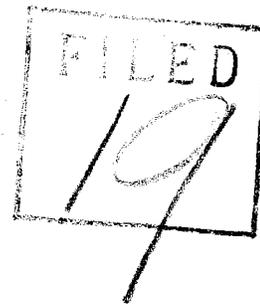


N. SM:-Assessor may receive gratuitous service from son o
pay him out of his own salary or fee without viola-
ting Section 13 of Article XIV the Constitution.

7-30

July 23, 1934.



Mr. W. W. Crockett,
Prosecuting Attorney,
New London, Missouri.

Dear Sir:

We are acknowledging receipt of your letter in
which you inquire as follows:

"Please advise as to whether the married
son of an assessor would be permitted to
work on assessor's books, at your ear-
liest possible convenience."

Section 12 of Article XIV of the Constitution
of Missouri provides as follows:

"Any public officer or employe of this State
or of any political subdivision thereof who
shall, by virtue of said office or employ-
ment, have the right to name or appoint
any person to render service to the State
or to any political subdivision thereof,
and who shall name or appoint to such
service any relative within the fourth
degree, either by consanguinity or affini-
ty, shall thereby forfeit his or her
office or employment."

Under the foregoing constitutional provision
any officer or employe of the State or of any political
subdivision thereof who exercises his right to name or
appoint a relative related within the fourth degree to
render service to the State or any political subdivision
thereof shall forfeit his office. We have repeatedly
construed this provision to mean that the person appoint-
ed must be appointed to an official position created by
the Laws and Constitution of this State, and that the pro-
vision does not prohibit a public officer from receiving
gratuitous service from his son or from using his own
funds for the purpose of paying for the services of the
relative. In the case you put, if the son renders grat-
uitous service to the assessor or is paid by the assessor
out of his personal fees or salary, we see no objection
to the son working in the office. However, if the son is
appointed to an official position and receives a salary

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from the county, then we believe that such situation would be in conflict with the above constitutional provision.

We are therefore of the opinion that if the assessor receives gratuitous service from his son or pays his son for the service rendered out of the assessor's fees or salary, that the Constitution would not be violated, but that the Constitution would prohibit the appointment of the son by the assessor to an official position, wherein the salary or fees of the son were paid out of public funds.

Very truly yours,

FRANK W. HAYES,
Assistant Attorney General.

APPROVED:

ROY McKITTRICK,
Attorney General.

FWH:MS