

Texas Board of Law Examiners

Appointed by the Supreme Court of Texas

Minutes of the Meeting of the Board of Law Examiners January 12 – 13, 2024

Friday, January 12, 2024

1. Welcome, call to order, determine quorum, and consider requests for excused absences – Chair

Board Chair Augustin Rivera, Jr. called the meeting to order at 9:07 a.m.

Board members Ellis, Ereon Giltner, Mackenzie, Massey, McKim, Odom, and Soltero attended in person.

Board Chair Rivera and Board member Orr attended via Zoom. Orr was excused from the meeting at 12:00 p.m.

Also present in person were BLE staff members Hoang, Sullivan, Drish, Parks, Schiller, A. Shaheen, Gonzales, Strunc, Mayhew, Copeland, and Ramirez, and Chad Buechendahl of ACS Ventures. BLE staff member R. Shaheen appeared by Zoom.

2. Consider communications from the public, if any – Chair

No additional members of the public were present.

3. Consider approval of minutes and certified agendas of Board Meetings, Hearings Panels, and Waivers Panels – Chair

No minutes were submitted for consideration.

4. Report of Accountant – Shaheen

4.1. Review investment reports

Shaheen presented the investment report for the 1st quarter of FY2024, period ending 11/30/2023.

4.2. Review first quarter financial report

Shaheen presented the financial report for the 1st quarter of FY2024, period ending 11/30/2023, and a copy of the final audit prior to the meeting. Tran highlighted the information included in the Governance Letter and opened the floor to questions from the Board.

Rivera asked for clarification regarding the section “Significant Risks Identified” within the Governance Letter, and Tran confirmed that

while the report identified areas of potential significant risks, the auditors found no indication that these areas posed actual risk to the BLE.

The board members discussed that the audit alone could not uncover certain financial problems, such as collusion between staff and vendors. Shaheen noted that all contracts and invoices are reviewed by multiple staff members, as required by state purchasing policy. Rivera tasked the Finance Committee with evaluating the issue and reporting at a future board meeting.

5. Report of Finance Committee – Giltner

Giltner reported that the Finance Committee met on January 12, 2024, to review the annual audit, the annual renewal of the Policy for Investment of Board Funds, and the annual renewal of the Certificate of Deposit Authority Resolution. The Finance Committee voted unanimously to submit the Audit, Policy, and Resolution to the full Board for consideration.

Giltner, on behalf of the Finance Committee, proposed that the Board accept the Report of the Auditors as presented. Soltero moved to accept the report. Odom seconded that motion. The motion passed unanimously.

6. Consider approval of Policy for Investment of Board Funds

Soltero moved to approve the Policy for Investment of Board Funds. Odom seconded that motion. The motion passed unanimously.

7. Consider approval of the Certificate of Deposit Authority Resolution

Odom moved to approve the Certificate of Deposit Authority Resolution. Soltero seconded that motion. The motion passed unanimously.

8. Consider approval of bank-specific authorizations

Ellis moved to approve the Executive Director as an authorized representative when completing bank-specific authorizations. Odom seconded that motion. The motion passed unanimously.

At 9:51 AM, Rivera closed the meeting to executive session pursuant to Tex. Gov't Code §551.071.

9. Report of General Counsel – Parks

9.1. Litigation Report

This occurred in closed session.

At 10:08 a.m., Rivera paused the meeting for a break.

At 10:30 a.m., Rivera reconvened the meeting in open session.

At 10:31 a.m., Rivera closed the meeting to executive session pursuant to Tex. Gov't Code §§551.071 and 551.088.

10. Presentation from ACS Ventures on Texas BLE Standard Setting Study – Buckendahl

This occurred in closed session.

11. Presentation from staff on recent standard setting studies and minimum passing score changes in other jurisdictions – Sullivan

This occurred in closed session.

12. Consider recommendation to Supreme Court of Texas about the minimum passing score on the Texas Bar Exam – Chair

This occurred in closed session.

