



STATE OF KANSAS

## Office of the Attorney General

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**Curt T. Schneider**  
Attorney General

October 1, 1976

ATTORNEY GENERAL OPINION NO. 76- 307

Mr. Gary House  
Chautauqua County Attorney  
Post Office Box 417  
Sedan, Kansas 67361

Re: Conflict of Interest--Contracts--Associate Magistrate  
Judges

Synopsis: Award of solid waste contract by county to husband of candidate for election to office of district magistrate judge is not prohibited by K.S.A. 1975 Supp. 75-4303 or any other statutory provision regarding conflict of interest.

\* \* \*

Dear Mr. House:

You inquire concerning a possible conflict of interest. You advise that RoyJean Bennitt was nominated at the August, 1976, primary election for position of magistrate judge, and is unopposed in the general election. Her husband, Craig Bennitt, has entered a bid with the board of county commissioners of Chautauqua County, Kansas, for a contract for operation of a solid waste program, and is the apparent low bidder. The question arises whether, if the contract is awarded to Mr. Bennitt, his wife will be subject to any conflict of interest.

We agree with your opinion on the question, that award of the contract to Mr. Bennitt would not, in and of itself, involve Mrs. Bennitt in any conflict of interest whatever. The general conflict of interest provision, K.S.A. 1975 Supp. 75-4304 is

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clearly inapplicable, and I know of no common law principle involving conflicts of interest which is in any way applicable.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj