

September 20, 1962

FILED
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Honorable William J. Esely
Prosecuting Attorney
Harrison County
P. O. Box 104
Bethany, Missouri

Dear Mr. Esely:

This office is in receipt of your letter of September 17th, advising that the question submitted for an opinion request on September 10, 1962, was academic in view of the fact that the party appointed to fill a vacancy in the office of township collector had resigned and it would now be unnecessary to write an opinion on such request, but you would appreciate receiving any copies of opinions previously written on this matter.

As we recall the facts upon which the request was based, it referred to a township organization county where the county board had appointed the daughter of the president of the board to fill a vacancy in the office of township collector and all board members had voted in favor of the appointment.

The first question was whether the board's action violated the nepotism laws and the second question was, if this were a violation of the nepotism laws, what would be the proper procedure for removing the appointee from office?

In an opinion of this office to Honorable M. J. Huffman, Prosecuting Attorney of Wright County, Missouri, on May 31, 1935, among other matters, it was concluded that a township board member voting for a nephew by marriage or brother-in-law, violates the nepotism law, and he forfeits the right to hold office, and is entitled to no compensation.

Honorable William J. Esely

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A copy of the above mentioned opinion is enclosed,
as it is believed to fully answer your inquiries.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

PNC:atp
Enclosures