

## DA reviewing county judge's campaign video for possible violation

By Catherine Dominguez, cdominguez@hcnonline.com Updated 6:23 pm, Monday, May 22, 2017

Two county elected officials – previously indicted on a charge of conspiring to circumvent the Texas Open Meetings Act – potentially violated the Texas Election Code or the county's newly adopted ethics policy by using county property and a county email in political advertising. County Judge Craig Doyal and Precinct 2 Commissioner Charlie Riley, who are both up for re-election in 2018, recently released information for their campaigns that has raised questions and, in Doyal's case, a possible criminal investigation.

In a video posted to Facebook over the weekend – then later removed – Doyal appears to have filmed a political advertisement in his county office. Riley, on his Facebook page, recently issued a press release on political campaign letterhead but listed his county email address as his contact.

Montgomery County District Attorney's Office Special Crimes Bureau Chief Tyler Dunman confirmed Monday that his office is aware of Doyal's video. "We have just an inquiry we are going to take a look at," said Dunman, noting the office did not have a formal complaint. Dunman said his office had no information regarding Riley's press release. Doyal declined comment, and Riley could not be reached for comment.

### Fundraiser video

Doyal released the video Saturday encouraging the public to attend his upcoming fundraiser for his campaign for county judge. The video was filmed in Doyal's county office in the Alan B. Sadler Building, located at 501 N. Thompson St., by Nathan Arrazate. Arrazate promotes local businesses, events, organizations, politicians and causes on his public Facebook pages Montgomery County Lifestyle and Conroe City Limits. Arrazate told The Courier Monday he was not paid to shoot the video but is helping with the promotion of Doyal's fundraiser.

"Come join us June 20 at the convention center for our annual fundraiser," Doyal states in the 30-second video. "I say annual, last year I didn't have a fundraiser, but this upcoming political season is going to be a tough one and we need your help and we need your support."

Doyal has come under fire in the past year for allegedly conspiring to circumvent the Texas Open Meetings Act regarding negotiations for the November 2015 road bond. Riley, Precinct 4 Commissioner Jim Clark and political consultant Marc Davenport also were indicted on the same charge. A visiting district court judge in March ruled that portion of TOMA unconstitutional, resulting in each charge being dropped. However, those charges remaining dismissed hinges on the state's appeal of the judge's TOMA ruling, which is in the hands of the Ninth Court of Appeals in Beaumont.

In addition to the TOMA issues, Doyal has faced a barrage of allegations – from not disclosing relationships with county vendors, allegedly compiling a hit list of political enemies and nepotism. Doyal's campaign video was uploaded to the Conroe City Limits Facebook page with a caption that read "County Judge Craig Doyal extends his personal invitation for you to join him

June 20th at his dinner and Auction." The video was shared numerous times before being removed 24 hours after it was posted.

### **Election Code**

The action may be a violation of the Texas Election Code, Section 255.003. According to that section, an officer or employee of a political subdivision may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that is sufficiently substantial and important as to be reasonably likely to influence a voter. A violation of the section is a Class A misdemeanor, punishable by up to a year in jail and a possible fine not to exceed \$4,000.

### **County email**

In April, Precinct 2 Commissioner Charlie Riley issued a press release on his campaign letterhead regarding his "conservative leadership" with county personnel. The release includes a campaign contact email of info@charlieriley.org. However, at the end of the release, the public is encouraged to contact him through his county email address. "Commissioner Riley welcomes all questions and concerns to be directed to his county email at charlie.riley@mctx.org," the release states.

According to Section 255.0031, an officer or employee of a state agency or political subdivision may not knowingly use or authorize the use of an internal mail system for the distribution of political advertising. A violation of the section is a Class A misdemeanor.

### **County ethics policy**

In addition to possible violation to the election code, the actions of Doyal and Riley may violate the county's recently adopted Code of Ethics. Montgomery County Commissioners Court unanimously approved a comprehensive ethics policy in January. The policy, crafted by the County Attorney's Office, went into effect Feb. 1. According to that policy, "county public servant shall not utilize county equipment or supplies of any kind for political purposes."

According to the county Human Resource Department, there have been no complaints filed for the Ethics Committee to review regarding Doyal or Riley.

County Attorney J D Lambright said his office has not received any complaints regarding Doyal or Riley.