

# OFFICE OF THE COUNTY ATTORNEY

HUNT COUNTY, TEXAS

P.O. Box 1097  
Greenville, Texas 75403-1097  
Phone (903) 408-4112  
Fax (903) 408-4297

Joel D. Littlefield  
*County Attorney*  
Jeffrey E. Dailey  
Jessica Edwards  
Joel T. Hardman  
Marcin L. Zakrocki  
Wiley R. Hollopeter  
James W. Lacy, III  
*Assistant County Attorneys*



Brandi Painter  
*Office Manager*  
Janice Evans  
Amenda Arnold  
Andrea Lewis  
Herman Orange  
*Legal Assistants*  
Brandon Bobbitt  
Mike Pierce  
*Criminal Investigators*

May 25, 2010

## Via Hand-Delivery

Sheriff Randy Meeks  
Hunt County Sheriff's Office  
2801 Stuart Street  
Greenville, Texas 75401

### **Re: Solicitation and Acceptance of Donations**

Dear Sheriff Meeks,

Recently my office was provided with a copy of a correspondence sent from your office soliciting donations to be used by your department. Attached hereto is a copy of said correspondence. Further, my office was asked to review and determine whether or not your office could solicit and accept donations or gifts for the benefit of the Hunt County Sheriff's Office.

In regards to the issue of the solicitation of donations or gifts, the controlling statutory provision is Texas Penal Code §36.08. Under Texas Penal Code §36.08 it is illegal for a public servant in an agency conducting investigations to: solicit, accept, or agree to accept any benefit from a person the public servant knows to be subject to regulation, inspection, or investigation by the public servant or his agency. Although §38.10 provides certain exemptions from the prohibitions set out in §36.08, none of the exceptions are applicable in this instance. Based on the above, it is of the opinion this office that a Sheriff can not solicit, accept, or agree to accept donations or gifts to be used by his agency. Therefore, my office must advise you to *immediately stop soliciting donations or gifts.*

Sheriff Randy Meeks

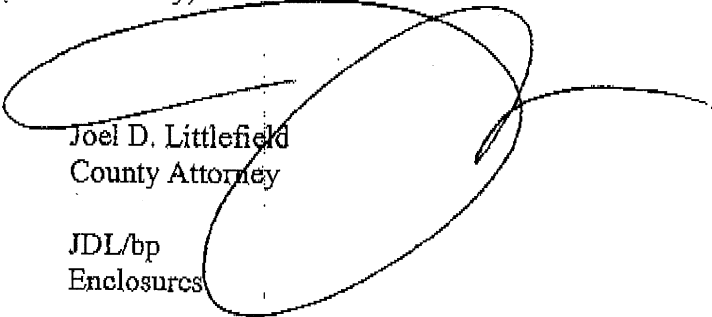
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Finally, Texas Local Government Code §81.02 states, "The commissioners court may accept a gift, grant, donation, bequest, or devise of money or other property on behalf of the county for the purpose of performing a function conferred by law on the county or a county officer." In 2004 the Attorney General, in GA-0229 ruled, "In the absence of a specific statute authorizing the sheriff, or any other county official, to accept donated property, the commissioners court is the proper body to accept donations on the county's behalf." Based on the above, it is the opinion of this office that the Sheriff can not accept donated property. Therefore, my office must advise you to *immediately stop accepting donated property*.

Should you have any questions or comments, please feel free to contact my office.

Sincerely,



Joel D. Littlefield  
County Attorney

JDL/bp  
Enclosures