

TEXAS ETHICS COMMISSION

IN THE MATTER OF
MAXINE WEATHERFORD,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2604131, SC-2609190, AND SC-270108

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) held a preliminary review hearing on February 12, 2008, to consider sworn complaint SC-2604131, sworn complaint SC-2609190, and sworn complaint SC-270108. A quorum of the commission was present. The commission determined that, as to the respondent, there is credible evidence of violations of laws administered and enforced by the commission. To resolve and settle these complaints without further proceedings, the commission proposes this resolution to the respondent.

II. Allegations

The complaints allege that the respondent failed to properly include a political advertising disclosure statement in political advertising, misrepresented the true source of political advertising or a campaign communication, and misrepresented her identity in political advertising or a campaign communication. In addition, the complaints allege that the respondent accepted political contributions in excess of \$500 without properly filing a campaign treasurer appointment, accepted unlawful political contributions that the respondent knew to be unlawful, made or authorized unlawful political expenditures, made or authorized political expenditures in excess of \$500 without properly filing a campaign treasurer appointment, and made or authorized political expenditures from political contributions that the respondent knew to be unlawful. The complaints also allege that the respondent failed to properly file a campaign treasurer appointment for a political committee, failed to maintain a record of all reportable activity, and failed to properly file campaign finance reports.

III. Facts Supported by Credible Evidence

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

1. The allegations concern volumes of a publication titled “Kyle Klips” that were distributed in Kyle and posted on an Internet website prior to an election held on May 13, 2006, in which two seats on the Kyle City Council and propositions to amend the city charter were up for election.
2. At the time relevant to the complaint, the respondent was a resident of Kyle, Texas.
3. Todd Webster was a successful incumbent candidate for District 6 of the Kyle City Council in the May 13, 2006, election.
4. Serena Starkey was a candidate for District 6 of the Kyle City Council in the election.
5. Three other candidates ran in the election for the vacant position of District 5 of the Kyle City Council.
6. Two volumes or editions of Kyle Klips were distributed to residents in Kyle on or about April 25, 2006.
7. On or about April 17, 2006, the respondent spent \$866 for 25,000 copies and 5,000 staples for the first two volumes. The respondent swore that she also paid \$374 to “six young people” to distribute the first two volumes.
8. The first two volumes appeared on an Internet website, “www.kylenewsletteroftruth.com,” on or before April 25, 2006. Four additional volumes appeared on the website prior to the election.
9. From April 11 to April 25, 2006, the respondent spent a total of \$206.86 for the website, of which \$109.11 was later refunded. The respondent also admitted to spending \$360 to develop the website.
10. The front page of each of the first two volumes included the statement, “Citizens for a better Kyle” (“CBK”).
11. The first volume included the following statements:
 - Make a difference...affect your future, vote in the upcoming election on May 13th.
 - Vote NO! for a 5 council member vote to fire/hire the City Manager.
 - Most importantly vote for change in the upcoming May 13th [sic].

- These are just some examples of how the City Manager, Mayor and City Council are failing to do the job they were elected to do. It is clearly time for all of us to take an [sic] part in letting these officials know that they must clean house now!
- Vote NO on May 13th that it takes five councilmen to hire or fire the City Manager. ... VOTE! Vote for professional NEW City Councilmen. We need a productive council working in the best interest of the people.

12. The second volume included the following statements:

- Make a difference...affect your future, vote in the upcoming election on May 13th.
- Vote NO! for a 5 council member vote to fire/hire the City Manager.
- There needs to be a change in leadership to put a stop to this abuse use of taxpayer's money!
- The citizens of Kyle must vote for NEW professional leadership on the City Council.
- It is incomprehensible that the elected officials are so insensitive to the problems of the citizens. This problem is in District 6, Todd Webster's district.
- WHAT TO DO? VOTE!!!!!!!!!!!!!! The most important thing the citizens can do to protect themselves and their property taxes is to VOTE FOR NEW LEADERSHIP ON THE COUNCIL WHO WILL WORK FOR THE TAX PAYERS!
- Vote NO, in the upcoming referendum on the City Charter Amendment! Vote NO FOR CHANGING THE CITY CHARTER TO REQUIRE 5 VOTES BY THE CITY COUNCIL TO HIRE OR FIRE THE CITY MANAGER.
- The city needs new professionals who will work to protect the taxpayers at a time like this.

