



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 309

*March 22, 1996*

*Whether members of the Crime Victims' Institute Advisory Council are required to file annual personal financial statements under chapter 572 of the Government Code. (AOR-343)*

The Texas Ethics Commission has been asked whether the members of the Crime Victims' Institute Advisory Council are required to file annual personal financial statements under chapter 572, subchapter B, of the Government Code.

Chapter 572 of the Government Code requires every "state officer" to file a personal financial statement with the Ethics Commission each year. Gov't Code § 572.026. For purposes of chapter 572, a state officer includes an "appointed officer," which is defined in part as "an officer of a *state agency* who is appointed for a term of office specified by the Texas Constitution or a statute of this state." *Id.* § 572.002(1)(C), (12) (emphasis added). A "state agency" is a constitutionally or statutorily created department, commission, board, office, or other agency in the executive branch of state government whose authority is not limited to a geographical portion of the state. *Id.* § 572.002(10). An entity that functions in an advisory capacity only and that is not authorized to exercise any actual governmental authority is not a state agency for purposes of chapter 572. [Ethics Advisory Opinions Nos. 243 \(1995\)](#), [124 \(1993\)](#), [26 \(1992\)](#).

Because the Crime Victims' Institute Advisory Council functions in a purely advisory capacity and exercises no governmental authority, it is not a state agency and its members are not state officers for purposes of Government Code chapter 572. *See* Gov't Code § 412.057 (duty of advisory council is merely to advise the Crime Victims' Institute within the Office of the Attorney General on issues relating to the institute's duties). Consequently, members of the Crime Victims' Institute Advisory Council are not required to file annual personal financial statements with the Ethics Commission.

### SUMMARY

Members of the Crime Victims' Institute Advisory Council are not required to file annual personal financial statements with the Texas Ethics Commission.