

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
RICHARD GONZALES,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-3150123

## FINAL ORDER

The Texas Ethics Commission (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 Richard Gonzales, whose last known mailing address is 4283 South Cresthaven Road, Dallas, Texas 75209. Sworn complaint SC-3150123 was filed with the Commission against the respondent on February 12, 2015. The Notice of Hearing was mailed to the respondent on September 4, 2015, by certified mail, return receipt requested, restricted delivery and delivery confirmation. United States Postal Service records indicate that the Notice of Hearing was delivered to the respondent on September 8, 2015.
2. The preliminary review hearing was held on October 5, 2015, by the 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 a candidate for Dallas City Council, District 5, in the May 11, 2013, uniform election.
5. The complaint alleged that the respondent did not file a January 2015 semiannual report.
6. The respondent filed a campaign treasurer appointment on August 17, 2012, naming “District 2 Council Member” as the office sought. The respondent filed an amended campaign treasurer appointment on April 28, 2014, appointing a new treasurer and changing the office sought to “City Council,” but not naming a district.
7. According to City of Dallas records, the respondent has not filed a final report. City of Dallas records also show that the respondent has not filed his January 2015 semiannual report.

8. Sworn complaint SC-3150123 was resubmitted on February 12, 2015, and jurisdiction was accepted by the Commission.
9. The Commission sent a notice of the sworn complaint to the respondent by delivery confirmation on February 20, 2015.
10. According to the United States Postal Service's records, the notice of this complaint was delivered to the respondent on February 23, 2015. The notice informed the respondent that the alleged violation in the sworn complaint was a Category One violation, and that a response was required not later than 10 business days from the date the notice was received and that failure to respond constituted a separate violation for which a separate civil penalty may be assessed.
11. Based on the date of delivery, the respondent was required to submit a written response by March 10, 2015.
12. The respondent has not submitted a response to the sworn complaint.

### **Conclusions of Law**

1. Disposition of this case is within the jurisdiction of the 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 TAC § 12.21. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.
3. A candidate shall file two reports for each year as provided by this section. ELEC. CODE § 254.063(a).
4. The second report shall be filed not later than January 15 and covers the period beginning July 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 December 31. *Id.* § 254.063(c).
5. The respondent had an active campaign treasurer appointment on file during the period at issue and was required to file a January 2015 semiannual campaign finance report by January 15, 2015. The respondent did not file the January 2015 semiannual campaign finance report. Therefore, there is credible evidence of a violation of section 254.063(c) of the Election Code.
6. If an alleged violation in a sworn complaint is a Category One violation, the respondent must respond to the notice required by section 571.123(b) 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).

7. To date, the respondent has not submitted a response to the sworn complaint. Therefore, there is credible evidence that the respondent violated section 571.1242(c) of the Government Code by failing to respond to the complaint.
8. The 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 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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Natalia Luna Ashley  
Executive Director  
Texas Ethics Commission