



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 264

*May 12, 1995*

*Whether a master appointed under section 14.82 of the Family Code is required to file a financial disclosure statement under chapter 572 of the Government Code. (AOR-296)*

The Texas Ethics Commission has been asked to consider whether a master appointed under section 14.82 of the Family Code is required to file a financial disclosure statement under chapter 572 of the Government Code.

The presiding judge of each administrative judicial region may appoint masters to hear expedited child-support enforcement cases. Fam. Code § 14.82. A master serves at the will of the judge or judges who appoint the master. *Id.* § 14.82(a). A master has authority to conduct hearings and to recommend a judgment in a case. Gov't Code § 54.007. After a hearing, a master files a report with the court that referred the case to the master. *Id.* § 54.010. The court may adopt, approve, or reject the master's report. *Id.* § 54.011.

Under chapter 572 of the Government Code, every state officer is required to file a financial disclosure statement. Gov't Code § 572.021. "State officer," as defined in chapter 572, includes district court judges. The requestor raises the concern that the requirement to file an annual financial disclosure statement might also apply to masters appointed under section 14.82 of the Family Code since such masters perform certain functions of a district judge. The source of that concern is a 1975 attorney general opinion concluding that a retired judge who accepts assignments must file financial disclosure statements because the judge "retains his character as a judicial officer." Attorney General Opinion H-526 (1975).

It does not follow from Attorney General Opinion H-526 that a master appointed under section 14.82 of the Family Code is required to file an annual financial disclosure statement. That attorney general opinion reasoned that retired judges who sit by assignment "retain" their status as state officers. That reasoning does not apply to a master appointed under section 14.82 of the Family Code. Further, masters do not exercise authority independently of the district judges to whom they recommend a judgment. Gov't Code § 54.007(10). We conclude, therefore, that masters appointed under section 14.82 of the Family Code are not required to file annual financial disclosure statements under chapter 572 of the Government Code.

### SUMMARY

Masters appointed under section 14.82 of the Family Code are not required to file annual financial disclosure statements under chapter 572 of the Government Code.