

HAND DELIVERED
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FEB 22 2008

SWORN COMPLAINT
BEFORE
THE TEXAS ETHICS COMMISSION

Revised 01/05/2000

Office Use Only

Docket Number

Texas Ethics Commission

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§

I. IDENTITY OF COMPLAINANT

I, Nelson E. hinder complainant,
(full name of individual filing the complaint)

hereby file this sworn complaint with the Texas Ethics Commission. My address is

1704 East 12th Street Austin TX 78702
(full mailing or street address, including P.O. box number or street, city, state, and zip code)

My telephone number is 512-482-3300.
(telephone number, including area code)

II. IDENTITY OF RESPONDENT

The respondent is BRIAN THOMPSON
(full name of respondent)

The respondent holds the position or title of _____
(position or title held by respondent)

The respondent's address is 3714 HOLLYWOOD AVE
AUSTIN, TEXAS 78722
(full mailing or street address, including P.O. box number or street, city, state, and zip code of respondent)

The respondent's telephone number is 512 524-5682
(telephone number of respondent, including area code)

Attach additional pages, if necessary.

III. NATURE OF ALLEGED VIOLATION

The Respondent, Brian Thompson, violated the following Texas statute and Texas Ethics Commission rule:

Election Code § 255.001. Required Disclosure on Political Advertising

(a) A person may not knowingly cause to be published, distributed, or broadcast political advertising containing express advocacy that does not indicate in the advertising:

(1) that it is political advertising; and

(2) the full name of:

(A) the person who paid for the political advertising;

(B) the political committee authorizing the political advertising; or

(C) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate.

(b) 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.

(c) A person may not knowingly use, cause or permit to be used, or continue to use any published, distributed, or broadcast political advertising containing express advocacy that the person knows does not include the disclosure required by Subsection (a). A person is presumed to know that the use of political advertising is prohibited by this subsection if the commission notifies the person in writing that the use is prohibited. A person who learns that political advertising signs, as defined by Section 255.007, that have been distributed do not include the disclosure required by Subsection (a) or include a disclosure that does not comply with Subsection (a) does not commit a continuing violation of this subsection if the person makes a good faith attempt to remove or correct those signs. A person who learns that printed political advertising other than a political advertising sign that has been distributed does not include the disclosure required by Subsection (a) or includes a disclosure that does not comply with Subsection (a) is not required to attempt to recover the political advertising and does not commit a continuing violation of this subsection as to any previously distributed political advertising.

(d) This section does not apply to:

(1) tickets or invitations to political fund-raising events;

- (2) campaign buttons, pins, hats, or similar campaign materials; or
- (3) circulars or flyers that cost in the aggregate less than \$500 to publish and distribute.

(e) A person who violates this section is liable to the state for a civil penalty in an amount determined by the commission not to exceed \$4,000.

Ethics Commission rule § 26.1. Disclosure Statement

(a) The disclosure statement required by Section 255.001, Election Code, must contain the words "political advertising" or any recognizable abbreviation, and must appear on one line of text or on successive lines of text on the face of the political advertising.

(b) A disclosure statement is not required on political advertising printed on letterhead stationery if the letterhead contains the full name of one of the following:

- (1) the person who paid for the political advertising;
- (2) the political committee authorizing the political advertising; or
- (3) the candidate authorizing the political advertising.

(c) A disclosure statement is not required on campaign buttons, pins, or hats, or on objects whose size makes printing the disclosure impractical.

IV. STATEMENT OF FACTS

The Respondent, Brian Thompson, violated the provisions listed in Section III by failing to include the proper political advertising disclaimer on his broadcast political advertisements.

V. LISTING OF DOCUMENTS AND OTHER MATERIALS

A copy of the relevant political advertisement can be located at:

<http://www.burntorangereport.com/showDiary.do?diaryId=5067>

<http://www.youtube.com/watch?v=ctZfUzGoDEs&eurl=http://www.burntorangereport.com/showDiary.do?diaryId=5067>

<http://www.youtube.com/watch?v=HYm2uW-vVDU>

<http://www.youtube.com/watch?v=zX3Y43vWjAc>

A CD is attached to this documentation.

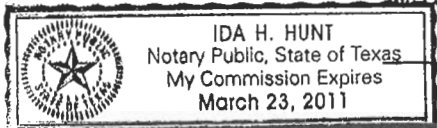
Revised 01/05/2000

VI. AFFIDAVIT

BASED ON PERSONAL KNOWLEDGE

(Execute this affidavit if the acts alleged are within your direct personal knowledge.)

I, Nelson E. Linder complainant,
swear that I have knowledge of the facts alleged in this complaint
and that the information contained in this complaint is true
and correct.



[Signature]
Signature of complainant

Sworn to and subscribed before me, by the said Nelson E. Linder, this
the 22 day of February, 2008, to certify which, witness my hand and seal of office.

