

TEXAS ETHICS COMMISSION

IN THE MATTER OF
THOMAS P. SIGEE, SR.,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-31210288, SC-31210289,
AND SC-31210306

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on May 30, 2013, to consider sworn complaints SC-31210288, SC-31210289, and SC-31210306. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.063 and 255.001 of the Election Code, laws administered and enforced by the commission. To resolve and settle these complaints without further proceedings, the commission proposed this resolution to the respondent.

II. Allegations

The complaints alleged that the respondent did not timely file campaign finance reports and did not include a disclosure statement on political advertising.

III. Facts Supported by Credible Evidence

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

1. At the time relevant to the complaints, the respondent was a candidate for Jefferson County Tax Assessor-Collector.

Timely Filing of Semiannual Reports

2. The complaint alleged that the respondent did not timely file July 2011 and July 2012 semiannual campaign finance reports. On June 28, 2010, the respondent filed a campaign treasurer appointment with the Jefferson County Clerk indicating that he was seeking the office of Jefferson County Tax Assessor-Collector.
3. In response to the complaint, on October 29, 2012, the respondent filed his July 2011 semiannual report with the Jefferson County Clerk. The report included only the cover sheet and disclosed the following:

- \$0 in total political contributions of \$50 or less
 - \$0 in total political contributions
 - \$100 in total political expenditures of \$50 or less
 - \$250 in total political expenditures
 - \$257.70 in total political contributions maintained
 - \$0 in total principal amount of outstanding loans
4. On April 10, 2013, the respondent filed a correction to his July 2011 semiannual report. The corrected report itemized the \$250 expenditure originally disclosed only on the report cover sheet on Schedule F (used to disclose political expenditures).
5. The respondent filed the July 2012 semiannual report on October 12, 2012, with the Jefferson County Clerk. The report disclosed the following:
- \$1,530 in total political contributions of \$50 or less
 - \$8,884 in total political contributions
 - \$0 in total political expenditures of \$50 or less
 - \$7,312 in total political expenditures
 - \$4,137.93 in total political contributions maintained
 - No amount in total principal amount of outstanding loans

Disclosure Statement on Political Advertising

6. The complaint alleged that the respondent did not include a disclosure statement on political advertising. At issue was the respondent's campaign website. The complaint provided copies of each page of the respondent's website. The heading on the website stated "Thomas P. Sigeo for Jefferson County Tax Assessor Collector." The disclosure statement was not visible on any of the website's pages. In response to the complaint, the respondent swore that the disclosure statement was added to the last page of his website. As of April 5, 2013, the respondent's website was removed from the Internet.

IV. Findings and Conclusions of Law

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

Timely Filing of Semiannual Reports

1. A candidate is required to file two reports for each year, the first report is required to be filed not later than July 15, and cover the period beginning January 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed, as applicable, and continuing through June 30. ELEC. CODE § 254.063(b).
2. On June 28, 2010, the respondent filed a campaign treasurer appointment with the Jefferson County Clerk indicating that he was seeking the office of Jefferson County Tax

Assessor-Collector. Thus, the respondent was a candidate during the period at issue. On his campaign treasurer appointment, the respondent signed the section acknowledging that he was aware of his responsibility to timely file campaign finance reports. The July 2011 semiannual report was due on July 15, 2011. The July 2012 semiannual report was due on July 16, 2012. The respondent filed both reports in October of 2012, after the report due dates. Therefore, there is credible evidence of violations of section 254.063(b) of the Election Code.

Disclosure Statement on Political Advertising

3. Political advertising means, in pertinent part, a communication supporting or opposing a candidate for election to a public office that appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication, or on an Internet website. ELEC. CODE § 251.001(16).
4. 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). Political advertising that is authorized by a candidate, an agent of a candidate, or a political committee filing reports under this title shall be deemed to contain express advocacy. *Id.* § 255.001(b).
5. The website at issue supported the respondent as a candidate for Jefferson County Tax Assessor-Collector. Thus, the website was political advertising. At the time the website was on the Internet, it did not include the disclosure statement on any of its pages. The respondent has since taken the website down. There is credible evidence of a violation of section 255.001(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 these sworn complaints.
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: 1) a candidate is required to file two reports for each year, the first report is required to be filed not later than July 15, and cover the period beginning January 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed, as applicable,

and continuing through June 30; and 2) 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.

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 nature, circumstances, and consequences of the violations described under Sections III and IV, and the sanction necessary to deter future violations, the commission imposes a \$500 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 sworn complaints SC-31210288, SC-31210289, and SC-31210306.

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

Thomas P. Sigee, Sr., Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director