

TEXAS ETHICS COMMISSION

IN THE MATTER OF § **BEFORE THE**
WAYNE W. PARSON, RESPONDENT § **TEXAS ETHICS COMMISSION**
SC-93018 and SC-93022 §

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission ("commission") met on September 1, 1993, to consider sworn complaint SC-93018 filed against WAYNE W. PARSON, (the "Respondent"). A quorum of the commission was present. The commission found that the allegations against Respondent in this complaint are identical to the facts alleged against this same Respondent named in SC-93022, and therefore consolidated SC-93018 and SC-93022. Based on the investigation conducted by commission staff to date, the commission determined there was credible evidence of a violation of §§ 255.001 and 255.006, *Texas Election Code*, laws administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this agreed resolution to Respondent.

II. Facts Supported by Credible Evidence

Credible evidence available to the commission would support the following findings of fact:

1. Respondent was a candidate in the May 1, 1993, election for Place 3 on the Everman City Council. At the time of this candidacy, Respondent did not hold the public office of Place 3 representative on the Everman City Council.
2. On or before April 20, 1993, Respondent, in support of his candidacy, entered into an agreement with a printer to print business cards with the words: "WAYNE W. PARSON, Everman City Council, Place 3, 293-3071."
3. Before the election, Respondent distributed the business cards described in Paragraph 3 of this section, with the words "VOTE FOR" and "Paid For By Wayne W. Parson" added to the business card by a rubber-stamp. No other words were on the business card as it was distributed.

III. Conclusions of Law

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

1. The business card distributed by Respondent was political advertising and a campaign communication.

2. Respondent violated § 255.001, *Texas Election Code*, by entering into a contract or agreement to print political advertising that did not state it was political advertising and did not provide the address of Respondent.
3. Respondent violated § 255.006, *Texas Election Code*, by representing in a campaign communication that Respondent held a public office that he did not hold at the time the representation was made.

IV. Representations and Agreement by Respondent

By signing this ORDER and AGREED RESOLUTION and returning it to the commission:

1. Respondent neither admits nor denies the facts detailed under Section II and the commission's findings and conclusions of law detailed under Section III, and consents to the entry of this ORDER and AGREED RESOLUTION solely for the purpose of resolving and settling this sworn complaint.
2. Respondent consents to the entry of this Order before any adversarial evidentiary hearings or argument before the commission, and before any formal adjudication of law or fact by the commission. Respondent waives any right to a hearing before the commission or an administrative law judge appointed by the commission, and further waives any right to a post-hearing procedure established or provided by law.
3. Respondent acknowledges that § 255.001, *Texas Election Code*, requires a disclosure on political advertising. The disclosure must state that the material is political advertising, and must identify the name and address of either (i) the person who arranged to have the advertising printed or published, or (ii) the person represented by the person who arranged to have the advertising printed or published. Respondent agrees to fully and strictly comply with this requirement of the law.
4. Respondent acknowledges that § 255.006, *Texas Election Code*, prohibits a person from representing in a campaign communication that a candidate holds a public office that the candidate does not hold at the time the representation is made. Respondent agrees to fully and strictly comply with this requirement of the law.
5. Notwithstanding any other provisions of this ORDER and AGREED RESOLUTION, Respondent understands and agrees that the commission will consider the Respondent to have committed the violation detailed in Section III if it is necessary to consider a sanction to be assessed in any future sworn complaint proceedings against the Respondent.

V. Confidentiality

This ORDER and AGREED RESOLUTION describes an alleged violation that the commission has determined would be neither technical nor *de minimis*. Accordingly, this ORDER and AGREED RESOLUTION is not confidential under *Texas Government Code*, § 571.140(b), and may be disclosed by members and staff of the Texas Ethics Commission.

VI. Sanction

After considering the seriousness of the alleged violation described under Sections II and III, including the nature, circumstances, consequences, extent, and gravity of the violation; that no previous violations by this Respondent are known to the commission; and the sanction, if any, deemed necessary to deter future violations; the commission imposes a civil penalty of \$100.00 for the violations described under Section III.

VII. Order

The Texas Ethics Commission hereby ORDERS:

- (1) that this proposed AGREED RESOLUTION be presented to Respondent;
- (2) that the executive director shall promptly refer SC-93018 and SC-93022 to an administrative law judge to conduct hearings on the commission's behalf and to propose findings of fact and conclusions of law to the commission in accordance with law if Respondent does not agree to the disposition of SC-93018 and SC-93022 as proposed in this ORDER and AGREED RESOLUTION;
- (3) that if Respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete disposition of SC-93018 and SC-93022; and
- (4) that Respondent may consent to the proposed AGREED RESOLUTION only by signing an original of this document and mailing the signed original and payment of the \$100 fine to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than November 15, 1993.

AGREED to by Respondent on this ____ day of _____, 1993.

WAYNE W. PARSON, RESPONDENT

EXECUTED ORIGINAL received by the commission on: _____.
DATE

**JOHN STEINER
EXECUTIVE DIRECTOR
TEXAS ETHICS COMMISSION**