

# TEXAS ETHICS COMMISSION

**IN THE MATTER OF**  
**W. SCOTT RAMSEY**  
**RESPONDENT**

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**BEFORE THE**  
**TEXAS ETHICS COMMISSION**  
**SC-31608182**

## **ORDER and AGREED RESOLUTION**

### **I. Recitals**

The Texas Ethics Commission (Commission) met on February 15, 2017, to consider sworn complaint SC-31608182. 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 is the Midland County Commissioner for Precinct 1. He was the successful non-incumbent candidate for this position in the November 2016 general election.
2. The complaint alleged that the respondent accepted a prohibited corporate political contribution of \$100 from Pannell Properties, Inc. ("Pannell") on December 18, 2015. The contribution was disclosed on the respondent's January 2016 semiannual report.
3. Texas Secretary of State records show that Pannell is a domestic for-profit corporation.
4. In response to the complaint, the respondent acknowledged the contribution and stated that it was accepted due to an oversight. After the complaint was filed, the respondent returned the contribution.

5. Records on file with Midland County show the respondent filed a campaign treasurer appointment with Midland County on November 23, 2015. On his campaign treasurer appointment, the respondent filed a campaign treasurer appointment on which he signed a statement acknowledging: "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 the person knows to have been made in violation of this chapter. ELEC. CODE § 253.003(b).
2. A corporation may not make a political contribution or political expenditure that is not authorized by subchapter D, Chapter 253, Election Code. *Id.* § 253.094(a). Subchapter D does not authorize a corporation to make a political contribution to a candidate or officeholder.
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. A determination to accept or refuse a political contribution that is received by a candidate, officeholder, or political committee shall be made not later than the end of the reporting period during which the contribution is received. *Id.* § 254.034(a). If the determination to accept or refuse a political contribution is not made before the time required by Subsection (a), for purposes of this chapter, the contribution is considered to have been accepted on the last day of that reporting period. *Id.* § 254.034(b). A political contribution that is received but not accepted shall be returned to the contributor not later than the 30th day after the deadline for filing a report for the reporting period during which the contribution is received. A contribution not returned within that time is considered to be accepted. *Id.* § 254.034(c).
5. The respondent, a candidate for Midland County Commissioner, Precinct 1, accepted a corporate political contribution on December 18, 2015, and disclosed it on his January 2016 semiannual report. The respondent disclosed the contributor's name as "Pannell Properties, Inc.," indicating that the contributor was a corporation. On his campaign treasurer appointment, the respondent signed a statement stating that he was aware of the restrictions in Title 15 of the Election Code on contributions from corporations. 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: 1) a person may not knowingly accept a political contribution the person knows to have been made in violation of Chapter 253 of the Election Code; and 2) a corporation may not make a political contribution or political expenditure that is not authorized by subchapter D, Chapter 253, Election Code. Subchapter D does not authorize a corporation to make a political contribution to a candidate or officeholder.

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 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 \$100 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-31608182.

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

\_\_\_\_\_  
W. Scott Ramsey, Respondent

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

Texas Ethics Commission

By: \_\_\_\_\_  
Seana Willing, Executive Director