

TEXAS ETHICS COMMISSION

IN THE MATTER OF
REBECCA “BECKY” RUIZ,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-32305181

RECEIVED
SEP 6 2024
Texas Ethics Commission

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (TEC) met on September 24, 2024, to consider sworn complaint SC-32305181. A quorum of the TEC was present. The TEC determined that there is credible evidence of violations of Sections 254.063 and 254.064 of the Election Code, laws administered and enforced by the TEC.

To resolve and settle this complaint without further proceedings, the TEC adopted this resolution imposing a \$1,000 civil penalty.

II. Allegations

The complaint alleged that the respondent: 1) failed to file a 30-day pre-election report, which was due by April 6, 2023, in violation of Section 254.064 of the Election Code; and 2) failed to file an 8-day pre-election report, which was due by April 28, 2023, in violation of Section 254.064 of the Election Code.

Although not alleged in the complaint, the TEC also considered whether the respondent failed to file the July 2023, January 2024, and July 2024 semiannual campaign finance reports, in violation of Section 254.063 of the Election Code.

III. Findings of Fact and Conclusions of Law

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

1. The respondent was an opposed candidate for Harlandale ISD Board of Trustees, Place 6, in the May 6, 2023 election. The respondent won the election by 14 votes, or 1% of ballots cast.

The Respondent Failed to Timely File the Pre-election Reports

2. The respondent filed a ballot application and a campaign treasurer appointment on February 16, 2023. The respondent did not select modified reporting on the campaign treasurer appointment form. The sworn complaint was filed on May 17, 2023. At the time, the respondent had not filed any campaign finance reports for the May 2023 election. Subsequently, she failed to file the semiannual campaign finance report due in July 2023, as required for a candidate under the Tex. Elec. Code § 254.063.
3. On September 22, 2023, more than four months after the sworn complaint was filed, the respondent filed one report that was marked as both a 30-day and 8-day pre-election report. The combined report disclosed political contributions totaling \$4,898.08 (\$1,510 in monetary contributions and \$3,388.08 in non-monetary contributions), and political expenditures totaling \$478.31. After closing her campaign account in November 2023, the respondent failed to file a final report according to *Id.* § 254.065. On August 26, 2024, the respondent filed all missing, required reports with the local filing authority.
4. In response to the complaint, the respondent swore that, as a first-time candidate, she was unaware of the filing requirements and did not receive any training on how to complete a campaign finance report. The respondent did not indicate whether she made any attempts to contact the TEC and ask for assistance.
5. As an opposed candidate in the May 6, 2023 election, the respondent was required to file a 30-day pre-election report by April 6, 2023, and an 8-day pre-election report by April 28, 2023. Tex. Elec. Code § 254.064. The respondent filed both reports late on September 22, 2023. Therefore, there is credible evidence of violations of Section 254.064 of the Election Code.

The Respondent Failed to Timely File Semiannual Reports Following the Election

6. Although not alleged in this sworn complaint, after reviewing the respondent's filing record it was determined that the respondent also failed to file the July 2023, January 2024, and July 2024 semiannual campaign finance reports. Since the respondent did not file a final report after the election to terminate her campaign treasurer appointment, she was required to continue filing reports every July 15 and January 15. Tex. Elec. Code §§ 254.063, 254.065. In her initial response to the complaint, the respondent filed the July 2023 semiannual report on September 22, 2023. The report disclosed \$0 in total political contributions and approximately \$670 in total political expenditures. The report was not marked as a final report, and the report also showed the respondent had \$338.97 in political contributions maintained as of June 30, 2024.
7. Upon request from TEC staff, the respondent filed the January 2024 and July 2024 semiannual reports on August 26, 2024. The January 2024 report was marked as a final report and disclosed the final dispositions of the leftover political contributions, including a

\$316.47 donation to a local high school student council. The July 2024 semiannual report disclosed \$0 in total activity. Because these reports were filed late, there is credible evidence of violations of Section 254.063 of the Election Code.

IV. Representations and Agreement by Respondent

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

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 and settling the sworn complaint.
2. The respondent consents to this order and agreed resolution before any adversarial evidentiary hearings or argument before the TEC, and before any formal adjudication of law or fact by the TEC. The respondent waives any right to a hearing before the TEC or an administrative law judge and consents to TEC staff presenting this order and agreed resolution to the commissioners outside of the respondent's presence. The respondent further waives any right to a post-hearing procedure established or provided by law. The TEC and respondent agree that the entry of this order and agreed resolution will be a full and complete resolution of sworn complaint SC-32305181.
3. The respondent understands and agrees that the TEC will consider this order and agreed resolution in any future sworn complaint proceedings against the respondent regarding similar violations that occur after the date this agreement is executed.

V. Confidentiality

This order and agreed resolution describes violations that the TEC 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 TEC.

VI. Sanction

The TEC may impose a civil penalty of not more than \$5,000 or triple the amount at issue, whichever amount is more. Tex. Gov't Code § 571.173. The TEC shall consider the following factors in assessing a sanction: 1) the seriousness of the violations, including the nature, circumstances, consequences, extent, and gravity of the violations; 2) the history and extent of previous violations; 3) the demonstrated good faith of the violator, including actions taken to rectify the consequences of the violations; 4) the penalty necessary to deter future violations; and 5) any other matters that justice may require. Tex. Gov't Code § 571.177.

The Amount at Issue

Regarding the specific allegations in the complaint, the respondent failed to timely disclose \$4,898.08 in total political contributions and \$478.31 in total political expenditures. Although not alleged in the complaint, the respondent also failed to timely disclose the ultimate disposition of approximately \$340 in leftover political contributions.

Factor 1: The Seriousness of the Violations

The violations caused meaningful harm to disclosure. The respondent did not disclose her expenditures until almost five months after the May 6, 2023 election. Given how late the reports were filed, and how closely contested the election was, the violations caused significant harm to public disclosure and were serious. Additionally, the respondent did not timely file the three semiannual reports following the election and did not timely disclose the disposition of her leftover political contributions.

Factor 2: The History and Extent of Previous Violations

The respondent has no previous violations.

Factor 3: The Demonstrated Good Faith of the Violator

There is no reason to believe that the respondent deliberately concealed or obscured activity. However, the respondent did not start to file the missing reports until four months after the sworn complaint was filed, which does not indicate a good faith attempt to promptly respond and rectify the consequences of the violations.

Factor 4: The Penalty Necessary to Deter Future Violations

There is no reason to believe that this respondent intends to commit future violations; however, a penalty is justified by the general need to deter violations with significant disclosure consequences.

Factor 5: Any Other Matters that Justice May Require

None.

Conclusion

After considering the penalty factors prescribed by Section 571.177 of the Government Code, the TEC imposes a \$1,000 civil penalty. If the penalty is not paid in full within 30 days of the date of this Order and Agreed Resolution, then the TEC orders that an additional \$2,500 civil penalty be imposed pursuant to Section 571.173 of the Government Code for delay in complying with this

Order and Agreed Resolution, and that the agreed-upon penalty and the additional \$2,500 penalty be referred to the Office of the Attorney General of Texas for collection.

VII. Order

The TEC hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-32305181.

AGREED to by the respondent on this 6 day of September, 2024.



Rebecca "Becky" Ruiz, Respondent

EXECUTED by the TEC on: 9/24/24.

Texas Ethics Commission

By: 

J.R. Johnson, Executive Director