At 11:53 a.m., Rivera paused the meeting for lunch.

At 1:00 p.m., Rivera resumed the meeting in closed session.

At 2:25 p.m., Rivera paused the meeting for a break.

At 2:38 p.m., Rivera reconvened the meeting in open session. The Board took no action on items 9-12.

13. Report of Executive Director—Hoang

13.1. General agency operations, including staff updates and courtesy seat fees

Genevieve Ramirez has been reclassified as Legal Secretary and will now support the Legal Team, rather than the Administrative Team.

Discussion of courtesy seat fees was deferred.

13.2. Calendar update, including date(s) for February 2024 Formal Reviews, August 2024 hearings, and proposals for calendar year 2025

Board members agreed to hold February 2024 Formal Reviews via Zoom on May 13-14, 2024, to conclude by 5 p.m. each day. Gonzales will solicit Board Members' preferred date by email.

Proposals for August hearings and for Calendar Year 2025 were deferred.

13.3. Report on Administratively Determined Waiver Decisions

The Report on Administratively Determined Waiver Decisions was provided to the Board in the meeting book prior to the meeting.

13.4. Articles of Interest

Articles of interest were provided to the Board in the meeting book prior to the meeting.

13.5. Complaint Resolution Report

There were no complaints submitted to BLE between 11/1/2023 and 1/12/2024 to be presented to the Board.

13.6. Presentation on Investigation of Alleged Exam Misconduct
Deferred.

14. Report of Director of Admissions – Sullivan

14.1. General exam operations, including accommodations, grader pay, written description of how the Board conducts formal reviews, and update on Policy Statement On Practice Requirements For Rule XIII
Deferred.

14.2. Report on February 2024 Texas Bar Exam
Deferred.

15. Report of Director of Investigations – Drish

15.1. Recommendations of probationary licenses to be converted to regular licenses and for minor modifications to probationary licenses.
The report of conversion of probationary licenses and for minor modifications to active probationary licenses was provided to the Board prior to the meeting.

16. Character and fitness investigation and civility – Chair

16.1. Presentation from Allison Drish
Drish discussed some of the current questions on the Texas applications for admission, and how other jurisdictions investigated civility and incivility when evaluating applicants' present good moral

character and fitness. inquiries. Board members' discussion included: how broadly civility should be defined for purposes of investigating present good moral character and fitness; the role of the Lawyers Creed in defining civility; possible changes that could be made to the Application and the impact of those potential changes; whether the investigation should be limited to instances of incivility that resulted in school discipline or professional discipline; and the resources needed to police civility in law school.

- 16.2. Consider changes to scope of character and fitness investigation to include civility – Chair

Ellis moved to change the current application question regarding ethics during the past five years to include “civil manner” as outlined in option 2 of the email from Hoang to Drish. (An email copy was provided to the Board.) Odom seconded the motion. The motion was approved 7 – 1, with dissent from Soltero. Orr was not present for the vote.

Mackenzie moved to change the current application question regarding school discipline as outlined in option 1 of the email from Hoang to Drish. Odom seconded the motion. The motion was approved 6 – 2, with dissent from Ellis and Rivera. Orr was not present for the vote.

17. Rule 23 of the Rules Governing Admission to the Bar of Texas and military service personnel

- 17.1. Report of Subcommittee on Rules and Guidelines – Giltner

Giltner and Hoang outlined the work that has been undertaken by the Subcommittee on Rules and Guidelines, including a proposed amendment to Rule 23. Currently, Rule 23 allows certain out-of-state attorneys to obtain temporary Texas law licenses if they are married to an active-duty military service member who has been ordered stationed in Texas. The subcommittee proposed extending this benefit to the military service member as well and removing the requirement that the service member be stationed in Texas. These changes would cause Rule 23 to correspond more closely to the recently-amended Tex. Occ. Code §55.0041.

