

TEXAS ETHICS COMMISSION

IN THE MATTER OF
JOVITA PARDO,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-31712181

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on June 26, 2018, to consider sworn complaint SC-31712181. A quorum of the Commission was present. The Commission determined that there is credible evidence of a violation of section 255.004 of the Election Code, a law 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 misrepresented the true source of political advertising and misrepresented a person's identity in political advertising or a campaign communication. In addition, the complaint alleged that the respondent, acting on behalf of a political committee, made or authorized political expenditures in excess of \$500 at a time when no campaign treasurer appointment was on file.

III. Facts Supported by Credible Evidence

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

1. The respondent is a principal in a political media consulting company named "GNI."
2. In October, 2017, respondent organized a political committee and named it the "Keep Travis County Blue PAC." The PAC had three contributors: Ms. Pardo, GNI, and another principal of GNI.

True Source

3. On October 25, 2017, Mike Lewis announced his candidacy for chair of the Travis County Democratic Party, and launched a website with the URL "LewisforChair.com." On the same day, the respondent created a website with the URL "Lewis4Chair.com." Clicking on "Lewis4Chair.com" redirected the user to the website "TheRealMikeLewis.com," a website that contained negative content about the candidate.

Misrepresentation of Identity

4. The "TheRealMikeLewis.com" website contained a political disclaimer stating that it was paid for by the Keep Travis County Blue PAC, which was a correct representation.

Political Expenditures Without Treasurer Appointment

5. The Keep Travis County Blue PAC is not registered with the Commission or any local filing authority, and no campaign treasurer appointment is on file.
6. The respondent stated, in her sworn response, that she intentionally kept the expenses of the PAC below \$500.
7. The respondent at a time when she was Chief Operating Manager for GNI, created the websites at issue, and did not invoice the PAC, making this an in-kind donation. Regarding the value of that work, the respondent responded that her fee for developing such a website would be \$41.67 - \$75 an hour, and that it took one to two hours to create the websites at issue. Receipts that were provided by the respondent showed that the cost to purchase the three domain names in question was \$68.47.

On November 9, 2017, after negative publicity arose surrounding the websites "Lewis4Chair.com" and "TheRealMikeLewis.com," Mike Lewis withdrew from the race for Chair. On November 10, 2017, Jovita Pardo officially began volunteering for another candidate in the same race.

IV. Findings and Conclusions of Law

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

True Source

1. A person commits an offense if, with intent to injure a candidate or influence the result of an election, the person enters into a contract or other agreement to print, publish, or broadcast political advertising, or knowingly represents in a campaign communication that the communication purports to emanate from a source other than its true source. ELEC. CODE § 255.004.
2. The respondent was responsible for purchasing the domain name and creating the website "Lewis4Chair.com," which was nearly-identical in name to the candidate's website "LewisforChair.com." An Internet user who would go to the "Lewis4Chair.com" webpage was automatically re-directed to the website "TheRealMikeLewis.com," a site containing negative content about the candidate Mr. Lewis. Fourteen days after these websites were launched, and because of the publicity over the content of the websites, Mr. Lewis withdrew from the race for Chair. As such, the Respondent's actions injured a candidate or influenced the result of the election. The websites were political advertising that purported to emanate from Mike Lewis or his supporters, but, in fact, were from another true source. Therefore, there is credible evidence that the Respondent violated section 255.004 of the Election Code.

Misrepresentation of Identity

3. A person commits an offense if, with intent to injure a candidate or influence the result of an election, the person misrepresents the person's identity or, if acting or purporting to act as an agent, misrepresents the identity of the agent's principal, in political advertising or a campaign communication. ELEC. CODE § 255.005(a).
4. The website "TheRealMikeLewis.com" included a disclosure that the political advertisement was paid for by the "Keep Travis County Blue PAC." The content did not misrepresent the candidate's identity, nor the identity of the PAC. Therefore, there is credible evidence of no violation of section 255.005 of the Election Code.

Political Expenditures and Contributions Without Treasurer Appointment

5. A political committee may not knowingly accept political contributions or make political expenditures totaling more than \$500 at a time when a campaign treasurer appointment is not in effect. ELEC. CODE § 253.031(b).
6. It is undisputed that the respondent, GNI, and another GNI principal were the sole contributors and members of the Keep Travis County Blue PAC, a political committee created the same month that Mr. Lewis announced his candidacy; however, the amounts

incurred in this case for actual and in-kind expenses, as sworn to in the respondent's response to the complaint, do not rise to \$500, and so would not trigger the requirement for the appointment of a campaign treasurer. As such there is insufficient credible evidence of a violation of section 253.031(b) of the Election Code.

V. Representations and Agreements 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 her sworn complaint.
2. The 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. The Respondent waives any right to a hearing before the Commission or an administrative law judge, and further waives any right to a post-hearing procedure established or provided by law.
3. The respondent also acknowledges that a person may not, with intent to injure a candidate or influence the result of an election, enter into a contract or other agreement to print, publish, or broadcast political advertising that purports to emanate from a source other than its true source and may not, with intent to injure a candidate or influence the result of an election, knowingly represent in a campaign communication that the communication emanates from a source other than its true source.

The respondent agrees to comply with these requirements 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, above, and after considering the sanctions necessary to deter future violations, the Commission imposes a \$1,500 civil penalty.

VIII. Order

The Commission hereby orders that if the respondent consents to and signs this order and agreed resolution, and submits the civil penalty, this is a final and complete resolution of SC-31712181.

AGREED to by respondent Jovita Pardo on this _____ day of June, 2018.

Jovita Pardo, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Seana Willing, Executive Director