022. Therefore, credible evidence indicates a violation of Section 254.064 of the Election Code.

Failure to Timely Respond to the Complaint

12. Sworn complaint SC-32210374 was filed on October 19, 2022. Jurisdiction was accepted over the complaint on October 25, 2022. The Commission sent a notice of the sworn complaint to the respondent by email to the email address the respondent had provided on the certified mail waiver. The notice of complaint letter informed the respondent that the alleged violation was a Category One violation, that a response was required not later than 10 business days from the date the notice was received, and that failure to respond would constitute a separate violation for which a separate civil penalty could be assessed. On January 17, 2023, the respondent emailed the Commission a copy of the 30-day pre-election report, but included no response to the complaint and did not respond to Commission staff's emailed request for the July 2022 report or the response. On April 17, 2023, the respondent finally submitted a response to the complaint. The response read in entirety, "I was overwhelmed with my election [&] business and missed filing deadline by one day."¹
13. If an alleged violation is a Category One violation, a respondent must respond to the notice required by Section 571.123(b) of the Government Code not later than the 10th business day after the date the respondent receives the notice. Tex. Gov't Code § 571.1242(a). A respondent's failure to timely respond as required by Subsection (a) is a Category One violation. *Id.* § 571.1242(c). The response required by Subsection (a) must include any challenge the respondent seeks to raise to the Commission's exercise of jurisdiction. In addition, the respondent may: (1) acknowledge the occurrence or commission of a violation; (2) deny the allegations contained in the complaint and provide evidence supporting the denial; or (3) agree to enter into an assurance of voluntary compliance or other agreed order, which may include an agreement to immediately cease and desist. *Id.* § 571.1242(d).
14. 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. 1 Tex. Admin. Code § 12.52(a). If a respondent does not submit a response within the time period prescribed by Section 571.1242 of the Government Code, the Commission may issue an order imposing a civil penalty for failure to file a response. *Id.* § 12.52(b). If a respondent does not submit a response that satisfies the requirements of subsection (a) of this section, the Commission may issue an order imposing a penalty for failure to file a complete response. *Id.* § 12.52(c).

¹ This is not accurate; as noted above, the respondent filed his July 2022 semiannual report more than nine months late, and his 30-day pre-election report more than two months late.

15. The respondent did not file a response to the complaint within ten business days of receiving notice of the complaint. The evidence shows the respondent received legally sufficient notice from the Commission that the allegation was a Category One violation and that he was required to respond within 10 business days under Section 571.1242 of the Government Code. Because Section 571.1242(c) of the Government Code provides that a respondent's failure to timely respond to a notice of a Category One complaint constitutes a Category One violation, there is credible evidence of a violation of Section 571.1242 of the Government Code.

IV. Representations and Agreement by Respondent

By signing this order and agreed resolution and returning it to the Commission:

1. The respondent neither admits nor denies the findings of fact and conclusions of law described under Section III, and consents to the entry of this order and agreed resolution solely for the purpose of resolving this sworn complaint.
2. The respondent consents to this order and agreed resolution and waives any right to further proceedings in this matter.
3. The respondent acknowledges the filing requirements prescribed by Sections 254.063 and 254.064 of the Election Code. The respondent also acknowledges the requirement to respond to a sworn complaint prescribed by Section 571.1242 of the Government Code. The respondent agrees to comply with these requirements of law.

V. Confidentiality

This order and agreed resolution describes violations that the Commission has determined are neither technical nor *de minimis*. Accordingly, this order and agreed resolution is not confidential under Section 571.140 of the Government Code and may be disclosed by members and staff of the Commission.

VI. Sanction

After considering the nature, circumstances, and consequences of the violations described under Section III, and after considering the sanction necessary to deter future violations, the Commission imposes a \$900 civil penalty.

VII. Order

The Commission hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-32210374.

AGREED to by the respondent on this _____ day of _____, 2023.

Ronald Garza, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
J.R. Johnson, Executive Director