



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

January 14, 2022

Ms. Debra Jones  
Executive Director  
Mississippi Board of Barber Examiners  
510 George Street, Suite 400  
Jackson, Mississippi 39202

Re: Nepotism and Hiring of Board Member's Relative as a Barber Inspector

Dear Ms. Jones:

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 Mississippi Board of Barber Examiners (the "Board") employing a Board member's nephew or cousin as a barber inspector?

#### **Brief Response**

No. There will be no violation of Mississippi's nepotism statute by the Board employing a Board member's nephew or cousin as a barber inspector because a barber inspector 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:

We have oft opined that this section of the code requires analysis of two separate issues. First, it must be determined whether the position for which the individual is being considered is one of the five listed positions. Only then is it necessary to move on to the question of whether the person is related within the third degree to a member of the appointing authority.

MS AG Op., *Youngman* at \*1 (Feb. 23, 2001).

Section 25-1-53 prohibits a board of the state 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 a Board member's nephew or cousin has applied for a position vacancy with the Board. Because the position—a barber inspector—is not one of the five enunciated positions within Section 25-1-53, the answer to the first question set forth above is “no, it is not one of the five listed positions.” Accordingly, there will be no violation of Mississippi's nepotism statute by the Board employing a Board member's nephew or cousin as a barber inspector.

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