POOR PERSONS: County Court may provide surgical treatment; acts judicially in determining necessity.

June 18, 1941

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Honorable Clyde E. Combs
Prosecuting Attorney
Barton County
Lamar, Missouri

Dear Mr. Combs:

Under date of June 13, 1941, you wrote this office asking for an opinion as follows:

> "We have at the present time in our county a resident who is afflicted with some kind of a brain disease or pressure. His financial condition is such that he is clearly included under the terms of the county poor laws of the Missouri statutes, and there is also no question as to him being an inhabitant of the county. He has been treated and examined by three resident doctors in the county. They have been unable to help him and diagnose his case either as a brain tumor or a pressure of some sort on the brain. Two of them recommend that he be sent to Kansas City for diagnosis and possibly treatment.
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> "The county court, realizing upon diagnosis there will probably be a necessity for a brain operation and the accompanying expense, and also the precedent it will be setting in the matter, have requested of me an opinion as to the county court's liability for the relief, maintenance and support of such poor persons.

> "I would like the opinion of your office defining the duties and the liabilities of the county court under Sections 9590, 9591, 9593 and 9594, R. S. Mo. 1939, as to whether or not it is the duty of the county court to send poor persons outside the county for special examination and medical treatment after all the medical resources to aid a poor person have been exhausted within the county; also whether or not there would be any liability on the county court should they refuse assistance in cases such as this."

The provisions of our laws relating to the assistance of poor persons are statutory in origin. There was no assistance for such persons under the common law. In the case of Wood v. Boone County, 133 N. W. 377, the court said at l. c. 378:

> "There being no legal obligation at common law upon a county or any of the instrumentalities of government to furnish relief to the poor, plaintiff's action, if he has any, must be bottomed upon some statute of the state entitling him to relief. Cooledge v. Mahaska County, 24 Iowa, 211. * * * *"

In this state we have a number of statutes making various provisions for poor persons, among which are those mentioned in your letter, contained in Article II, Chapter 55, R. S. Missouri, 1939, which are herein set out, as follows:

Section 9590:

> "Poor persons shall be relieved, maintained and supported by the county of which they are inhabitants."

Section 9591:

"Aged, infirm, lame, blind or sick persons, who are unable to support themselves, and when there are no other persons required by law and able to maintain them, shall be deemed poor persons."

Section 9593:

"The county court of each county, on the knowledge of the judges of such tribunal, or any of them, or on the information of any justice of the peace of the county in which any person entitled to the benefit of the provisions of this article resides, shall from time to time, and as often and for as long a time as may be necessary, provide, at the expense of the county, for the relief, maintenance and support of such persons."

Section 9594:

"The county court shall at all times use its discretion and grant relief to all persons, without regard to residence, who may require its assistance."

Inasmuch as you specifically ask concerning the application and construction of the above four sections, the other sections will not be quoted or called to your attention, except where it may be necessary to mention them in order to arrive at the answer to your questions.

It will be observed that Section 9590, supra, provides that poor persons shall be "relieved, maintained and supported" by the county of which they are inhabitants, and Section 9593,

supra, provides that the County Court shall, from time to time as may be necessary provide, at the expense of the county, for the relief, maintenance and support of such poor persons. As you are aware, it has never been necessary for the Appellate Courts of the State to construe these sections, and in none of the decisions of the courts of this state are the verbs "relieve", "maintain" and "support", or the nouns "relief", "maintenance" and "support" defined as used in these sections of the statutes. The words "relieve", "maintain" and "support" are defined in Webster's New International Dictionary as follows:

> "relieve - 1. To raise or remove, as anything which depresses, weighs down, or crushes; to render less burdensome or afflicting; to alleviate; abate; mitigate; lessen; as, to relieve pain; to relieve want. 2. To free, wholly or partly, from any burden, trial, evil, distress, or the like; to give ease, comfort, or consolation to; to give aid, help, or succor to; to strengthen or deliver; as to relieve a besieged town; to relieve the poor. 3. To release from a post, station, or duty; to put another in place of, or to take the place of, in the bearing of any burden, or discharge of any duty; as, to relieve a sentry. * * * * * * * * * * * * * * *"
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> "support - 1. To bear the weight or stress of; to keep from sinking or falling; uphold; sustain; prop; as, a pillar supports a structure; an abutment supports an arch. * * * * * * * * * * * *. 3. To keep from fainting, sinking, yielding, or the like; to encourage; as, to support one's courage or spirits. * * * * * * * * * * 5. To furnish with funds or means for maintenance; to maintain; to provide for; as, to support a family."

