

# SWORN COMPLAINT BEFORE THE TEXAS ETHICS COMMISSION

Section 571.122 of the Government Code requires that a sworn complaint be filed on a form prescribed by the Texas Ethics Commission and include specific information.

- You must complete a separate sworn complaint form for each respondent.
- You must allege a violation of a law that is within the Texas Ethics Commission's jurisdiction, listed on p. 2. More information and instructions for this form can be found at <https://www.ethics.state.tx.us/tec/sworn.html>.
- A person filing a frivolous or bad faith complaint may be subject to a civil penalty.

**Please completely fill out this form.**

**Failure to complete this form properly will cause your complaint to be noncompliant and returned.**

<b>OFFICE USE ONLY</b>
Docket Number <b>SC-32209316</b>
Date Hand-delivered or Date Postmarked
<b>Electronically Received 09/01/2022 Texas Ethics Commission</b>

## I. IDENTITY OF COMPLAINANT

<b>1 COMPLAINANT NAME (REQUIRED)</b>	MS / MRS / MR	FIRST	MI		
		<b>Mark</b>			
	NICKNAME	LAST	SUFFIX		
		<b>McCaig</b>			
<b>2 COMPLAINANT PHYSICAL ADDRESS (REQUIRED)</b>	ADDRESS	APT / SUITE #	CITY	STATE	ZIP CODE
		<b>Houston</b>		<b>TX</b>	
	<small>(Full home or business address, including street, city, state, and zip code)</small>				
<b>3 COMPLAINANT MAILING ADDRESS (REQUIRED)</b>	ADDRESS	APT / SUITE #	CITY	STATE	ZIP CODE
	<small>(Full street or mailing address, including city, state, and zip code)</small>				
<b>4 COMPLAINANT CONTACT NUMBER (REQUIRED)</b>	AREA CODE	CONTACT NUMBER	EXT	<b>5 COMPLAINANT E-MAIL ADDRESS (REQUIRED IF KNOWN)</b>	
	<b>2812220585</b>			<b>mark@markmccaig.com</b>	

## II. IDENTITY OF RESPONDENT

<b>6 RESPONDENT NAME (REQUIRED)</b>	MS / MRS / MR	FIRST	MI		
		<b>Benito</b>			
	NICKNAME	LAST	SUFFIX		
	<b>Bo</b>	<b>Ochoa</b>	<b>IV</b>		
<b>7 RESPONDENT POSITION OR (REQUIRED)</b>	<b>Cameron County Justice of the Peace, Pct. 1</b>				
<b>8 RESPONDENT PHYSICAL ADDRESS (REQUIRED)</b>	ADDRESS	APT / SUITE #	CITY	STATE	ZIP CODE
	<b>1650 Illinois Ave.</b>		<b>Port Isabel</b>	<b>TX</b>	<b>78578</b>
	<small>(Full home or business address, including street, city, state, and zip code)</small>				
<b>9 RESPONDENT MAILING ADDRESS (REQUIRED)</b>	ADDRESS	APT / SUITE #	CITY	STATE	ZIP CODE
	<small>(Full street or mailing address, including city, state, and zip code)</small>				
<b>10 RESPONDENT CONTACT NUMBER (REQUIRED)</b>	AREA CODE	CONTACT NUMBER	EXT	<b>11 RESPONDENT E-MAIL ADDRESS (REQUIRED IF KNOWN) (if unknown, please state that)</b>	
	<b>9562120366</b>			<b>ccjp1-1@co.cameron.tx.us</b>	

**III. NATURE OF ALLEGED VIOLATION**

Include the specific law(s) or rule(s) alleged to have been violated. YOU MUST ALLEGE A VIOLATION OF A LAW THAT IS WITHIN THE COMMISSION'S JURISDICTION. The Texas Ethics Commission has jurisdiction to enforce only the following laws: (1) Title 15 of the Election Code; (2) Chapters 302, 303, 305, 572 and 2004 of the Gov't Code; (3) § 334.025 and § 335.055 of the Local Gov't Code; (4) Chapter 159 of the Local Gov't Code, in connection with a county judicial officer who elects to file a financial statement with the commission; and (5) § 2152.064 and § 2155.003 of the Gov't Code.

*Please completely fill out this form.  
Failure to complete this form properly will cause your complaint to be noncompliant and returned.*

Violations of Sections 254.063, 254.031, 253.033, 253.003, and 253.094 of the Texas Election Code

**ATTACH ADDITIONAL PAGES AS NEEDED**

#### IV. STATEMENT OF FACTS

Page 3

You must state the facts constituting the alleged violation(s), including the dates on which or the period of time in which the alleged violation(s) occurred. Identify allegations of fact not personally known to you, but alleged on information and belief. Use simple, concise, and direct statements. You must state facts that, if true, would constitute a violation of a law within the Commission's jurisdiction and allege facts to sufficiently indicate the manner and means by which each alleged violation occurred.

