

TEXAS ETHICS COMMISSION

IN THE MATTER OF

JUSTIN RAMOS,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-250587

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 Justin Ramos, whose last known mailing address is 219 Western Boulevard, Brownsville, Texas, 78520-4722. A sworn complaint was filed with the Texas Ethics Commission against the respondent on May 10, 2005. The Notice of Hearing was mailed to the respondent on December 9, 2005, by certified mail, return receipt requested, restricted delivery. United States Postal Service records indicate the notice was delivered on December 12, 2005.
2. The preliminary review hearing was held on January 12, 2006, at 1:30 p.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 was an unsuccessful candidate for city commissioner in a May 7, 2005, city election.
5. The complaint alleges that the respondent failed to include a disclosure statement on political advertising.
6. The complaint is based on a newspaper advertisement supporting the respondent. The advertisement states in part: "TO THE CITIZENS OF DISTRICT 4, I AM IN THE RACE!" The advertisement does not include the disclosure statement.
7. The evidence shows that the respondent had the advertisement published in return for consideration.
8. The respondent received the complaint on May 23, 2005. The deadline for filing a response was June 6, 2005.

9. The respondent stated to staff that he sent a response to the commission stating that he had contracted for the disclosure statement to be included on the advertisement. The respondent stated that he sent staff a letter from the newspaper editor stating that the newspaper had agreed to include the disclosure statement but then failed to. Staff has no record of receiving the respondent's response. The respondent failed to respond to staff's telephone messages requesting a copy of his response.

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.
3. The allegations in the Notice of Hearing were deemed admitted as true in accordance with section 12.23, 1 Texas Administrative Code.
4. Political advertising means a communication supporting or opposing a candidate for election to a public office that, in return for consideration, is published in a newspaper. ELEC. CODE § 251.001(16).
5. A person may not knowingly cause to be published, distributed, or broadcast political advertising containing express advocacy that does not indicate in the advertising that it is political advertising and the full name of the person, candidate, or political committee who paid for it. ELEC. CODE § 255.001(a).
6. Political advertising that is authorized by a candidate, an agent of a candidate, or a political committee filing reports under title 15 of the Election Code shall be deemed to contain express advocacy. ELEC. CODE § 255.001(b).
7. The respondent was a candidate and paid to have the advertisement printed. Therefore, the respondent was required to include a disclosure statement in the advertisement. The advertisement does not include a disclosure statement. Therefore, there is credible evidence that the respondent violated section 255.001 of the Election Code.
8. The respondent did not respond to the complaint. A response must be made by the deadline and must be in writing. GOV'T CODE § 571.1242; Ethics Commission Rules § 12.52. A failure to respond is itself a violation. GOV'T CODE § 571.1242. Therefore, there is credible evidence that the respondent violated section 571.1242 of the Government Code.
9. 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:

The respondent pay to the Texas Ethics Commission, within 30 days of the date of this order, a civil penalty in the amount of \$1,000.

Date: _____

FOR THE COMMISSION

David A. Reisman,
Executive Director
Texas Ethics Commission