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## MISSISSIPPI ETHICS COMMISSION

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### ADVISORY OPINION NO. 07-010-E

March 2, 2007

**Question Presented:** May an employee of the sheriff's office also serve as the county coroner if elected?

**Brief Answer:** No. Section 25-4-105(3)(a), Miss. Code of 1972, prohibits an elected official of the county from also holding an employment position with the same authority of county government.

The Mississippi Ethics Commission issued this opinion on the date shown above in accordance with Section 25-4-17(i), Mississippi Code of 1972, as reflected upon its minutes of even date. The Commission is empowered to interpret and opine only upon Article IV, Section 109, Mississippi Constitution of 1890, and Article 3, Chapter 4, Title 25, Mississippi Code of 1972. This opinion does not interpret or offer indemnity from liability for any other laws, rules or regulations. The Commission based this opinion solely on the facts and circumstances provided by the requestor as restated herein. The indemnity provided under Section 25-4-17(i) is limited to the individual who requested this opinion and to the accuracy and completeness of these facts.

#### I. LAW

The pertinent Ethics in Government Laws to be considered here are as follows, to wit:

Section 25-4-103, Miss. Code of 1972.

(a) "Authority" means any component unit of a governmental entity.

(e) "Compensation" means money or thing of value received, or to be received, from any person for services rendered.

(h) "Governmental entity" means the state, a county, a municipality or any other separate political subdivision authorized by law to exercise a part of the sovereign power of the state.

(p) "Public servant" means:

(i) Any elected or appointed official of the government;

(ii) Any officer, director, commissioner, supervisor, chief, head, agent or employee of the government or any agency thereof, or of any public entity created by or under the laws of the state of Mississippi or created by an agency or governmental entity thereof, any of which is funded by public funds or which expends, authorizes or recommends the use of public funds; or

(iii) Any individual who receives a salary, per diem or expenses paid in whole or in part out of funds authorized to be expended by the government.

Section 25-4-105, Miss. Code of 1972.

(3) No public servant shall:

(a) Be a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent, other than in his contract of employment, or have a material financial interest in any business which is a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent.

(4) Notwithstanding the provisions of subsection (3) of this section, a public servant or his relative:

(h) May be employed by or receive compensation from an authority of the governmental entity other than the authority of the governmental entity of which the public servant is an officer or employee.

## II. FACTS

Facts provided by the requestor are set forth below, with identifying information redacted, and are considered a part of this opinion.

Can an employee of the County Sheriff's Office (dispatcher) also serve as the County Coroner if elected?

## III. ANALYSIS

Section 25-4-105(3)(a), Miss. Code of 1972, above, prohibits a public servant from being employed by or otherwise being a contractor "with the governmental entity of which he is a member, officer,

employee or agent.” That rule precludes a county elected official from holding a second employment position in the same authority of county government. This Commission has previously opined that a coroner is prohibited from being employed by other offices of county government. See Ops. Miss. Ethics Commn. Nos. 05-104-E, 05-004-E, 01-045-E, 99-105-E, 96-088-E and 96-003-E. Therefore, an individual may not simultaneously be employed by the county as a dispatcher with the sheriff’s department and serve as county coroner. If elected coroner, the individual would have to resign his or her position in the sheriff’s department before taking office as coroner.

MISSISSIPPI ETHICS COMMISSION

BY: \_\_\_\_\_  
Tom Hood, Executive Director and  
Chief Counsel