ABUSE OF POWER: A PRIMER
INSPIRATION
WHY WE DO THIS…

Public confidence in the integrity of the Government is indispensable to faith in democracy; and when we lose faith in the system, we have lost faith in everything we fight and spend for.
BRIBERY
Intentionally or knowingly offer, confer, agree to confer on another, or solicit, accept or agree to accept:

**Any** benefit as consideration for the recipient’s decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official, or voter.

**Any** benefit as consideration for a violation of a duty imposed by law on a public servant…

- Also applies to any benefit that is a political contribution or expenditure
PURPOSE OF BRIBERY LAWS

“(T)he inequity of the procuring of public officials, be it intentional or unintentional, is so fatally destructive to good government that a statute designed to remove the temptation for a public official to give preferment to one member of the public over another, by prohibiting all gifts ‘for or because of an official act,’ is a reasonable and proper means of insuring the integrity, fairness and impartiality of the administration of the law.”

• Bates v. State 587 S.W.2d 121 (Tex. Crim. App. 1979)

Defense—not a bribe because there was no “benefit”.
“WHAT IS A BENEFIT”
5 COMMISSIONER COMMANDMENTS
COMMANDMENT #1: ANYTHING MEANS ANYTHING

Almost anything. “Benefits” are construed broadly to promote justice and effect the objectives of the code”. Anything reasonably regarded as pecuniary gain or pecuniary advantage, including any benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.
COMMANDMENT #2:
DON’T TAKE THE MONEY
COMMANDMENT #3: THOU SHALL NOT ACCEPT HONORARIUMS

• You can’t accept or agree to accept an honorarium in consideration for services that the public servant would not have been requested if you weren’t in your position. Penal Code 36.07.

• A public servant may not accept free membership in an organization as consideration for a speech. Tex.Ethics Comm.Op. No. 57

• The location of a speech, the nature of the audience, or the speaker's expertise may be factors to consider in determining whether an honorarium is a prohibited one, Tex.Ethics Comm.Op. No. 173 (1993).

• Doesn’t mean you can’t accept lodging and mileage…
COMMANDMENT #4:
THOU SHALT CONSULT THY ATTORNEY BEFORE ACCEPTING GIFTS
CONSULT THY LAWYER
continued……

Accepting gifts from people is determined by the status of the person making the offer.

• Is it political contribution regulated by the Election Code?

• What’s the relationship of the commissioner with the person making the offer?
CONSULT THY LAWYER
continued……

Look to see if the offer is based on

• Kinship

• Personal relationships independent of the your commissioner status

• Business relationship independent of the county official’s status
TX ETHICS COMMISSION:
BE CAUTIOUS...GET ADVICE

*DEEP BREATH*
BONUS:
COMMISSIONER PICK UP LINES

You is kind, you is smart, you is important.
Things You Can Accept

• Meals: if the public servant is the person as a guest
• Entertainment, if the person attends it with the public servant
• Less than $50 cash
• Transportation and lodging, if the person travels with the public servant
• Anything else…DO NOT ACCEPT
COMMANDMENT #5: DON’T USE WORK STUFF FOR PERSONAL USE
6TH AND FINAL COMMANDMENT: DON’T BE MARTHA STEWART
Don’t Use Info Learned At The County To Personally Benefit Yourself

• Can’t use information to help yourself or someone else acquire a pecuniary interest in any property. P.C. 39.06 (a)(1)

• County official may not disclose or use the information with the intent to obtain a personal benefit or to harm another
WHEN IN DOUBT....

- TEXAS ETHICS COMMISSION
- 1-800-325-8506
- 512-463-5800