"maintain - 1. To practice as a matter of habit or custom. Obs.
Learn to maintain good works.
Titus iii 14.
2. To hold or keep in any particular state or condition, esp. in a state of efficiency or validity; to support, sustain, or uphold; to keep up; not to suffer to fail or decline; as, to maintain a certain degree of heat in a furnace; to maintain a fence or a railroad; to maintain the digestive process or powers of the stomach; to maintain a legal action.
* * * * * * * * * * * * * * * * * * * *
5. To bear the expense of; to support; to keep up; to supply with what is needed; as, to maintain one's life.
What maintains one vice would bring up two children.

Franklin."

It will be noted that each one of the above words is a synonym for the other, but each has other meanings. It would not have been the intention of the lawmakers, in using these three words, that they should be used merely as synonyms, for in construing laws meaning should be given to each word if possible. The view is advanced by some that the words apply only to the relieving from hunger and lack of shelter, and the supporting and maintaining of the poor persons with food and shelter so long as the need exists. However, the writer believes it was the intention of the lawmakers, in using these three words, to attempt to make certain that all the necessities of life were provided for those persons, mentioned in section 9591, supra, so unfortunate as to be unable to provide for themselves. Medical and surgical attention are certainly just as necessary as are food and shelter. It would be a strange construction of a law to say that it imposed the duty of furnishing food and shelter by way of relieving, maintaining and supporting, and omitted the necessity of medical and surgical attention. What a strange construction of the law it would be that required that food be furnished to preserve life, yet

would not authorize the furnishing of medical and surgical attention, when indigestion and appendicitis were caused by the food furnished and threatened to destroy life. This view is strengthened by the fact that, by the provisions of Section 15158, Article I, Chapter 125, R. S. Missouri, 1939, it is made the duty of the county court in counties where county hospitals are built, to place therein for treatment poor persons. This section is as follows:

> "Whenever a county hospital is established and built by the county court, as provided in section 15157 of this article, it shall be the duty of such county court to place therein all of the poor persons that the county court shall deem proper to place in said county hospital, who shall be kept there and treated."

As previously noted, laws relating to poor persons are all of statutory origin and, reading the cases of other states, is of very little help, for we have found none which contain provisions identical with the Missouri statutes. There are a great many reported cases from other states in which the matter of furnishing medical and surgical treatment to inhabitants of the county and persons who were not inhabitants. Most of the reported cases arose out of resistance by the county court, or similar body, to paying for services rendered poor persons. In some of the cases there was direct statutory authority for furnishing medical aid, in others there was no direct provision. But in none of the cases was the question raised as to the propriety of furnishing mdecial and surgical assistance to the extent of amputations and operations. And, in some instances, recovery has been permitted to be made for medical and surgical services rendered transients in emergencies. These last cases were ruled solely upon humanitarian principles and, in this connection, we call your attention to several cases.

The first of these is Board of Commissioners v. Lomax, 32 N. E. 800, a case in which an amputation of a leg was involved, and the physician who performed the amputation was suing for his services and recovery was had. While the statutes involved were different from our statutes, the county was re-

quired to "relieve and support all indigent persons settled therein" and we quote from l. c. 801:

> "* * * * * Section 6069 of the Revised Statutes makes it the duty of counties, as such, to 'relieve and support all poor and indigent persons lawfully settled therein.' Section 6066 provides that 'the township trustees of the several civil townships of the state shall be the overseers of the poor within their respective townships.' Section 6071 provides that the 'overseers of the poor' shall have the oversight and care of all poor persons in their respective townships as long as they remain a county charge, and 'shall see that they are properly relieved and taken care of.' Thus it will be seen that paupers are a county charge; that a township trustee, as an 'overseer of the poor,' is required to 'care for and relieve' the paupers in his township. He is, for this purpose, an agent of the county. Section 5764 provides that the board of commissioners may contract with one or more physicians 'to attend the poor generally;' that when they do this no one has authority to employ others for this purpose. This section, however, is qualified by the following proviso: 'Provided, that this sectionshall not be so construed as to prevent overseers of the poor, or any one of them, in townships not otherwise provided for, from employing such medical and surgical services as paupers within his or their jurisdiction may require.' It is manifestly the policy of our poor laws to properly and adequately care for and believe the distress of those who are so

