

TEXAS ETHICS COMMISSION

IN THE MATTER OF

EVAN BOHL,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-3200123

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on June 18, 2020, to consider sworn complaint SC-3200123. 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 adopted this resolution.

II. Allegation

The complaint alleged that the respondent accepted a political contribution from a corporation, in violation of Sections 253.003 and 253.094 of the Election Code.

III. Findings of Fact and Conclusions of Law

Credible evidence available to the Commission supports the following findings of fact and conclusions of law:

1. The respondent was an unsuccessful candidate for Texas House of Representatives, District 116, in the March 3, 2020, primary election.

Corporate Contribution

2. The complaint alleges that the respondent accepted a prohibited corporate political contribution. The contribution was disclosed in the respondent's January 2020 semiannual report as a \$200 contribution from "Arber Inc." that was accepted on September 4, 2019.
3. In response to the complaint, the respondent swore that he believed the source of the contribution was Robert Lozano, who is the owner of Arber, Inc., and the person who gave him the contribution. The respondent swore that he did not "review [the] back of [the] check prior to signing and depositing." However, a copy of the front of the check shows that it was issued by "Arber Inc." to the respondent and dated September 4, 2019. A copy of the back of the check

- shows the respondent endorsed it. The respondent provided a bank statement showing he deposited the contribution on September 18, 2019.
4. The respondent filed a Campaign Treasurer Appointment on March 4, 2019. The respondent signed the form under the pre-printed statement: "I am aware of the restriction in title 15 of the Election Code on contributions from corporations and labor organizations."
 5. 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. Tex. Elec. Code § 253.003(b). Under Section 253.094 of the Election Code, a corporation may not make a political contribution that is not authorized by subchapter D of Chapter 253 of the Election Code. *Id.* § 253.094(a).
 6. A "political contribution" is a campaign contribution or an officeholder contribution. *Id.* § 251.001(5). "Campaign contribution" means a contribution to a candidate or political committee that is offered or given with the intent that it be used in connection with a campaign for elective office or on a measure. *Id.* § 251.001(3).
 7. In order for the respondent to have violated Sections 253.003(b) and 253.094 of the Election Code the respondent must have: a) knowingly accepted a political contribution from an entity that the respondent knew was a corporation; and b) known that the law prohibited corporations from making political contributions.
 8. The respondent signed a campaign treasurer appointment in which he acknowledged he was aware of the corporate contribution prohibition, showing his knowledge of the law. The contribution check, which the respondent endorsed, indicated on its face that it was issued by "Arber Inc." The respondent then reported a contribution from "Arber Inc." on his January 2020 semiannual report, which he signed with an affidavit that stated "I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information to be reported by under Title 15, Election Code." The check clearly identifying the source as a corporation with the abbreviation "Inc." and the fact that the respondent personally endorsed the check, and signed a report that contained a contribution from "Arber Inc." shows that the respondent was aware that Arber Inc. was a corporation. Therefore, there is credible evidence that the respondent knowingly accepted a contribution from the corporation Arber, Inc. and knew that it was prohibited. As such, there is credible evidence of a violation of Sections 253.003(b) and 253.094 of the Election Code.

IV. 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 findings of fact and conclusions of law described under Section III, 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 the person knows to have been made in violation of Chapter 253 of the Election Code. A corporation may not make a political contribution that is not authorized by Subchapter D of Chapter 253 of the Election Code. Chapter 253 of the Election Code 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 Section III, and after considering the sanction necessary to deter future violations, the Commission imposes a \$400 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-3200123.

AGREED to by the respondent on this _____ day of _____, 2020.

Evan Bohl, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Anne Temple Peters, Executive Director