

TEXAS ETHICS COMMISSION

IN THE MATTER OF
JAMES "BRAD" MORIN,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-31207208

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on December 2, 2013, to consider sworn complaint SC-31207208. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 255.008 of the Election Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposed this resolution to the respondent.

II. Allegations

The complaint alleged that the respondent did not include a required disclosure statement on political advertising.

III. Facts Supported by Credible Evidence

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

1. The respondent was a candidate for district judge in the 2012 election cycle.
2. On August 22, 2011, the respondent filed his campaign treasurer appointment form, in which he declared his intent to not comply with the voluntary limits on expenditures under the Judicial Campaign Fairness Act.
3. The complaint alleged that the respondent did not include a disclosure statement on his political advertising indicating that he had rejected the voluntary expenditure limits. The complaint included photographs of the respondent's yard signs and copies of the respondent's radio and television advertisements. These advertisements did not contain a disclosure statement stating that the respondent had rejected the expenditure limits.
4. The respondent swore that he was using political advertising from a previous campaign and that while he did declare his intent not to comply with the voluntary expenditure limits, he

had not actually exceeded the expenditure limit. He also swore that since receiving notice of the complaint, he included the disclosure statement on all of his political advertising.

5. Commission records indicate the respondent sought the same office in the 2008 election cycle and had not rejected the voluntary expenditure limits in that election. Campaign finance reports filed by the respondent indicate he spent less than \$70,000 in the entire 2012 election cycle, during which he was opposed in the primary and runoff elections. The population of the 71st judicial district is less than 250,000.

IV. Findings and Conclusions of Law

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

1. Political advertising by a candidate who files a declaration of intent to exceed the limits on expenditures under Subchapter F, Chapter 253, or a specific-purpose committee for supporting such a candidate must include the following statement: "Political advertising paid for by (name of candidate or committee), (who or which) has rejected the voluntary limits of the Judicial Campaign Fairness Act." ELEC. CODE § 255.008(d).
2. For each election in which the candidate is involved, a complying candidate may not knowingly make or authorize political expenditures that in the aggregate exceed \$100,000, if the population of the judicial district is less than 250,000. *Id.* § 253.168.
3. The respondent was a candidate who filed a declaration of intent to exceed the voluntary expenditure limits under the Judicial Campaign Fairness Act. His political advertising did not contain a disclosure statement indicating he had rejected those limits. There is credible evidence of a violation of section 255.008 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 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 political advertising by a candidate who files a declaration of intent to exceed the limits on expenditures under Subchapter F, Chapter 253, or a specific-purpose committee for supporting such a candidate must include the following statement:

“Political advertising paid for by (name of candidate or committee), (who or which) has rejected the voluntary limits of the Judicial Campaign Fairness Act.”

The respondent agrees to 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 nature, circumstances, and consequences of the violation described under Sections III and IV, 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-31207208.

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

James “Brad” Morin, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Executive Director