

Wright



DEPARTMENT OF LAW  
OFFICE OF THE  
**Attorney General**  
STATE CAPITOL  
Phoenix, Arizona 85007

BRUCE E. BABBITT  
ATTORNEY GENERAL

February 17, 1977

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

The Honorable Leo Corbet  
Arizona State Senator  
Senate Wing, State Capitol  
Phoenix, Arizona 85007

Re: 77-41 (R76-487)

Dear Senator Corbet:

We have reviewed the letter from Mr. William Randall, Superintendent of the Scottsdale Public School District, which you forwarded to our office for an opinion. In his letter Mr. Randall posed certain questions concerning the application of Arizona's Conflict of Interest Statute (A.R.S. §§ 38-501 et seq.) to a member of the Scottsdale School District Board of Trustees, Mr. Tom Carey, who is also employed as the Executive Director of the Phoenix Metropolitan Area Elementary Uniserv Unit, Inc. (PMUT).

After a careful consideration of the applicable statutes, opinions, case law and the documentation supplied by Mr. Randall, it is our opinion that Mr. Carey's employment with PMUT does not by itself constitute such a substantial interest in the actions of the Scottsdale Board of Trustees so as to create a conflict of interest. All three questions raised by Mr. Randall should therefore be answered in the negative.

We have arrived at this conclusion for basically two reasons. First, pursuant to Section 2 of the Revised Constitution and By-Laws of PMUT, only Phoenix Union High School District school teachers are permitted membership in the organization. No Scottsdale District teachers, who are the only teachers over which Mr. Carey exercises any form of control as a Scottsdale School Board trustee, are members of PMUT. Second, although it is apparent that a portion of Mr. Carey's salary as Executive Director of PMUT comes indirectly from the dues paid by teachers in the Scottsdale School District

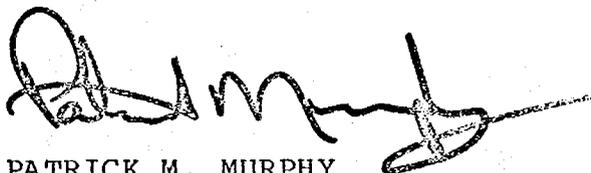
The Honorable Leo Corbet  
February 17, 1977  
Page Two

to the Arizona and National Education Associations, he exercises no control over the amount of the dues paid or, once paid, how they are ultimately spent by these organizations. Likewise, it appears from the information supplied by Mr. Randall that Scottsdale teachers do not exercise any control whatever over the salary or tenure of PMUT's executive secretary.

If you have any further questions concerning this matter or any additional information concerning the relationship between the Scottsdale teachers and PMUT, please let us know.

Very truly yours,

BRUCE E. BABBITT  
Attorney General

A handwritten signature in dark ink, appearing to read 'Patrick M. Murphy', with a long horizontal flourish extending to the right.

PATRICK M. MURPHY  
Assistant Attorney General

PMM:jrs