

TEXAS HOUSE OF REPRESENTATIVES



GIBSON D. (GIB) LEWIS
SPEAKER

ID# 13160

MS

RQ-142

July 31, 1991

Honorable Dan Morales
Attorney General
Supreme Court Building
P. O. Box 12548
Austin, Texas 78711-2548

RECEIVED
AUG 05 91
Opinion Committee

Dear Dan:

Enclosed please find a letter from Representative Carolyn Park. It is in regards to a situation of an alleged violation of the Texas Constitution as a result of dual office holding by three members of the Hurst-Eules-Bedford Independent School District.

I am requesting an attorney general's opinion of the issues outlined in the attached correspondence. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gib", written over the typed name.

Gibson D. (Gib) Lewis
Speaker

GDL/dmt
Enclosure



The State of Texas
House of Representatives
Austin, Texas

CAROLYN PARK
STATE REPRESENTATIVE
DISTRICT 92
P.O. BOX 2910
AUSTIN, TEXAS 78768-2910
512-463-0522

DISTRICT OFFICE:
1424 BROWN TRAIL
BEDFORD, TEXAS 76022
817-280-9342

July 30, 1991

Honorable Gib Lewis
Speaker
House of Representatives
Room 241, State Capitol
Austin, Texas 78701

Dear Mr. Speaker:

A constituent in House District 92 has filed a complaint with the Texas Education Agency alleging violations of the Texas Constitution by three members of the Hurst-Eules-Bedford Independent School District school board.

Mr. Ramsey sites a conflict of interest because these members serve or are employed in other capacities within the education system. One member is the president of CED of Tarrant County; another is a teacher in the Bedford Independent School District and the third is a part-time staff member in my district office in Bedford. Mr. Ramsey considers these members being in violation of the Texas Constitution because of dual office holding.

Birdville ISD

Please review the enclosed copy of Mr. Ramsey's letter to the TEA and request a ruling from Dan Morales, Attorney General.

Your attention to this matter is greatly appreciated.

Best regards,

A handwritten signature in cursive script that reads "Carolyn Park".

Carolyn Park
State Representative
District 92

cc: Board of Trustees
H.E.B.I.S.D.

Board of Trustees
Birdville I.S.D.

July 24, 1991

Texas Education Agency
Commissioner of Education
1701 N. Congress Austin Texas,

Dear sir;

The Hurst Euless Bedford I.S.D. 1849 Central Dr. Bedford,
Texas June 18, 1991 Board regular meeting appointed H.E.B.I.S.
D. Board member LARRY MANIRE as H.E.B.I.S.D. representative
to Tarrant County Education District.

Wherefore this organization of the County Education Distri
ct created two offices inconsistent in function of the two
offices in question.

Whereby Texas Constitution ^{I.} adopted in 1867, Art.16 §Sec.40
prohibited dual office holding and section 33 of article 16
prevent a person holding office and accepting appointment to
another civil office. H.E.B.I.S.D. Board of Trustees Vice-
President Larry Manire and Office of County Education Distr-
ict member change his qualification for the second operates
in law as a resignation of the first office for which he
qualified, which thereby becomes vacant. STATE V. BRINKERHOFF
66 T. 45, 17 S.W. 109; Ex parte Call, 2 Cr.R. 497. Acting
Trustees are county officers within state statutes providing
for removal of county officers. Garcia V. Angelini (Civ.App.
1967) 412 S.W. 2d. 949.

II.

The County Education District has exercised acceptance of H.E.B.I.S.D. and Birdville I.S.D. justoposeing district funds in the same county. H.E.B.I.S.D. Board member Monte Stewart is a teacher at Richland Elementary in Birdvilll ISD. and office of emolument (teacher) and elected to inconsis- tent H.E.B.I.S.D. trustee office in same County Education district.

III.

H.E.B.I.S.D. board president Lennijo Blair position with the office of Texas District 92 State Representative Carolyn Park exercise emolument of a state office and holding anothe- r civil office in the function of school law.

Wherefore Texas Constitution restrictions against dual office holding, and oath of office function in upholding the Constitution of TEXAS in public office, I request you to expend due process in abandenment of the office formerly qualified and act in the instructional coordinating to Texas Comptroller of Public Accounts to stop payment of emolument to Board members holding dual-office.

Thank You, James Ramsey

2625 S. Ppecint Line Rd.

12 , FT. Worth Texas 76118