Ida H. Hunt Ida H. Hunt Notary
Signature of officer administering oath Print name of officer administering oath Title of officer administering oath

VII. AFFIDAVIT

BASED ON INFORMATION AND BELIEF

(Execute this affidavit if the acts alleged are not within your direct personal knowledge, but are based on reasonable belief.)

I, _____, complainant,
swear that I have reason to believe and do believe that the violation alleged in
this complaint has occurred. The source and basis of my information and belief
is _____

Signature of complainant

AFFIX NOTARY STAMP/SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this
the _____ day of _____, 20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath Print name of officer administering oath Title of officer administering oath

AGREEMENT FORM FOR POLITICAL CANDIDATE ADVERTISEMENTS

(check applicable box)

FEDERAL CANDIDATE

STATE/LOCAL CANDIDATE

To Avail Themselves of The Lowest Unit Charge During a Political Window, Federal Candidates Must Sign The Certification On Page 3

Station and Location:	Date:
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I, Brian Thompson

appear on behalf of Brian Thompson, a legally

qualified candidate of the Trans County Democratic political

party for the office of State Representative House District 4b

in the ~~Primary~~ Democratic Primary

election to be held on: March 4, 2008

we hereby request station time as follows:

Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks

Total Charges:

Adv 2428
ESP 36

TEXAS STATE BANK
A BANK FOR TEXAS.

JOHN STEVEN MOSTYN, PC
OPERATING ACCOUNT
200 WESTCOTT STREET
HOUSTON, TX 77007

15734
88-901/1149
53

2/14/2008

PAY TO THE ORDER OF KTBC TV Fox 7

\$ **5,248.75

Five Thousand Two Hundred Forty-Eight and 75/100***** DOLLARS

KTBC TV Fox 7
119 E 10th Street
Austin, TX 78701

MEMO Legal Mkt Strategists, LLC/Adv is Democrat Brian Thompson

Margaret Kelly
AUTHORIZED SIGNATURE

⑈015734⑈ ⑆114909013⑆ ⑈8458456⑈

KTBC TV Fox 7

2/14/2008

15734

Legal Mkt Strategists, LLC/Adv is Democrat Brian Thompson 5,248.75

Texas State Bank - O Legal Mkt Strategists, LLC/Adv is Democrat Bria

5,248.75

KTBC TV Fox 7

2/14/2008

15734

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Texas State Bank - O Legal Mkt Strategists, LLC/Adv is Democrat Bria

5,248.75



KTBC-TV
 119 E. 10th Street
 Austin, TX 78701
 Tel: (512) 476-7777 Fax: (512) 495-7015

CONFIRMATION CONTRACT

LEGAL MARKETING STRATEGISTS
 555 N POINT CENTER EAST
 SUITE 400
 ALPHARETTA GA 30022

ADVERTISER BRIAN THOMPSON STATE REP	STATION/MARKET KTBC-TV FOX7 AUSTIN, TX
PRODUCT BRIAN THOMPSON STATE	SALESMAN/OFFICE CARLY HARRIS-GIL
SCHEDULED DATES 2/18/08 - 2/29/08	CONTRACT NUMBER 02425 - 02001
BILLING CALENDAR STANDARD BROADCAST	DATE 2/15/08
AGENCY 1345	TYPE POLITICAL
PRINTED 3:13A	PAGE 1

LINE	START DATE	END DATE	TIME	SPOTS	RATE	TOTAL	STATION	SECTION	PRINTED	PAGE
1	2/18/08	2/18/08	9-10P M-F FOX 7 NEWS	1	450	450	KTBC-TV	NEWS	3:13A	1
2	2/19/08	2/19/08	9-10P M-F FOX 7 NEWS	1	450	450	KTBC-TV	NEWS	3:13A	1
3	2/20/08	2/20/08	9-10P M-F FOX 7 NEWS	1	450	450	KTBC-TV	NEWS	3:13A	1
4	2/21/08	2/21/08	9-10P M-F FOX 7 NEWS	1	450	450	KTBC-TV	NEWS	3:13A	1
5	2/22/08	2/22/08	9-10P M-F FOX 7 NEWS	1	450	450	KTBC-TV	NEWS	3:13A	1
6	2/23/08	2/23/08	9-10P M-F FOX 7 NEWS	1	450	450	KTBC-TV	NEWS	3:13A	1
7	2/24/08	2/24/08	9-10P M-F FOX 7 NEWS	1	450	450	KTBC-TV	NEWS	3:13A	1
8	2/25/08	2/25/08	9-10P M-F FOX 7 NEWS	1	450	450	KTBC-TV	NEWS	3:13A	1
9	2/26/08	2/26/08	9-10P M-F FOX 7 NEWS	1	450	450	KTBC-TV	NEWS	3:13A	1
10	2/27/08	2/27/08	9-10P M-F FOX 7 NEWS	1	450	450	KTBC-TV	NEWS	3:13A	1
11	2/28/08	2/28/08	9-10P M-F FOX 7 NEWS	1	450	450	KTBC-TV	NEWS	3:13A	1
12	2/29/08	2/29/08	9-10P M-F FOX 7 NEWS	1	450	450	KTBC-TV	NEWS	3:13A	1
GRAND TOTALS				12		5400				

