

TEXAS ETHICS COMMISSION

IN THE MATTER OF
MARCUS SORENSON,
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-31211330

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on December 2, 2014, to consider sworn complaint SC-31211330. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of sections 253.003(b) and 253.094(a) 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 accepted a political contribution from a corporation.

III. Facts Supported by Credible Evidence

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

1. The respondent was an unsuccessful candidate for Corpus Christi Independent School District (CCISD) Board Trustee in the November 2012 general election.
2. The complaint alleged that the respondent accepted a political contribution from a corporation. The contribution at issue was for \$5,000 from Kingsville Home Rehab Services, Inc. (Kingsville, Inc.) and was accepted on August 20, 2012. The contribution was disclosed on the respondent's 30-day pre-election campaign finance report for the November 2012 general election.
3. According to records from the Texas Secretary of State, Kingsville, Inc., is a domestic, for-profit corporation based in Kingsville, Texas.

4. In response to the complaint, the respondent stated that he is one of three owners of Kingsville, Inc., and that his partners agreed to donate \$5,000 to his campaign. The respondent stated that it was his first time running for office, he did not know a candidate could not accept a contribution from a corporation, and that he would not have accepted the contribution if he had known.
5. The respondent has not refunded any part of the contribution from Kingsville, Inc.
6. On July 11, 2012, the respondent signed an appointment of campaign treasurer (Form CTA) and filed it with CCISD. The appointment of campaign treasurer included a signed statement that the respondent was aware of the restrictions in title 15 of the Election Code on contributions from corporations and labor organizations.

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 accept a political contribution that the person knows was made in violation of chapter 253 of the Election Code. ELEC. CODE § 253.003.
2. A corporation may not make a political contribution to a candidate or officeholder. *Id.* § 253.094. 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.
3. Credible evidence shows the contribution at issue was made by a prohibited corporation. Although the respondent stated that he was unaware he could not accept the contribution, he signed a statement on his campaign treasurer appointment that he was aware of the restrictions in title 15 of the Election Code on contributions from corporations and labor organizations. 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 person may not knowingly accept a political contribution that the person knows was made in violation of Chapter 253 the Election Code. A corporation may not make a political contribution or political expenditure that is not authorized by Chapter 253 of the Election Code, and that chapter does not authorize a political contribution to a candidate by a corporation. 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 of this order, and after considering the sanction necessary to deter future violations, the Commission imposes a \$500 civil penalty, contingent upon the respondent reimbursing the amount at issue (\$5,000) to Kingsville, Inc., by December 30, 2014. If the respondent does not reimburse the amount at issue by December 30, 2014, then the Commission imposes a \$5,000 civil penalty. The respondent shall furnish to the Commission evidence of the required payments.

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-31211330.

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

Marcus Sorenson, Respondent

EXECUTED ORIGINAL received by the Commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley, Executive Director