



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 636

December 10, 2025

ISSUE

Whether a public servant may accept admission to the Microsoft Most Valuable Professionals Program. (AOR-738)

SUMMARY

Public servants may accept an honorarium for performing services if the public servant's official status was not a deciding factor in the decision to request the public servant to perform those services.

FACTS

A University of Texas at Arlington (UTA) employee was selected to participate in the Microsoft MVP Program (the Program). According to the letter the employee received, the goal of the Program is to "connect technical community leaders with Microsoft to promote engagement, advocacy, and knowledge sharing on Microsoft Products & Services." The program includes over 60 product licenses and subscriptions intended for testing and learning only, physical goods such as Microsoft branded merchandise, access to events such as the Microsoft MVP Summit, and early access to private preview and product groups. The fair market value of the Program is estimated to be between \$25,000 and \$35,000.

ANALYSIS

As an employee of UTA the requestor is a "public servant" as defined in the Penal Code. Tex. Penal Code §1.07(41)(A).

A public servant is generally prohibited from accepting a gift from a person subject to the public servant's jurisdiction. Tex. Penal Code § 36.08. However, the requestor does not exercise discretion in connection with pecuniary transactions or otherwise have power by virtue of her job that makes Microsoft subject to her jurisdiction under § 36.08.

However, there is another Penal Code provision relevant to this request.

A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties.

Penal Code § 36.07(a). “Thus, an honorarium is permissible as long as the public servant’s official status was not a deciding factor in the decision to request the public servant to perform the services at issue.” Tex. Ethics Comm’n Op. No. 305 (1996).

Microsoft’s website states that the program is an award for “people who have made contributions to their community, ranging from speaking engagements, to social media posts, to writing books, and to helping others in online communities.”

The requestor did not provide specific facts to explain why she was selected for the award by Microsoft. The Texas Ethics Commission cannot adjudicate disputed facts in an Advisory Opinion. 1. Tex. Admin. Code § 8.3(d). Therefore, the requestor will have to determine whether the program is offered because of her knowledge or skills or because of her position.

The requestor should also ensure that acceptance would be permissible under her agency’s policies and other applicable state contracting laws that are outside of TEC’s interpretive jurisdiction.