13. On or about April 27, 2006, the statement "Citizens for a better Kyle" was removed from the first two volumes on the website. On or after May 8, the first two volumes on the website

were amended to contain the statement, "POLITICAL ADVERTISING BY WILLARD TODD."

14. The third volume appeared on the website on or about April 27, 2006, and included a short essay concerning a local newspaper. On or about April 29, 2006, the third volume was amended to include a direct response to a newspaper article. It stated:

Serena Starkey did not know of the Kyle Klips publications any sooner than other citizens of Kyle. There were two candidates running for the Kyle City Council we needed information from for our website. A partner made a request to Serena Starkey for her Biographical & Professional information. That information was forwarded to the Kyle Klips partner. It was created in a professional format that we decided to use for our initial Volumes. Consequently, we have learned that Serena Starkey's name was in the Source Code. We are sincerely sorry for any implication it has brought to Serena.

We have learned that Serena Starkey is held in the highest professional esteem. Her integrity is without question. Her experiences in the management business are broad and very accomplished. She is the type [sic] leader that the Kyle City Council needs.

15. On April 29 or 30, 2006, the text of the response regarding the newspaper article on the third volume was amended to state:

There are five candidates running for the Kyle City Council and we wanted information from those candidates for our website. One of our partners made a request to Serena Starkey for her Biographical & Professional information and she forwarded that information to us.

Her information was creative and in a professional format. The Kyle Klips partners admired the format so much that we used it as a template for our initial Volume. From the Free Press, we learned that Serena Starkey's name was in the Source Code. We sincerely apologize to Ms. Starkey for any problems this may have caused, either to her personally, professionally or politically.

Through inquiry we have learned that both her friends and colleagues hold Serena Starkey in the highest professional esteem. Her integrity is without question. She has broad management experience and has accomplished much in her career. In our opinion, she is the type of leader the Kyle City Council needs.

16. The third volume also included a story about Todd Webster confronting “two young men” who were distributing the printed volumes. The volume stated, “Does Kyle really want to elect a man that would chase, harass, and intimidate children?”
17. On or after May 10, 2006, the third volume was amended with the statement, “POLITICAL ADVERTISING BY WILLARD TODD.”
18. The fourth volume appeared on the website on or about May 8, 2006, and included the following statements:

VOTE VOTE VOTE !!!

TO MAKE THE CHANGES PEOPLE ARE LOOKING FOR - - - YOU
MUST GO TO THE POLL AND VOTE! THERE MUST BE NEW
PROFESSIONAL EXPERIENCED PEOPLE ON THE COUNCIL.

Make your vote count! Make that change now! Voice your opinion. As it is,
the taxpayer will carry the burden, unless major large businesses come to
Kyle.

19. The fourth volume also included the dates and time periods for voting in the May 13, 2006, election.
20. On or after May 10, 2006, the fourth volume was amended with the statement, “POLITICAL ADVERTISING BY WILLARD TODD.”
21. The fifth volume appeared on the website on or about May 11, 2006, and included the following statements:
 - At this time, we HAVE TWO CANDIDATES RUNNING for city council who have GREAT CREDENTIALS. We need council members WHO WON’T BE SWAYED BY PERSONAL OPINIONS, THE GOOD 'OLD BOY SYSTEM, FAVORS AND THEIR OWN PERSONAL BUSINESS INTERESTS and will work for the good of all citizens.
 - THEY ARE BOTH RUNNING FOR OFFICE BECAUSE THEY SEE A NEED ON THE KYLE CITY COUNCIL FOR CHANGE, DIRECTION, PERFORMANCE, AND FEEL A RESPONSIBILITY TO GIVE TO THEIR CITY. THEY ARE RUNNING BECAUSE THEY WANT TO BRING EXCELLANCE [sic] AND MORE PROSPARITY [sic] TO KYLE.

