



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR. 141.309

Date: March 16, 2021

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Supersedes: May 10, 2019

BOARD DIRECTIVE

SUBJECT: ETHICS POLICY

PURPOSE: To establish an ethics policy for the Texas Board of Pardons and Paroles that prescribes the standards of conduct for all current and former state officers and employees.

AUTHORITY: Texas Government Code Sections 508.033, 508.035(d), 572.051(c)(1) and 572.054(b)
Texas Administrative Code Title 37, Part 5, Chapter 150, Section 150.55

DISCUSSION: All Texas Board of Pardons and Paroles (Board) Members and employees must familiarize themselves with this ethics policy. This ethics policy does not supersede any applicable federal or Texas law or Board Rule 150.55.

POLICY: All Board state officers and employees must abide by all applicable federal and Texas laws, administrative rules, and Board conduct policies, including this ethics policy.

An employee who violates any provision of the Board's conduct policies is subject to termination of their state employment or to another employment-related sanction. A Board employee who violates any applicable federal or Texas law or rule may be subject to civil or criminal penalties in addition to any employment-related sanction.

DEFINITIONS: State Employee – an individual, other than a state officer, who is employed by:

1. a state agency;
2. the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of appeals, or the Texas Judicial Council; or
3. either house of the Legislature or a legislative agency, council, or committee, including the Legislative Budget Board, the Texas

Legislative Council, the State Auditor's Office, and the Legislative Reference Library.

State Officer – an elected officer, an appointed officer, a salaried appointed officer, an appointed officer of a major state agency, or the executive head of a state agency.

Participated – to have taken action as an employee through decision, approval, disapproval, recommendation, giving advice, investigation, or similar action.

Particular matter – a specific investigation, application, request for a ruling or determination, rulemaking proceeding, contract, claim, charge, accusation, arrest, or judicial or other proceeding.

Texas trade association – a cooperative and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in: (1) dealing with mutual business or professional problems; and (2) promoting their common interests.

STANDARDS OF CONDUCT:

- I. Board state officers or employees shall **not**:
 - A. accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct;
 - B. intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another;
 - C. disclose confidential information, information that is excepted from public disclosure under the Texas Public Information Act (Texas Government Code Chapter 552) or Texas Government Code Section 508.313; or sensitive personal information including protected health information; or information that has been ordered sealed by a court, that was acquired by reason of the employee's official position; or accept other employment, including self-employment, or engage in a business, charity, nonprofit organization, or professional activity that the employee might reasonably expect would require or induce the employee to disclose confidential information, information that is excepted from public disclosure under the Texas Public Information Act or Texas Government Code, or sensitive personal information including protected health information, or

information that has been ordered sealed by a court, that was acquired by reason of the employee's official position;

- D. accept other employment or compensation, including self-employment, or compensation or engage in a business, charity, nonprofit organization, or professional activity that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;
 - E. make personal investments, or have a personal or financial interest, that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest;
 - F. utilize state time, property, facilities, or equipment for any purpose other than official state business, unless such use is reasonable and incidental and does not result in any direct cost to the state or the Board, interfere with the officer's or employee's official duties, and interfere with the Board's functions;
 - G. utilize his or her official position or state-issued items, such as a badge, indicating such position for financial gain, obtaining privileges, or avoiding consequences of illegal acts;
 - H. knowingly make misleading statements, either oral or written, or provide false information in the course of official state business; or
 - I. engage in any political activity while on state time or utilize state resources for any political activity.
- II. Board state officers and employees who are employed as a Parole Commissioner or their spouse shall **not**:
- A. be employed by or participate in the management of a business entity or other organization receiving funds from the Texas Department of Criminal Justice (TDCJ) or the Board;
 - B. own or control, directly or indirectly, more than a 10 percent interest in a business entity or other organization:
 - 1. regulated by TDCJ; or
 - 2. receiving funds from TDCJ or the Board; or
 - 3. that uses or receives a substantial amount of tangible goods, services, or funds from TDCJ or the Board, other than compensation or reimbursement authorized by law for Board membership, attendance, or expenses; or

- C. be an officer, employee, or paid consultant of a Texas trade association in the field of criminal justice.
- III. Board state officers and employees who are employed as a Parole Commissioner shall not:
- A. serve as a lobbyist who is required to register under Chapter 305 of the Texas Government Code when the person's activities are for compensation in or on behalf of a profession related to the operation of the Board;
 - B. use or receive a substantial amount of tangible goods, services, or funds from TDCJ or the Board, other than compensation or reimbursement authorized by law for the board membership, attendance or expenses; or
 - C. be employed within two years of the date their employment with TDCJ or membership on the Board ceases.
- IV. Board state officers and employees may:
- A. accept ordinary business lunches;
 - B. accept token items that do not exceed an estimated value of \$50, where the items are distributed generally as a normal means of advertising; and
 - C. visit dining or hospitality rooms or similar facilities, provided they have no restrictions on visitors, and are in conjunction with a conference, meeting, or other event approved by the Board.
- V. Board state officers and employees shall:
- A. perform his or her official duties in a lawful, professional, and ethical manner befitting the State and the Board; and
 - B. report any conduct or activity that he or she believes to be in violation of this ethics policy to the Presiding Officer and the General Counsel.
- VI. Former Board State Officers and Employees
- A. A former member of the governing body or a former executive head of a regulatory agency may not make any communication to or appearance before an officer or employee of the agency in which the member or the executive head served before the second anniversary of the date the member or executive head ceased to be a member of the governing body or the executive head of the agency if the communication or appearance is made:
 - 1. with the intent to influence; and

2. on behalf of any person in connection with any matter on which the person seeks official action.
- B. A former Board state officer or employee who ceases service or employment on or after January 1, 1992, may not represent any person or receive compensation for services rendered on behalf of any person regarding a particular matter in which the former Board employee participated during the period of state service or employment, either through personal involvement or because the case or proceeding was a matter within the employee's official responsibility.
 - C. This section applies to former Board state officers or employees who were compensated, as of the last date of state employment, at or above the amount prescribed by the General Appropriations Act for Step 1, Salary Group A17, of the Position Classification Salary Schedule, including a former employee who was exempt from the State's Position Classification Plan.
 - D. This section does not apply to a rulemaking proceeding that was concluded before the officer's or employee's service or employment ceased.
 - E. **This restriction lasts forever.**
 - F. This restriction does not prohibit a former Board employee from working on the type of matters that the former employee worked on while employed with the Board.
- V. A copy of this policy shall be distributed to all current employees. All new employees shall receive a copy of this policy not later than the third business day after the date the person begins employment with the Board.
 - VI. Exceptions to this policy must have the prior approval of the Presiding Officer as requested through the General Counsel.

SIGNED THIS, THE 16TH DAY OF MARCH, 2021.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file*