

# TEXAS ETHICS COMMISSION

<b>IN THE MATTER OF</b>	§	<b>BEFORE THE</b>
<b>LEARNING TIME INSTITUTE, INC.,</b>	§	<b>TEXAS ETHICS COMMISSION</b>
<b>RESPONDENT</b>	§	<b>SC-3130353</b>

## **ORDER and AGREED RESOLUTION**

### **I. Recitals**

The Texas Ethics Commission (the commission) met on December 2, 2013, to consider sworn complaint SC-3130353. A quorum of the commission was present. The commission determined that there is credible evidence of a technical or *de minimis* violation of sections 253.003(a) 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 made a corporate political contribution in violation of sections 253.003 and 253.094 of the Election Code.

### **III. Facts Supported by Credible Evidence**

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

1. The respondent is a domestic for-profit corporation in San Antonio, Texas. The complaint alleged that the respondent made an unlawful political contribution to a candidate for San Antonio City Council in the 2011 election cycle. The candidate disclosed two contributions totaling \$75 from Learning Time Institute. A March 11, 2011, contribution was disclosed on his 30-day pre-election report, and a May 10, 2011, contribution was disclosed on his runoff report for the June 2011 runoff election.
2. According to records of the Texas Secretary of State, the respondent is a domestic for-profit corporation. In response to the complaint, the chief executive officer and director swore that the first contribution for \$40 was made to a luncheon sponsored by Madrinas de Diego. She further swore that the second contribution for \$35 was made for a ticket to a brunch. She also swore that she made the contributions via checks belonging to the

respondent company that she owns. She further swore that she will avoid such mistakes in the future. Staff requested copies of the checks, which the respondent provided. The memorandum line on the \$35 check reads "donation." The memorandum line on the \$40 check reads "donation to campaign."

3. On October 15, 2013, the chief executive officer provided a copy of a \$75 check made out to the respondent corporation to refund the contributions.

#### **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 person may not knowingly make a political contribution in violation of chapter 253 of the Election Code. ELEC. CODE § 253.003(a).
3. A corporation may not make a political contribution to a candidate. ELEC. CODE § 253.094(a).
4. 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. ELEC. CODE § 253.091.
5. The respondent is a domestic for-profit corporation. The respondent's chief executive officer and director knew that the recipient of the checks was a candidate for public office and intended to make a contribution to him. Therefore, there is credible evidence of violations of sections 253.003(a) and 254.094(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 and settling 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 political contributions 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. No Sanction**

After considering the nature, circumstances, and consequences of the violation described under Sections III and IV, and the sanction necessary to deter future violations, the commission imposes no 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-3130353.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Learning Time Institute, Inc., Respondent

EXECUTED ORIGINAL received by the commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
Executive Director