- It is now the citizen’s responsibility to get out and vote for responsible candidates with experience to help mend any existing problems and help Kyle grow.
 - We yearn for the day when all praises can be given to the City Council and a City Manager working in the best interest of the citizens.
 - IT IS UP TO YOU—THE VOTERS! VOTE TO MAKE A CHANGE FOR A BETTER RUN KYLE!
22. The fifth volume provided an address to be used to support Kyle Klips and included the statement, “POLITICAL ADVERTISING BY WILLARD TODD.”
23. The sixth and final volume appeared on the website, after the fifth volume, on an unknown date and addressed an item regarding Kyle Klips on the agenda of a Kyle City Council meeting that was to be held on May 16, 2006.
24. The sixth volume provided an address to be used to support Kyle Klips and included the statement, “POLITICAL ADVERTISING BY WILLARD TODD.”
25. By July 31, 2006, all of the volumes were removed from the website. Since that date, the website has stated the following:
- Kyle Klips will temporarily be shut down due to the fact the Agent is out of state until after May 31. There is a need to turn in the Notarized financial statement to be compliant with the guidelines of the Ethics Commission and this cannot be done until his return.
26. In response to the complaints, the respondent swore that she was a member of a group called “Citizens for a Better Kyle” that “was formed around a mayoral recall effort some years ago” and that the group was dormant at the time the Kyle Klips volumes were published. She also swore that she “disseminated the information through an anonymously written newsletter (and later through an internet blog) that I named ‘*Kyle Klips*.’”
27. The respondent swore:
- I was not acting at the behest of anyone else in publishing this material. No one paid me to write or publish any issue of *Kyle Klips*. I was merely motivated by the desire to disseminate the information I had gathered to neighbors and other citizens of the community.

28. The respondent swore, “I was solely responsible for the content and material contained in the Klips.”
29. The respondent swore that she “was the one responsible for the creation of Kyle Klips” and that a second individual, “a personal friend, performed some copy editing on a volunteer basis.”
30. The respondent paid \$27 to rent a post office box for Kyle Klips. The post office box was physically rented by another individual whose personal information was used for the rental agreement. The respondent swore that she rented the post office box for Kyle Klips to maintain her anonymity and that she read some mail that was delivered to the post office box.
31. A third individual edited articles and provided legal advice regarding free speech, libel, and slander.
32. The respondent swore that she made the decision to include the statement “POLITICAL ADVERTISING BY WILLARD TODD” in the volumes “with the agreement of Mr. Todd.”
33. The respondent swore, “Mr. Todd agreed to be the treasurer if I filed formal papers with respect to the activities of the organization.”
34. The respondent did not file a campaign treasurer appointment or campaign finance reports in connection with the newsletters.
35. The respondent swore that she requested a copy of Serena Starkey’s résumé in March 2006 “so that I might have more information on her background.”
36. In a sworn affidavit, the respondent identified the “Agent” who was mentioned in the Kyle Klips website after the volumes were removed from the website as “Willard Todd.”
37. In a written request for additional information, the respondent was asked if she or anyone on her behalf printed, distributed, or paid for printing or distribution of the volumes and, if so, to identify the person, group, or entity paid and the amounts and dates of the expenditures. In response, the respondent provided names and amounts for some of the expenditures but did not provide names for “six young people” who were paid to deliver newsletters and did not provide dates for any of the expenditures.
38. The respondent denied that she was a member of a political committee as alleged in the complaints.

