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March 26, 2008

RECEIVED

THE HONORABLE GREG ABBOTT
ATTORNEY GENERAL OF TEXAS
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MAR 29 2012

OPINION COMMITTEE

FILE # ML-46998-12

I.D. # 46998

RQ-1049-6A

RE: REQUEST FOR ATTORNEY GENERAL'S OPINION

Dear Mr. Abbott:

I am writing to request an opinion on the following question:

Does property acquired by a Crime Victim's Office through fundraisers and donations become county property. If the Crime Victim's Coordinator then disposes of the property through an internet website has a crime been committed.

A. Background

The Coryell County Crime Victim's Office was attempting to raise money for the purchase of new furniture in the expectation of moving into a bigger office. The Crime Victim's Office did this through fundraiser's, silent auctions, and donations. In an attempt to have a paper trail and be accountable for all the funds the Crime Victim's Coordinator deposited the money with the County Auditor in lieu of opening a new checking account. The County Auditor placed the funds in the County's general fund. Subsequently the Crime Victim's office learned it would not be moving into a new office. The Crime Victim's coordinator then proceeded to put the items on ebay and sold the furniture that had been purchased with the funds that had been raised by the Crime Victim's Office.

B. Applicable Law

V.T.C.A. Government Code § 2175.186:

- (a) If a disposition of a state agency's surplus property is not made under Section 2175.184, the commission shall sell the property by competitive bid, auction, or direct sale to the public, including a sale using an Internet auction site.

Thank You for your time and consideration in this matter.

Sincerely,

David A. Castillo
52nd Judicial District Attorney

Catherine Ferguson-Gilbert
Assistant District Attorney

Ryan Lawton
Assistant District Attorney

Todd Culpepper
Investigator

Gina M. DeBottis
Special Prosecutor

Rita Thomas
Victims Coordinator

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Melissa Tull
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Trinity Huntsman
Assistant Victims Coordinator