

# TEXAS ETHICS COMMISSION

**IN THE MATTER OF**  
**DELWIN JONES,**  
**RESPONDENT**

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**BEFORE THE**  
**TEXAS ETHICS COMMISSION**  
**SC-31204111**

## **ORDER and AGREED RESOLUTION**

### **I. Recitals**

The Texas Ethics Commission (the commission) met on January 31, 2013, to consider sworn complaint SC-31204111. A quorum of the commission was present. The commission determined that there is credible evidence of violations 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 campaign communications that he held an elective public office that he did not hold at the time the representations were made.

### **III. Facts Supported by Credible Evidence**

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

1. At the time relevant to the complaint, the respondent was a candidate for state representative in the May 2012 primary election.
2. At issue in the complaint were the respondent's campaign signs and emery board. The language of each communication read "Elect Delwin Jones State Representative District 83." The complaint alleged that the respondent represented in campaign communications that he held an elective public office that he did not hold at the time the representations were made by not using the word "for" 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 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. At the time relevant to the complaint, the respondent did not hold the office of state representative, and the respondent’s campaign communications did not include the word “for” before the name of the office sought. Therefore, there is credible evidence of violations of section 255.006(c) 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 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 this requirement 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 nature, circumstances, and consequences of the violations described under Sections III and IV, and the sanction necessary to deter future violations, the commission imposes no civil penalty.

**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-31204111.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Delwin Jones, Respondent

EXECUTED ORIGINAL received by the commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
David A. Reisman, Executive Director