

# TEXAS ETHICS COMMISSION

IN THE MATTER OF

RHONDA R. SKILLERN-JONES,

RESPONDENT

§  
§  
§  
§  
§

BEFORE THE

TEXAS ETHICS COMMISSION

SC-31912183

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (Commission) met on June 18, 2020, to reconsider sworn complaint SC-31912183. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of section 254.064 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. Allegations

The complaint alleged that the respondent: 1) did not timely file the 8-day pre-election report for the November 5, 2019, election, in violation of section 254.064 of the Election Code; 2) did not file the runoff report for the December 14, 2019, runoff election, in violation of section 254.064 of the Election Code; and 3) represented in campaign communications that she held a public office that she did not hold at the time the representations were made, in violation section of 255.006(b) of the Election Code.

### III. Findings of Fact and Conclusions of Law

Credible evidence available to the Commission supports the following findings of fact and conclusions of law:

1. The respondent was a non-incumbent opposed candidate for Trustee, Houston Community College (HCC), District 2, in the November 5, 2019, election and was the successful candidate in the December 14, 2019, runoff election. At the same time, the respondent was the Trustee, Houston Independent School District (HISD), District 2.
2. As a candidate for HCC Trustee, District 2, the respondent was required to file a campaign treasurer appointment and subsequent reports with HCC Board Services.

**Filing of the 8-day Pre-election Report**

3. Regarding the 8-day pre-election report for the November 5, 2019, election, the respondent was required to file the report by October 28, 2019. Records on file with HCC Board Services show the respondent filed the report on October 30, 2019. The report disclosed \$10,175 in total political contributions and \$17,690.73 in total political expenditures.
4. In response to the complaint, the respondent swore that she filed the report with the HISD Board office on October 28, 2019, as confirmed by the HISD Board office date stamp on the report, and mailed the report to HCC Board Services. The respondent also swore that she hand-delivered the report to HCC, but did not indicate the date of hand-delivery.
5. For each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. ELEC. CODE § 254.064(a). The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day. *Id.* § 254.064(c).
6. Regarding the 8-day pre-election report for the November 5, 2019, election, credible evidence indicates the respondent filed the report with the proper filing authority two days late. Therefore, there is credible evidence of a violation of section 254.064 of the Election Code.

**Filing of the Runoff Report**

7. Regarding the runoff report for the December 14, 2019, runoff election, the respondent was required to file the report by December 6, 2019. Records on file with HCC Board Services show the respondent filed the report on December 16, 2019. The report disclosed \$11,789 in total political contributions and \$13,203.21 in total political expenditures.
8. In response to the complaint, the respondent swore that she filed the report with the HISD Board office on December 6, 2019, as confirmed by the date stamp on the report, and mailed the report to HCC Board Services. She stated in her sworn response to the complaint that a HCC Board Services employee confirmed receipt of the report, but did not indicate the date of receipt.
9. An opposed candidate in a runoff election shall file one report for that election. The runoff election report must be received by the authority with whom the report is required to be filed not later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the date of the main election and continuing through the 10th day before runoff election day. ELEC. CODE § 254.064(e).

10. Regarding the runoff report for the December 14, 2019, election, credible evidence indicates the respondent filed the report with the proper filing authority ten days late. Therefore, there is credible evidence of a violation of section 254.064(e) of the Election Code.

### Use of the Houston Community College Logo in Campaign Communications

11. Beginning in August 2019, the respondent used the trademarked HCC logo in political advertising or campaign communications. The respondent published and distributed and/or posted on the Internet political advertising or campaign communications that: 1) used the trademarked HCC logo in the phrase, “ELECT Rhonda Skillern-Jones FOR HCC DISTRICT 2;” 2) depicted herself in front of a background displaying the trademarked HCC logo, below which stated, “RHONDA 4 HCC DISTRICT II;” and 3) used the trademarked HCC logo in the phrase, “ELECT RHONDA SKILLERN JONES HCC DISTRICT 2” and depicted the respondent in front of cropped background displaying part of the logo.
12. The complaint alleged that the respondent “has continued to use the [HCC] logo on various cards and advertising materials, which misleads voters to assume she is already elected as Trustee for HCC.”

### Use of Logo in Phrase, “Elect Rhonda Skillern-Jones for HCC District 2”

13. A campaign flyer used the HCC logo in the phrase, “ELECT Rhonda Skillern-Jones FOR HCC DISTRICT 2.” The logo contained the letters “HCC” with a bird above the center “C.” The phrase next to the logo stated, “BRIDGING THE GAP FROM K-12 TO HIGHER ED.” At the bottom of the flyer was a list of persons who endorsed the respondent. A photograph of the respondent appeared next to the text.



14. In response to the complaint, the respondent denied that she represented she held the office of HCC Trustee, District 2, and contended that the use of the HCC logo is a copyright issue only.
15. 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).
16. “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).
17. The combination of both the HCC logo and the term “higher ed” may associate the respondent with HCC. However, the other language, “Bridging the Gap from K-12 to Higher Ed,” did not give the appearance that the respondent held a public office of a political subdivision established for higher education only. The flyer included the word “elect,” not “re-elect.” The flyer included the word “for” in a conspicuous type size. The other content of the flyer, such as the photograph of the respondent and the list of endorsements, did not give the appearance that the respondent was the HCC Trustee, District 2, at the time the representation was made.
18. Credible evidence indicates that the respondent did not represent in the flyer at issue that she held the office of Trustee, Houston Community College, District 2. Therefore, there is credible evidence of no violation of section 255.006(b) of the Election Code.