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 knowingly cause to be published, distributed, or broadcast political advertising containing express advocacy that does not indicate in the advertising that it is political advertising and the full name of the person who paid for the political advertising, the political committee authorizing the political advertising, or the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. ELEC. CODE § 255.001(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).
3. Political advertising that is authorized by a candidate, an agent of a candidate, or a political committee filing reports under title 15 of the Election Code shall be deemed to contain express advocacy. *Id.* § 255.001(b).
4. A “political committee” is a group of persons that has as a principal purpose accepting political contributions or making political expenditures. *Id.* § 251.001(12).
5. All of the volumes of Kyle Klips appeared in the form of a pamphlet, circular, flier, or similar form of written communication or appeared on an Internet website. The first two volumes contained express advocacy that opposed a measure in the election. All of the volumes contained express advocacy that either opposed a candidate in an election, supported that candidate’s opponent, or both. Thus, each volume was required to include a political advertising disclosure statement.
6. None of the volumes contained a political advertising disclosure statement until May 8, 2006, or later. The disclosure statement that eventually appeared on the website stated that it was political advertising by “Willard Todd.” The evidence shows that “Willard Todd” bore no responsibility for the political advertising and that the respondent was solely responsible for the volumes and paid all the costs associated with them. Thus, the political advertising disclosure statement included on the website did not indicate the full name of the person who paid for it and the first four volumes did not include a political advertising disclosure statement when they were initially distributed in print or posted to the website. Therefore, there is credible evidence that the respondent violated section 255.001 of the Election Code

- by knowingly causing political advertising containing express advocacy to be published, distributed, or broadcast without a proper political advertising disclosure statement.
7. “Political contribution” means, in pertinent part, a campaign contribution. ELEC. CODE § 251.001(5).
 8. “Campaign contribution” means a contribution to a candidate or political committee that is offered or given with the intent that it be used in connection with a campaign for elective office or on a measure. *Id.* § 251.001(3).
 9. “Contribution” means a direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. *Id.* § 251.001(2).
 10. “Political expenditure” means, in pertinent part, a campaign expenditure. *Id.* § 251.001(10).
 11. “Campaign expenditure” means an expenditure made by any person in connection with a campaign for an elective office or on a measure. *Id.* § 251.001(7).
 12. “Expenditure” means a payment of money or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a payment. *Id.* § 251.001(6).
 13. 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 that purports to emanate from a source other than its true source. *Id.* § 255.004(a).
 14. A person commits an offense if, with intent to injure a candidate or influence the result of an election, the person knowingly represents in a campaign communication that the communication emanates from a source other than its true source. *Id.* § 255.004(b).
 15. A campaign communication is a written or oral communication relating to a campaign for nomination or election to public office or office of a political party or to a campaign on a measure. *Id.* § 251.001(17).
 16. In addition to constituting political advertising, the volumes constituted campaign communications because they were written communications that related to measures and candidates in an election.
 17. The volumes on the website purported that they emanated from “Willard Todd” and the respondent represented in the volumes that the volumes emanated from “Willard Todd.” The respondent was the true source of the volumes, not “Willard Todd.”

18. The respondent entered into a contract or other agreement to print, publish, or broadcast the volumes by paying for Internet website registration and hosting services and by paying a website designer to design the website. Furthermore, the respondent's intent was to injure a candidate or influence the result of an election. Therefore, there is credible evidence that the respondent violated section 255.004(a) of the Election Code by, with the intent to injure a candidate or influence the result of an election, entering into a contract or agreement to print, publish, or broadcast political advertising that purported to emanate from "Willard Todd," who was not its true source. There is also credible evidence that the respondent violated section 255.004(b) of the Election Code by, with the intent to injure a candidate or influence the result of an election, representing in campaign communications that they purported to emanate from "Willard Todd," who was not their true source.
19. 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).
20. The respondent did not misrepresent her identity by including the statement "Citizens for a better Kyle" in the volumes. Therefore, there is credible evidence that the respondent did not violate section 255.005(a) of the Election Code in connection with the "Citizens for a better Kyle" statement.
21. The respondent misrepresented her identity in political advertising and campaign communications by including the statement "POLITICAL ADVERTISING BY WILLARD TODD" in the volumes. Therefore, there is credible evidence that the respondent violated section 255.005(a) of the Election Code in connection with that disclosure statement.
22. A political committee may not knowingly accept political contributions totaling more than \$500 at a time when a campaign treasurer appointment for the committee is not in effect. ELEC. CODE § 253.031(b).
23. The amount of expenditures made in connection with Kyle Klips exceeded \$500. There is insufficient evidence that any of the respondent's expenditures were made as political contributions to a political committee or that the respondent accepted any political contributions as a member of, or on behalf of, a political committee. Therefore, there is insufficient evidence that the respondent violated section 253.031(b) of the Election Code.
24. A person may not knowingly accept a political contribution the person knows to have been made in violation of this chapter. ELEC. CODE § 253.003(b).