- 17.2. Consider recommending amendments to Rule 23 – Chair

Soltero moved to accept the proposed amendment to Rule 23 as discussed during the meeting. McKim seconded the motion. The

motion passed unanimously, with the exception of Orr who was not present for the vote.

18. Policy for special exam arrangements for religious reasons

18.1. Report from DEI Subcommittee – Orr

Deferred.

18.2. Consider adopting policy – Chair

Deferred.

19. Rule 13 and accredited law schools

19.1. Report of Subcommittee on Rules and Guidelines – Giltner

Deferred.

19.2. Consider amending Rule 13 – Chair

Deferred.

20. Consider subcommittee appointments

Deferred.

21. Consider subcommittee charges

Deferred.

22. Consider issues arising from reports of Executive Director, Director of Investigations, Director of Admissions, General Counsel, and Subcommittees – Chair

No issues were raised for discussion.

23. Adjourn – Chair

Rivera recessed the meeting at 3:50 p.m.

Saturday, January 13, 2024

24. Welcome, call to order, determine quorum, and consider requests for excused absences – Chair

On Saturday, January 13, 2024, Chair Augustin Rivera, Jr. called the meeting to order at 10:15 a.m. Board Members Ellis, McKim, Odom, Massey, Ereon Giltner, and Mackenzie were present. Board Chair Rivera and Board Member Soltero attended via Zoom. Board Member Cynthia Orr was

absent with an excused recusal.

Also present were BLE staff members Hoang, Sullivan, Drish, Schiller, Shaheen, Gonzales, Strunc, and Mayhew. Addition attendees were Law School Deans Michael Barry, Patricia Roberts, and Jack Nowlin.

25. Consider communications from the public, if any – Chair

No members of the public were present to submit comments.

26. Consider delegating authority to staff to decide certain requests for waivers – Chair, Sullivan

Sullivan presented on Rule 11(f), Rule 2(a)(7), Rule 5, and Rule 13(3) and (4).

Staff recommend that the Board delegate authority to the Executive Director to approve—but not deny—initial requests to waive Rule 11(f) where the requestor demonstrated the elements of the Board’s guidelines for waiving Rule 11(f). McKim moved to approve the recommendation. Massey seconded. The Board voted unanimously to approve the motion.

Staff recommend that the Board delegate authority to the Executive Director to deny—but not to grant—requests to waive the requirement a passing score on the UBE, Texas Bar Exam, or MPRE. Odom moved to approve the recommendation. McKim seconded the motion. The motion passed unanimously.

Staff recommend that the Board delegate authority to the Executive Director to waive the requirement of Rule 13 §10(b) to document authorization to practice law in another jurisdiction for applicants who were prevented from providing such documentation due to political turmoil, forcible surrender, or differences in the jurisdiction’s documentation procedures. After discussion, the Board suggested that staff revise its recommendation and present it at a future meeting.

27. NextGen Bar Exam

27.1. Report on Texas BLE NextGen Working Group – Chair

Rivera recapped that the Board continued to evaluate the NextGen Bar Exam with the goal of providing the Court with a recommendation of whether to adopt NextGen; if so, when Texas would administer the first NextGen exam and what changes, if any, should be made to the Texas Law Component. The Board’s recommendation should be made after careful consideration of direct input from Texas law school deans.

Rivera stated that the Texas BLE NextGen Bar Exam Workgroup consisted of Dean Michael Berry of South Texas College of Law Houston; Dean Patricia Roberts of St. Mary's Law School; Dean Jack Nowlin of Texas Tech School of Law; Augustin Rivera, Jr., Chair of the BLE; Anna McKim, BLE board member; and Al Odom, BLE board member.

The Workgroup had its first meeting on December 18, 2024, and its second meeting on January 13, 2024.

The Workgroup plans to meet again on February 16, 2024.

28. Consider timeline for evaluating NextGen Bar Exam – Chair

The Board discussed evaluation of the NextGen Bar Examination, as well as changes to the Texas Law Component that might be warranted if Texas adopted the NextGen Bar Examination.

