

TEXAS ETHICS COMMISSION

IN THE MATTER OF
WAYNE GLASSCOCK,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-290105

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on December 2, 2009, to consider sworn complaint SC-290105. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of sections 253.003(a) 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 political contribution to a candidate using corporate funds.

III. Facts Supported by Credible Evidence

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

1. The respondent is Wayne Glasscock, the president of Texas Outdoor Power Sales, Inc. (TOPS), a Texas for-profit corporation.
2. A candidate/officeholder's January 2008 semiannual campaign finance report disclosed a political contribution of \$500 accepted on July 30, 2007, from Texas Outdoor Power. The address of the contributor is 1650 N. Loop 336 EAST, Conroe, Texas 77301.
3. According to the records of the Texas Secretary of State, Texas Outdoor Power Sales Inc. is a domestic for-profit corporation. The records of the Texas Secretary of State provide the following address for this corporation:

- Texas Outdoor Power Sales Inc.
1650 N Loop 336 E
Conroe, Texas 77301-1512

4. The respondent submitted an affidavit in response to the complaint in which he asserts:

The check was issued from the wrong account and there was never any intent to commit any violation as alleged.

5. The copy of the check shows:

- Texas Outdoor Power appears in prominent type at the top of the check
- That the check was made out to [a candidate/officeholder]
- That the check was for \$500
- That the respondent signed the check, and
- The signature line on the check is directly across from the payee's name

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 or political expenditure that is not authorized by subchapter D, chapter 253, Election Code. ELEC. CODE § 253.094(a). Subchapter D, chapter 253, Election Code, does not authorize a corporation to make a political contribution to a candidate or to make a political expenditure to support a candidate by providing assets or resources to a candidate for campaign purposes.
3. Although the respondent swore that the check was issued from the wrong account and that there was never any intent to commit any violation as alleged, the face of the check shows that the check came from Texas Outdoor Power, that the payee was an individual who was a candidate/officeholder, that the amount was \$500, and that the respondent signed the check. The respondent knew that the individual was a candidate for or holder of a public office and that the respondent intended to make a political contribution to him. Therefore, there is credible evidence that the respondent violated sections 253.003(a) 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 person may not knowingly make a political contribution in violation of chapter 253 of the Election Code. The respondent also acknowledges that a corporation may not make a political contribution or political expenditure that is not authorized by subchapter D, chapter 253, Election Code. Subchapter D, chapter 253, Election Code, does not authorize a corporation to make a political contribution to a candidate or to make a political expenditure to support a candidate by providing assets or resources to a candidate for campaign purposes. 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 seriousness of the violation described under Sections III and IV, including the nature, circumstances, and consequences of the violation, 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-290105.

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

Wayne Glasscock, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director