



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

State Commission for the Blind
State Office Building
Austin, Texas

Dear Madam:

Attention: Hazel E. Beckham

Opinion No. 9-1543

Re: The State Commission for
the Blind may act as agents
for marketing articles made
at the various lighthouses.

We are in receipt of your letter of October 3, 1939,
which reads, in part, as follows:

"It is the intention of the State Commission for the Blind to hold an educational exhibit at the Brazos Valley Fair, Waco, Texas, from October 14 through 22, 1939. The Brazos Valley Fair authorities have donated space for the exhibit to our use. For your information, The State of Texas pays the salary of a supervisor in each of five cities in Texas for what we designate as a Lighthouse. These Lighthouses are established and used to train and rehabilitate blind persons in handicrafts. The State also furnishes a small amount of equipment for each Lighthouse. The materials used by the blind are furnished by the various county associations.

"We desire to know if the Commission for the Blind may act as an agent for marketing articles made at the various Lighthouses in our exhibit booth at the Brazos Valley Fair. The articles consigned to us for sale are owned by the individuals making such articles and the county associations for the blind. The State Commission

has no equity or ownership of any kind in the articles. The Commission desires, if it may, to assist the blind in disposing of their products and encouraging the sale of such products in the State.

"If permitted to make these sales, the Commission will turn the proceeds from such sales over to the respective county associations, who will in turn distribute the funds according to ownership. Since the Commission will have no interest or control over these funds, will it be necessary for us to make any report to the State Auditor, Treasurer, or Comptroller, of the funds received for such sales?"

The answer to your question, we believe, is found in Article 3207a, Vernon's Revised Civil Statutes of Texas, as amended, 1931, a part of which is quoted below:

"Sec. 2. The State Commission for the Blind shall maintain a Bureau of Information, the object of which shall be to aid the blind whose training is not otherwise provided for, in finding employment, in developing home industries among the blind, and in marketing their products. The Commission shall in its discretion furnish materials, tools and books for the use as a means in rehabilitating such persons, and it may establish workshops and salesrooms, and shall have authority to use any receipts or earnings that accrue from the operation of industrial schools, salesrooms or workshops as provided in this Chapter, but detailed statement of receipts or earnings and expenditures shall be made monthly to the Auditor of the State." (Underscoring ours.)

The language of the statutes is very clear that the Commission may aid in marketing the products made by the blind and your plan of selling these articles in connection with your exhibit at the Brazos Valley Fair is within the scope of the authority granted you by this statute. However, in answer to

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your second question, even though the Commission will have no interest or control over the funds, the statute is very clear in requiring that a detailed statement of receipts or earnings and expenditures should be made to the Auditor of the State of any such matter in which the Blind Commission is participating.

Very truly yours
ATTORNEY GENERAL OF TEXAS

By (Signed)
Frederik B Isely
Assistant

FBI:RS

APPROVED: October 13, 1939

Robert E. Kepke (Signed)
ACTING ATTORNEY GENERAL OF TEXAS

APPROVED OPINION COMMITTEE BY B.W.B. CHAIRMAN