

# TEXAS ETHICS COMMISSION

IN THE MATTER OF

JACK WALKER AND JANICE ALWES,

RESPONDENTS

§  
§  
§  
§  
§

BEFORE THE

TEXAS ETHICS COMMISSION

SC-240570

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission met on July 16, 2004, to consider sworn complaint SC-240570. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 255.001 of the Election Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this resolution to the respondent.

### II. Allegations

The complainant alleges that the respondents violated section 255.001 of the Election Code because the respondents' political advertising signs did not disclose the full name of the person who paid for the political advertising.

### III. Facts Supported by Credible Evidence

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

1. The respondents were candidates for Alderman in the City of Rancho Viejo in a May 15, 2004, election.
2. The complainant alleges that the respondents violated section 255.001 of the Election Code because the respondents' political advertising signs did not disclose the full name of the person who paid for the political advertising.
3. In support of his allegation, the complainant submitted a photograph of a campaign sign that supports the respondents and includes the statement, "This sign is paid for by the campaign committee."
4. Both respondents submitted affidavits in which they acknowledge that they contracted to have the signs printed. Both respondents thought they had complied with the law.

#### IV. Findings and Conclusions of Law

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

1. A person may not enter into a contract or agreement to print or publish political advertising that does not indicate that it is political advertising and that does not indicate the full name of the person who paid for the advertising; the political committee authorizing the political advertising, or the candidate specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. ELEC. CODE § 255.001.
2. The respondents' signs support candidates for elected public office and are therefore political advertising. The respondents acknowledge that they entered into an agreement to have the campaign signs printed and that the campaign signs that support the respondents did not disclose the full name of the person who paid for the political advertising. Therefore, there is credible evidence that the respondents violated section 255.001 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 respondents neither admit nor deny the facts described under Section III or the commission's findings and conclusions of law described under Section IV, and consent to the entry of this order and agreed resolution solely for the purpose of resolving this sworn complaint.
2. The respondents consent to this order and agreed resolution and waive any right to further proceedings in this matter.
3. The respondents acknowledge that a person may not enter into a contract or other agreement to print a political advertising sign that does not include a proper disclosure statement. The respondents agree to fully 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 section 571.140 of the Government Code, and may be disclosed by members and staff of the commission.

#### VII. No Sanction

After considering the seriousness of the violation described under Sections III and IV, including the nature, circumstances, and consequences of the violation, and after considering the sanction necessary to deter future violations, the commission imposes no civil penalty for the violation described under Section IV.

**VIII. Order**

The commission hereby orders that if the respondents consent to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-240570.

AGREED to by the respondents on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Jack Walker, Respondent

\_\_\_\_\_  
Janice Alwes, Respondent

EXECUTED ORIGINAL received by the commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
Sarah Woelk, Acting Executive Director