

TEXAS ETHICS COMMISSION

IN THE MATTER OF
GLORIA RODRIGUEZ,
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-31012440

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on February 23, 2011, to consider sworn complaint SC-31012440. 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 proposed this resolution to the respondent.

II. Allegation

The complaint alleged that the respondent represented in a campaign communication that she held an elective public office that she 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. During the time at issue, the respondent was a non-incumbent candidate for San Antonio City Council.
2. On the respondent's campaign website, the heading on the home page stated: "Gloria Rodriguez City Council District 7."
3. The complaint alleged that the respondent represented in a campaign communication that she held an elective public office that she did not hold at the time the representation was made.
4. In response to the complaint, the respondent swore that she believed she did not represent that she held an office she did not hold because in the first sentence of the text on the home page of the website, below the heading, the respondent stated that she is running "for" city council and that statement is repeated throughout the website. The respondent also swore that although she believed there were no errors, she changed the heading on

the home page of the website to include the word “for” immediately before the name of the office sought.

IV. Findings and Conclusions of Law

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

1. A person commits an offense if the person knowingly represents in a campaign communication that a candidate holds a public office the candidate does not hold at the time the representation is made. ELEC. CODE § 255.006(b). A person represents that a candidate holds a public office that the candidate does not hold if the candidate does not hold the office that the candidate seeks, and the political advertising or campaign communication states the public office sought but does not include the word “for” in the communication in a type size that is at least one-half the type size used for the name of the office. ELEC. CODE § 255.006(c).
2. The respondent does not currently hold the office of city council. At the relevant time at issue, the heading on the respondent’s campaign website stated the name of the public office sought by the respondent but did not include the word “for” immediately before the name of the office. The respondent corrected the heading on her website to include the word “for” before the name of the office sought. However, at the time the complaint was filed, the respondent failed to include this wording. 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 commits an offense if the person knowingly represents in a campaign communication that a candidate holds a public office the candidate does not hold at the time the representation is made. The respondent also acknowledges that a person represents that a candidate holds a public office that the candidate does not hold if the candidate does not hold the office that the candidate seeks, and the political advertising or campaign communication states the public office sought but does not include the word “for” in the communication in a type size that is at least one-half the type size used for the name of the office. The respondent agrees to comply with these requirements 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. No Sanction

After considering 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 no 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-31012440.

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

Gloria Rodriguez, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director