

TEXAS SCHOOL FOR THE DEAF

**BOARD MEMBERS:
CONFLICT OF INTEREST**

BBFA

**PARTICIPATION
PROHIBITION:
PERSONAL OR
PRIVATE
INTEREST**

A Board member who has a personal or private interest in a measure, proposal, or decision pending before the Board shall publicly disclose the fact to the Board in a meeting called and held in compliance with Chapter 551. The Board member may not vote, or otherwise participate in the decision. The disclosure shall be entered in the minutes of the meeting.

A Board member who violates this provision is subject to removal from the Board on the petition of the Attorney General, on the Attorney General's own initiative, or on the relation of a resident, or of any other member of the Board.

Personal, or private interest, has the same meaning as is given to it under Article III, Section 22, of the Texas Constitution. For purposes of this section, an individual does not have a "personal or private interest" in a measure, proposal, or decision if the individual is engaged in a profession, trade, or occupation, and the individual's interest is the same as all others similarly engaged in the profession, trade, or occupation.

**CONFLICT OF
INTEREST**

It is the policy of this state that a state officer, Board member or state employee may not have a direct or indirect interest, including financial and other interests, or engage in a business transaction or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the officer's or employee's duties in the public interest.

Government Code 572.058

**CONTRACTS
WITH
GOVERNMENTAL
ENTITIES**

A Board member may not solicit, or accept, from a governmental entity, a commission, fee, bonus, retainer, or rebate that is compensation for the Board member's personal solicitation for the award of a contract for services, or sale of goods to a governmental entity, except when the contract is awarded by competitive bid as provided by law, and is not otherwise prohibited by law. Violation of this prohibition is a Class A misdemeanor.

Government Code 572.056

**OTHER CONFLICT
BRIBERY**

Prescribed activities are covered by, but are not limited to, the following:
A Trustee shall not intentionally, or knowingly offer, confer, agree to confer, solicit, accept, or agree to accept a benefit:

As consideration for the Trustee's decision, opinion, recommendation, vote, or other exercise of discretion as a Trustee.

As consideration for a violation of a duty imposed on the Trustee by law.

That is a political contribution as defined by Title 15 of the Election Code, or an expenditure made and reported as a lobbying expense in accordance with Gov't Code, Ch. 305, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take, or withhold, a specific exercise of official discretion, if such exercise of official discretion would not have been taken, or withheld, but for the benefit.

BENEFIT

"Benefit" means anything reasonably regarded as pecuniary gain, or pecuniary

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advantage, including benefit to any other person in whose welfare the Trustee has a direct and substantial interest.

ABUSE OF OFFICE: A Trustee shall not, with intent to obtain a benefit, or with intent to harm or defraud another, intentionally, or knowingly, violate a law relating to the office, or misuse School property, services, personnel, or any other thing of value belonging to the School that has come into his/her custody by virtue of his/her office. Penal Code 39.01(a)

"Law relating to the office" means a law that specifically applies to a person acting in the capacity of a public servant and that directly, or indirectly, imposes a duty on the public servant, or governs the conduct of the public servant. Penal Code 39.01(1)

INCOMPATIBILITY OF OFFICE : One person may not occupy two legally incompatible offices. Offices are legally incompatible when the faithful and independent exercise of one would necessarily interfere with the faithful and independent exercise of the other. A person may not serve in one branch of government while exercising any powers properly attached to either of the other branches of government. Texas Constitution, Art. II, Sec. 1; State v. Martin, 51 S.W.2d 815 (Tex. Civ. App., 1932) Thomas v. Abernathy County Line ISD, 290 S.W. 15 (Tex. Comm. App. 1927); Turner v. Trinity ISD, 700 S.W.2d 1 (Tex. Ct. App., 1983); Atty. Gen. Op. JM-634 (1987)

TEXTBOOKS . A Trustee commits a class B misdemeanor offense if the Trustee receives any commission, or rebate, of any textbooks used in the schools with which the Trustee is associated. Education Code 31.152, 30.022(d)

GIFTS . Trustees who exercise discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions shall not solicit, accept, or agree to accept any benefit from a person the Trustee knows, is interested in, or likely to become interested in, any such transactions of the School. Penal Code 36.08(d)

NEPOTISM . No person shall be employed in the School who is related to a member of the Board by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree. Gov't Code, Ch. 573, Subch. B [See DBE]

The Board shall not hire as an independent contractor for personal services an individual who is related to a Trustee within a prohibited degree. Atty. Gen. Op. DM-76(1992)

DISCLOSURE OF INTEREST IN PROPERTY If a Board member has a legal, or equitable, interest in any real, or personal property acquired with public funds, and has actual notice of the acquisition, or intended acquisition of the property, the Board member shall file an affidavit as follows:

1. The affidavit shall be filed with the county clerk(s) of the county, or counties, in which the property is located and of the county in which the Trustee resides within ten days before the date on which the property is to be acquired by purchase, or condemnation.

2.The affidavit must:

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- a. State the name of the Board member and the public office held.
- b. Fully describe the property.
- c. Fully describe the nature, type, and amount of interest in the property, including the p
- d. Include a verification of the truth of the information in the affidavit.
- e. Include an acknowledgment of the same type required for recording a deed in the de

Gov't Code 553.001, 553.002, 553.003

**ELECTRONIC
FILING**

A financial statement filed with the Ethics Commission must be filed by computer diskette, modem, or other means of electronic transfer, using computer software provided by the Commission or computer software that meets Commission specifications for a standard file format. An individual who was appointed to office may file the financial statement by certified mail in compliance with Government Code 572.029, Government Code 572.0291

See also CBB for conflict of interest provisions for Contracts Supported by Federal Funds.

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