Rivera noted that the Board should be prepared to make a recommendation to the Court by early summer 2024.

29. Consider issues arising from reports of Executive Director, Director of Investigations, Director of Admissions, General Counsel, and Subcommittees – Chair

Hoang noted that at a prior meeting, the Board had asked for information on fees for courtesy seats. She explained that, per Rule 18, the courtesy seat fee for students was \$300 (\$150 student application fee plus \$150 examination fee), and the fee for attorneys was \$850 (\$700 attorney application fee plus \$150 examination fee). The Board suggested that attorneys who had been licensed 3 years or less should still be assessed the student application fee rather than the attorney application fee. Hoang confirmed that the fee schedule will be changed to reflect the recommendation.

30. Adjourn – Chair

Rivera adjourned the meeting at 11:23 a.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Nahdiah Hoang", written over a horizontal dashed line.

Nahdiah Hoang, Executive Director

Attested,

A handwritten signature in blue ink, appearing to read "Augustin Rivera Jr.", written over a horizontal solid line.

Augustin Rivera Jr., Chair

CERTIFICATE OF RESOLUTION

BY TEXAS BOARD OF LAW EXAMINERS


FOR ADOPTION OF POLICY FOR INVESTMENT OF BOARD FUNDS

The undersigned, Augustin Rivera, Jr., Chair and Nahdiah Hoang, Executive Director of the Texas Board of Law Examiners, a statewide judicial agency existing under Texas Government Code Chapter 82 and the Texas Supreme Court Rules Governing Admission to the Bar of Texas, hereby certify that the following is a true copy of a resolution adopted by the members of the Board of Law Examiners, the governing body of the agency, at a public meeting convened and held on January 12, 2024, in Houston, Texas, at which a quorum was present and voting throughout and that such resolution is now in full force and effect.

RESOLVED, that the Board of Law Examiners adopts the attached "Board of Law Examiners Policy for the Investment of Board Funds," after review of its terms and determination that no changes have been made to any investment policies or strategies previously adopted.

RESOLVED FURTHER, that the Executive Director and Chair of the Board are hereby authorized and directed to certify to any interested party, including any independent auditor or the State Auditor's Office that this resolution has been duly adopted, and is in full force and effect.

ATTEST:



Augustin Rivera, Jr., Chair
Texas Board of Law Examiners



Nahdiah Hoang, Executive Director
Texas Board of Law Examiners

CERTIFICATE OF RESOLUTION
BY TEXAS BOARD OF LAW EXAMINERS
AUTHORIZING EXECUTIVE DIRECTOR TO INVEST FUNDS


The undersigned, Augustin Rivera, Jr., Chair, and Nahdiah Hoang, Executive Director of the Texas Board of Law Examiners, a statewide judicial agency existing under Texas Government Code, Chapter 82 and the Texas Supreme Court Rules Governing Admission to the Bar of Texas, hereby certify that the following is a true copy of a resolution adopted by the members of the Board of Law Examiners, the governing body of the agency, at a public meeting convened on January 12, 2024, in Houston, Texas, at which a quorum was present and voting throughout and that such resolution is now in full force and effect.

WHEREAS, the Texas Board of Law Examiners has adopted the attached "Board of Law Examiners Policy for the Investment of Board Funds" that authorizes the Executive Director, as the Investment Officer, to "deposit, withdraw, invest, transfer and manage BLE funds in accordance with this Policy;" and,

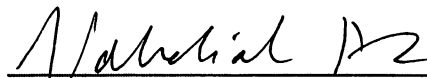
WHEREAS, the Board of Law Examiners Policy for the Investment of Board Funds, Article 4.01(E), authorizes the Executive Director, acting as the Investment Officer, to invest in certificates of deposit or share certificates issued by a depository institution that has its main office or a branch office in this state and which is guaranteed or insured in whole by the FDIC or the NCUSIF;

IT IS THEREFORE RESOLVED, that Nahdiah Hoang, Executive Director, or her successor, is authorized to invest in certificates of deposit or share certificates and to establish accounts at depository institutions for that purpose, in accordance with Article 4.01(E) of the current Board of Law Examiners Policy for the Investment of Board Funds.