> unfortunate as to become paupers. It is the duty of the properly constituted authorities to see that this is done without any false ideas of economy upon the one hand or a needless extravagance upon the other. If a pauper is sick, it is the duty of the township trustee to see that he has a competent physician to attend him. If a competent physician has been contracted with by the county for this purpose, then he should be called. If surgery is required, then a competent surgeon should be called. If none has been provided by the county, then it is the duty of the township trustee to select and employ one to perform the needed service. * * * * * * * * * * *"

The case of Rock Island County v. Arp, 118 Ill. App. 521, is a case in which surgical operations were performed upon a husband and his wife. The husband had been removed from the district in which he resided and which had the duty of taking care of him, but the court enforced collection of the demand against the district where he resided.

Another case is Sayre v. Madison County, 254 N. W. 874, 93 A.L.R. 896, a Nebraska case. We also quote from this case as it involved an appendicitis operation. The court said at l. c.897:

> "* * * * * It was the duty of the county to furnish medical aid under the circumstances, but not necessarily to furnish the poor person's choice of medical aid. Statutes of the kind under consideration here should be given a very liberal construction, and county boards should be generous in supplying the aid which the legislators intended for destitute persons; but when the county provides a physician for that

> purpose, able and competent to give satisfactory service, and such physician is ready and willing to render such service upon call, then the duty of the county is fulfilled. * * * * *"

It would appear that it is a duty which has been imposed upon the county court and not merely a discretionary function in regard to caring for the inhabitants of the county. In this connection, attention is called to the use of the word "shall" in Sections 9590 and 9593, supra. It is recognized that shall may be construed as may in some instances, but in the case of State ex rel. Gilpin v. Smith, 96 S. W. (2d) 40, the following language was used by Judge Tipton, who wrote the opinion, at l. c. 41:

> "We are of the opinion that it is the duty of a county to support the poor who are within its boundaries. Section 12950, R. S. Mo. 1929 (Mo.St.Ann. sec. 12950, p. 7474), is as follows: 'Poor persons shall be relieved, maintained and supported by the county of which they are inhabitants.'
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> "'An examination of the Revised Statutes of Missouri 1929 clearly shows that poor relief is a "public purpose" and a governmental duty because by sections 12950 and 12952 (Mo.St.Ann. secs. 12950, 12952 (p. 7474)), counties are authorized to spend money in support of the poor; by section 9986 (Mo.St.Ann. sec. 9986 (p.8022)), a county pauper fund is provided; by section 12058 and 13942 (Mo. St.Ann. secs. 12058, 13942 (pp.6410, 4240)) county poor houses and county hospitals are maintained; section 9697 (Mo.St.Ann. sec. 9697 (p.7349)) gives authority to educate poor children that are blind or deaf; section 12961 (Mo. St.Ann. sec. 12961 (p. 7476)) directs

the county court to set aside, out of its annual revenues, a definite sum for the support of the poor; article 1, chapter 90, creates a state board of charities and defines its functions; section 12930 (Mo.St.Ann. sec.12930, p.7465) requires this board to supervise public relief to the poor. * * *

"'The good of society demands that when a person "is without means, and unable, on account of some bodily or mental infirmity, or other unavoidable cause, to earn a livelihood," he is entitled to be supported at the expense of the public. "It is immaterial how the alleged pauper is brought into need, as it is the fact of the situation and not the method of producing it that is important." "So the fact that a person's want is the result of gross intemperance does not prevent him from securing relief as a pauper." "An ablebodied man, who can, if he chooses obtain employment which will enable him to maintain himself and family, but refuses to accept employment, is not entitled to public relief, though relief may be properly extended to the wives and children of such men." 21 R.C.L. 705, 706. It necessarily follows that an able-bodied man, who is unable to obtain employment on account of the economic conditions existing at the time, and who is without means of support, is entitled to public relief.' Jennings v. City of St. Louis, 332 Mo. 173, 58 S. W. (2d) 979, 981, 87 A.L.R. 365."

