

TEXAS ETHICS COMMISSION

IN THE MATTER OF
LUCI B. LONGORIA,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-31409213

ORDER **and** **AGREED RESOLUTION**

I. Recitals

The Texas Ethics Commission (the commission) met on October 29, 2014, to consider sworn complaint SC-31409213. 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 knowingly 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 in question, the respondent was the Position 4 Trustee for Brownsville Independent School District (BISD). The respondent was also a candidate for Position 1 Trustee for BISD in the November 2014 election.
2. 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.
3. The campaign communication at issue is a political advertising sign that reads, in pertinent part, "Re-Elect Luci Longoria For BISD School Board Trustees, Position 1."

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” means a written or oral communication relating to a campaign for nomination or election to public office or office of a political party or to a campaign on a measure. *Id.* § 251.001(17).
3. The political advertising sign at issue is a campaign communication because it is a written communication relating to a campaign for election to a public office.
4. BISD Trustee, Position 1, is a distinct office with a distinct title from BISD Trustee, Position 4. Since the respondent does not hold and has never held Position 1, she is not entitled to use “re-elect” in connection with that office.
5. There is credible evidence that the respondent knowingly represented in a campaign communication that she held the office of BISD Trustee, Position 1, when she did not hold that office. 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 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 \$100 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-31409213.

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

Luci B. Longoria, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley,
Executive Director