

TEXAS ETHICS COMMISSION

IN THE MATTER OF
DANNY DOUTHIT,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-240574

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on July 16, 2004, to consider sworn complaint SC-240574. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 255.007 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. Allegation

The complainant alleges that the respondent, an incumbent candidate for city council, failed to include a right-of-way notice on political advertising signs.

III. Facts Supported by Credible Evidence

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

1. The respondent was an incumbent candidate for city council.
2. In support of his allegation, the complainant submitted photographs of a sign supporting the respondent's candidacy. The side of the sign shown in the photograph includes a statement that the respondent paid for the sign, but it does not include a notice about placing signs in the right-of-way of a highway. The respondent submitted an affidavit in which he states that he is sorry and that the violation would not have occurred if he had known about the applicable notice requirement.

IV. Findings and Conclusions of Law

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

1. A person commits an offense if the person knowingly enters into a contract to print or make a political advertising sign that does not contain a notice that it is illegal to place the sign in the right-of-way of a highway. *Id.* § 255.007(b).
2. The sign at issue here is a political advertising sign because it is a written form of political advertising designed to be seen from a road. *Id.* §§ 255.007(e), 255.001. Thus, a right-of-way notice was required on the sign.
3. The respondent acknowledges a violation of the law. Therefore, there is credible evidence that the respondent violated section 255.007 of the Election Code by entering into a contract to print or make a political advertising sign that did not contain a notice that it is illegal to place the sign in the right-of-way of a highway.

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 commits an offense if the person knowingly enters into a contract to print or make a political advertising sign that does not contain a notice that it is illegal to place the sign in the right-of-way of a highway. The respondent agrees 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. 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 a \$100 civil penalty for the violation described under Section IV.

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-240574.

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

Danny Douthit, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Sarah Woelk, Acting Executive Director