

TEXAS ETHICS COMMISSION

IN THE MATTER OF

VIRGINIA GRACE PRESSLEY,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-211065

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on January 11, 2002, and voted to accept jurisdiction of Sworn Complaint SC-211065 filed against Virginia Grace Pressley, Respondent. The commission met again on July 12, 2002, to consider Sworn Complaint SC-211065. A quorum of the commission was present at both meetings. Based on the investigation conducted by commission staff, the commission determined that there is credible evidence of a violation of Sections 253.031(b) and 255.001, 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 the respondent.

II. Allegations

The complainant alleges that the respondent formed a political committee that made political expenditures exceeding \$500 without filing a campaign treasurer appointment. The complainant also alleges that the respondent failed to include the proper political advertising disclosure statement in political advertising.

III. Facts Supported by Credible Evidence

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

1. This Winnsboro Independent School District held a bond election on September 15, 2001.
2. The complainant submitted a copy of a full-page newspaper advertisement published on September 6, 2001, in a local newspaper. The advertisement opposes the school bond measure and at the bottom of the advertisement states that it is an "Adv. paid for by Bill and Grace Pressley & Concerned Citizens" and includes an address.
3. The complainant also submitted a photograph of a yard sign opposing the bond measure. The sign includes a right-of-way notice and states, "Pd. For By Concerned Citizens," but does not include an address, or the statement that the sign is political advertising.

4. The respondent submitted an affidavit in response to the complaint in which she swears that she and her spouse purchased yard signs and three newspaper advertisements opposing the bond measure. The respondent swears that the total amount spent by her and her spouse was \$1,175.40.
5. The respondent swears in her affidavit that she met with other people “who thought that this bond should be looked at more fervently.” The respondent swears that she “made it clear that my husband and I did not want to belong to a political committee.”
6. The respondent swears that she and her spouse paid for the newspaper advertisements and the yard signs and did not ask for any donations. In order to get information out to the public regarding the bond, however, the respondent indicates that she and her husband worked with other individuals.
7. The respondent explains that the “Concerned Citizens” referenced in the full page advertisement were “people who gave ideas and confirmed facts to place in the ad. The contributions were from informed people . . . I thought that credit had to be given to those people who had contributed in whatever method they could.” The respondent also swears that she and her spouse gave signs opposing the bond to anyone who wanted them.

IV. Findings and Conclusions of Law

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

Failure To File Campaign Treasurer Appointment For Political Committee

1. A political committee is a group of persons that has as a principle purpose accepting political contributions or making political expenditures. Section 251.001(12), Election Code.
2. A political committee may not make more than \$500 in political expenditures or accept more than \$500 in political contributions without first appointing a campaign treasurer. Section 253.031(b), Election Code.
3. A husband and wife acting in concert only with each other may not be required to form a political committee in order to make political expenditures. *Osterburg v. Peca*, 12 S.W.3d 31, 45-48 (Tex. 2000).
4. In this complaint, the respondent not only acted in concert with her spouse, but also acted in concert with other individuals. The full-page newspaper advertisement refers to the respondent, her spouse, and to “Concerned Citizens.”
5. In her affidavit, the respondent swears that she met with other individuals who opposed the bond measure and received “contributions” of ideas and information from these individuals. Accordingly, the respondent was part of a political committee because the respondent was

part of a group of persons who had as a principle purpose making political expenditures to oppose the bond measure. Section 251.001(12), Election Code.

6. The respondent swears that she and her husband spent \$1,175.40 for newspaper advertisements and signs that opposed the bond measure. These expenditures were political expenditures because they were expenditures made in connection with a campaign related to a measure election. Sections 251.001(7) and (10), Election Code.
7. The respondent swears that she and her husband did not intend to violate any laws but acknowledges that she did not file a campaign treasurer appointment with the school district. Because the respondent made political expenditures exceeding \$500 without filing a campaign treasurer appointment, there is credible evidence that the respondent, as a member of the political committee, violated Section 253.031(b), Election Code.

Failure to Include Political Advertising Disclosure Statement

8. A person may not enter into a contract or other agreement to print political advertising that does not indicate that it is political advertising and that does not contain the full name and address of the individual who entered into the contract or agreement with the printer or the full name and address of the person that individual represents. Section 255.001(a), Election Code.
9. The yard signs at issue were political advertisements because they opposed a measure. Section 251.001(16), Election Code.
10. Although the yard signs include a right-of-way notice, the signs do not include a complete political advertising disclosure statement because the signs did not include an address or the statement that the signs were political advertising.
11. The respondent states that she was unaware of the requirement for the political advertising disclosure statement but acknowledges that she and her husband purchased the yard signs. Because the respondent entered into a contract to purchase these signs that did not include the complete disclosure statement, there is credible evidence that the respondent violated Section 255.001, Election Code.
12. As to the newspaper advertisement, although the political advertising disclosure included the abbreviation "Adv," it did not contain the words "political advertising" or a recognizable abbreviation of the words "political advertising." Therefore, there is credible evidence that the respondent committed a technical or *de minimis* violation of Section 255.001, 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 and 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 and settling this 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 acknowledges that a political committee may not make more than \$500 in political expenditures or accept more than \$500 in political contributions without first appointing a campaign treasurer, that political advertising must include a complete political advertising disclosure statement, and that a person may not enter into a contract or other agreement to print political advertising that does not indicate that it is political advertising and that does not contain the full name and address of the individual who entered into the contract or agreement with the printer or the full name and address of the person that individual represents. The respondent agrees to fully and strictly comply with this requirement of the law.
4. Notwithstanding any other provisions of this ORDER and AGREED RESOLUTION, the respondent understands and agrees that the commission will consider the respondent to have committed the violations described under Section IV, Paragraphs 7, 11, and 12, if it is necessary to consider a sanction to be assessed in any future sworn complaint proceedings against the respondent.

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, Government Code, and may be disclosed by members and staff of the commission.

VII. Sanction

After considering the seriousness of the violation described under Sections III and IV, including the nature, circumstances, consequences, extent, and gravity of the violation, after considering the fact that no previous violations by this respondent are known to the commission, and after considering the sanction necessary to deter future violations, the commission imposes a \$300 civil penalty for the violations described under Section IV, Paragraphs 7 and 11.

VIII. Order

The commission hereby ORDERS:

1. that this proposed AGREED RESOLUTION be presented to the respondent;
2. that if the respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete resolution of SC-211065;
3. that the respondent may consent to the proposed AGREED RESOLUTION only by signing an original of this document and mailing the signed original and the \$300 civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than August 9, 2002; and
4. that the executive director shall promptly refer SC-211065 to either the commission or 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 the respondent does not agree to the resolution of SC-211065 as proposed in this ORDER and AGREED RESOLUTION.

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

Virginia Grace Pressley, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Tom Harrison, Executive Director