

TEXAS ETHICS COMMISSION

IN THE MATTER OF
TRAVIS GRIFFIN,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-3180109

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on June 26, 2018, and considered sworn complaint SC-3180109. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of sections 255.006 and 255.007 of the Election Code, laws administered and enforced by the Commission. To resolve and settle this complaint without further proceedings, the Commission adopted this resolution.

II. Allegations

The complaint alleged that the respondent: 1) represented in political advertising that he held a public office that he did not hold at the time the representations were made; and 2) did not include the right-of-way notice in 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 non-incumbent candidate for Eastland County Commissioner, Precinct 2, in the 2018 election.
2. In response to the complaint, the respondent agreed to add the right-of-way notice to the political advertising signs at issue and remove the misleading "30+ years Experience" language. In conversations with Commission staff, the respondent agreed to add the word "for" before the specific office sought on his signs at issue.

Misleading Use of Office Title

3. The complaint alleged that the respondent represented in political advertising that he held an elective public office that he did not currently hold at the time the representations were made and that the use of the words "30+ years Experience" was misleading to the public.

4. At issue in the complaint are political advertising signs paid for by the respondent. The signs state:

Ready for a Change?
Vote for
Travis Griffin
Commissioner PCT 2
30+ years Experience

5. In response to the complaint and through conversations with Commission staff, the respondent swore that he would cover the "30+ years Experience" text on the signs at issue and include the word "for" in a type size that is at least one-half the type size used for the name of the office directly before the office sought to clarify that the respondent does not hold that office.

Right-of-Way Disclosure

6. The complaint alleged that the respondent did not include the right-of-way notice on political advertising signs.
7. In response to the complaint, the respondent swore that he would add the right-of-way notice to the political advertising signs at issue.

IV. Findings and Conclusions of Law

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

Misleading Use of Office Title

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. The respondent does not hold the office of County Commissioner, Precinct 2 in Eastland County. At the relevant time at issue, the respondent's campaign signs 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. In addition, the usage of the words "30+ years Experience" is misleading to the public because it implies that the respondent has experience in the office he is seeking.
3. Therefore, there is credible evidence that the respondent violated section 255.006(c) of the Election Code.

Right-of-Way Disclosure

4. Under section 255.007(a) of the Election Code, the following notice must be written on each political advertising sign:

"NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE), TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY."

ELEC. CODE § 255.007(a).

5. "Political advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, or a public officer, or a measure that appears in a pamphlet circular, flier, billboard or other sign, bumper sticker, or similar form of written communication. ELEC. CODE § 251.001(16)(B)(i).
6. The signs at issue in the complaint support a candidate for elected public office and are therefore political advertising. *Id.* § 251.001(16). Because the signs are political advertising signs designed to be seen from a road, they were required to include the following notice on the sign. The signs at issue did not include the right-of-way notice.
7. Therefore, there is credible evidence that the respondent violated section 255.007 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 currently hold if the candidate does not hold the office that the candidate seeks, and the political advertising states the office sought but does not include the word "for" in a type size that is at least one-half the type size used for the name of the office sought to clarify that the candidate does not hold the office. The respondent also acknowledges that political advertising signs designed to be seen from the road are required to include the right-of-way notice. The respondent agrees to comply with these requirements 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. Sanction

After considering the nature, circumstances, and consequences of the violations described under Sections III and IV, and after considering the sanction necessary to deter future violations, the Commission imposes a \$150 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-3180109.

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

Travis Griffin, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Seana Willing, Executive Director