



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

December 13, 1988

Ms. Peggy Garner
County Judge
Upton County
P. O. Box 482
Rankin, Texas 79778

LO-88-133

Dear Ms. Garner:

Because of the tremendous increase in the volume of requests for opinions and open records decisions, we are responding to your request with the enclosed Letter Opinion or Open Records Ruling. A Letter Opinion or Open Records Ruling has the same force and effect as a formal Attorney General Opinion or Open Records Decision, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent Letter Opinion or Open Records Ruling, a formal Attorney General Opinion or Open Records Decision, or a decision of a court of record.

Very truly yours,

A handwritten signature in cursive script that reads "Jim Mattox".

J I M M A T T O X
Attorney General of Texas

JAM/bc
Enclosure



**THE ATTORNEY GENERAL
OF TEXAS**

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ATTORNEY GENERAL**

December 13, 1988

Ms. Peggy Garner
County Judge
Upton County
P. O. Box 482
Rankin, Texas 79778

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Dear Ms. Garner:

You ask whether the Texas nepotism statute, article 5966a, V.T.C.S., prohibits a commissioners court from hiring the county judge's husband's sister's son's wife.

The rule in cases like the one you describe is that if two marriages intervene between the two individuals, the nepotism law is not implicated. See, e.g., Attorney General Opinions 0-119 (1939); 0-7424 (1946).

Furthermore, the nepotism statute prohibits the commissioners court from hiring a person related within the second degree of affinity (by marriage). The county judge would be related to her husband's sister within the second degree of affinity. She would be related to her husband's sister's son in the third degree of affinity. And, as we indicated above, she would not be related to her husband's sister's son's wife at all for purposes of the nepotism statute.

Very truly yours,

A handwritten signature in cursive script that reads "Sarah Woelk".

Sarah Woelk, Chief
Letter Opinion Section
Opinion Committee

SW/bc

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