ATTEST:



Augustin Rivera, Jr., Chair
Texas Board of Law Examiners



Nahdiah Hoang, Executive Director
Texas Board of Law Examiners

**BOARD OF LAW EXAMINERS
POLICY FOR THE INVESTMENT OF BOARD FUNDS**

This policy is adopted by the Board of Law Examiners pursuant to the Public Funds Investment Act, Chapter 2256, Texas Government Code.

Article I. Definitions

Unless the context requires otherwise, the terms and phrases used below shall have the following definitions:

- 1.01. The term "BLE" shall mean the Board of Law Examiners, a judicial agency of the Supreme Court of Texas.
- 1.02. The term "Board" shall mean the members of the Board of Law Examiners, acting in their capacity as the governing board of BLE.
- 1.03. The term "Investment Officer" shall mean the Executive Director of BLE, who is the officer or employee responsible for the investment of funds during his or her tenure of employment as Executive Director, until such time as this authority is rescinded by a majority vote of the Board.
- 1.04. The term "Authorized Investment" means the types of investments authorized for the investment of BLE funds, as set out in Article IV of this policy.
- 1.05. The term "FDIC" shall mean the Federal Deposit Insurance Corporation or its successor.
- 1.06. The term "NCUSIF" shall mean the National Credit Union Share Insurance Fund or its successor.
- 1.07. The term "SEC" shall mean the Securities and Exchange Commission.
- 1.08. The term "Pooled Fund Group" shall mean the internally created fund of BLE in which one or more institutional BLE accounts are invested.
- 1.09. The term "Investment Advisory Committee" shall mean two (2) or more members of the Board appointed by the Chairman of the Board, one of whom shall serve as Chairman and perform the function identified in Article V herein.

Article II. Statement of Policy

- 2.01. The primary concern of the Investment Officer in the investment of funds of BLE shall be the preservation and safety of the principal. To the extent that the principal is protected, the secondary concern of the Investment Officer in the investment of BLE funds shall be liquidity. Finally, to the extent that the principal is protected and liquidity is assured, the next priority of the Investment Officer shall be to invest BLE funds in investments which are consistent with all provisions of this policy and which yield the highest possible rate of return, while taking into consideration the strength of the financial institution and the investment.
- 2.02. BLE investments shall be diversified as necessary to protect the BLE's principal and to the extent required by law, as set forth in Article IV.
- 2.03. BLE funds shall not be invested in any investment with a maturity greater than the maximum maturity allowed for such investment by law, as incorporated in Article IV of this investment policy.
- 2.04. The Investment Officer shall invest BLE funds with the judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of the principal and the probable income to be derived. Investment of funds shall be governed by the following investment objectives, in order of priority: preservation and safety of principal, liquidity, and yield. In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the investment of all funds under BLE control, over which the Investment Officer had responsibility, rather than a consideration as to the prudence of a single investment; and whether the investment decision was consistent with the investment policy adopted by the Board.

Article III. Investment Strategies

- 3.01. The investment objectives of the operating or general accounts are: preserving the safety of the principal; ensuring that funds are available as needed to pay BLE's monthly operating expenses, as estimated by the

annual operating budget adopted by the Supreme Court; and ensuring that the investments can be readily liquidated in the event there are unexpected additional operating costs.

