

TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
GUY HANCOCK AND	§	TEXAS ETHICS COMMISSION
GUY HANCOCK INVESTMENTS, INC.,	§	SC-2605142
RESPONDENTS	§	

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on July 14, 2006, to consider sworn complaint SC-2605142. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of sections 253.094 and 253.003 of the Election Code, laws administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegation

The complaint alleges that the respondents used corporate funds to make a political contribution to a candidate for public office.

III. Facts Supported by Credible Evidence

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

1. The respondents are a corporation organized under the Texas Business Corporation Act and its owner.
2. The owner of the respondent corporation authorized the use of corporate funds to make a \$50 political contribution to a candidate for county commissioner.

IV. Findings and Conclusions of Law

The facts described in Section III support the following findings and conclusions of law:

1. A corporation may not make a political contribution to a candidate. ELEC. CODE § 253.094.

2. A person may not make a political contribution in violation of the restrictions in chapter 253 of the Election Code. ELEC. CODE § 253.003.
3. A political contribution includes a campaign contribution. ELEC. CODE § 251.001(5). A campaign contribution is a direct or indirect transfer of money, goods, services, or any other thing of value to a candidate given with the intent that it be used in connection with a campaign for elective office. ELEC. CODE §§ 251.001(2), (3).
4. The owner of the corporation used corporate funds to make a political contribution to a candidate for public office. Therefore, there is credible evidence of a violation of sections 253.094 and 253.003 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 respondents neither admit nor deny the facts described under Section III or the commission's findings and conclusions of law described under Section IV, and consent to the entry of this order and agreed resolution solely for the purpose of resolving this sworn complaint.
2. The respondents consent to this order and agreed resolution and waive any right to further proceedings in this matter.
3. The respondents acknowledge that the use of corporate funds to make a political contribution to an officeholder or candidate for public office is prohibited by law. The respondents agree 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 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 \$100 civil penalty for the violation described under Sections III and IV.

VIII. Order

The commission hereby orders that if the respondents consent to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-2605142.

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

Guy Hancock and Guy Hancock Investments,
Inc., Respondents

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director