

# TEXAS ETHICS COMMISSION

**IN THE MATTER OF**  
**DEBORAH PORTILLO,**  
**RESPONDENT**

§  
§  
§  
§  
§

**BEFORE THE**  
**TEXAS ETHICS COMMISSION**  
**SC-31305114**

## **ORDER and AGREED RESOLUTION**

### **I. Recitals**

The Texas Ethics Commission (the commission) met on October 29, 2014, to consider sworn complaint SC-31305114. 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 accepted a prohibited corporate political contribution.

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

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

1. The respondent was elected to the Brownsville City Commission, District 3, in a May 11, 2013, election.
2. The complaint alleged that the respondent accepted a political contribution of \$250 from a corporation. The respondent disclosed in a 30-day pre-election report for the election a \$250 political contribution from "Jewelry Corner, Inc." in Brownsville, Texas, on March 14, 2013.
3. According to records from the Texas Secretary of State (SOS), Jewelry Corner, Inc. is a domestic for-profit corporation.

4. In response to the complaint, the respondent provided a copy of the \$250 check drawn on the account of "Jewelry Corner, Inc." The respondent swore that she saw the check before it was deposited in her campaign account.
5. The respondent also swore that at the time she accepted the check, she did not realize Jewelry Corner, Inc. was a corporation. However, she also swore that when she saw the check drawn on Jewelry Corner, Inc.'s account, she asked the owner whether the business was a corporation and was informed that Jewelry Corner, Inc. was not a corporation.
6. On May 1, 2013, the respondent then issued a \$250 check drawn on her campaign account to Jewelry Corner, Inc. The owner of Jewelry Corner, Inc. then provided to the respondent a \$250 check drawn on his personal account. The respondent provided copies of each check and bank statements that documented the transactions.
7. In the respondent's initial campaign treasurer appointment, she signed a statement that read, in pertinent part: "I am 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(b). In order to be a violation of section 253.003(b) of the Election Code, the evidence must show that the contributor was a corporation or labor organization, that at the time the respondent accepted the contribution the respondent knew that corporate contributions were illegal, and that the respondent knew the particular contribution at issue was from a corporation or labor organization.
2. A corporation or labor organization may not make a political contribution or political expenditure that is not authorized by subchapter D, chapter 253, of the Election Code. *Id.* § 253.094.
3. 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.

4. The respondent accepted a \$250 political contribution from a corporation. At the time the respondent accepted the contribution, she was aware of the restrictions in title 15 of the Election Code on contributions from corporations and labor organizations.
5. Credible evidence indicates that the respondent accepted the contribution at a time when she knew the contribution was from a prohibited source. 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 of the Election Code. The respondent also acknowledges that a candidate or officeholder may not accept a political contribution from a corporation or labor organization. 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, 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-31305114.

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

\_\_\_\_\_  
Deborah Portillo, Respondent

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

Texas Ethics Commission

By: \_\_\_\_\_  
Natalia Luna Ashley,  
Executive Director