

TEXAS ETHICS COMMISSION

IN THE MATTER OF
WALTER LONG, JR.,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-3140240

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on October 29, 2014, to consider sworn complaint SC-3140240. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 255.006(b) 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 a 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. The respondent was a successful candidate for Karnes County Judge in the March 2014 primary election.
2. The complaint alleged that the respondent represented in campaign communications that he held a public office that he did not hold at the time the representations were made. Starting in December 2013, the respondent displayed signs stating:

Elect WALTER R. LONG JR.
for KARNES COUNTY JUDGE
“A FULL TIME EXPERIENCED JUDGE”

3. At the time the signs were displayed, the respondent did not hold a judicial office.

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 that the candidate does not hold at the time the representation is made. ELEC. CODE § 255.006(b).
2. “Campaign communication” includes a written communication relating to a campaign for nomination or election to public office. *Id.* § 251.001(17).
3. The signs at issue were campaign communications because they were written communications relating to a campaign for nomination or election to a public office.
4. The evidence does not show that the respondent held a judicial office at the time the representation at issue was made.
5. Reading the sign as a whole, there is nothing to indicate that the phrase “a full time experienced judge” is a promise of future behavior. Instead, the plain language suggests that the phrase is a current description of the candidate. The average person reading the phrase would be given the impression that the respondent was currently the type of judge described or currently held another judicial position. Therefore, there is credible evidence that the respondent represented in campaign communications that he held an office that he did not hold at the time the representations were made, in violation of section 255.006(b) 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 that the candidate does not hold at the time the representation is made.

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 \$250 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-3140240.

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

Walter Long, Jr., Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley,
Executive Director