25. There is no evidence the respondent accepted a political contribution that she knew was made in violation of chapter 253 of the Election Code. Therefore, there is credible evidence that the respondent did not violate section 253.003(b) of the Election Code.
26. A specific-purpose political committee may not knowingly make or authorize political expenditures totaling more than \$500 at a time when a campaign treasurer appointment for the committee is not in effect. ELEC. CODE § 253.031(b).
27. A general-purpose political committee may not knowingly make or authorize political expenditures totaling more than \$500 unless the committee has filed its campaign treasurer appointment not later than the 60th day before the date the expenditure is made that causes the total expenditures to exceed \$500, and accepted political contributions from at least 10 persons. *Id.* §§ 253.031(b), 253.037(a); Ethics Advisory Opinion No. 172 (1993).
28. There is insufficient evidence that the respondent made any of the expenditures in connection with the volumes as a member of, or on behalf of, a political committee. Therefore, there is insufficient evidence that the respondent violated section 253.031(b) or 253.037(a) of the Election Code.
29. A person may not knowingly make or authorize a political expenditure wholly or partly from a political contribution the person knows to have been made in violation of this chapter. ELEC. CODE § 253.005(a).
30. There is no evidence that the respondent made a political expenditure from a political contribution. Therefore, there is credible evidence that the respondent did not violate section 253.005(a) of the Election Code.
31. Each political committee shall appoint a campaign treasurer as provided by this chapter. ELEC. CODE § 252.001.
32. There is insufficient evidence that the respondent acted as a member of, or on behalf of, a political committee. Therefore, there is insufficient evidence that the respondent violated section 252.001 of the Election Code.
33. An individual not acting in concert with another person may make one or more direct campaign expenditures in an election from the individual's own property that exceed \$100 on any one or more candidates or measures if the individual complies with chapter 254 of the Election Code as if the individual were a campaign treasurer of a political committee and the individual receives no reimbursement for the expenditures. ELEC. CODE § 253.062(a); Ethics Commission Rules § 22.5(b)(2).
34. Each campaign treasurer of a political committee shall maintain a record of all reportable activity. ELEC. CODE § 254.001(b). The record must contain the information that is

- necessary for filing the reports required by chapter 254 of the Election Code and preserve the record for at least two years beginning on the filing deadline for the report containing the information in the record. *Id.* § 254.001(c)-(d).
35. A campaign treasurer of a political committee must file a campaign finance report not later than July 15 and January 15. *Id.* § 254.123.
 36. For each election in which a specific-purpose political committee supports or opposes a candidate or measure, the committee's campaign treasurer shall file two reports. *Id.* § 254.124(a). The first report shall be filed not later than the 30th day before election day. The report covers the period beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable, and continuing through the 40th day before election day. *Id.* § 254.124(b). The second report shall be filed not later than the eighth day before election day. The report covers the period beginning on the 39th day before election day and continuing through the 10th day before election day. *Id.* § 254.124(c).
 37. A person may not knowingly make or authorize a political expenditure in violation of chapter 253 of the Election Code. *Id.* § 253.004(a).
 38. A person may not knowingly make or authorize a direct campaign expenditure. *Id.* § 253.002(a). In pertinent part, this provision does not apply to an individual making an expenditure authorized by section 253.062 of the Election Code. *Id.* § 253.002(b)(1).
 39. A direct campaign expenditure is a campaign expenditure that does not constitute a campaign contribution by the person making the expenditure. *Id.* § 251.001(8). A campaign expenditure is not a contribution from the person making the expenditure if it is made without the prior consent or approval of the candidate or officeholder on whose behalf the expenditure was made. Ethics Commission Rules § 20.1(5).
 40. There is credible evidence that the respondent made direct campaign expenditures in an election from her own property that exceeded \$100 on one or more measures or candidates. To make direct campaign expenditures in an election from her own property that exceeded \$100 on one or more measures or candidates, the respondent was required to comply with chapter 254 of the Election Code as if she were the campaign treasurer of a specific-purpose political committee. The campaign treasurer of a political committee that made the expenditures at issue would have been required to maintain a record of all reportable activity that contains the information that is necessary for filing the reports required by chapter 254 of the Election Code.
 41. The respondent did not provide the payee names, dates, or amounts of all of the expenditures that are at issue after they were specifically requested in writing. Thus, there is credible evidence that the respondent failed to maintain a record of all reportable activity that contains

