

TEXAS ETHICS COMMISSION

IN THE MATTER OF

TEXAS RENAISSANCE FESTIVALS,
INC.,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-31408183

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on November 30, 2015, to consider sworn complaint SC-31408183. A quorum of the Commission was present. The Commission determined that there is credible evidence of a violation of sections 253.003 and 253.094 of the Election Code, laws administered and enforced by the Commission. To resolve and settle this complaint without further proceedings, the Commission proposed this resolution to the respondent.

II. Allegation

The complaint alleged that the respondent made a prohibited corporate political contribution.

III. Facts Supported by Credible Evidence

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

1. According to records of the Texas Secretary of State (SOS), the respondent is a domestic for-profit corporation. The complaint included a copy of a campaign finance report by Friends of Cecil Bell Jr., where the committee disclosed accepting a \$250 political contribution on September 28, 2012, from "Texas Renaissance Festival." Friends of Cecil Bell Jr. is a specific-purpose committee that supports a state legislator.
2. In response to the complaint, the respondent's general manager swore:

It is my understanding that on or about September 2012, Cecil Bell held a bar-b-que and concert. On or about September 2012, I received a letter in the mail asking if Texas Renaissance Festivals, Inc. wanted to buy some bar-b-que plates for the office staff. The letter indicated that a \$250.00 payment entitled Texas Renaissance Festivals, Inc. to a certain number of plates of bar-b-que though I do not remember the number at this time. I submitted an

internal check request for the bar-b-que plates, and Texas Renaissance Festivals, Inc. made the check to Cecil Bell, Jr. BBQ and Concert. ... At no time was I or anyone else with Texas Renaissance Festivals, Inc. aware that Texas Renaissance Festivals, Inc. was performing an act in violation of Texas Election Code Sections 253.003 and 254.094 [sic] by paying for the bar-b-que plates.

3. The respondent provided a copy of the check at issue which was issued to “Cecil Bell Jr. BBQ & Concert” and indicated in the memo field that it was for the “Friend Package.” The respondent also provided one page of the solicitation letter sent to the respondent. The letter indicates different sponsorship levels and directs checks to be sent care of “CECIL BELL JR BBQ & CONCERT.” The “Friend” package included two tickets and premium seating for \$250. “Texas Renaissance Festival” was written in the space on the form for the sponsor name.
4. The Friends of Cecil Bell Jr. specific-purpose committee disclosed on Schedule F (used to disclose political expenditures) of the 8-day pre-election report for the November 4, 2014, general election, an expenditure dated September 30, 2014, to Texas Renaissance Festivals for \$250 under the category of “Other – Refund” with a description of “refund of contribution.”

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 of the Election Code. ELEC. CODE § 253.003(a).
2. A corporation may not make a political contribution 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. “Corporation” means a corporation that is 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).
5. “Political contribution” means a campaign contribution or an officeholder contribution. *Id.* § 251.001(5).

6. “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. Whether a contribution is made before, during, or after an election does not affect its status as a campaign contribution. *Id.* § 251.001(3).
7. “Officeholder contribution” means a contribution to an officeholder or political committee that is offered or given with the intent that it be used to defray expenses that are incurred by the officeholder in performing a duty or engaging in an activity in connection with the office and are not reimbursable with public money. *Id.* § 251.001(4).
8. Credible evidence indicates that the event in question was a political fundraising event for a state legislator in the form of a concert and bar-b-que meal. Based on the event sponsorship form and the name and nature of the event, it is reasonable to conclude that people attending the event would have known that some or all of the proceeds would be used to support the officeholder. Credible evidence indicates that the respondent made a direct or indirect transfer of money to a political committee that supports a state legislator. The political contribution at issue was made by a prohibited corporation and was disclosed by the recipient as a political contribution. Therefore, there is credible evidence of a violation of sections 253.003(a) and 253.094(a) 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, or to a specific-purpose committee for supporting a candidate or officeholder. The respondent agrees to comply with these requirements 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 \$250 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-31408183

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

Texas Renaissance Festivals, Inc., Respondent

EXECUTED ORIGINAL received by the Commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley, Executive Director