

TEXAS ETHICS COMMISSION

IN THE MATTER OF

PERMIAN PREMIER
HEALTH SERVICES, INC.,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-31210301

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on October 29, 2014, to consider sworn complaint SC-31210301. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 253.003(a) and 253.094(a) of the Election Code, and section 571.1242(c) of the Government 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. Allegations

The complaint alleged that the respondent made a corporate political contribution to a general-purpose political committee.

III. Facts Supported by Credible Evidence

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

1. The respondent is a domestic, non-profit corporation with an office in Odessa, Texas.

Political Contribution from Corporation

2. The complaint alleged that the respondent made an unlawful political contribution to a general-purpose committee. A general-purpose committee disclosed on its December 2011 monthly campaign finance report that it accepted a \$125 contribution from the respondent on November 18, 2011.
3. The contribution was disclosed on Schedule A of the report, which is used by a general-purpose committee to disclose political contributions from non-corporate sources, rather than on Schedule C-2, which is used by a general-purpose committee to disclose political contributions from corporations for the committee's administration or solicitation expenses.

4. The report included a notation that the contributor was “Not a corporation” in the section for a description of an in-kind contribution.
5. The political committee disclosed on its October 2012 monthly report that it made a political expenditure of \$125 to the respondent on September 25, 2012, with the description of “Refund of contribution.”

Response to Notice of a Sworn Complaint

6. The commission sent a notice of the sworn complaint to the respondent by certified mail return receipt requested on October 25, 2012. According to the United States Postal Service’s records, the respondent received the notice of the complaint on October 29, 2012. The notice informed the respondent that the alleged violations in the sworn complaint were Category Two violations, and that a response was required not later than 25 business days from the date the notice was received and that failure to respond constituted a separate violation for which a separate civil penalty may be assessed.
7. To date, the respondent has not submitted a response to this complaint.

IV. Findings and Conclusions of Law

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

Political Contribution from Corporation

1. A person may not knowingly make a political contribution in violation of Chapter 253, Election Code. ELEC. CODE § 253.003(a).
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.
3. A corporation, acting alone or with one or more other corporations, may make one or more political expenditures to finance the establishment or administration of a general-purpose committee. *Id.* § 253.100.
4. “Corporation” means a corporation that is 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.
5. The contribution at issue was disclosed on Schedule A rather than on Schedule C-2, therefore there is some evidence that the political contribution at issue was not given solely for establishment or administrative costs.

6. The general-purpose committee's refund of the contribution at issue is further evidence that the contribution was made by a prohibited corporation.
7. Credible evidence indicates that the political contribution at issue was made by the respondent, a prohibited corporation. Therefore, there is credible evidence of a violation of sections 253.003 and 253.094 of the Election Code.

Response to Notice of a Sworn Complaint

8. If an alleged violation in a sworn complaint is a Category Two violation, the respondent must respond to the notice required by section 571.123(b) not later than the 25th business day after the date the respondent receives the notice. GOV'T CODE § 571.1242(b)(1). A respondent's failure to timely respond to a sworn complaint as required by subsection (a)(1) or (b)(1) is a Category One violation. *Id.* § 571.1242(c).
9. Based on the date the notice was received, the due date for a response was December 6, 2012. To date, the respondent has not submitted a response. Therefore, there is credible evidence that the respondent violated section 571.1242(c) of the Government Code by failing to respond to the complaint.

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 a general-purpose committee that is not authorized by subchapter D, Chapter 253, Election Code. The respondent also acknowledges that a respondent must respond to a notice of sworn complaint that contains a Category Two violation within 25 business days of receiving the notice of the sworn complaint.

The respondent agrees to comply with these requirements of the law.

VI. Confidentiality

This order and agreed resolution describes violations that the commission has determined are 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 violations described under Sections III and IV, and the sanction necessary to deter future violations, the commission imposes a \$625 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-31210301.

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

Permian Premier Health Services, Inc,
Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley,
Executive Director