the information that is necessary for filing the reports required by chapter 254 of the Election Code. Therefore, there is credible evidence that the respondent violated section 254.001(b) of the Election Code by failing to properly maintain a record of all reportable activity.

42. All of the expenditures at issue were made within the period covered by the eight-day pre-election report. The campaign treasurer of a political committee that made the expenditures at issue would have been required to file an eight-day pre-election campaign finance report by May 5, 2006. There is no evidence that the respondent filed any campaign finance reports. Therefore, there is credible evidence that the respondent violated section 254.124(c) of the Election Code by failing to file a required eight-day pre-election report.
43. Under section 253.062(a) of the Election Code, the respondent could have legally made the expenditures at issue only if she had complied with chapter 254 of the Election Code as if she were the campaign treasurer of a political committee. By failing to properly maintain a record of all reportable activity and failing to properly file a campaign finance report, the respondent failed to comply with chapter 254 of the Election Code. Therefore, there is credible evidence that the respondent violated section 253.062(a) of the Election Code.
44. Regarding the allegation that the respondent failed to properly file a semiannual campaign finance report, there is no evidence that the respondent made any political expenditures during a period covered by a semiannual campaign finance report. Thus, a semiannual campaign finance report was not required. Therefore, there is credible evidence that the respondent did not violate section 254.123 of the Election Code.
45. There is credible evidence that the respondent violated section 253.062(a) of the Election Code by making direct campaign expenditures in an election from her own property that exceeded \$100 on one or more candidates and measures without complying with chapter 254 of the Election Code. Thus, there is credible evidence that the respondent violated section 253.004(a) of the Election Code because the expenditures were made or authorized in violation of chapter 253 of the Election Code. Furthermore, there is credible evidence that the respondent violated section 253.002(a) because she made direct campaign expenditures that were not authorized by law.

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 this 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 a person may not knowingly cause to be published, distributed, or broadcast political advertising containing express advocacy that does not indicate in the advertising that it is political advertising and the full name of the person who paid for the political advertising, the political committee authorizing the political advertising, or the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. 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 also acknowledges that a person may not, with intent to injure a candidate or influence the result of an election, misrepresent the person's identity or, if acting or purporting to act as an agent, misrepresent the identity of the agent's principal, in political advertising or a campaign communication.

The respondent also acknowledges that a person may not knowingly make or authorize a political expenditure in violation of chapter 253 of the Election Code and that an individual may not knowingly make or authorize a direct campaign expenditure unless it is authorized by section 253.062 of the Election Code. The respondent also acknowledges that an individual not acting in concert with another person may make one or more direct campaign expenditures in an election from the individual's own property that exceed \$100 on any one or more candidates or measures if the individual complies with chapter 254 of the Election Code as if the individual were a campaign treasurer of a political committee and the individual receives no reimbursement for the expenditures. The respondent also acknowledges that each campaign treasurer of a political committee shall maintain a record of all reportable activity and must, for each election in which the committee supports or opposes a candidate or measure, file a report not later than the eighth day before election day.

The respondent agrees to comply with these requirements of the law.

VI. Confidentiality

This order and agreed resolution describes violations that the commission 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 commission.

VII. Sanction

After considering the seriousness of the violations described under Sections III and IV, including the nature, circumstances, and consequences of the violations, and after considering the sanction necessary to deter future violations, the commission imposes a \$100 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 SC-2604131, SC-2609190, and SC-270108 as to the respondent.

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

Maxine Weatherford, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director