



**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF §
RAMON GERARDO RIOS § **CAUSE NO. 64719**
STATE BAR CARD NO. 240620966 §

JUDGMENT OF SUSPENSION

On the 30th day of April 2021, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner, Commission for Lawyer Discipline, appeared by attorney and announced ready. Respondent, Ramon Gerardo Rios, appeared by and through his attorney of record. All questions of fact and all issues of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Ramon Gerardo Rios, State Bar Card Number 24062966, is licensed to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about July 29, 2014, Respondent was charged by Indictment in Cause Number D-1-DC-14-900131, styled *The State of Texas v. Ramon Gerardo Rios*, in the 147th Judicial District Court of Travis County, Texas, stating: “Ramon Gerardo Rios on or about the 20th day of September, 2006, and continuing through the 12th day of February, 2009, before the presentment of this indictment, in the County of Travis, and State of Texas, did then and there intentionally, knowingly, or recklessly misapply property, to-wit: United States currency, in the value of more than \$100,000 but less than \$200,000, that the said Ramon Gerardo Rios held as fiduciary or as a person acting in a fiduciary capacity but not as a commercial bailee, contrary to an

agreement under which the said Ramon Gerardo Rios held the property, and in a manner that involved substantial risk of loss of said property to Ronald Park, Raul Capitaine and Capro Investments, LLC, the owner of said property, and the person for whose benefit the property was held, by diverting company money to himself.”

- (3) On or about August 4, 2017, Respondent was charged by Amended Indictment in Cause Number D-1-DC-14-900131, styled *The State of Texas v. Ramon Gerardo Rios*, in the 147th Judicial District Court of Travis County, Texas, stating: “Ramon Gerardo Rios on or about the 20th day of September, 2006, and continuing through the 30th day of April, 2008, before the presentment of this indictment, in the County of Travis, and the State of Texas, did then and there intentionally, knowingly, or recklessly misapply property, to-wit: United States currency, in the value of more than \$100,000 but less than \$200,000, that the said Ramon Gerardo Rios held as a fiduciary or as a person acting in a fiduciary capacity but not as a commercial bailee, contrary to an agreement under which the said Ramon Gerardo Rios held the property, and in a manner that involved substantial risk of loss of property to Ronald Park, Raul Capitaine and Capro Investments, LLC, the owner of said property, and the person for whose benefit the property was held, by diverting company money to himself.”
- (4) On or about August 4, 2017, a Plea of Guilty, Admonishments, Voluntary Statements, Waivers, Stipulation & Judicial Confession was entered in Cause Number D-1-DC-14-900131, styled *The State of Texas v. Ramon Gerardo Rios*, in the 450th Judicial District Court of Travis County, Texas, wherein Respondent pled guilty to Misapplication of Fiduciary Property, a second degree felony.
- (5) On or about September 22, 2017, an Order of the Court Deferring Further Proceedings was filed in Cause Number D-1-DC-14-900131, styled *The State of Texas v. Ramon Gerardo Rios*, in the 450th Judicial District Court of Travis County, Texas, wherein Respondent was placed on deferred adjudication community supervision for a period of ten (10) years, ordered to pay restitution in the amount of \$177,800, complete 100 hours of community service, and receive counseling/treatment designated by the Supervision Officer, have no contact with Ron Park and Raul Capitaine, ordered not to obtain employment in real estate, and have no contact with Capro Investments, LLC.
- (6) Respondent, Ramon Gerardo Rios is the same person as the Ramon Gerardo Rios who is the subject of the Order described above.

Conclusions of Law. Based upon the foregoing findings of fact, the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TEX. RULES DISCIPLINARY P. R. 7.08(G).
- (2) Respondent, Ramon Gerardo Rios, was placed on probation through deferred adjudication for conduct that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer for purposes of TEX. RULES DISCIPLINARY P. R. 8.04 and for conduct that constitutes an Intentional Crime as defined by TEX. RULES DISCIPLINARY P. R. 1.06(V). Such conduct also constitutes a Serious Crime as defined by TEX. RULES DISCIPLINARY P. R. 1.06(GG).
- (3) Compulsory discipline is warranted in this case. TEX. RULES DISCIPLINARY P. R. 8.05.
- (4) Respondent's sentence was deferred pursuant to the trial Court's decision to grant deferred adjudication probation. Thus, the Board had discretion pursuant to TEX. RULES DISCIPLINARY P. R. 8.05 and 8.06 to enter an order of disbarment or suspend Respondent's license for the duration of the term of deferred adjudication probation. *In re Caballero*, 272 S.W.3d 595, 601 (Tex. 2008).
- (5) The inquiry as to whether to disbar or suspend is governed by the factors expressed by the Board in *In re Isassi*, BODA Case No. 57699 (2017).
- (6) Based on the relevant factors and the evidence and argument submitted by the parties, the Board determines that suspension is the appropriate sanction.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Ramon Gerardo Rios, State Bar Card No. 24062966, be and hereby is actively **SUSPENDED** from the practice of law in the State of Texas effective immediately upon entry of this judgment and ending September 22, 2027.

It is further **ORDERED, ADJUDGED, and DECREED** that during said suspension, Respondent, Ramon Gerardo Rios, is prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal services for others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney,"

“counselor,” or “lawyer.”

It is further **ORDERED** that Respondent, Ramon Gerardo Rios, shall immediately notify each of his current clients, if any, in writing of this suspension. In addition to such notification, Respondent is **ORDERED** to return any files, papers, unearned monies, and other property belonging to clients and former clients in the Respondent’s possession to the respective clients or former clients or to another attorney at the client’s or former client’s request. Respondent is further **ORDERED** to file with the State Bar of Texas, Chief Disciplinary Counsel’s Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the signing of this judgment, an affidavit stating that all current clients have been notified of Respondent’s suspension and that all files, papers, monies, and other property belonging to all clients and former clients have been returned as ordered herein.

It is further **ORDERED** that Respondent, Ramon Gerardo Rios, shall, on or before thirty (30) days from the signing of this judgment, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer, and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address, and telephone number of the client(s) Respondent is representing. Respondent is further **ORDERED** to file with the State Bar of Texas, Chief Disciplinary Counsel’s Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment, an affidavit stating either (a) that each and every justice of the peace, judge, magistrate, administrative judge or officer, and chief justice of each and every court or tribunal in which Respondent has any legal matter pending has received written notice of the terms of this judgment, or (b) that Respondent has no legal matters pending in any court or tribunal.

It is further **ORDERED** that Respondent, Ramon Gerardo Rios, immediately surrender his Texas law license and permanent State Bar Card, if not already surrendered, to the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that a certified copy of the Petition for Compulsory Discipline on file herein, along with a copy of this Judgment, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 6th day of May 2021.

A handwritten signature in blue ink that reads "Tom Giles". The signature is written in a cursive style with a horizontal line underneath the name.

CHAIR PRESIDING