



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

November 29, 1972

Honorable Hugh C. Yantis  
Executive Director  
Texas Water Quality Board  
P. O. Box 13246, Capitol Station  
Austin, Texas 78711

Opinion No. M- 1272

Re: Whether a person employed  
as a secretary at the Texas  
Water Quality Board may  
lawfully sell copies of  
her transcripts of minutes  
of the agency and charge  
therefor.

Dear Mr. Yantis:

Your request for an opinion reads in part as follows:

"Our agency often receives requests for transcripts of monthly meetings of the Texas Water Quality Board. It has been our practice to satisfy these requests by allowing the persons making the request to make a copy of the magnetic tape which is our official record of the meeting. One of the secretaries, employed by this agency, prepares the minutes of our Board meetings. She uses a shorthand machine to record the meeting, but only prepares verbatim transcripts of the parts of the meeting which are needed for our purposes. It would be a convenience to the general public, although of small benefit to our agency, to be able to purchase transcripts of Board meetings from this secretary.

". . .

"We respectfully request an opinion on whether or not this secretary can make and sell for her own profit transcriptions of Texas Water Quality Board Meetings."

In Moore v. Sheppard, 144 Tex. 537, 192 S.W.2d 559 (Tex. Sup. 1946), it was held that Clerks of the Courts of Civil Appeals were not required to account to the State Treasurer for sums of

money collected for uncertified and unofficial copies of opinions, wherein it was stated:

". . . The general principle prohibiting public officials from charging fees for the performance of their official duties does not prohibit them from charging for their services for acts that they are under no obligation, under the law, to perform. . . .

". . .

"There being no statutory duty requiring petitioners to furnish uncertified, unofficial copies of opinions of the Courts of Civil Appeals, no statute fixing any fee for such services, and no valid statute requiring that money received therefore be deposited in the State Treasury, there is no debt owing by petitioners to the State. Since petitioners are not required to account to the State Treasurer, under the existing statutes, for such receipts, they cannot be required to execute an affidavit that such funds have been deposited in the State Treasury as a condition for the delivery of their monthly salary warrants."

It is our opinion that the principle of law announced in Moore v. Sheppard is equally applicable to other State employees in the absence of relevant statutes. We have been unable to find any statute requiring the furnishing of transcripts of the meetings of the Board to the public. Therefore, it is our opinion that a secretary employed by the Texas Water Quality Board may make transcripts of official meetings of the Board and sell them and retain the proceeds provided such acts do not interfere with the performance of her duties as a State employee.

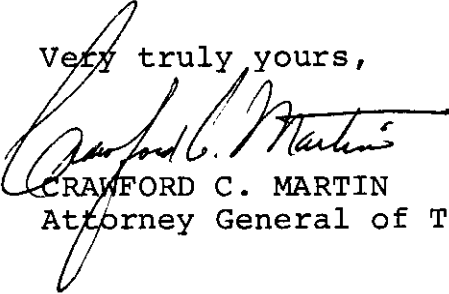
#### S U M M A R Y

A secretary employed by the Texas Water Quality Board may make transcripts of official meetings of the Board and sell them and retain the proceeds provided such acts do not interfere with the performance of her duties as a State employee.

Hon. Hugh C. Yantis, page 3

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Very truly yours,

A handwritten signature in cursive script, reading "Crawford C. Martin". The signature is written in black ink and is positioned above the typed name and title.

CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by John Reeves  
Assistant Attorney General

APPROVED:  
OPINION COMMITTEE

Kerns Taylor, Chairman  
W. E. Allen, Co-Chairman  
Max Hamilton  
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