

4. Bumper stickers used to support Respondent's candidacy in 1992 were printed in 1988 in connection with Respondent's previous candidacy for state senate. Respondent distributed the bumper stickers after cutting off the reference to the office sought by Respondent in 1986. In doing so, language was removed from the bumper stickers that stated the bumper stickers were printed on behalf of the Committee to Elect Tom Ramsay, a specific-purpose political committee formed in 1986.
5. The 1992 expenditures for push cards, newspaper ads, and yard signs were made by Respondent and were reported as Respondent's expenditures in reports of contributions and expenditures filed by Respondent as a candidate on September 24, 1992, and on October 24, 1992.

III. Conclusions of Law

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

1. The push cards, newspaper ad, yard signs, and bumper stickers described in Section II are political advertising, as the term "political advertising" is defined by § 251.001 of the Election Code.
2. Respondent violated § 255.001 of the Election Code by entering into an agreement to print push cards, a newspaper ad, and yard signs that did not indicate on those items that they were political advertising. Respondent also violated § 255.001 of the Election Code by failing to provide his name on the push cards and yard signs as the name of the person who entered into a contract or agreement to have the advertising printed.
3. Contributions received and expenditures made by Respondent as a candidate for election to the Texas House of Representatives, District 2, were reported by Respondent as a candidate in reports filed with the commission on September 24, 1992, and on October 24, 1992. There is no credible evidence available to the commission to support a finding that Respondent received contributions or made expenditures as the campaign treasurer of a specific-purpose political committee in 1992.

IV. Representations and Agreement by Respondent

By signing this ORDER and AGREED RESOLUTION and returning it to the commission:

1. Respondent neither admits nor denies the facts detailed under Section II and the commission's findings and conclusions of law detailed under Section III, and consents to the entry of this ORDER and AGREED RESOLUTION solely for the purpose of resolving and settling this sworn complaint.

2. Respondent consents to the entry of this Order before any adversarial evidentiary hearings or argument before the commission, and before any formal adjudication of law or fact by the commission. Respondent waives any right to a hearing before the commission or an administrative law judge appointed by the commission, and further waives any right to a post-hearing procedure established or provided by law.
3. Respondent acknowledges that § 255.001 of the Election Code requires a disclosure to be included on political advertising. The disclosure must state that the material is political advertising, and must identify the name and address of either (i) the person who arranged to have the advertising printed or published, or (ii) the person represented by the person who arranged to have the advertising printed or published. Respondent agrees to fully and strictly comply with this requirement of the law.
4. Notwithstanding any other provisions of this ORDER and AGREED RESOLUTION, Respondent understands and agrees that the commission will consider the Respondent to have committed the violation detailed in Section III if it is necessary to consider a sanction to be assessed in any future sworn complaint proceedings against the Respondent.

V. Confidentiality

This ORDER and AGREED RESOLUTION describes an alleged violation that the commission has determined would be neither technical nor *de minimis*. Accordingly, this ORDER and AGREED RESOLUTION is not confidential under Texas Government Code, § 571.140(b), and may be disclosed by members and staff of the Texas Ethics Commission.

VI. Sanction

After considering the seriousness of the alleged violation described under Sections II and III, including the nature, circumstances, consequences, extent, and gravity of the violation; that no previous violations by this Respondent are known to the commission; that the expenditures were timely reported; and the sanction, if any, deemed necessary to deter future violations, the commission hereby imposes a civil penalty of \$100 for the violations described under Section III.

VII. Order

The Texas Ethics Commission hereby ORDERS:

1. that this proposed AGREED RESOLUTION be presented to Respondent;

2. that the executive director shall promptly refer SC-92037 and SC-92038 to an administrative law judge to conduct hearings on the commission's behalf and to propose findings of fact and conclusions of law to the commission in accordance with law if Respondent does not agree to the disposition of SC-92037 and SC-92038 as proposed in this ORDER and AGREED RESOLUTION;
3. that if Respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete disposition of SC-92037 and SC-92038; and
4. that Respondent may consent to the proposed AGREED RESOLUTION only by signing an original of this document and mailing the signed original together with payment for the \$100 civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than November 15, 1993.

AGREED to by TOM RAMSAY on _____, 1993

Respondent

EXECUTED ORIGINAL received by the commission on _____, 1993.

John Steiner, Executive Director
Texas Ethics Commission