

TEXAS ETHICS COMMISSION

IN THE MATTER OF

MILTON GUNN SHUFFIELD,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-31210316

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on October 29, 2014, to consider sworn complaint SC-31210316. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 255.001 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 did not include a disclosure statement on political advertising.

III. Facts Supported by Credible Evidence

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

1. At all times relevant to the complaint the respondent was a candidate for 136th District Court Judge in Jefferson County, Texas.
2. The complaint alleged that the respondent did not include a disclosure statement on political advertising. At issue was a letter sent via presorted first class mail by the respondent's campaign. The complaint provided copies of each page of the letter at issue. The letter began with the salutation, "To Our Fellow Members of the Business Community" and was signed by several business people. The letter praised the respondent and urged the recipient of the letter to re-elect the respondent. A political advertising disclosure statement was not visible on any part of the letter. The return address on the envelope only contained a P.O. Box address. The return address did not include the respondent's name. In response to the complaint, the respondent swore that an "inadvertent error" while preparing the letter led to the omission of the required language.

IV. Findings and Conclusions of Law

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

1. Political advertising means, in pertinent part, a communication supporting or opposing a candidate for election to a public office that appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication, or on an Internet website. ELEC. CODE § 251.001(16).
2. 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 who paid for the political advertising, the political committee authorizing the political advertising, or the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. ELEC. CODE § 255.001(a). Political advertising that is authorized by a candidate, an agent of a candidate, or a political committee filing reports under this title shall be deemed to contain express advocacy. *Id.* § 255.001(b).
3. The letter at issue supported the respondent as a candidate for Judge of the 136th District Court. Thus, the letter was political advertising. The letter did not include the political advertising disclosure statement on any of its pages or envelope. There is credible evidence of a violation of section 255.001(a) 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 who paid for the political advertising, the political committee authorizing the political advertising, or the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. The respondent agrees to 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 nature, circumstances, and consequences of the violation described under Sections III and IV, and after considering the sanction necessary to deter future violations, the commission imposes a \$500 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-31210316.

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

Milton Gunn Shuffield, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley,
Executive Director