

OFFICE OF THE ATTORNEY GENERAL

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STATE OF ALABAMA
NOV 21 1979

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Mr. Jerry G. Graham, Chairman
Lawrence County Commission
Courthouse Annex
Moulton, Alabama 35650

Lawrence County - Pensions and Security
Officers and Employees

Members of County Boards of Pensions
and Security who have relatives in
public office may not serve

Dear Mr. Graham:

Your request for an official opinion, dated October 15,
1979, is as follows:

"Several inquiries have been made recently to the
Lawrence County Commission concerning the legal
qualifications of two appointees on our Department
of Pension & Security Board.

"There are two board members in question. Mrs. Mae
Lynn Martin, 404 East St., Moulton, Alabama, and
Mrs. Agnes Young, Mt. Hope, Alabama. Since Mrs.
Martin's appointment to the Board, her son was
elected to the Lawrence County Board of Education.
He is also a second cousin by marriage to Mrs. Young.

"With the authority contained in the Code of Alabama,
Title 38, Chapter 2, Section 7, I would appreciate
your opinion on any discrepancies that might exist
in this situation.

"If you need any additional information or have
any questions, please give me a call."

Mr. Jerry G. Graham
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You requested an opinion concerning the legal qualifications of Mrs. Martin and Mrs. Young to serve as members of the county board. Code of Alabama 1975, §38-2-7, states in part: "[n]o person holding an elective public office . . . and no person who is related by blood or by marriage to any such officer . . . shall be a member of such county board . . .". This statute, which states qualifications for members of county boards of pensions and security, prohibits a person who is related to an elected public official from serving on the county board. Therefore, if the facts as stated are true, then the provisions of §38-2-7, would prohibit the two named individuals from serving on the county board.

Sincerely,

CHARLES A. GRADDICK
Attorney General

By-



WALTER S. TURNER
Assistant Attorney General