

TEXAS ETHICS COMMISSION

IN THE MATTER OF
LAWRENCE COOPER,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-3180244

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on June 26, 2018, to consider sworn complaint SC-3180244. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of section 255.003 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. Allegation

The complaint alleged that the respondent knowingly spent or authorized the spending of public funds for political advertising.

III. Facts Supported by Credible Evidence

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

1. The respondent was the Mayor of Van Alstyne, Texas. The complaint relates to a newsletter written by the respondent that was distributed in January of 2018.
2. The complaint alleged that the respondent knowingly spent or authorized the spending of public funds for political advertising in violation of § 255.003 of the Election Code.
3. The respondent admitted that he spent or authorized the spending of \$107.10 in public funds to purchase 1,530 inserts for a newsletter to be inserted into the city's monthly water bill. This newsletter in question was distributed to the city's water customers in January of 2018. The city paid \$107.10 for the black and white printing of the 1,530 inserts. Credible evidence indicates that \$107.10 in public funds belonging to the City of Van Alstyne were used to purchase this insert.

4. The insert, which was a newsletter from the respondent, stated that City of Van Alstyne Alderman Brad Clough, a sitting public official, was up for reelection in May of 2018, and that if Clough ran for office again, he should be re-elected.
5. The respondent has now reimbursed the City of Van Alstyne for the cost of the inserts.

IV. Findings and Conclusions of Law

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

Public Funds for Political Advertising

1. An officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising. ELEC. CODE § 255.003(a).
2. "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, a **public officer**, or a measure that, in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or on an Internet website. *Id.* § 251.001(16). (emphasis added).
3. Any use of a political subdivision's resources for political advertising constitutes spending or authorizing the spending of public funds for political advertising and is prohibited.
4. There is credible evidence that the respondent, as an officer or employee of the City of Alstyne, spent or authorized the spending of public funds for the newsletter at issue, the newspaper advertisement, mailers, handouts, and Internet posting.
5. The communication at issue qualifies as political advertising under § 251.001(16) of the Election Code, because it was a written communication that supported a public officer and appeared in a pamphlet, flier, or circular. It was also posted to an Internet website. Therefore, there is credible evidence of a violation of § 255.003(a) 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 the 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 an officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising. The respondent agrees to comply with this requirement 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 § 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, and after considering the sanction necessary to deter future violations, the Commission imposes a \$1,000 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 the sworn complaint.

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

Lawrence Cooper, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Seana Willing, Executive Director