

PUBLIC ADMINISTRATOR: The public administrator is an elected county official and must file with the county clerk a certified list of all fees received for performance of his statutory duties as provided by Section 51.150, paragraphs (5) and (6), RSMo Supp. 1963.

Opinion No. 135

April 24, 1964

Honorable John B. Mitchell  
Prosecuting Attorney  
Buchanan County  
St. Joseph, Missouri



Dear Mr. Mitchell:

This is in answer to your request for an opinion from this office as to whether or not a public administrator is required to file a statement of salaries and nonaccountable fees as provided in paragraphs (5) and (6), Section 51.150, RSMo Supp. 1963.

These paragraphs which were added by the 1963 Legislature to Section 51.150 require the county clerk:

"(5) To compile and keep a list of all salaries and nonaccountable fees received by each elected county official by virtue of his office for each calendar year. The source of each fee shall be itemized, the amount of mileage allowance received shall be reported, and the total fees less expenses shall be shown. Each elected official shall certify and give the necessary information on his office to the clerk of the county court; (Emphasis added).

"(6) To file a certified list of all salaries and nonaccountable fees received by each elected county official by virtue of his office for the preceding calendar year before March first with the secretary of state."

There is no doubt that the public administrator is an officer of the county by the terms of Sections 473.730 - 473.773, RSMo 1959. He is elected for a term of four years; is required to take an official oath and give bond, Section 473.730; and by

statute is declared to be an officer of the county in which he is elected, Section 473.737. An examination of Section 473.743 discloses that the duties of a public administrator include the preservation and administration of estates and he is also an ex-officio public guardian and curator of the county in which he is elected. He holds the same powers and duties as are enjoined upon executors and administrators, guardians and curators, Section 473.750. Section 473.740 provides that the public administrator shall receive the same compensation for his services as may be allowed by law to executors and administrators unless the court, for special reasons, allows a higher compensation. The allowable compensation of executors and administrators is set out in Section 473.153. Prior to the amendment to Section 51.150, supra, the public administrator did not have to report or account for the receipt of this compensation.

The public administrator is a county official and is elected. Although he receives no salary, he does receive fees for performing the statutory duties of his office. The fact that his fees are taken from private estates rather than state or county sources does not render them anything other than fees. We therefore believe that the public administrator must provide the clerk of the county court with a certified copy of his fees as required by paragraph (5), Section 51.150, RSMo Supp. 1963. It should be noted that this paragraph requires that the source of each fee be itemized and the total fees less expenses should be shown.

#### CONCLUSION

It is the opinion of this office that the public administrator is an elected county official and must file with the county clerk a certified list of all fees received for performance of his statutory duties as provided by Section 51.150, paragraphs (5) and (6), RSMo Cum. Supp. 1963.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, John H. Denman.

Very truly yours,

  
THOMAS F. EAGLETON  
Attorney General