



# TEXAS ETHICS COMMISSION



---

## ETHICS ADVISORY OPINION NO. 395

*February 13, 1998*

*Whether a state employee may use a state-owned telephone to make a personal long-distance telephone call if no charge is incurred by the state. (AOR-433)*

The Texas Ethics Commission has been asked whether a state employee may use a state-owned telephone to make a personal long-distance telephone call if the call is not charged to the state. In a 1993 opinion, we stated that a state employee's incidental use of state telephones to place personal local calls that do not result in additional costs or damage to the state is not a misapplication of government resources under Penal Code section 39.02(a)(2). [Ethics Advisory Opinion No. 134](#) (1993).<sup>1</sup> Similarly, a state employee's incidental use of state telephones to place long-distance personal calls is not a misapplication of government resources as long as the calls do not result in any charges to the state. A state employee must, of course, comply with any applicable agency rules regarding the use of agency telephones.

### SUMMARY

A state employee's incidental use of state telephones to place long-distance personal calls is not a misapplication of government resources as long as the calls do not result in any charges to the state.

---

<sup>1</sup> Section 39.02 was renumbered from 39.01 in September 1993. Acts 1993, 73d Leg., ch. 900, § 1.01. [Ethics Advisory Opinion No. 134](#) (1993) construes section 39.01(a)(2) before it was renumbered to 39.02(a)(2).