



*Lynn Fitch*  
**ATTORNEY GENERAL**  
OPINIONS AND POLICY

May 3, 2021

John P. Scanlon, Esq.  
Attorney for the City of Ridgeland  
800 Avery Boulevard North, Suite 101  
Ridgeland, Mississippi 39157

Re: Nepotism and Hiring of Mayor's Grandson in City Parks and Recreation  
Department

Dear Mr. Scanlon:

The Office of the Attorney General has received your request for an official opinion.

#### **Issue Presented**

Would Mississippi's nepotism statute be violated by the City of Ridgeland Board of Aldermen (the "Board") employing the Mayor's grandson as a laborer in the Parks and Recreation Department?

#### **Brief Response**

No. There will be no violation of Mississippi's nepotism statute by the Board employing the Mayor's grandson as a laborer in the Parks and Recreation Department because a laborer is not one of the five employment positions enumerated in Section 25-1-53.

#### **Applicable Law and Discussion**

Mississippi Code Annotated Section 25-1-53, Mississippi's nepotism statute, provides, in pertinent part:

It shall be unlawful for any person elected, appointed or selected in any manner whatsoever to any state, county, district or municipal office, or for any board of trustees of any state institution, to appoint or employ, as an *officer, clerk, stenographer, deputy or assistant* who is to be paid out of the public funds, any person related by blood or marriage within the third degree, computed by the rule

of the civil law, to the person or any member of the board of trustees having the authority to make such appointment or contract such employment as employer.

In describing the analysis required to determine whether a violation of Mississippi's nepotism statute has occurred, this office has opined in the following manner:

In determining whether the nepotism statute applies, it is necessary to apply a three-part analysis. One, are the parties related within the third degree? Two, is the relative who is a public official the appointing authority? Three, *is the position one of the five enunciated positions in the statute?* If the answer to any one of these questions is no, the nepotism statute does not prohibit the appointment or employment of the individual in question.

MS AG Op., *Gilfoy* at \*1 (Aug. 26, 1993) (emphasis added).

Section 25-1-53 prohibits a board of aldermen from hiring a person who is related by blood or marriage within the third degree to one of only five specific positions: officer, clerk, stenographer, deputy or assistant. You state that the Mayor's grandson applied to be a "laborer" in the Parks and Recreation Department. This office has repeatedly opined that a laborer is not one of the five positions specified in the nepotism statute. *See, e.g.,* MS AG Op., *Gilfoy* at \*1 (Aug. 26, 1993); MS AG Op., *Blackmon* at \*2 (Mar. 19, 2010); MS AG Op., *Gifford, Jr.* at \*1 (Feb. 26, 1999). Because the position—a laborer—is not one of the five enunciated positions within Section 25-1-53, the answer to one of the three questions set forth above is "no." Accordingly, there will be no violation of Mississippi's nepotism statute by the Board employing the Mayor's grandson as a laborer in the Parks and Recreation Department.

Notably, we invite you to consult the Mississippi Ethics Commission regarding any potential conflicts of interest, governed by Mississippi's Ethics in Government Law.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Gregory Alston

Gregory Alston  
Special Assistant Attorney General