



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

11/13/42

This opinion has by implication been overruled by 0-1589 in so far as 0-156 0-1142 may imply that the trustee may be guilty of violating Art. 373, P.C. The opinion is correct but the wrong reason is given. It should not be further cited in our opinions.
Overruled by 0-1587 Bryant.

Honorable Harry Boyd
County Attorney
Henderson County
Athens, Texas

Dear Sir:

Opinion No. 0-1142

Re: A person who is trustee of an Independent School District and an agent of a fire insurance company may not legally issue a policy covering the school buildings owned by the school district.

You have submitted to this office the following question:

"Will a person, who is a trustee of an independent school district and who is also an agent for fire insurance companies, be permitted to sell insurance to the school district, of which he is a trustee, to cover the buildings and property of the school?"

We are herewith enclosing copy of Opinion No. 0-1014, wherein it is held that an Independent School District could not legally purchase material for its use from one of its trustees. The reasons assigned therein are applicable here.

In an opinion dated June 5, 1905, (Reports of the Attorney General, 1906-1908, p. 93) Attorney General R. V. Davidson advised the County Attorney of Childress County that he could not issue a fire insurance policy on the courthouse of said county without violating the provisions of Article 373 of the Penal Code, and cited the case of Rigby vs. State, 27 Civ. Rep. 57, to sustain his conclusion. This opinion has been followed by subsequent Attorneys General.

Hon. Harry Boyd, Page #2.

Trustees of both common and independent school districts have repeatedly been held by our courts to be "county officers." Keyker v. Watson, 291 S. W. 957, and the authorities there cited.

You are advised it is our opinion that your question should be answered in the negative, and it is so answered.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Bruce W. Bryant*

Bruce W. Bryant
Assistant

BWB:pbp



APPROVED JUL 31, 1959

[Signature]
FIRST ASSISTANT
ATTORNEY GENERAL