



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

May 12, 1975

Opinion No. 75- 210

Mr. Joel B. Short
Short and Short
Suite 4
Louderback Building
Fort Scott, Kansas 66701

Dear Mr. Short:

As one of three recently elected city commissioners of the City of Ft. Scott, you inquire concerning possible conflict of interest which might arise involving the city treasurer and the city attorney.

You advise that the present city attorney, Mr. Daniel F. Meara, of the firm of Meara and Eichor, is the son of the present city treasurer, Mr. Frank Meara, a certified public accountant. Mr. Daniel Meara's law partner, Mr. Rick Eichor, is the county attorney, an elective officer.

Your concern stems from the apparent dilemma which might be posed if a complaint were received or allegations of misconduct in office were raised concerning the city treasurer, Mr. Frank Meara. If an investigation were required into such allegations, the question would be presented whether the city attorney, as Mr. Frank Meara's son and the county attorney, as Mr. Daniel's law partner, would be compromised in discharging their official duties to respond to and conduct investigations into such allegations as a result of the family professional relationships described above.

You question whether the foregoing circumstances present a situation which is in conflict with Kansas statutes. We find no conflict. There is no instance, upon these facts, in which any of the persons involved holds two offices, raising any question of incompatibility of offices. No conflict of interest may be presumed, we think, from the mere existence of a family relationship between two officers of the city. Obviously, if the situation arose, as doubtless unlikely that may be, that the city attorney or

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the county attorney was called upon to act in his professional or official capacity in any fashion adversely to the city treasurer, there might arise questions of professional ethics which would require one or both attorneys to disqualify themselves from the matter. However, there exists in our judgment no question of any existing conflict of interest between any of the persons involved.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:jj