Use of Background Displaying Logo and Phrase, “RHONDA 4 HCC DISTRICT II”

19. An image that the respondent posted on her Internet campaign page depicted her at a lectern in front of a background displaying several images of the HCC logo and the phrase, “WE ARE HOUSTON’S COMMUNITY COLLEGE.” Below the image of the respondent appeared the following text:

SISTERS FOR RHONDA  
PHONE BANK  
RHONDA 4 HCC DISTRICT II

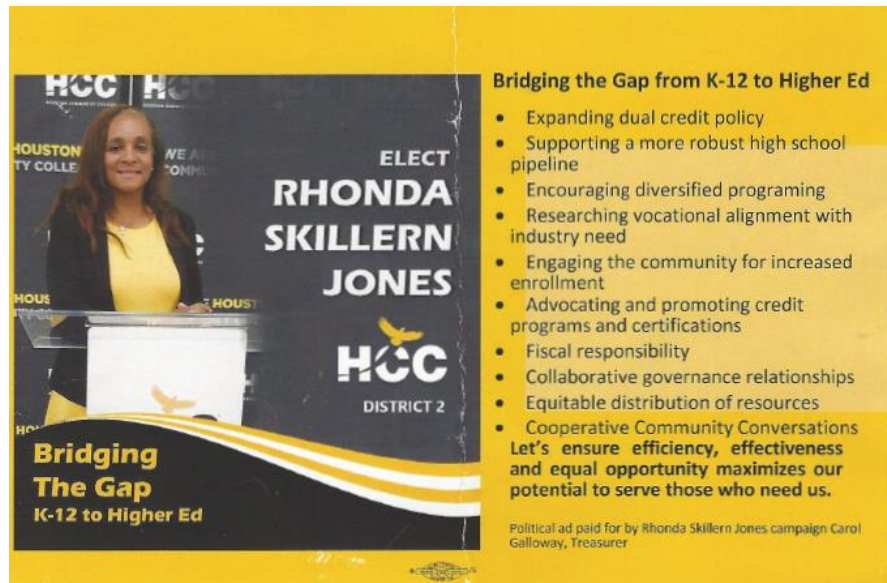


20. In response to the complaint, the respondent swore that, as a HISD Trustee, she was often photographed at HCC campuses with their backgrounds. She swore that “her likeness in these photos appears on social media, postings, correspondence, press releases, Internet images, and news articles.”
21. In this post, both the HCC logo and the phrase, “We are Houston’s Community College,” composed the background of the photograph of the respondent. The photograph may associate the respondent with HCC. A mere association with HCC does not lead to a reasonable conclusion that the respondent held the office of HCC Trustee, District 2.
22. Credible evidence indicates that the respondent did not represent in the Internet post at issue that she held the office of Trustee, Houston Community College, District 2. Therefore, there is credible evidence of no violation of section 255.006(b) of the Election Code.

Use of Logo in Phrase, “Elect Rhonda Skillern Jones HCC District 2,” and Cropped Background Displaying Part of Logo

23. A campaign push card used the HCC logo in the phrase, “ELECT RHONDA SKILLERN JONES HCC DISTRICT 2.” The push card also depicted the respondent in front of a cropped background displaying only part of the logo and portions of the phrase, “WE ARE

HOUSTON'S COMMUNITY COLLEGE.” Next to the depiction of the respondent was the heading, “Bridging the Gap from K-12 to Higher Ed,” below which was a bullet point list related to the heading.



24. In response to the complaint, the respondent swore that the wording stated the “function of the partnership between HISD and HCC.” She also swore that the functions listed by bullet point “are all functions of my current capacity with HISD only.” She swore, “Upon changing the card, the word FOR was added according to the Commission rules at half size the lettering.”
25. The combined use of the background with part of the HCC logo and portions of “WE ARE HOUSTON’S COMMUNITY COLLEGE” with the phrase containing the term “higher ed” and the bullet point list of functions may give the appearance that the respondent was associated with higher education and HCC, but not necessarily as a public officer. The logo and phrase identifying HCC were only partially visible. Moreover, the bullet point list did not describe functions that were unique to the HCC Trustee, District 2. The push card does not lead to a reasonable conclusion that the respondent held the office of HCC Trustee, District 2.
26. Credible evidence indicates that the respondent did not represent in the push card at issue that she held the office of Trustee, Houston Community College, District 2. Therefore, there is credible evidence of no violation of section 255.006(b) of the Election Code.

#### **IV. 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 finding of facts and conclusions of law described under Section III, 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: 1) for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day; and 2) an opposed candidate in a runoff election shall file one report for that election. The runoff election report must be received by the authority with whom the report is required to be filed not later than the eighth day before runoff election day. The respondent agrees to comply with these requirements of the law.

#### **V. 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.

#### **VI. Sanction**

After considering the nature, circumstances, and consequences of the violations described under Section III, and after considering the sanction necessary to deter future violations, the Commission imposes a \$500 civil penalty.

#### **VII. 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-31912183.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Rhonda R. Skillern-Jones, Respondent

EXECUTED by the Commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
Anne Temple Peters  
Executive Director