

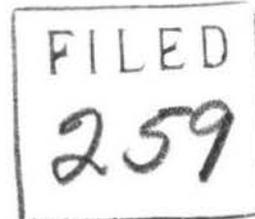
CONFLICT OF INTEREST:  
OFFICERS:  
COUNTY OFFICERS:  
COUNTY JUDGE:  
COUNTY TREASURER:  
SCHOOLS:

County treasurer and county judge  
may serve as director of six-  
director school district.

OPINION NO. 259

June 15, 1967

Honorable William H. Bruce, Jr.  
Prosecuting Attorney  
Reynolds County Courthouse  
Centerville, Missouri 63633



Dear Mr. Bruce:

Recently you requested an opinion from this department as follows:

"Would you please give me your opinion, as to whether or not the following offices are compatible?"

"County Treasurer also serving as Member of 6 director school board; Associate Judge of County Court, also serving as member of 6 director school board?"

"Finally, I would like to know, whether or not, there is a conflict of interest, under the law, in your opinion, viz: a stockholder in a bank, holding a small number of shares, but who is also a director and the cashier of the bank, is elected as a member of the board of directors of a 6 member school board. The same bank has been, until this time, the official depository of the school funds. Under Sec. 165.201 et seq., this being an odd numbered year, this board must now advertise for bids for a depository. The new member (being also an officer of the bank) of the school board, argues against such advertisement for a new depository and urges the retention of his own bank as such depository, without any such advertisement?"

Honorable William H. Bruce, Jr.

We are enclosing an opinion issued by this department on August 5, 1965, to Honorable Paul D. Hess, Jr., Prosecuting Attorney, Macon County, Macon, Missouri. Also one issued on March 8, 1966, to Honorable Charles H. Sloan, Prosecuting Attorney, Ray County, Richmond, Missouri. These opinions will answer the questions you submit concerning the officer and stockholder of a bank who is a member of the school board.

We are enclosing an opinion issued by this department on August 16, 1954, to Honorable J. C. Sullivan, State Representative, St. Clair County, Lowry City, Missouri, which holds the office of county clerk in fourth class counties is not incompatible with the office of director of a consolidated school district. The principles of law to be applied in determining the incompatibility of public offices are discussed at length in this opinion and should be applied in determining whether the office of county treasurer and associate county judge are incompatible with the office of school director in a six-director school district.

Reynolds County is a fourth class county. We have examined the statutes relating to the duties of a county treasurer and associate county judge in fourth class counties and those concerning the duties of a school director in a six-director school district. We do not find that the official duties of such officers are incompatible with that of a school director in a six-director school district. Reynolds County at present has a county superintendent of schools and therefore, this opinion does not rule as to the right of an associate county judge to hold the office of director of a six-director school district in a county in which the office of county superintendent has been abolished.

#### CONCLUSION

We are of the opinion that a county treasurer and an associate county judge in a fourth class county may serve as a school director in a six-director school district in a county in which the office of county superintendent of schools has not been abolished.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Moody Mansur.

Yours very truly,



NORMAN H. ANDERSON  
Attorney General

Enclosures: Op. No. 193, Hess, 8-5-65;  
Op. No. 26, Sloan, 3-8-66;  
Op. No. 87, Sullivan, 8-16-54.