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A-101-L

LETTER

61-99-L



DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix 7, Arizona

June 29, 1961

Original
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THE ATTORNEY GENERAL

Concur **WILLIAM CLARK KENNEDY**
CHIEF ASSISTANT ATTORNEY GENERAL

CLARK KENNEDY

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LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Honorable Jewel W. Jordan
State Auditor
State Capitol
Phoenix, Arizona

Dear Mrs. Jordan:

You have sent to this office claims Nos. 27 and 28 from the State Dental Board, with the request that this office determine whether the expenditures involved are for a public purpose.

Exactly what is a public purpose is very difficult to define. It depends, in part, upon the time, the place, the objects to be obtained, the modus operandi, the economics involved and many other circumstances. See Board of Regents v. Frohmler, 69 Ariz. 50. Each individual case, therefore, must stand on its own set of facts, and in the instant case we then must determine whether the property purchased would, in fact, serve a public purpose.

A public purpose has for one of its objectives the promotion of the public health, safety, morals, general welfare, security, prosperity and contentment of public employees or officers who are exercising the sovereign powers of the state in the promotion of public purposes or public business. Schwartz v. Jordan, 82 Ariz. 252.

It appears from the correspondence and the information that we have that the items purchased by the Arizona State Dental Board are beyond expenditures authorized under Section 32-1212, Arizona Revised Statutes, which states as follows:

"* * * All monies in the Dental Board Fund are appropriated for use of the Board for the payment of salaries, office and travel expenses and otherwise in enforcing the provisions of this chapter. * * *"

The items covered by the above mentioned claim numbers are of such a personal nature that it is not possible to

Honorable Jewel W. Jordan
State Auditor

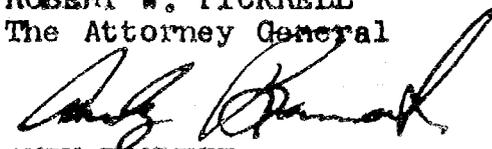
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approve the claim, even keeping in mind the above cited case of Schwartz v. Jordan.

It is, therefore, our conclusion that the claim should be denied.

Very truly yours,

ROBERT W. PICKRELL
The Attorney General



ANDY BAUMERT
ASSISTANT ATTORNEY GENERAL

AB:c