

County of Nueces

IO# 15943  
MBJ



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May 5, 1992

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Opinion Committee

The Honorable Dan Morales  
Attorney General-Opinion Section  
Supreme Court Building  
P. O. Box 12548, Capitol Station  
Austin, Texas 78711

RE: Request for Attorney General Opinion

Dear General Morales:

A question has arisen regarding one of the port commissioners who govern the Port of Corpus Christi. I am hereby respectfully requesting an opinion in answer to the following question. Because of the limited scope of the inquiry I would consider a letter opinion sufficient to satisfy this request.

FACTS

One of the port commissioners for the Port of Corpus Christi is the owner of a shipping company. That shipping company, acting as a steamship agent for ships calling in the Port of Corpus Christi, hires the services of pilots to provide pilotage for the ships entering and leaving the Port of Corpus Christi. Although this shipping company retains the services of the pilots strictly as an agent, under state law it is responsible for payment of the pilot's services in the event the principal shipping company fails to pay.

That same port commissioner is a member of the Pilot Board which governs the pilot profession. Article 8248 of Vernon's Texas Civil Statutes which deals with the pilot board provides as follows:

"No person who is engaged directly or indirectly in the towing business, or in any pilot boat, or in any other business affected by or connected with the performance of his duties as a commissioner of pilots shall be a member of such pilot board."

ACCOMPANIED BY ENCLOSEURES -  
FILED SEPARATELY

**QUESTION PRESENTED**

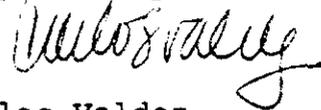
Does a port commissioner's ownership of a shipping company which hires the services of pilots disqualify him from service on the Pilot Board which governs all aspects of the pilot profession?

I am enclosing a brief prepared by the Port commissioner's lawyer which addresses the issue in question. I am also enclosing case documents from Cause No. 1086-4148-C, Brownsville Navigation District of Cameron County, Texas vs. Don Forest which involved issues similar to the one that forms the basis of my inquiry. This case was apparently never appealed.

As stated before, a letter opinion will suffice in answer to the question raised. If I can provide any additional information please contact me.

Thank you for your kind attention.

Respectfully,



Carlos Valdez  
Nueces County Attorney

CV:jml