



Tanya Delira <tanya.delira@co.hidalgo.tx.us>

Exception Statement for 1295

2 messages

Tanya Delira <tanya.delira@co.hidalgo.tx.us>

Mon, Jun 1, 2020 at 11:31 AM

To: "vina, robert" <robert.vina@da.co.hidalgo.tx.us>

Hon. Vina,

When I requested a 1295 from Peterbilt I was sent this document.

I saw you reviewed Mr. Rivas document last month. Can you please review mine and approve as to form.

Thanks



Tanya ■ De Lira ■ ■ ■

■ Contract Specialist II | Purchasing Dept

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Form 1295 Exemption Statement.pdf
162K

David Cantu <david.cantu@da.co.hidalgo.tx.us>

Wed, Jun 3, 2020 at
4:42 PM

To: Robert Vina <robert.vina@da.co.hidalgo.tx.us>, Tanya Delira <tanya.delira@co.hidalgo.tx.us>, "salazar, martha" <martha.salazar@co.hidalgo.tx.us>
Cc: Josephine Ramirez <josephine.ramirez@da.co.hidalgo.tx.us>, Victor Garza <victor.garza@da.co.hidalgo.tx.us>

Good afternoon Ms. Delira,

Our office has reviewed the affidavit from Rush Trucks Center of Texas, LLC and the cited Texas Government Code Section 2252.908. Texas Government Code Section 2252.908(c)(4) does seem to be applicable in this case, and therefore a Form 1295 is not required.

Usually, I believe, the County would upload the Form 1295 onto The Texas Ethics Commission's filer portal. However, we are exempted from the need to file a form 1295 in this case because Rush Truck Center of Texas is a wholly owned subsidiary of a publicly traded company. The County should simply retain the affidavit from Rush Trucks for the County's records.

As a precautionary measure, our office recommends to contact the Ethics Commission for assurance on whether the affidavit needs to be uploaded to the Ethic's Commissions portal or merely retained by the County for its records.

A change to the statute 2252.908 entitled Disclosure of Interested Parties, took effect on January 1, 2018. Attached you will find guidance issued by the Texas Ethics Commission on such changes.

Please contact our office if there are questions or concerns.

Thank you,

On Tue, Jun 2, 2020 at 4:46 PM Robert Vina <robert.vina@da.co.hidalgo.tx.us> wrote:
Thanks David. I recommend advising them of your findings and recommend they get in contact with the Texas Ethics Commission to see if the affidavit needs to be sent to them such as is done with the 1295 form. I also recommend copying Marty so she knows of this relatively new exemption and what is being recommended.

Anyone have anything else to add?

Thanks,

Robert Viña III

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On Tue, Jun 2, 2020 at 3:51 PM David Cantu <david.cantu@da.co.hidalgo.tx.us> wrote:

Texas Government Code Section 2252.908(c)(4) does seem to be applicable in this case, and therefore a Form 1295 is not needed, assuming the facts in the affidavit are correct, particularly that RUSH Enterprises, Inc. is a publicly traded company and that Rush Truck Centers of Texas, LP is a wholly owned subsidiary of the publicly traded company.

Usually I believe the County would upload the Form 1295 onto The Texas Ethics Commission's filer portal. However, because the statute states disclosure of interested parties is not needed in our case I believe the County should simply retain the affidavit from Rush Trucks for County's records.

As a precautionary measure, I would advise to try to upload the affidavit or contact the Ethics Commission for guidance.

Thanks,

On Tue, Jun 2, 2020 at 2:51 PM Robert Vina <robert.vina@da.co.hidalgo.tx.us> wrote:

David,

As discussed, please review the requirements of the referenced 2018 updated to Gov't Code 2252.908(a)(4) to Conflict of Interest law applicable to publicly traded companies not having to submit a 1295 form. I don't think there is much guidance. A response would probably include a recommendation to request clarification from the State agency where 1295's are normally sent by purchasing if they need to send this affidavit or anything else.

Thanks,

Robert Viña III

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1295Changes.pdf
180K