

OPINION NO. 358  
Answered by Letter  
(Randolph)

September 22, 1965

Honorable Robert B. Paden  
Prosecuting Attorney  
DeKalb County  
Maysville, Missouri

Dear Mr. Paden:

This letter is in response to your request for an opinion of this office on the question whether a public administrator of a third class county can hold that office as well as being elected alderman of a fourth class city.

We enclose a copy of the opinion of the Attorney General to Honorable Charles G. Hyler, dated December 11, 1964, holding that a person may hold the office of Public Administrator and be a member of the County School Board at the same time.

In the light of the Hyler opinion, a person could be public administrator of a third class county and an alderman of a fourth class city simultaneously, unless the two offices are incompatible; that is, unless the duties of the two offices are inconsistent, antagonistic, repugnant, or conflicting, as where, for example, one office is subordinate to the other.

The office of public administrator concerns itself with the handling of estates and guardianships and is limited almost without exception to probate matters, whereas an alderman is a municipal legislator, whose affairs as alderman are not related to estates and guardianships.

Seeing no incompatibility between the two offices, it is the opinion of this office that one person may simultaneously hold the office of public administrator of a third class county and the office of alderman of a fourth class city.

Yours very truly,

NORMAN H. ANDERSON  
Attorney General

Encl  
DLR/sj