



2011-026

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

January 5, 2011

TROY KING
ATTORNEY GENERAL

500 DEXTER AVENUE
MONTGOMERY, AL 36130
(334) 242-7300
WWW.AGO.STATE.AL.US

Honorable Derek Atchison
Attorney for Board of School
Commissioners of Mobile County
The Atchison Firm, P.C.
3030 Knollwood Drive
Mobile, Alabama 36693

Unclaimed Property – Exemptions –
Education, Boards of

The Board of School Commissioners
of Mobile County is exempt from the
requirements of the Uniform
Disposition of Unclaimed Property
Act by virtue of section 35-12-73(2)
of the Code of Alabama.

Dear Mr. Atchison:

This opinion of the Attorney General is issued in response to your
request on behalf of the Board of School Commissioners of Mobile
County.

QUESTION

Is the Board of School Commissioners of
Mobile County exempt from the requirements of
the Uniform Disposition of Unclaimed Property
Act, section 35-12-70, *et seq.*, of the Code of
Alabama, by virtue of section 35-12-73(2) of the
Code, or any other applicable law?

FACTS AND ANALYSIS

In your letter of request, you informed this Office that the Director
of the Unclaimed Property Division of the Office of the State Treasurer
informed the Board of School Commissioners of Mobile County (“Board”)

Honorable Derek Atchison
Page 2

that the Board would be subject to an "unclaimed property review." You seek guidance from this Office regarding the applicability of the Unclaimed Property Act to the Board prior to your participation in this review.

The Uniform Disposition of Unclaimed Property Act is codified in sections 35-12-70 through 35-12-96 of the Code of Alabama. Section 35-12-73 sets out which entities may be exempt from the provisions of this act. More specifically, section 35-12-73(2) states that "[i]ncorporated municipalities and incorporated municipal boards and county and county boards of this state" are exempt from the Unclaimed Property Act. ALA. CODE § 35-12-73 (1991). The Board of School Commissioners of Mobile County is the county board of education for Mobile County. *Bd. of School Comm'rs of Mobile County v. Biggs*, 939 So. 2d 942, 946 (Ala. Civ. App. 2006); opinion to Honorable Abe L. Hammons, Superintendent, Board of School Commissioners of Mobile County, dated October 10, 1984, A.G. No. 85-00007. Because the Board is an agency of the county, it is the opinion of this Office that the Uniform Disposition of Unclaimed Property Act does not apply to the Board.

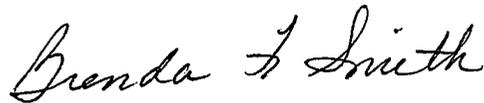
CONCLUSION

The Board of School Commissioners of Mobile County is exempt from the requirements of the Uniform Disposition of Unclaimed Property Act by virtue of section 35-12-73(2) of the Code of Alabama.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

TROY KING
Attorney General
By:



BRENDA F. SMITH
Chief, Opinions Division

TK/MMG
1066268/146276