

TEXAS ETHICS COMMISSION

IN THE MATTER OF
BRANDON R. LEWIS,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-32404275

RECEIVED
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Texas Ethics Commission

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (TEC) met on December 3, 2024, to consider sworn complaint SC-32404275. A quorum of the TEC was present. The TEC determined that there is credible evidence of violations of Sections 254.063 and 259.001 of the Election Code, laws administered and enforced by the TEC.

To resolve and settle this complaint without further proceedings, the TEC adopted this resolution imposing a \$500 civil penalty. If the penalty is not paid in full within 6 months of the date of this Order and Agreed Resolution, then the TEC orders that an additional \$2,500 civil penalty be imposed pursuant to Section 571.173 of the Government Code for delay in complying with this Order and Agreed Resolution, and that the agreed-upon penalty and the additional \$2,500 penalty be referred to the Office of the Attorney General of Texas for collection.

II. Allegations

The complaint alleges that the respondent: 1) failed to file a July 2022 semiannual campaign finance report, in violation of 254.063 of the Election Code; and 2) did not include a highway right-of-way notice on political advertising signs, in violation of Section 259.001 of the Election Code.

III. Findings of Fact and Conclusions of Law

Credible evidence available to the TEC supports the following findings of facts and conclusions of law:

1. The respondent was a successful candidate for Jasper City Council, District 5, in Jasper, Texas, in the May 7, 2022 election.

The Respondent Failed to File His July 2022 Semiannual Report

2. The respondent filed his campaign treasurer appointment on February 16, 2022. In response to the complaint, the respondent claimed that he has been in politics since 2017 and was told by the election clerk at the time that "any contribution over \$500 in a local election would require a financial report, while anything under that amount wouldn't."
3. Because the respondent filed his campaign treasurer appointment on February 16, 2022, and had not filed a final report on or before June 30, 2022, he was required to file a July 2022 semiannual report. *See* Tex. Elec. Code §§ 251.001(1), 254.063(b).
4. The respondent filed his July 2022 semiannual report on September 19, 2024. The respondent disclosed \$1,000 in total political contributions and \$1,375 in total political expenditures on the report. The respondent returned the \$1,000 contribution he accepted and disclosed the reimbursement as a \$1,000 political expenditure made from political contributions. Therefore, there is credible evidence of a violation of Section 254.063 of the Election Code.

The Respondent Failed to Include the Highway Right-of-Way Notice on His Political Signs

5. Between March 13, 2024, and March 23, 2024, the respondent had multiple campaign signs placed throughout Jasper that did not include the highway right-of-way notice. The respondent began placing new campaign signs on March 23, 2024, that included the highway right-of-way notice.
6. In response to the complaint, the respondent claimed that the campaign signs did not have the highway right-of-way notice because of a design defect. He further claimed that he was advised by the Secretary of State to create highway right-of-way notice stickers and place them on the signs to rectify the defect. He claimed that he placed the stickers on most of his campaign signs. However, he believed that the stickers were not required on his campaign signs that were located on private property.
7. Political advertising signs must include the highway-right-of-way notice. *See* Tex. Elec. Code § 259.001.
8. While the respondent substantially corrected his error by placing highway right-of-way notice stickers on most of his campaign signs prior to the sworn complaint being filed, he failed to include the right-of-way notice on the signs at the time they were printed and posted. Therefore, there is credible evidence of violations of Section 259.001 of the Election Code concerning the respondent's campaign signs.

IV. Representations and Agreement by Respondent

By signing this order and agreed resolution and returning it to the TEC:

1. The respondent neither admits nor denies the findings of fact 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 the sworn complaint.
2. The respondent consents to this order and agreed resolution and waives any right to further proceedings in this matter. The respondent consents to TEC staff presenting this resolution to the Commissioners outside of the respondent's presence.
3. The respondent acknowledges that a candidate must file two semiannual reports each year, on July 15 and January 15. The respondent also acknowledges that all political advertising signs must have the highway-right-of-way notice.
4. The respondent agrees to fully and strictly comply with the above requirements of law.

V. Confidentiality

This order and agreed resolution describe violations that the TEC 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 TEC.

VI. Sanction

The TEC may impose a civil penalty of not more than \$5,000 or triple the amount at issue under a law administered and enforced by the TEC, whichever amount is more, for a delay in complying with a TEC order or for violation of a law administered and enforced by the TEC. Tex. Gov't Code § 571.173. The TEC shall consider the following factors in assessing a sanction: 1) the seriousness of the violation, including the nature, circumstances, consequences, extent and gravity of the violation; 2) the history and extent of previous violations; 3) the demonstrated good faith of the violator, including actions taken to rectify the consequences of the violation; 4) the penalty necessary to deter future violations, and 5) any other matters that justice may require. *Id.* § 571.177.

Factor 1: The Seriousness of the Violation

The respondent's failure to file his July 2022 semiannual report affected public disclosure. Specifically, the respondent received a \$1,000 contribution from an individual during the reporting period that covered the July 2022 semiannual report and failed to disclose the contribution until two years later. In addition, the complaint included screenshots taken from a 2022 conversation on Facebook where the respondent indicated he spent \$375 of his own money on political signs. Therefore, at a minimum, the respondent was required to disclose this campaign financial activity

on his July 2022 semiannual report. The respondent filed his July 2022 semiannual report late, on September 19, 2024. Concerning the highway right-of-way notice on his political signs, the TEC takes into account that the respondent substantially remedied the issue before the sworn complaint was filed.

Factor 2: The History and Extent of Previous Violations

The respondent has no previous violations.

Factor 3: The Demonstrated Good Faith of the Violator

During a telephone conversation with the respondent, he expressed his intent to file the July 2022 semiannual report. After repeated requests from TEC staff to file the report at issue, the respondent eventually filed his July 2022 semiannual report.

Factor 4: The Penalty Necessary to Deter Future Violations

The respondent argued that the \$1,000 check he received was not a contribution but was compensation for his work in a volunteer "get out the vote" drive. However, the complaint included a sworn affidavit from the contributor stating that he intended the check to be a political contribution given to the respondent's 2022 city council election campaign. In addition, the complaint included a copy of the check that had the respondent's name listed as the payee and included "political contribution" on the memo line. The respondent disclosed that he accepted the contribution on his July 2022 semiannual report, and later returned the contribution. However, a penalty is still necessary to ensure the respondent's future compliance with his reporting obligations.

Factor 5: Any Other Matters that Justice May Require

The respondent has been a candidate for various local and state elections since 2017. While the respondent indicated that he did not file his campaign finance reports because of the advice given to him by the election clerk, he was still responsible in ensuring that this advice was correct.

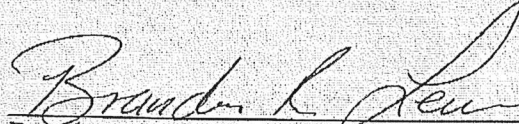
Conclusion

After considering the nature, circumstances, and consequences of the violations described under Section III, the TEC imposes a \$500 civil penalty. If the penalty is not paid in full within 6 months of the date of this Order and Agreed Resolution, then the TEC orders that an additional \$2,500 civil penalty be imposed pursuant to Section 571.173 of the Government Code for delay in complying with this Order and Agreed Resolution, and that the agreed-upon penalty and the additional \$2,500 penalty be referred to the Office of the Attorney General of Texas for collection.

VII. Order

The TEC hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-32404275.

AGREED to by the respondent on this 9th day of October, 2024.



Brandon R. Lewis, Respondent

EXECUTED by the TEC on: 12/5/24

Texas Ethics Commission

By: 

J.R. Johnson, Executive Director