



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

March 19, 2024

Arnold Clark  
Trustee, Jefferson County Nursing Home and Jefferson County Hospital  
Post Office Box 1089  
Fayette, Mississippi 39069

Re: Nepotism

Dear Mr. Clark:

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

### **Background**

According to your request, your wife is interested in applying for the position of social worker at the Jefferson County Nursing Home and Jefferson County Hospital. You state that the nursing home director and hospital CEO serve as the appointing authority, not the board of trustees.

### **Question Presented**

Is it a violation of the nepotism statute for the wife of a member of the board of the nursing home and hospital to be hired as a social worker for the nursing home and hospital?

### **Brief Response**

Because social worker is not one of the five positions listed in the nepotism statute and because the board of trustees is not the hiring authority for the nursing home or hospital, the nepotism statute is not violated if the wife of a trustee of the nursing home and hospital is hired as a social worker for the nursing home and hospital.

### **Applicable Law and Discussion**

Mississippi's general nepotism statute provides, in relevant 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. . . .

Miss. Code Ann. § 25-1-53. We use a three-part analysis to determine whether an employment relationship violates the nepotism statute. “First, are the parties related within the third degree? Second, is the relative who is a public official the ‘appointing authority’? Third, is the job included in the list of prohibited positions? If the answer to any of these three questions is ‘no’, there is no violation of the statute.” MS AG Op., *Nowak* at \*1 (June 5, 2020) (internal citations omitted). According to your request, the board of trustees is not the appointing authority for the nursing home and hospital. Further, social worker is not one of the five listed prohibited positions. Accordingly, the nepotism statute is not violated if the nursing home director or hospital CEO hires the wife of a trustee to work as a social worker.

To the extent that your question raises other possible ethics issues, we recommend you contact the Mississippi Ethics Commission regarding any potential conflicts of interest governed by Mississippi’s Ethics in Government Laws. Miss. Code Ann. §§ 25-4-101, *et seq.*

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/ Beebe Garrard

Beebe Garrard  
Special Assistant Attorney General