



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

October 3, 2025

The Honorable Kimberly Jones
President, Board of Supervisors, Claiborne County
Post Office Box 689
Port Gibson, Mississippi 39150

Re: Nepotism

Dear Ms. Jones:

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

Questions Presented

1. May the elected board of supervisors employ the father of one of the supervisors in the position of economic development director or would this be a violation of the nepotism statute?
2. May the county administrator hire and supervise the father of one of the supervisors in the position of economic development director?
3. What would be the potential for exposure or liability if a finding is made that the above described employments are in violation of the nepotism statute and the ethics in government statute governing conflicts of interest?

Brief Response

1. The board of supervisors may employ the father of one of the supervisors in the position of economic development director without violating Mississippi Code Annotated Section 25-1-53, commonly known as the nepotism statute, because the position of “director” is not one of the prohibited classes of employment listed therein.
2. It would not be a violation of the nepotism statute for the county administrator to hire and supervise the father of one of the supervisors in the position of economic development director. See response to question one.

3. Given the prior responses, this question is moot in regard to the nepotism statute. For questions regarding conflicts of interest, we refer you to the Mississippi Ethics Commission.

Applicable Law and Discussion

Section 25-1-53 provides in 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. This section shall not apply to any employee who shall have been in said department or institution prior to the time his or her kinsman, within the third degree, became the head of said department or institution or member of said board of trustees[.]

As shown, “the [n]epotism [s]tatute, lists five prohibited classes of employment which are ‘an officer, clerk, stenographer, deputy or assistant.’” MS AG Op., *Meek* at *1 (Oct. 26, 2007) (quoting Miss. Code Ann. § 25-1-53). However, “the position of ‘director’ is not one of the prohibited classes of employment.” *Id*; see also MS AG Op., *Fisher* at *1 (Mar. 5, 2010) (“We have stated in two prior opinions that a county emergency management director, or like position, is not one of the five positions proscribed in the [n]epotism statute.”); MS AG Op., *Alexander* at *2 (Feb. 2, 2004) (“[T]he appointment of the nephew of a member of the City Council to the position of airport director does not violate the nepotism statute.”). Accordingly, it is the opinion of this office that the board of supervisors may employ the father of one of the supervisors in the position of economic development director without violating the nepotism statute. Likewise, it would not be a violation of the nepotism statute for the county administrator to hire and supervise the father of one of the supervisors in the position of economic development director.

Finally, we refer you to the Mississippi Ethics Commission for questions regarding conflicts of interest.

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/ Maggie Kate Bobo

Maggie Kate Bobo
Special Assistant Attorney General