The above quotation, while only dicta, seems to express the views of the Supreme Court that, under the statutes here being considered, a duty is laid on the county court, for what was Section 12950, R. S. Missouri, 1929, is now Section 9590, R. S. Missouri, 1939, to furnish the necessities of life to the poor persons who are inhabitants of the county. We fail to find anything that would prevent them from going outside their own county to procure such necessities if they could not be procured within the county. If sending an inhabitant to another county for surgical treatment would preserve the life of an inhabitant, then it is believed it is within the power of the county court to do so. However, before administering to the needs of the poor persons, the county court must determine that the person sought to be aided comes within the class of persons it is authorized to assist, and the need for assistance, and it is further necessary for it to determine to what extent it can extend aid, for its resources are limited by the application of the County Budget Law. In making these determinations, the county court would be acting judicially, and even though its judgment were erroneous, there would be no personal liability on the members of the county court.

In the case of Pike v. Megoun, 44 Mo. 491, the court said at l. c. 494-497:

> "This was an action by plaintiff against the defendants, as registration officers within and for Ralls county, for refusing to register plaintiff as a legally qualified voter. The petitioner avers that prior to the general election in 1866 the plaintiff was a resident of said county, and had been for many years previous thereto; that he was legally qualified and entitled to be a voter therein; that he took and subscribed the oath of loyalty prescribed by the constitution of this State, and in all respects complied with the requirements of the law, and that his qualification as a voter was well known to each and all of the defendants at that time; but that said defendants, 'conspiring together to cheat and defraud plaintiff

out of his right to exercise the elective franchise, knowingly, willfully, corruptly, and unlawfully, jointly and severally, did refuse and exclude the name of plaintiff as a qualified voter, and refused to register him, or suffer him to be registered as such."

"To this petition there was a demurrer, assigning as grounds of objection that the defendants, in their capacity of registration officers, acted judicially, and were not responsible in a civil proceeding. There was judgment for defendants on the demurrer in the Circuit Court, which was affirmed by a division of the judges in the District Court.

"The question presented is one of considerable embarrassment, on account of the multiplied, various, and conflicting opinions which have been entertained concerning ministerial and judicial acts. The proposition is undoubted, that wherever duties of a judicial nature are imposed upon a public officer, the due execution of which depends upon his own judgment, he is exempt from all responsibility by action for the motives which influence him and the manner in which such duties are performed. If corrupt or willful, he may be impeached or indicted, but he can not be prosecuted by an individual to obtain redress for the wrong which may have been done.

"In all the cases, the rule is nowhere better laid down than by Fox, J., in Taaffe v. Downes, 3 Moore, P. C. 51. 'The principle at law,' he said, 'of exemption from being sued for matters done by judges in their judicial capacity, is

of great importance. It is necessary to the free and impartial administration of justice that the persons administering it should be uninfluenced by fear and unbiassed by hope. Judges have not been invested with this privilege for their own protection merely; it is calculated for the benefit of the people, by insuring to them a calm, steady, and impartial administration of justice; it is a principle coeval with the law of the land and the dispensation of justice in this country, and is founded on the very framework of the constitution. It is to be met with in the earliest books of the law, and has been continued down to the present time without one authority or dictum to the contrary. I think myself called upon in assertion of this principle, so vitally necessary to the administration of justice, to maintain it in such a manner as may be necessary to give it full effect and operation; still, however, not trenching in any manner on the rights of the subject, which this principle is intended to protect -- not to injure or infringe -- it appears to be most necessary that a judge administering justice shall not be liable to answer for acts done judicially by him, by the way of action or prosecution. They are only answerable for their judicial conduct in the high court of Parliament; and without the existence of this principle it is utterly impossible that there could be such a dispensation of justice as would have the effect of protecting the lives or property of the subject. A judge must -- a judge ought -- to be uninfluenced by any pe rsonal consideration whatever operating on his mind when he is hearing a discussion concerning the rights of contending parties; otherwise, instead of hearing them abstractedly, a considerable portion of his attention must be devolved

to himself. There is something so monstrous in the contrary doctrine that it would poison the very source of justice, and introduce a system of servility utterly inconsistent with the constitutional independence of the judges -- an independence which it has been the work of ages to establish -- and would be utterly inconsistent with the preservation of the rights and liberties of the subject.'

