

TEXAS ETHICS COMMISSION

IN THE MATTER OF
H. LEE STANLEY,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-250462

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on July 14, 2005, to consider sworn complaint SC-250462. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 255.001 and 255.007 of the Election Code, laws administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegations

The complaint alleges that the respondent failed to include the disclosure statement and the right-of-way notice on political advertising signs.

III. Facts Supported by Credible Evidence

Credible evidence available to the commission supports the following findings of fact:

1. The respondent was a successful candidate for re-election to the school board in a May 7, 2005, school board election.
2. The respondent's signs supporting his election do not include the disclosure statement or right-of-way notice. The respondent submitted an affidavit stating that as soon as he was made aware of his violations of sections 255.001 and 255.007 of the Election Code he corrected his signs.

IV. Findings and Conclusions of Law

The facts described in Section III support the following findings and conclusions of law:

1. 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). The signs in question support a candidate for elected public office and are therefore political advertising. *Id.* § 251.001(16). The signs contain express advocacy. *Id.* § 255.001(b).

2. The signs in question did not include a political advertising disclosure statement. Therefore, there is credible evidence that the respondent violated section 255.001 of the Election Code.
3. Because the signs are political advertising signs designed to be seen from a road, they were required to include the following notice on the sign.

"NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE), TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY."

ELEC. CODE § 255.007(a).

4. The signs in question did not include a right-of-way notice. Therefore, there is credible evidence that the respondent violated section 255.007 of the Election Code.

V. Representations and Agreement by Respondent

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

1. The respondent neither admits nor denies the facts described under Section III or the commission's findings and conclusions of law described under Section IV, and consents to the entry of this order and agreed resolution solely for the purpose of resolving this sworn complaint.
2. The respondent consents to this order and agreed resolution and waives any right to further proceedings in this matter.
3. The respondent acknowledges that 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. The respondent also acknowledges that political advertising signs designed to be seen from a road are required to include the right-of-way notice. The respondent agrees to comply with these requirements of the law.

VI. Confidentiality

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

VII. No Sanction

After considering the seriousness of the violations described under Sections III and IV, including the nature, circumstances, and consequences of the violations, and after considering the sanction necessary to deter future violations, the commission imposes no civil penalty for the violations described under Sections III and IV.

VIII. Order

The commission hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-250462.

AGREED to by the respondent on this _____ day of _____, 20__.

H. Lee Stanley, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director