

TEXAS ETHICS COMMISSION

IN THE MATTER OF
PAT HALLISEY,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2506119

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on July 14, 2005, to consider sworn complaint SC-2506119. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 255.006 of the Election Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegation

The complaint alleges that the respondent represented in a campaign communication that he held an office that he did not hold at the time the representation was made.

III. Facts Supported by Credible Evidence

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

1. The respondent was responsible for a billboard and a website which stated "Elect Pat Hallisey" right above or beside "Mayor of League City."
2. At the time the billboard was placed and the website posted, the respondent did not hold the office of mayor.
3. This same respondent ran for mayor in 1996 and was found to have committed a violation of section 255.006 of the Election Code. However, at the time of the previous violation, section 255.006 did not explicitly require the use of the word "for."

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 represent in a campaign communication that a candidate holds a public office that the candidate does not hold at the time the representation is made. ELEC. CODE. § 255.006(b).
2. A campaign communication is defined in part as a written or oral communication relating to a campaign for nomination or election to a public office. ELEC. CODE. § 251.001(17).
3. The advertisements in question relate to the June 11, 2005, mayoral election and seek support for the respondent as a candidate. Thus, the advertisements are campaign communications.
4. A campaign communication must include the word “for” in connection with the name of the office sought by a non-incumbent candidate to clarify that the candidate does not hold that office. ELEC. CODE. § 255.006.
5. By using the billboard and website that list the position sought without the word “for,” the respondent knowingly represented in a campaign communication that he held a public office that he did not hold at the time the representation was made. Therefore, there is credible evidence of a violation of section 255.006 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 represent in a campaign communication that a candidate holds a public office that the candidate does not hold at the time the representation is made. The respondent agrees to fully and strictly comply with this requirement of the law.

VI. Confidentiality

This order and agreed resolution describes a violation that the commission has determined is 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. Sanction

After considering the seriousness of the violation described under Sections III and IV, including the nature, circumstances, and consequences of the violation, and after considering the sanction necessary to deter future violations, the commission imposes a \$300 civil penalty for the violation 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-2506119.

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

Pat Hallisey, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director