"In a very recent case in the Supreme Court of the United States (Randall v. Brigham, 7 Wall. 523), it was declared to be the established law, and as the result of the authorities, that judicial officers are exempt from liability in a civil action for their judicial acts done within their jurisdiction, and judges of superior or general authority are exempt from such liability, even where their judicial acts are in excess of their jurisdiction, unless, perhaps, where the acts in excess of their jurisdiction are done maliciously or corruptly.

"An action, then, does not lie against judges or magistrates, or persons acting judicially in a matter within the scope of their jurisdiction, however erroneous their judgment or corrupt and malicious their motives. (Cases supra, also, Stone v. Graves, 8 Mo. 148; Yates v. Lansing, 5 Johns. 282; 9 Johns. 395; Cunningham v. Bucklin, 8 Cow. 178; Briggs v. Wardwell, 10 Mass. 358; Doswell v. Impey, 1 Barn. & Cress. 169; Phelps v. Sill, 1 Day, 315.) But there is a limit to this judicial immunity. The civil remedy depends exclusively upon the nature of the duty which has been violated. When duties which are purely ministerial are cast upon officers whose chief functions are judicial, and the

> ministerial duty is violated, the officer, although for most purposes a judge, is still civilly responsible for such misconduct. (Wilson v. The Mayor, etc., 1 Den. 599; Rochester White Lead Co. v. City of Rochester, 3 Comst. 463) And the same rule obtains where judicial functions are cast upon a ministerial officer. But to render a judge acting in a ministerial capacity, or a ministerial officer acting in a capacity in its nature judicial, liable, it must be shown that his decisions were not merely erroneous, but that he acted from a spirit of willfulness, corruption, and malice; in other words, that his action was knowingly wrongful, and not according to his honest convictions in respect of his duty. (Reed v. Conway, 20 Mo. 22; Caulfield v. Bullock, 18 B. Monr. 494).* * * * * * * * * * "

In the case of Wood v. Boone County, 133 N. W. 377, at l. c. 380-1, the court said:

> "It is a general rule that, where a governmental duty rests upon a state or any of its instrumentalities, there is absolute immunity in respect to all acts or agencies. Beeks v. Dickinson County, supra. In this case it is said: 'In so far as a municipality undertakes the duty of making and enforcing quarantine regulations and other laws for the promotion of the public health, it is performing governmental functions, and its officers are not agents for whose actions or inaction it is liable, unless such liability is imposed by its charter or by the laws of

the state under which it exists. * * * The remaining question is whether the members of the local board of health are individually liable for the loss of the plaintiff's crops. The statute makes it the duty of the health officers to quarantine against all "infectious or contagious diseases dangerous to the public," and it cannot well be questioned that the defendants were acting within their scope of duty as such officers, and that in establishing the quarantine they were acting in a quasi judicial character. They were vested with the power to determine whether an infectious or contagious disease existed in the appellant's family, and, if found to exist, their duty under the statute required them to take proper steps to prevent its spread, and, had they neglected to do so, they would have been culpable in a high degree. They were therefore acting judicially, and it is the general rule that officers so acting are not liable for injuries which may result from such acts performed in the honest exercise of their judgment, however erroneous or mistaken the action may be, provided there be no malice or wrong motive present.' See, also, McFadden v. Town of Jewell, 119 Iowa, 324, 93 N. W. 302, 60 L.R.A. 401, 97 Am. St. Rep. 321. As supporting the same proposition, see Ogg v. Lansing, 35 Iowa, 495, 14 Am. Rep. 499; Kincaid v. Hardin Co., 53 Iowa, 431, 5 N. W. 589, 36 Am. Rep. 236; Calwell v. Boone, 51 Iowa, 687, 2 N. W. 614, 33 Am. Rep. 154; Saunders v. Ft. Madison, 111 Iowa, 103, 82 N. W. 428; Lahner v. Williams, 112 Iowa, 428, 84 N. W. 507; Easterly v. Irwin, 99 Iowa, 696, 68 N. W. 919. A great num-

> ber of cases announcing the same rule are to be found in 28 Cyc. pp. 1305, 1306. Some cases seem to make an exception where the county undertakes to furnish relief, and in doing so negligently fails to use proper and necessary care. Such an exception seems to be made in Meier v. Paulus, 70 Wis. 165, 35 N. W. 301. But the contrary rule was announced in Lexington v. Batson, 118 Ky. 489, 81 S. W. 264; Twyman v. Frankfort, 117 Ky. 518, 78 S. W. 446, 64 L.R.A. 572; Richmond v. Long, 17 Grat. (Va.) 375, 94 Am. Dec. 461."

