

TEXAS ETHICS COMMISSION

IN THE MATTER OF

TRACY GALLMAN,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-32504119

RECEIVED

JUNE 27 2025

Texas Ethics Commission

ORDER

AND

AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (TEC) met on September 17, 2025, to consider sworn complaint SC-32504119, which was filed on April 7, 2025. A quorum of the TEC was present. The TEC determined that there is credible evidence of violations of Section 255.003 of the Election Code.

To resolve and settle this complaint without further proceedings, the TEC adopted this resolution imposing a \$500 civil penalty. If the penalty is not paid in full within 30 days of the date of this Order and Agreed Resolution, then the TEC orders that an additional \$2,500 civil penalty be imposed pursuant to Section 571.173 of the Government Code for delay in complying with this Order and Agreed Resolution, and that the agreed-upon penalty and the additional \$2,500 penalty be referred to the Office of the Attorney General of Texas for collection.

II. Allegation

The sworn complaint alleges that as a trustee for the Castleberry Independent School District (CISD), the respondent spent or authorized the spending of public funds for political advertising by appearing with candidate Kevin Robles and distributing Mr. Robles's campaign materials at a school open house, in violation of Section 255.003 of the Election Code.

III. Findings of Fact and Conclusions of Law

Credible evidence available to the TEC supports the following findings of fact and conclusions of law:

1. At all times relevant to the complaint, the respondent was a member of CISD's Board of Trustees. The respondent was not up for reelection on May 3, 2025.
2. Kevin Robles was an unsuccessful candidate for the CISD Board of Trustees in the May 3, 2025 election.
3. On March 13, 2025, "open house" events were held at Castleberry High School and Irma Marsh Middle School. The events were held to allow parents to meet their children's teachers, and were not campaign or election-related events. Mr. Robles entered both the middle school and the high school with a stack of "push cards" promoting his campaign. According to the schools' surveillance footage, he walked around the schools, talking with

the event attendees and handing out the push cards. The respondent accompanied Mr. Robles through the schools.

4. Section 255.003 of the Election Code prohibits a candidate or officeholder from spending or authorizing the spending of public funds for political advertising. The “spending” of public funds includes the use of a facility maintained by a political subdivision. Tex. Ethics Comm’n Op. No. 550 (June 28, 2019). There is credible evidence that by permitting Mr. Robles to distribute political advertising on CISD premises, the respondent violated Section 255.003 of the Election Code.

IV. Representations and Agreement by Respondent

By signing this Order and Agreed Resolution and returning it to the TEC:

1. The respondent neither admits nor denies the findings of fact and conclusions of law described under Section III, and consents to the entry of this Order and Agreed Resolution solely for the purpose of resolving the sworn complaint.
2. The respondent consents to this Order and Agreed Resolution and waives any right to further proceedings in this matter. The respondent consents to TEC staff presenting this Order and Agreed Resolution to the Commissioners outside of the respondent’s presence.
3. The respondent acknowledges that an officeholder may not spend or authorize the spending of public funds for political advertising, and that using district premises constitutes a use of public funds.

V. Confidentiality

This Order and Agreed Resolution describes violations that the TEC 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 TEC.

VI. Sanction

The TEC may impose a civil penalty of not more than \$5,000 or triple the amount at issue, whichever amount is more. Tex. Gov’t Code § 571.173. The TEC shall consider the following factors in assessing a sanction: 1) the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the violation; 2) the history and extent of previous violations; 3) the demonstrated good faith of the violator, including actions taken to rectify the consequences of the violation; 4) the penalty necessary to deter future violations; and 5) any other matters that justice may require. Tex. Gov’t Code § 571.177.

Factor 1: The Seriousness of the Violation

Any use of a political subdivision’s resources to distribute political advertising is inherently serious, being a misdemeanor criminal offense. However, the violations at issue in this complaint are comparatively minor, consisting as they do of a few individuals walking around handing out flyers.

Factor 2: The History and Extent of Previous Violations

The respondent has no previous violations.

Factor 3: The Demonstrated Good Faith of the Violator

By their nature, the violations cannot have been accidental.

Factor 4: The Penalty Necessary to Deter Future Violations

A \$500 civil penalty is sufficient to ensure the respondent's future compliance.

Factor 5: Any Other Matters That Justice May Require

The respondent responded promptly to the notice of complaint, and has assured the TEC that she will comply with the law in the future.

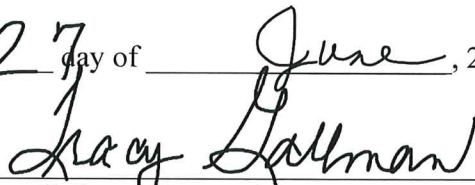
Conclusion

After considering the factors prescribed by Section 571.177 of the Government Code, the TEC imposes a \$500 civil penalty. If the penalty is not paid in full within 30 days of the date of this Order and Agreed Resolution, then the TEC orders that an additional \$2,500 civil penalty be imposed pursuant to Section 571.173 of the Government Code for delay in complying with this Order and Agreed Resolution, and that the agreed-upon penalty and the additional \$2,500 penalty be referred to the Office of the Attorney General of Texas for collection.

VII. Order

The TEC hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-32504119.

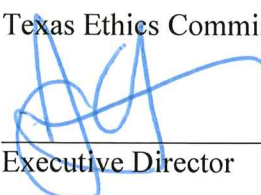
AGREED to by the respondent on this 27 day of June, 2025.


Tracy Gallman Respondent

EXECUTED by the TEC on: 9-18-25.

Texas Ethics Commission

By:


Executive Director