



**THE ATTORNEY GENERAL
OF TEXAS**

October 24, 1988

**JIM MATTOX
ATTORNEY GENERAL**

Honorable Ray Farabee
Office of General Counsel
University of Texas System
201 West 7th Street
Austin, Texas 78701

LO-88-121

Dear Mr. Farabee:

You ask whether a violation of the nepotism statute, article 5996a-5996f, V.T.C.S., occurs, in a situation in which the board of regents of a state institution employs the brother-in-law of a regent's wife.

The long-standing rule in cases like the one you describe is that, if two marriages intervene between the two individuals who are the subject of the inquiry, the nepotism law is not implicated. See, e.g., Attorney General Opinions O-119 (1939); O-7424 (1946). In the situation at issue, the regent is related to his wife's sister by affinity. The wife of the regent is related to her sister's husband by affinity. But the regent is in no way related to his wife's sister's husband, since two marriages intervene. Our conclusion is therefore that the nepotism laws of Texas do not prohibit a board of regents from employing the brother-in-law of a regent's wife.

Very truly yours,

Rick Gilpin, Chairman
Opinion Committee

Sarah Woelk, Chief
Letter Opinion Section

RG/SW/er
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