WS CORPORATION COMPANY
 ACCEPTED FOR AGENCY/SPONSOR:
 LESS AGENCY COMMISSION UNLESS OTHERWISE NOTED. SUBJECT TO STANDARD CONDITIONS ON THE BACK HEREOF.
 ACCEPTED FOR STATION:

SIGNED _____ (DATE) _____
 SIGNED _____ (DATE) _____
 VP/GENERAL MANAGER AND/OR GENERAL SALES MANAGER
 RETURN TO KTBC-TV

Legal Marketing Strategists
770-377-1935

KTBC - Fox	Days	Time	Length	Program	15-Feb	18-Feb	25-Feb	3-Mar	Tot	Rate	Cost	RTG	CPP	GRP	
					17-Feb	24-Feb	2-Feb		Spots						
	MTWTF	7:00a -9:00a	0.30	Good Day Austin			3	3	6	\$50.00	\$300.00	1.9	\$26.32	11.4	
	MTWTF	5:30p - 6:00p	0.30	News @ 5:30			2	2	1	5	\$115.00	\$575.00	2.3	\$50.00	11.5
	MTWTF	9:00p -10:00p	0.30	News @ 9			5	5	1	11	\$400.00	\$4,400.00	3.7	\$108.11	40.7
	SA	9:00p -10:00p	0.30	News @ 9			1	1	2	\$150.00	\$300.00	3.0	\$50.00	6	
	Su	9:00p -10:00p	0.30	News @ 9			1	1	2	\$300.00	\$600.00	3.6	\$83.33	7.2	
Total									<u>20</u>		<u>\$6,175.00</u>		<u>\$94.42</u>	<u>65.4</u>	

NAB Form PB-16 (2nd ed.)

For programming that, in whole or in part, "communicates a message relating to any political matter of national importance," list the matters below:

I represent that the payment for the above described broadcast time has been furnished by:

THE BRIAN THOMPSON CAMPAIGN

and you are authorized to announce the time as paid for by such person or entity.
I represent that this person or entity is either a legally qualified candidate or an authorized committee/organization of the legally qualified candidate.

The name of the treasurer of the candidate's authorized committee is:

Jessica Palvino

This station has disclosed to me its political advertising policies, including: applicable classes and rates; and discount, promotional and other sales practices (not applicable to federal candidates).

To Be Signed By Candidate or Authorized Committee

2-14-08
Date

Brian Thompson
Signature

To Be Signed By Station Representative

Accepted

Accepted in Part

Rejected

Signature

Printed Name

Title

FOX TELEVISION STATIONS
RECORD OF INQUIRY FOR BROADCAST TIME BY OR ON BEHALF OF
CANDIDATE FOR PUBLIC OFFICE

INSTRUCTIONS: This form **must** be completed by FOX personnel as to **all** requests, both oral and written, for broadcast time to be used by or on behalf of a candidate for public office, **whether or not** the inquiry results in an order being placed. Each completed form must be placed in the Station Public File immediately after it is completed and must be retained in the File for a period of two years.

- (1) Date and time of request: 2/13/08
- (2) Name of the person making the request: Hugh Smith
- (3) Agency (if any): Legal Mktg. Strategists
- (4) Address of agency: _____
555 North Point Center East #400
Atlanta, GA. 30022
- (5) Telephone number of agency: _____
- (6) Name of candidate: Brian Thompson
- (7) If sponsor is a Committee, name of Committee: _____

- (8) Address of Committee: _____

- (9) Telephone number of Committee: _____
- (10) Committee officers: _____
[mandatory] Chairman/Manager

Vice Chairman

Treasurer

- (11) Is it the candidate's authorized Committee? _____
Yes / No
- (12) Political Party of candidate: Democrat

(13) Office for which candidate is running: TEXAS State Rep

(14) State Office Federal Office State Office Local Office
(Check one)

(15) Election for which candidate is campaigning: primary

(16) Date of election: 3/4 primary: 8 general:

(17) Programs or times requested: general rates

(18) Dates requested: 2/14-3/2

(19) Length of spot/program time requested: :30

(20) Request made: In writing Orally 8
(Check one. If in writing, attach and retain.)

(21) Station offer: general avail

(22) Disposition of request: Granted: 8 Not granted:
(Check one. If not granted, state reason or reasons in space below. If denied in writing, attach and retain. If granted, attach contract and invoice, when available.)

(23) Request for documentation that candidate is legally qualified:
Yes: No: 8
(Attach any written documentation received.)

(24) Political Disclosure Form submitted to requestor: 2/14/08
Date

COMMENTS (if any):

KTRC
Station

Carol Hill
Signature of Person receiving request on behalf of station

COPY TO: STATION PUBLIC FILE