

candidate make a presentation over lunch. After the presentation, the candidate requested contributions for his campaign. The respondent wrote a check for \$200 that was made out to a San Antonio taxi dispatch company. The respondent stated that the invitees to the luncheon were not informed of the restrictions on corporate contributions. The respondent also stated that he believed the check had been cashed, but after reviewing his records he discovered it had never been cashed.

4. The respondent provided a photocopy of a carbon copy of a check written on January 25, 2011, for \$200 and made payable to the taxi dispatch company. There was a notation written in the memo field of the check stating that it was for the candidate's fundraiser. The respondent's bank statements indicate that the check was never cashed.

IV. Findings and Conclusions of Law

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

1. A person may not knowingly make a political contribution in violation of Chapter 253, Election Code. ELEC. CODE § 253.003(a).
2. A corporation may not make a political contribution or political expenditure that is not authorized by subchapter D, Chapter 253, Election Code. *Id.* § 253.094(a). Subchapter D does not authorize a corporation to make a political contribution to a candidate or officeholder.
3. The prohibition applies to corporations that are organized under the Texas Business Corporation Act, the Texas For-Profit Corporation Law, the Texas Non-Profit Corporation Act, the Texas Nonprofit Corporation Law, federal law, or law of another state or nation. *Id.* § 253.091.
4. "Contribution" means a direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. *Id.* § 251.001(2). "Political contribution" means a campaign contribution or an officeholder contribution. *Id.* § 251.001(5). "Campaign contribution" means a contribution to a candidate or political committee that is offered or given with the intent that it be used in connection with a campaign for elective office or on a measure. *Id.* § 251.001(3).
5. The respondent's president attended a luncheon that appears to have been a campaign fundraiser for a candidate. After his presentation, the candidate requested campaign contributions, and the president of the respondent corporation wrote a check for \$200. Based on the nature of the event and the memo field notation written on the check at issue, credible

evidence indicates that the check was given with the intent that it be used in connection with the candidate's campaign for elective office. Therefore, the check was a campaign contribution.

6. The evidence indicates that the respondent made a political contribution to a candidate. Therefore, there is credible evidence of a violation of sections 253.003 and 253.094 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 a corporation may not make a political contribution to a candidate or officeholder. 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 \$200 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-3130348.

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

River City Taxi Corporation, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley,
Executive Director