



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 432

April 6, 2001

Whether the mayor of a city may use political contributions to pay the annual fee for a civil engineer's license. (AOR-477)

The Ethics Commission has been asked to consider whether the mayor of a city may use political contributions to pay the annual fee for a civil engineer's license.

Title 15 of the Texas Election Code prohibits the conversion of political contributions to the personal use of a candidate or officeholder. Elec. Code § 253.035(a). "Personal use" is defined for purposes of this provision as "a use that primarily furthers individual or family purposes not connected with the performance of duties or activities as a candidate for or holder of a public office." *Id.* § 253.035(d). Accordingly, the question presented here is whether the use of political contributions to pay the annual fee for a civil engineer's license would primarily further the mayor's individual or family purposes unconnected with the mayor's official activities.

In a 1995 opinion we considered whether an elected judge could use political contributions to pay state bar dues. [Ethics Advisory Opinion No. 245](#) (1995). Attorneys licensed to practice law in Texas must be members of the state bar and must pay state bar membership dues. Gov't Code §§ 81.051 - .054, 81.102; *id.* title 2, subtitle G, app. A, art. III, §§ 2, 3 (State Bar Rules regarding membership and fees). We concluded that a judge or a judicial candidate could use political contributions to pay state bar dues *if a license to practice law was a requirement for the office held or sought*. Implicit in our conclusion was the view that a candidate or officeholder may not use political contributions to pay a license fee if the license is not required for the office held or sought.

The mayor requesting the opinion does not state that he is required to be a licensed engineer in order to hold the position of mayor. He does state, however, "I believe that in my capacity as Mayor, on more than one occasion I have used my expertise as a civil engineer in my duties." Given the breadth of a city's activities, it is doubtless true that an engineering background is sometimes useful to the mayor in the performance of his duties and activities of office, just as a background in law, public health, aviation, or some other profession would be helpful to the mayor of a city. Indeed, almost any educational background is likely to be helpful to someone exercising a leadership role in city government. It is the knowledge, however, not a professional license, that is useful.¹ The license itself allows the actual practice of engineering, which would be of value primarily for the mayor's personal purposes. *See generally* V.T.C.S. art. 3271a (Texas Engineering Practice Act). We conclude, therefore, that a candidate or officeholder may not use political contributions to pay a license fee unless the license is required for the office held or sought.

SUMMARY

A candidate or officeholder may not use political contributions to pay a license fee unless the license is required for the office held or sought.

¹ We do not intend to suggest that a candidate or officeholder may use political contributions to pay for general education or to prepare for a possible private career. A candidate or officeholder may use political contributions to pay for education only if the education primarily furthers activities as a candidate or officeholder. *See generally* [Ethics Advisory Opinion Nos. 423](#) (1999), [267](#) (1995), [157](#) (1993).