

# TEXAS ETHICS COMMISSION

The Texas Ethics Commission is authorized by the Government Code, §571.091, to issue advisory opinions in regard to the following statutes: the Government Code, Chapter 302; the Government Code, Chapter 305; the Government Code, Chapter 572; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39. Requests for copies of the full text of opinions or questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

## Ethics Advisory Opinion

EAO-617: Whether a particular communication is political advertising, as defined by Section 251.001(16) of the Election Code. (AOR-703).

### SUMMARY

The communication at issue is part of a series of communications that was the subject of litigation, which resulted in findings that substantially similar communications are political advertising for purposes of Section 255.003 of the Election Code. As such, and without taking a position on the merits, the TEC does not offer an affirmative defense to prosecution or civil action related to the communication at issue in this request.

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Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Capitol Station, Austin, Texas 78711-2070, (512) 463-5800.

Issued in Austin, Texas, on March 11, 2025.

TRD-202501131

Jim Tinley  
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Texas Ethics Commission  
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EAO-618: Whether a member of the Texas House of Representatives may accept office space contributed by a Limited Liability Company (LLC). Whether a member of the Texas House of Representatives may continue to use contributed office space for a district office through the moratorium on political contributions prescribed by Section 253.034 of the Election Code. (AOR-709).

### SUMMARY

A member of the Texas House of Representatives may accept the use of office space contributed by the LLC, provided the LLC is not engaged in a business specified by Section 253.093 and not owned in whole or in part by a corporation.

As long as the member accepts and receives a political contribution in the form of office space before the beginning of the legislative moratorium, the person may continue to use the office space during the period covered by the moratorium.

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Jim Tinley  
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EAO-619: Whether a judge may use political contributions to pay for reasonable travel expenses associated with attending a naval ceremony as an invited local dignitary. (AOR-719).

### SUMMARY

Under the facts presented, a judge would not convert political contributions to personal use by using political contributions to pay or reasonable travel expenses to attend a naval ceremony as an invited local dignitary.

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Jim Tinley  
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EAO-620: Whether the use of a corporate aircraft may be provided to members of the legislature to attend an event at which the legislators will address an audience and learn about issues facing a West Texas border city. (AOR-720).

#### SUMMARY

The requestor or the requestor's corporation may grant the use of the aircraft to the legislators as long as it is used to transport the legislators to a conference or similar event where they provide a service, as long as the service is not merely perfunctory. However, the provision of the aircraft appears to be a lobby expenditure that will likely trigger lobby registration and reporting obligations for the person providing the use of the aircraft.

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EAO-621: At what moment does a particular permitting or enforcement matter come within the "official responsibility" of a TCEQ commissioner for purposes of the Section 572.054(b) revolving door prohibition? Does a TCEQ commissioner "participate" in all matters for which a TCEQ investigation was conducted or an application/registration was received before the commissioner left office or only those matters that were presented to the commissioners for consideration? (AOR-721).

#### SUMMARY

Since a TCEQ commissioner does not exercise authority in an enforcement or permitting matter before it is presented to the commissioners for a decision with notice to the relevant parties, a TCEQ commission does not "participate" in such a matter until it is presented to the commissioners for their consideration.

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EAO-622: Whether a part-time legislative staff member may accept outside employment assisting a registered lobbyist. (AOR-722).

#### SUMMARY

A legislative staff member may not accept outside employment assisting a registered lobbyist because such a dual role would put the legislative employee in a situation where he may reasonably be required or induced to disclose confidential information or where his official independence and judgement may be reasonably expected to be impaired.

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