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OFFICE OF THE ATTORNEY GENERAL



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STATE OF ALABAMA

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Mr. F. R. Albritton, Jr.
Chairman, Wilcox County Commission
P. O. Box 488
Camden, Alabama 36726

Coroners - Health - Officers
and offices

Discussion of one individual
holding offices of county
coroner and sanitation officer.

Dear Commissioner Albritton:

You have requested an opinion on the following question:

The Wilcox County Commission is requesting an Attorney General's ruling on the legality of the county coroner serving for approximately two months as acting county sanitation officer.

The Wilcox County Commission appointed Mark Curl, the county coroner as acting county sanitation officer on May 10, 1982. This appointment was made to fill the county health officer vacancy created by a death.

The State Health Department has now filled this position in Wilcox County, so the County Commission terminated the appointment of Mr. Curl on July 26, 1982, during the regular meeting.

If this action taken by the County Commission was legal, would this County Commission be liable to pay Mr. Curl's salary for the time in which he did actively fill the position of acting county sanitation officer?

Mr. F. R. Albritton, Jr.
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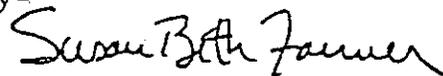
In response to your first question, the question is now moot. Your letter of inquiry recites that Mr. Curl is Wilcox County coroner. He was appointed as acting county sanitation officer because the position of health officer was vacant. A county health officer was appointed some two months later, so Mr. Curl's temporary appointment was ended. Because Mr. Curl is not currently serving in two positions, your question has become moot. This office declines to answer moot questions because they do not present real controversies.

With regard to your second question concerning paying Mr. Curl for both positions, the answer is not within the purview of this office. This question is one which properly should be addressed by the Alabama Ethics Commission.

Sincerely,

CHARLES A. GRADDICK
Attorney General

By-



SUSAN BETH FARMER
Assistant Attorney General

SBF;bd