



**THE ATTORNEY GENERAL  
OF TEXAS**

Gerald C. Mann  
~~XXXXXXXXXXXXXXXXXXXX~~  
ATTORNEY GENERAL

**AUSTIN 11, TEXAS**

Honorable Tom C. King  
State Auditor & Efficiency Expert  
Austin, Texas

Dear Sir:

Opinion No. 0-845

Re: The fact that the assistant auditor of the Texas State College for Women at Denton is the father of the business manager of said college does not violate Article 435 of the Penal Code of Texas.

In your inquiry of October 28, 1939, you state that the assistant auditor of the Texas State College for Women is the father of the business manager. You ask if this relationship constitutes a violation of any law so as to invoke the operation of Article 435, Penal Code, or any other statutory prescription or penalty.

Article 2627, Revised Statutes, outlines the duties and powers of the Board of Regents of the Texas State College for Women. Article 2625, Revised Statutes, provides, among other things, that the Board shall have the power incident to their position, and to the same extent, so far as may be applicable, as is conferred by law on the Regents of the State University.

These statutes make it clear that the Board of Regents employ the professors, agents and employees of the college, and we find nothing in the statutes which would prevent the Board of Regents employing an entire family, if they saw fit to do so, provided, of course, that the family employed is not related, within the prohibited degree, to any member of the Board of Regents.

We therefore answer that the fact that the father of the business manager of the college is assistant auditor does not in anywise infringe the Nepotism statutes of this State.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/ A. S. Rollins  
A. S. Rollins, Assistant

ASR:pbp/cm

APPROVED NOV 14, 1939  
/s/ Gerald C. Mann  
Attorney General of Texas

APPROVED  
Opinion Committee  
By /s/ BWB, Chairman