- A. Sufficient funds shall be maintained in the operating accounts to pay BLE's monthly operating expenses, as estimated by the annual operating budget adopted by the Supreme Court and as experienced historically.
 - B. The Investment Officer shall use his or her best efforts to negotiate with the banks at which such operating accounts are maintained in order that such accounts shall bear interest at a rate competitive with such accounts at other banks in Austin, Texas.
- 3.02 The investment objectives of the funds available for investment are: preserving the safety of the principal; ensuring that funds are available as needed to pay BLE's expenses that do not occur on a regular monthly basis, as estimated by the annual operating budget adopted by the Supreme Court; and to the extent principal is protected and there is adequate liquidity, obtaining the maximum yield possible on such investments.
- A. The Investment Officer shall obtain from the appropriate Board employees a written annual report stating, on a monthly basis, the anticipated needs and major expenditures necessary for the succeeding twelve months, as well as the anticipated income (also stated on a monthly basis). Unless otherwise requested by the Investment Officer, such report shall be submitted to the Investment Officer at the time the Proposed Budget Request is approved by the Board for submission to the Supreme Court.
 - B. The Investment Officer, using the information from the report described above, shall determine the amount of funds available for investment. The maturity dates of the resulting investments shall take into consideration the necessary liquidity required to pay the anticipated obligations, and in most cases shall be with the range of six (6) to eighteen (18) months. In no event shall the maturity date of an authorized investment exceed twenty-four months, unless specifically authorized by a vote of the Board.

Article IV. Investment Guidelines

- 4.01 The Investment Officer is authorized to invest BLE funds in the following types of investments, which are designated as Authorized Investments¹ under the Public Funds Investment Act:
- A. Obligations of the United States or its agencies and instrumentalities;
 - B. Direct obligations of this state or its agencies and instrumentalities;
 - C. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities;
 - D. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investments rating firm not less than A or its equivalent;
 - E. Certificates of deposit or share certificates issued by a depository institution that has its main office or a branch office in this state and which is guaranteed or insured in whole by the FDIC or the NCUSIF;
 - F. Commercial paper that has a stated maturity of 270 days or fewer from the date of issuance and is rated not less than A-1 or P-1 or an equivalent rating by at least two nationally recognized credit rating agencies or by one nationally recognized credit rating agency provided the commercial paper

¹NOT authorized under this section are: obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal; obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest; collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

is fully secured by an irrevocable letter of credit issued by a bank organized and existing under federal law or the law of any state; and

- G. No-load money market mutual funds that: are registered with and regulated by the Securities and Exchange Commission; provide the Board with a prospectus and other information required by federal law; have a dollar-weighted average stated maturity of 90 days or fewer; and include in their investment objectives the maintenance of a stable net asset value of \$1 for each share. However, investments in no-load money market mutual funds shall be limited to the percentages authorized by Government Code 2256.014(c).

- 4.02 Competitive rates shall be solicited for each certificate of deposit in writing, if possible.
- 4.03 An investment under Paragraph 4.01 that requires a minimum rating does not qualify as an Authorized Investment during the period that the investment does not have the minimum rate required. The Investment Officer shall take all prudent measures that are consistent with this document to liquidate an investment that does not have a minimum rating.
- 4.04 The Investment Officer shall monitor the market price and rating changes of the Board's investments by consulting the financial pages of the *Wall Street Journal* or other reliable sources of investment and financial information including electronic media.
- 4.05 All investment transactions must be settled on a delivery versus payment basis.

