



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

October 2, 1990

Honorable Carl A. Parker
Chairman
Education Committee
P. O. Box 12068
Austin, Texas 78711

LO-90-68

Dear Senator Parker:

You ask whether the nepotism statute, article 5996a, V.T.C.S., prohibits the hiring, by a school board, of the former husband of the wife of a board member.

It is well settled that "affinity relationships are always terminated upon divorce." Pomerantz v. Rosenberg, 593 S.W.2d 815 (Tex. Civ. App. - Houston [1st dist.] 1980, no writ). As a result, the board member's wife is no longer related in anyway to her ex-husband, regardless of whether there are living children from that marriage.

It follows, then, that the board member cannot be related to his wife's ex-husband. We conclude that the nepotism statute does not prohibit the hiring, by a school board, of the former husband of the wife of a board member.

Yours very truly,

A handwritten signature in cursive script that reads "Rick Gilpin".

Rick Gilpin
Chairman
Opinion Committee

RG/lcd

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