



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 322

*April 19, 1996*

*Whether the deans of certain educational institutions are required to file personal financial statements under chapter 572 of the Government Code. (AOR-360)*

The Texas Ethics Commission has been asked whether the Government Code requirement that state officers file personal financial statements applies to the deans of the following institutions:

- (1) the University of Texas Medical School at San Antonio,
- (2) the University of Texas Dental School at San Antonio,
- (3) the University of Texas Dental Branch at Houston,
- (4) the University of Texas Graduate School of Biomedical Sciences at Houston,
- (5) the University of Texas Medical School at Houston, and
- (6) the University of Texas School of Public Health at Houston.

State officers are required to file annual personal financial statements under Government Code Chapter 572. *See* Gov't Code §§ 572.021, 572.026. The definition of "state officer" in chapter 572 includes "the executive head of a state agency." *Id.* § 572.002(12). A "state agency" includes "a university system or an institution of higher education as defined by Section 61.003, Education Code, other than a public junior college." *Id.* § 572.002(10) (B). Under section 61.003(8) of the Education Code, an institution of higher education includes a "medical or dental unit" as defined in that section. The institutions at issue in this request are listed as medical or dental units in section 61.003(5). The question before us is whether the deans of these medical and dental units are executive heads of state agencies, who should therefore file personal financial statements under chapter 572 of the Government Code.

The requestor points out that each of these units has been organized by the Board of Regents of the University of Texas System under either the U.T. Health Science Center at San Antonio or the U.T. Health Science Center at Houston. The comprehensive health science centers comprise a number of colleges, including many of the institutions listed as medical or dental units in Education Code section 61.003. The requestor also informs us that the president of each health science center is ultimately responsible to the Board of Regents for the units comprising the health science center.

The Government Code defines the term "executive head of a state agency" as:

the director, executive director, commissioner, administrator, chief clerk, or other individual who is appointed by the governing body or highest officer of the state agency to act as the chief executive or administrative officer of the agency and who is not an appointed officer. The term includes the chancellor or highest executive officer of a university system and the president of a public senior college or university as defined by Section 61.003, Education Code.

Gov't Code § 572.002(5). "Inclusion or not within the definition will turn on whether, as a matter of fact, the person, regardless of his title, falls within the quoted definition, i.e., he is not otherwise an appointed officer, and is appointed to serve as the chief executive or administrative officer of the agency." Attorney General Opinion H-190 (1973) at 5. After reviewing the organizational charts of the University of Texas System and handbooks of operating procedures for the health science centers, we determine that the executive heads of the state agencies listed in this request are the presidents of the comprehensive health science centers under which the institutions are organized, and not the institutional deans. The deans of these medical and dental units are therefore not required to file personal financial statements under Government Code chapter 572.

### **SUMMARY**

The deans of the University of Texas Medical School at San Antonio, the University of Texas Dental School at San Antonio, the University of Texas Dental Branch at Houston, the University of Texas Graduate School of Biomedical Sciences at Houston, the University of Texas Medical School at Houston, and the University of Texas School of Public Health at Houston are not executive heads of state agencies and, therefore, are not required to file personal financial statements under Government Code chapter 572.