

October 13, 2011

Madam Co-chairman, Mr. Co-Chairman, Ladies and Gentlemen of the Committee:

My name is John Mobley. I am a retired business owner and executive; I am a lifelong resident of Texas, a 1951 graduate of Texas A&M University (BBA) and I have lived in Austin and for the past forty three years.

My time in business was interrupted once for a period of seven years during which I worked in various public sector jobs:

First, in 1965-66, when I served a term in the Texas House of Representatives.

Then in 1967-68 I was employed by Governor John Connally, first working as legislative assistant, then as his executive assistant, or chief of staff.

In 1969 I was engaged by Texas A&M University System as a consultant to assist President Earl Rudder and Bob Cherry with legislative matters.

In late '69 I accepted an offer from Lloyd Bentsen to work in his campaign for the United States Senate, then went to Washington with him for what was agreed to be a nine month hitch to help to help organize his new Senate office.

When all of this ended, I returned to my business full time; at least full time until 1985 when Governor Mark White nominated me to the Board of Regents at Texas A&M System where I served a six-year term ending in 1991.

From the early nineties until 2007 I served as trustee at Scott & White Healthcare. I chaired committees on governance and nominations.

I accepted your invitation to appear today in the hope that I can help with your task of improving governance in higher education in Texas, and thereby promoting excellence, and transparency within its institutions.

Let me relate a couple of lessons relating to your charge that I have picked up along the way. Governor Connally insisted on appointing “people he knew.” And he meant it. (Rare exceptions were made when a person he knew well and trusted highly strongly recommended a third party.) He wanted to know enough about their experiences and their personal and professional achievements to make some judgment as to how they would perform in the job he might assign them. And once they were there, he let them alone. No coaching from the sidelines. No second-guessing. Praise sometimes, but he let them do their job. In a sense, this was one way of showing them respect.

As an example, once the head of a state agency said something or did something that was, shall we say, not consistent with good practice. It became a daily item in the papers. Someone suggested to the governor that he call the chairman of that agency and urge them to “get rid of that guy.”

“No, the governor said. “They are smart, able people who know how to deal with this problem and in the end they will do the right thing.” And they did, without his help or interference.

After being sworn in by Governor White, I asked him if he had any instructions or suggestions for this new regent. He said “no; just go over there and do what you think is right, and while you are at it, try to save the State some money.” And thereafter, I never once had a call or a letter from Governor White, or a conversation with him directing or suggesting that I do a certain thing or vote a certain way. NEVER.

I’m no lawyer, but I am told that once an appointee takes the oath of office for a position of public trust they have an obligation, using their independent judgment to do their fiduciary duty to the institution they serve, even though a another person of authority may direct or urge them to do otherwise. I’m told there are statutes directing such actions.

Do I have any suggestions as to how you may improve governance, and thereby excellence and transparency?

You might take a look at the vetting process of the Nominations committee of the Senate. The addition of a few questions inquiring if there are prior commitments or agreements relating to their appointment may help.

Just as we have for corporate boards, you may look at requiring each institution to adopt a code of conduct and a conflict of interest policy, and to require annual re-statements by those who are covered.

Also, you might silently ask yourself the question: “Do his or her experiences adequately prepare them for this job?”

I will be pleased to answer any questions.

John Mobley
2801 West 35th Street
Austin, Texas
Phone: 512-302-5445
Jmobley3@att.net