

January 18, 1966



Honorable James Millan
Prosecuting Attorney
Pike County
Bowling Green, Missouri

Dear Mr. Millan:

This is in answer to your request for an opinion on whether there is any prohibition against running for prosecuting attorney and also for the board of trustees of the county hospital in the same county.

The law in Missouri is settled that a man, absent statutory or constitutional provisions to the contrary, may hold more than one office providing the offices are compatible. See *State, ex rel. Walker v. Bus*, 135 Mo. 326. There appears to be no statutory or constitutional provisions against the same person being prosecuting attorney and also trustee of the county hospital. Therefore, the question is whether the offices are incompatible under common law principles.

Enclosed is Attorney General Opinion, dated June 28, 1954, to the Honorable J. Patrick Wheeler, which we still adhere to, holding that the duties of prosecuting attorney and those of trustee of a county health center of the same county are incompatible.

County health centers, including the trustees for such centers are provided for in Chapter 205, RSMo, specifically Sections 205.010 through 205.155. In the same chapter Sections 205.160 through 205.375 provide for county hospitals. The reasoning in the Wheeler opinion applies equally as well to the office of county hospital trustee as to that of county health center trustee. Accordingly it is our opinion that the duties of prosecuting attorney and those of trustee of a county hospital are incompatible and one person may not hold both at the same time.

Very truly yours,

Norman H. Anderson
Attorney General

Enclosure: Opinion No. 96, to Wheeler, 6/28/54