

August 19, 1937

Mr. M. J. Hurley
State Department of Education
Capitol Building
Phoenix, Arizona

Dear Mr. Hurley:

I am in receipt of a letter addressed to your office from Mr. Douglas Brubaker, County School Superintendent of Greenlee County, in which the following question is asked:

"Is it legally possible for a trustee in a rural school district to also serve as the school bus driver when the driver is hired by this office and paid out of the County School Reserve Fund?"

I presume that the authority for hiring and paying the school bus driver comes within the provision of Subdivision D of Section 1094 of the 1936 Supplement wherein it is provided in substance that the County School Reserve Fund may be used for the transportation of children to and from one and two room rural schools or for the transportation of children in unorganized territory to organized districts.

We are of the opinion that a school trustee may be hired as bus driver when hired by the county school superintendent and paid out of the County School Reserve Fund. The only prohibition contained in our statutes is Section 91 of the R. C. A. 1928, which prohibits a trustee from being interested in any contract made by the Board of Trustees.

I am Trusting that this fully answers your inquiry,

Yours very truly,

JOE CONWAY
Attorney General

E. G. FRAZIER
Special Assistant
Attorney General

J. M. JOHNSON
Assistant Attorney General

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