



PUBLIC CORRUPTION IN PROCUREMENT
Statutes and Solutions



1

Former San Angelo police chief Tim Vasquez sentenced to prison
August 5, 2022


Former San Angelo Chief of Police Tim Vasquez was sentenced to 15 ½ years in prison and ordered to pay a \$35,000 fine Friday, Aug. 5, 2022, for accepting bribes while leading the San Angelo Police Department - and as President of the Texas Police Chiefs Association.



2

Verdict

- Vasquez was found guilty on all four (4) counts by a jury of his peers
- Sentenced to 15 ½ years in prison
- Fined \$35,000





3

Relevant Timeframes

- Worked as an Assistant City Attorney in Abilene beginning February 2006
- February 2007 the City of San Angelo solicited bids for a new radio system and in April Dailey & Wells was awarded the \$5.6 million contract.
- May 2015 I was selected as the City Attorney for the City of San Angelo
- June 2015 San Angelo City Council awarded Dailey & Wells a \$6 million "upgrade" to the system
- July 13, 2015 was my first day of work with the City of San Angelo

4

Specialized Agencies

Texas Rangers
FBI
Public Corruption Program
Investigating violations of federal law by public officials at the federal, state, and local levels of government

5

QUIZ

[Quiz Link](#)

6

Initial Investigation

- Intermingling funds received at a TPCA Golf Tournament for the fallen officer's fund.

7

Texas Bribery

Texas Penal Code Sec. 36.02. BRIBERY.

Offense if a person intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another any benefit as consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant

8

Texas Bribery

"Benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Violations constitute second degree felony.

9

Texas Bribery and Corrupt influence

Sec. 36.07. ACCEPTANCE OF HONORARIUM.

Public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties.

10

Texas Bribery and Corrupt influence

Doesn't include transportation, lodging expenses or meals in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar.

Class A misdemeanor.

11

Texas Bribery and Corrupt Influence

Sec. 36.08. GIFT TO PUBLIC SERVANT

- Applies to a public servant who exercises discretion in connection with contracts, purchases, payments, claims, etc. of government
- An offense to solicit, accept, or agree to accept any benefit from a person
- Public servant knows the person is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise discretion of the public servant

12

Texas Bribery and Corrupt Influence

- Violations are a Class A misdemeanor
- A public servant who receives an unsolicited benefit may donate the benefit to a governmental entity that has the authority to accept the gift or to a recognized tax-exempt charitable organization

13

Texas bribery and corrupt influence

Sec. 36.09. OFFERING GIFT TO PUBLIC SERVANT.
 A person commits an offense if he offers, confers, or agrees to confer any benefit on a public servant that he knows the public servant is prohibited by law from accepting.
 Class A misdemeanor.

14

Texas bribery and corrupt influence

Sections 36.08 (Gift to Public Servant) and 36.09 (Offering Gift to Public Servant) do not apply to:

- A fee received or other benefit the public servant is legally entitled to receive or is paid in another capacity.

15

Texas bribery and corrupt influence

- An item with a value of less than \$50, excluding cash (1994)
- Transportation, lodging, and meals provided for speaking/participating in events

16

Texas bribery and corrupt influence

- Complimentary legal advice or legal services relating to estate planning rendered to a public servant who is a first responder under certain conditions

Must follow any reporting requirements under the Texas Local Government Code and other applicable statutes. (ILGC 176)

17

Texas Local Government Code 176

- Requires your disclosure of certain relationships with vendors contracting with or considering a contract with the City.
- Business relationships with employee or family member of employee (\$2500)

18

Texas Local Government code 176

- Gifts to employee or family member of employee (aggregate value \$100)
- Has a family relationship to the employee.
- Must report every 12 months.

19

18 U.S. Code § 666

Theft or bribery concerning programs receiving Federal funds

Corruptly solicits or demands for the benefit of any person or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business transaction.

Thing of value must be \$5,000 or more

20

Honest Mail Fraud

Title 18 USC, Section 1341 and 1346

- Sent payment for the radio system contract that was at issue in the bribery case through the mail.

21

Municipal Procurement

Contracts over _____ must be published and competitively bid. LCG §252.021(a)

22

Where Does Corruption Hide?

EMERGENCY EXCEPTION (TLGC 252.022 (2) and (3))

Necessary to preserve or protect the public health or safety or because of unforeseen damage to machinery, equipment, or other property

23

Where Does Corruption Hide?

SOLE SOURCE PURCHASES (TLGC 252.022(7))

Items available from once source because of patents, copyrights, secret processes, or natural monopolies; captive replacement parts or components for equipment; utilities; books and library materials

24

Where Does Corruption Hide?

COOPERATIVE PURCHASES (Texas Gov. Code 791)

To purchase through a co-op (HGAC, BUYBOARD, DIR) we must have signed an inter-local agreement that outlines how to process the purchase.

25

Where does Corruption Hide?

Under the agreement the co-op becomes your purchasing agent and vendors pay them a fee. The co-op competitively bids items and services. Purchases must be properly reported and invoiced through the co-op.

“HGAC pricing” is not the same thing as an “HGAC purchase”.

26

Penalties

TEXAS LOCAL GOVERNMENT CODE 252.061

If a contract is made without compliance with Chapter 252 it is void and any performance of the contract may be enjoined by any tax paying resident.

27

Penalties

TEXAS LOCAL GOVERNMENT CODE 252.062

Avoiding process by sequential bids or intentionally or knowingly avoiding competitive bidding requirements is Class B misdemeanor.

28

Penalties

TEXAS LOCAL GOVERNMENT CODE 252.063

Conviction results in immediate removal from job and you are ineligible for election or appointment to public office in the state or employed in any capacity for your city for four years.

29

Red Flags

- Improper or non-competitive selection of contractor (high prices, poor quality of goods, questionable use of sole source, co-op purchase or emergency exception).
- Previously bid items now become “sole source”.
- Acceptance of gifts and entertainment.

30

Red Flags

- Requests to speak at expensive locations or attend trainings with travel paid by the vendor.
- Numerous or unusual change orders or low bid award then need for additional purchase or change order to extend contract price.
- Multiple awards for similar work given to the same contractor.

31

Red Flags

- Unexplained or unusual favoritism of particular contractor or vendor. The definition of vendor does not include the word "friend".
- Unreasonably narrow contract specifications or very short time to bid.
- Two or more purchases to same vendor just under \$50,000.

32

Purchasing Take-aways

- Vendors are not friends. Keep some distance in relationships.
- Use of sole source, co-op purchasing, or the emergency exception to bidding needs to be vetted by purchasing and/or the City Attorney. Get legal opinions in writing even if it is just an email response.

33

One last thing

Texas Penal Code 39.06 Misuse of Official Information

Second degree felony (2 to 10 years and \$10,000 fine)

- Use confidential information for your personal benefit
- Intend to use confidential information for your personal benefit
- Accept confidential information to use for your own benefit.

34

Thank You!

Theresa James
City Attorney
City of San Angelo

35