

# TEXAS ETHICS COMMISSION

**IN THE MATTER OF**

**BILL FOSTER, RESPONDENT**

**SC-92028**

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**BEFORE THE**

**TEXAS ETHICS COMMISSION**

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (“commission”) met on September 1, 1993, to consider sworn complaint SC-92028 filed against BILL FOSTER (the “Respondent”). A quorum of the commission was present. Based on the investigation conducted by commission staff to date, the commission determined there was credible evidence of a violation of § 253.003(b) 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 proposes this agreed resolution to Respondent.

### II. Facts Supported by Credible Evidence

Credible evidence available to the commission would support the following findings of fact:

1. Respondent was a candidate for sheriff of Grimes County in the 1992 election.
2. Respondent solicited and accepted campaign contributions in connection with his candidacy.
3. Respondent received a campaign contribution in the form of a check for \$50 drawn on a corporate checking account. The name of the corporation was listed on the check. Respondent reported his receipt of this contribution (the “corporate contribution”) in a report filed with the Grimes County Clerk on July 22, 1992.
4. Respondent received a campaign contribution in the form of a check for \$100 drawn on a business checking account. The name of the business was listed on the check. Respondent reported his receipt of this contribution (the “business contribution”) in a report filed with the Grimes County Clerk on February 3, 1992.
5. The corporation that made the corporate contribution was registered as a corporation with the Secretary of State at the time the contribution was made.
6. The business that made the business contribution has never been registered as a corporation with the Secretary of State.
7. Respondent deposited the campaign contributions identified in paragraphs 3 and 4 into the checking account established by Respondent to hold campaign contributions.

8. Respondent refunded the corporate contribution before this complaint was filed.

### **III. Conclusions of Law**

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

1. Respondent accepted the corporate contribution and the business contribution.
2. The business that made the business contribution was not a corporation or an association considered to be a corporation under § 253.093 of the Election Code. Respondent's acceptance of the business contribution did not violate § 253.003(b) of the Election Code because the contribution was not from a corporation.
3. The corporate contribution was from a corporation prohibited from making a campaign contribution under § 253.094 of the Election Code. Respondent violated § 253.003(b) of the Election Code by accepting a campaign contribution from a corporation.

### **IV. Representations and Agreement by Respondent**

By signing this ORDER and AGREED RESOLUTION and returning it to the commission:

1. Respondent neither admits nor denies the facts detailed under Section II and the commission's findings and conclusions of law detailed under Section III, and consents to the entry of this ORDER and AGREED RESOLUTION solely for the purpose of resolving and settling this sworn complaint.
2. Respondent consents to the entry of this Order before any adversarial evidentiary hearings or argument before the commission, and before any formal adjudication of law or fact by the commission. Respondent waives any right to a hearing before the commission or an administrative law judge appointed by the commission, and further waives any right to a post-hearing procedure established or provided by law.
3. Respondent acknowledges that § 253.094 of the Election Code prohibits a corporation from making a political contribution. Respondent further acknowledges that § 253.003(b) of the Election Code prohibits his acceptance of a political contribution from a corporation. Respondent promises to fully and strictly comply with this requirement of the law.
4. Notwithstanding any other provisions of this ORDER and AGREED RESOLUTION, Respondent understands and agrees that the commission will consider the Respondent to have committed the violation detailed in Section III if it is necessary to consider a sanction to be assessed in any future sworn complaint proceedings against the Respondent.

### **V. Confidentiality**

This ORDER and AGREED RESOLUTION describes an alleged violation that the commission has determined would be neither technical nor *de minimis*. Accordingly, this ORDER and AGREED RESOLUTION is not confidential under Texas Government Code, § 571.140(b), and may be disclosed by members and staff of the Texas Ethics Commission.

**VI. No Sanction**

After considering the seriousness of the alleged violation described under Sections II and III, including the nature, circumstances, consequences, extent, and gravity of the violation; that no previous violations by this Respondent are known to the commission; that Respondent refunded the contribution once he was informed of its potential illegality; and the sanction, if any, deemed necessary to deter future violations, the commission does not impose a sanction for the alleged violation described under Section III.

**VII. Order**

The Texas Ethics Commission hereby ORDERS:

1. that this proposed AGREED RESOLUTION be presented to Respondent;
2. that the executive director shall promptly refer SC-92028 to an administrative law judge to conduct hearings on the commission's behalf and to propose findings of fact and conclusions of law to the commission in accordance with law if Respondent does not agree to the disposition of SC-92028 as proposed in this ORDER and AGREED RESOLUTION;
3. that if Respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete disposition of SC-92028; and
4. that Respondent may consent to the proposed AGREED RESOLUTION only by signing an original of this document and mailing the signed original to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than November 15, 1993.

AGREED to by BILL FOSTER on \_\_\_\_\_, 1993

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Respondent

EXECUTED ORIGINAL received by the commission on \_\_\_\_\_, 1993.

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John Steiner, Executive Director  
Texas Ethics Commission