*Please completely fill out this form.*

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Benito "Bo" Ochoa IV is the incumbent Justice of the Peace, Precinct 1 in Cameron County, and a candidate for re-election for that office.

Ochoa's July 2022 Semi-Annual campaign finance report, which was due on July 15, 2022, was not filed until August 12, 2022.

Ochoa's July 2021 Semi-Annual campaign finance report, which was due on July 15, 2021, was not filed until July 21, 2021.

Ochoa's January 2021 Semi-Annual campaign finance report, which was due on January 15, 2021, was not filed until January 22, 2021.

Ochoa's July, 2022 campaign finance report fails to include several categories of required information including:

An itemization of political contributions received in amounts over the reporting threshold, as well as the name and address of the person making the contributions and the date the contributions were made.

An itemization of political expenditures made in amounts over the reporting threshold, as well as the name and address of the person to whom the expenditures were made, the date the expenditures were made, and the purposes of the expenditures.

The amount of the total of political contributions maintained as of the last day of the reporting period.

Ochoa's January, 2022 campaign finance report fails to include several categories of required information including:

The addresses of donors Luis Villarreal and Benito Ochoa III

An itemization of political expenditures made in amounts over the reporting threshold, as well as the name and address of the person to whom the expenditures were made, the date the expenditures were made, and the purposes of the expenditures.

The amount of the total of political contributions maintained as of the last day of the reporting period.

Ochoa's January, 2022 campaign finance report indicates that Ochoa knowingly accepted cash contributions over \$100 from Luis Villarreal (\$300 cash on 12/31/21) and Benito Ochoa III (\$600 cash on 11/10/21).

Ochoa's January, 2022 campaign finance report indicates that Ochoa knowingly accepted the following political contributions from corporations:

\$500 from R & D Contracting, Inc. on 12/14/21

\$100 from Meschi's Minimax, Inc. on 12/14/21

\$100 from Padres Island Brewing Company, Inc. on 12/15/21

\$50 from Johnny Rodriguez Insurance Agency, Inc. on 12/14/21



**V. LISTING OF DOCUMENTS AND OTHER MATERIALS**

**You must list all documents and other materials filed with this complaint. Additionally, list all other documents and other materials that are relevant to this complaint and that are within your knowledge, including their location, if known. Relevant documents that are available to you or in your possession must be included.**

*Please completely fill out this form.*

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January 2021, July 2021, January 2022, and July 2022 semi-annual campaign finance reports filed by Benito "Bo" Ochoa IV

**ATTACH ADDITIONAL PAGES AS NEEDED**

**VI. AFFIDAVIT BASED ON PERSONAL KNOWLEDGE**

(Execute this affidavit if the acts alleged are within your direct personal knowledge.)

***Please completely fill out this form.  
Failure to complete this form properly will cause your complaint to be noncompliant and returned.***

I,           , complainant, swear that I am a resident of the state of Texas. I swear that I have knowledge of the facts alleged in this complaint. I declare under penalty of perjury that the foregoing is true and correct and that the information contained in this complaint is true and correct.

\_\_\_\_\_  
Signature of Complainant (Declarant)

***UNSWORN DECLARATION SECTION***

My name is Mark Thomas McCaig, and my date of birth is                     .

My Address is                      Houston, TX                      USA.

Executed in Harris County, State of Texas, on September 01, 2022.

\_\_\_\_\_  
Signature of Complainant (Declarant)

**VII. AFFIDAVIT BASED ON INFORMATION AND BELIEF**

(Execute this affidavit if the acts alleged are not within your direct personal knowledge, but are based on reasonable belief.)

*Please completely fill out this form.*

*Failure to complete this form properly will cause your complaint to be noncompliant and returned.*

I, Mark T. McCaig, complainant, swear that I am a resident of the state of Texas. I swear that I have reason to believe and do believe that the violation alleged in this complaint has occurred. The source of my information and belief is (state below):

January 2021, July 2021, January 2022, and July 2022 semi-annual campaign  
finance reports filed by Benito "Bo" Ochoa IV \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mark T. McCaig

Signature of Complainant (Declarant)

**UNSWORN DECLARATION SECTION**

My name is Mark Thomas McCaig, and my date of birth is [REDACTED].

My Address is [REDACTED] Houston, TX [REDACTED] USA.

Executed in Harris County, State of Texas, on September 01, 2022.

Mark T. McCaig

Signature of Complainant (Declarant)