

TEXAS ETHICS COMMISSION

IN THE MATTER OF

GULLO CARS OF CONROE I, L.P.,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-31108187

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on April 18, 2012, to consider sworn complaint SC-31108187. 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 made a corporate political contribution to a candidate.

III. Facts Supported by Credible Evidence

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

1. The complaint alleged that the respondent made an unlawful political contribution to a candidate for county commissioner during calendar year 2010.
2. Texas Secretary of State (SOS) records show that the respondent, Gullo Cars of Conroe I, L.P., is a domestic limited partnership. Gullo Cars of Texas, Inc., a domestic for-profit corporation, is disclosed as a general partner for Gullo Cars of Conroe I, L.P. Gullo Ford and Gullo Ford of Conroe are assumed names for Gullo Cars of Conroe I, L.P.
3. The candidate's January 2011 semiannual campaign finance report disclosed that he accepted on November 15, 2010, a \$150 political contribution from Gullo Ford-Mercury. In the affidavit that accompanied the report, the candidate swore that the information contained in the report was true and correct and that it included all information required to be reported under Title 15 of the Election Code.

4. The evidence indicated that the contribution at issue was made to the candidate from the funds of Gullo Ford of Conroe, an assumed name for the respondent.

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 or political expenditure that is not authorized by subchapter D, chapter 253, Election Code. ELEC. CODE § 253.094(a). Subchapter D, chapter 253, Election Code, does not authorize a corporation to make a political contribution to a candidate or to make a political expenditure to support a candidate by providing assets or resources to a candidate for campaign purposes.
2. A partnership that has a corporate partner is subject to the same restrictions on political activity that apply to corporations. Ethics Advisory Opinion No. 221 (1994).
3. A person may not knowingly make a political contribution in violation of chapter 253 of the Election Code. ELEC. CODE § 253.003(a).
4. A contribution means, in pertinent part, a direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. *Id.* § 251.001(2).
5. The evidence indicated that the contribution was made to the candidate from the funds of Gullo Ford of Conroe, an assumed name for the respondent. Gullo Cars of Texas, Inc., a domestic for-profit corporation, is a general partner for the respondent. Since a partnership that has a corporate partner is subject to the same restrictions on political activity that apply to corporations, the respondent made a prohibited \$150 political contribution to a candidate for county commissioner. 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 corporation may not make a political contribution to an officeholder or candidate for elected public office.

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 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 \$150 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-31108187.

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

Gullo Cars of Conroe I, L.P., Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director