In the case of Ussery v. Haynes, 127 S. W. (2d) 410, at l. c. 416-17, the court said:

> "While our county and probate courts are, generally speaking, courts of limited jurisdiction, yet, as said in State v. Fulton, 152 Mo. App. 345, 348, 133 S. W. 95, 96, the case of Johnson v. Beazley, 65 Mo. 250, 27 Am. Rep. 276, (overruling some prior decisions), announced the principle that 'while the probate and county courts are courts of limited jurisdiction and their power to act is provided by the statute, yet as to such matters as the statute places exclusively within their jurisdiction they stand on the same footing as courts of general jurisdiction, and the same presumptions are to be indulged in favor of the regularity of their proceedings and the validity of their judgments and orders in relation to the matters exclusively confided to their jurisdiction as are indulged in favor of the judgments and orders of a court of general jurisdiction. This case has

been cited and the principle therein announced approved in all the later cases in this state. Desloge v. Tucker, 196 Mo. 587, 601, 94 S. W. 283, and cases cited; Ancell v. Bridge Co., 223 Mo. 209, 227, 122 S. W. 709.' The opinion of the Springfield Court of Appeals in State v. Fulton, supra, was adopted by the St. Louis Court of Appeals, 184 S. W. 938.

"In Desloge v. Tucker, supra, 196 Mo. loc. cit. 601, 94 S. W. loc. cit. 286, it is said that, 'though probate courts are courts of limited jurisdiction, yet, moving in the orbit of their constitutional and statutory powers, in the administration of estates, they are not inferior courts, and the same liberal presumptions and intendments are indulged to sustain their proceedings and jurisdiction (attacked collaterally) as are indulged in behalf of other courts of record.' See also, to like effect, Brawford v. Wolfe, 103 Mo. 391, 395, 15 S. W. 426.

"In the matter of examining into and determining the question whether plaintiff should be committed to the hospital the county court had jurisdiction of the subject matter. The statute gave it jurisdiction of that class of cases and a written statement, as provided by statute, had been filed invoking its action in the particular case. It had to determine that notice had been served upon her before it could render judgment against her. In doing so it acted judicially. 'The first question to be decided by any court in any case is whether or not it has jurisdiction in point of fact.' Bealmer v. Hartford Fire Ins. Co., 281 Mo. 495, 501, 220 S. W. 954, 956. See,

also, Mahon v. Fletcher's Estate, Mo. App., 245 S. W. 372; Hadley v. Bernero, 103 Mo. App. 549, 78 S. W. 64; Dowdy v. Wamble, 110 Mo. 280, 19 S. W. 489. In State v. Baty, 166 Mo. 561, 66 S. W. 428, it is said: 'Every presumption will be indulged in favor of the correctness of the action of a court of general jurisdiction, and that it proceeds by right and not by wrong. (Citing cases.) If the record is silent about a matter necessary to confer jurisdiction, or, more properly, to cause it to attach in the particular instance, the existence of such matter (nothing appearing of record to the contrary) will be presumed.' And to the same effect see Hadley v. Bernero, supra, where the record was silent as to finding of a fact necessary to give the circuit court appellate jurisdiction but the court retained and decided the case.

"It is not shown that the county court made a record showing that it found notice had been given and it did not so state in its judgment. The statute did not provide that such fact should be stated in the judgment or order required to be entered of record. But since such finding or determination was necessary before the court could proceed to final judgment against plaintiff we think, in the light of the principles enunciated in the cases we have cited above, the presumption must be indulged that it did so determine. In so determining it erred, because the notice was not legally served, but it was an error made in the exercise of a judicial func-

tion, for which the judges cannot, on well settled principles of law, be held liable in damages."

CONCLUSION.

It is the conclusion of this Department that in caring for poor persons county courts may furnish medical and surgical attention and are not limited to that which may be procured in their own county; that in determining the necessity for medical or surgical treatment, and the qualifications of a person to receive it, the county court acts judicially and would not be liable if there was an erroneous judgment.

Respectfully submitted,

W. O. JACKSON
Assistant Attorney General

APPROVED:

VANE C. THURLO
(Acting) Attorney General

WOJ/rv