Article V. Investment Management

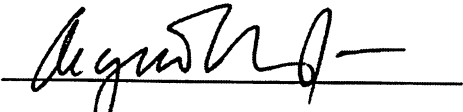
- 5.01 The Investment Officer, as defined in paragraph 1.03, has the authority to deposit, withdraw, invest, transfer, and manage BLE funds in accordance with this Policy for the Investment of Board Funds and in accordance with applicable law, except with respect to investments authorized pursuant to paragraph 4.01(F) and (G), which also require approval of the Chairman of the Investment Advisory Committee, as defined in paragraph 1.09.
- 5.02 Each person serving as the Investment Officer and each member of the Board shall attend at least one training session, provided by the Texas Higher Education Coordinating Board, relating to investment responsibilities under Chapter 2256, Tex. Gov. Code, within six months after taking office or assuming duties. The Investment Officer shall attend a training session not less than once each state fiscal biennium and may receive training from any independent source approved by the Board.
- 5.03 The Investment Officer shall prepare, at least quarterly, a written report on the investment of funds for that quarter and shall present such report to the Board for its consideration within a reasonable period of time after the end of the quarter. The report must:
 - A. Describe in detail the investment position of BLE on the date of the report;
 - B. Be prepared jointly and be signed by the Investment Officer;
 - C. Contain a summary statement of each pooled fund group that states the beginning market value for the reporting period; additions and changes to the market value during the period; and ending market value for the period;
 - D. State the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested;
 - E. State the maturity date of each separately invested asset that has a maturity date;
 - F. State the account or fund or pooled group fund in the agency; and
 - G. State the compliance of the investment portfolio of the agency as it relates to the investment strategy expressed in the agency's investment policy and relevant provisions of Chapter 2256, Tex. Gov. Code.
- 5.04 In conjunction with its annual financial audit, BLE shall hire an independent auditor to perform a compliance audit of management controls on investments, adherence to this Policy for the Investment of Board Funds, and the reports required under Sec. 2256.023, Public Funds Investment Act.

- 5.05 In the event that the Investment Officer has a personal business relationship with an entity seeking to sell an investment to the Board, the Investment Officer shall file a written statement with each member of the Board and with the Texas Ethics Commission disclosing that personal business interest, prior to purchasing an investment. An Investment Officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, Tex. Gov. Code, to an individual seeking to sell an investment to the Board shall file a statement with the Board and with the Texas Ethics Commission disclosing that relationship. The Investment Officer shall be prohibited from accepting anything of value, including travel or lodging expenses, from any entity seeking to sell an investment to the Board and shall otherwise adhere to the conflict of interest policy contained in Appendix G of the Board's Employee Manual.
- 5.06 The Investment Officer shall provide a copy of this Policy for the Investment of Board Funds to any person offering to engage in an investment transaction with the Board. The qualified representative of the business organization offering to engage in an investment transaction with the Board shall execute a written instrument in the form attached to the policy as Attachment A, acknowledging the receipt and review of this policy and the implementation of reasonable procedures and controls in an effort to preclude investment transactions conducted between BLE and the organization that are not authorized by BLE's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of BLE's entire portfolio or requires an interpretation of subjective investment standards. The Investment Officer may not acquire or otherwise obtain any authorized investment described in this investment policy from a person who has not delivered to the Investment Officer an executed copy of Attachment A.
- 5.07 The Investment Officer shall prepare a report on compliance with responsibilities imposed by the Public Funds Investment Act and shall deliver it to the Board not later than the 180th day after the last day of each regular session of the Legislature.
- 5.08 The Board hereby designates Independent Financial as the broker with whom the Investment Officer is authorized to engage in investment transactions for the Board:
- A. The Investment Officer may use electronic means to transfer or invest all funds collected or controlled by the Board.

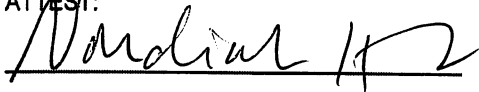
Article VI. Miscellaneous Provisions

- 6.01 The Board finds, determines, and declares that this Policy for the Investment of Board Funds was reviewed, considered, and adopted at a regular meeting of the Board beginning on the 1st of December, 2020, and that a sufficient written notice of the date, hour, place, and subject of this meeting was posted in accordance with the requirements of applicable law, and that this meeting was open to the public as required by law at all times during which this Policy for the Investment of Board Funds was discussed, considered, and acted upon.
- 6.02 This Policy for the Investment of Board Funds shall be effective as of the date shown below and shall supersede the Investment Policy previously adopted by the Board.

REVIEWED, APPROVED, AND ADOPTED on the 12th day of January, 2024.


Augustin Rivera, Jr., Chair

ATTEST:



Nahdiah Hoang, Executive Director