MEC
OPINION NO.

2000.06.106

COPY

STATE OF MISSOURI

MISSOURI ETHICS COMMISSION
P. O. BOX 1254
JEFFERSON CITY, MISSOURI 65102

573/751-2020
1-800/392-8660

June 16, 2000

At the June 13, 2000 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's response to your question:

If I am elected to the position of sheriff, would I be required to fire my first cousin who is a deputy sheriff?

The Commission brings to your attention Article VII, Section 6 of the Missouri Constitution. This section states as follows:

"Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office of employment."

In this case, your cousin is already employed by the sheriff's department. If you are elected and all of the employees are "carried over" and you as the new sheriff do not have to re-appoint any of these employees, there is no violation of this clause. If the employees must be re-appointed, the nepotism clause would be violated and you would lose your position. You should contact your local prosecutor concerning whether or not employees may be carried over.

Sincerely,

Charles G. Lamb, Ph.D.
Executive Director

MCR:bd

NOTICE

Anyone examining this advisory opinion should be careful to note that an opinion of the Missouri Ethics Commission deals only with the specific request to which the opinion responded and only as to the law as it existed at the date of the response and cannot be relied upon for any other purpose or in any other manner.

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May 2, 2000

MISSOURI ETHICS COMMISSION
MAY 1 0 2000

Mr. James Powell
3910 Hager Rd.
Bonne Terre, MO 63628

Dear Mr. Powell:

This letter is in response to your letter of April 26, 2000. The nepotism clause of the Missouri Constitution states that you shall not hire a relative within the 4th degree of consanguinity. If you are elected and your cousin remains on the job you did not hire in the first place and, therefore, it appears not to violate the nepotism clause. This is not a formal opinion of the Missouri Ethics Commission. If you wish to have a formal opinion, please feel free to request that in writing and I will present it to the Commission at their next scheduled meeting. I have enclosed an article concerning nepotism and a previously issued opinion regarding this matter.

If you have any further questions, please feel free to contact me.

Sincerely,

Michael C. Reid
Director of Compliance

MCR:bd
Enclosures