

Wright



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

BRUCE E. BABBITT  
ATTORNEY GENERAL

July 14, 1977

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

Mr. John H. Grace  
Coconino County Attorney  
Coconino County Courthouse  
Flagstaff, Arizona 85601

Re: 77-146 (R77-49)

Dear Mr. Grace:

I have reviewed your February 9, 1977, opinion to Mrs. Betty Jo Anderson, Coconino County School Superintendent, concluding that Mr. Harold Begay, concurrently a member of the Tuba City Unified School District No. 15 School Board and field supervisor at Tuba City for the University of Arizona Navajo Teacher Education Development Program, may continue in both<sup>1</sup> positions if he divulges his potential conflict of interest and refrains from participating in any school board decision affecting his field supervisor's position.

I concur in your opinion after having determined that Mr. Begay's position as field supervisor for the University of Arizona Navajo Teacher Education Development Program is not controlled by the school board and, in fact, Mr. Begay's duties and salary as field supervisor are controlled solely by the University of Arizona.

Sincerely,

BRUCE E. BABBITT  
Attorney General

DAVID RICH  
Assistant Attorney General

DR:jrs

<sup>1</sup> The potential conflict is Mr. Begay's duty as a school board member to vote on the question of the continuation of the Navajo Teacher Education Development Program. Of course, Mr. Begay cannot participate in that matter.



OFFICE OF

## County Attorney

COCONINO COUNTY  
COCONINO COUNTY COURT HOUSE  
Flagstaff, Arizona 86001  
774-5011 Ext. 35

JOHN H. GRACE  
COUNTY ATTORNEY

WILLIAM B. HURST  
DEPUTY

GERALD F. TILL  
DEPUTY

February 9, 1977

Betty Jo Anderson  
County School Superintendent  
Coconino County Courthouse  
Flagstaff, Arizona 86001

Dear Mrs. Anderson:

In answer to your letter of January 11, 1977 regarding Mr. Harold Begay, I have found that Arizona Revised Statute §38-503 specifically sets out the issue at hand. It provides that should a member of any public commission, office or board who has or whose relative has an interest in any decision to be made by that entity, said member shall divulge that interest and record it in the official records of such commission, office or board, and shall refrain from participating in any manner as an officer or employee in such decision.

An opinion was rendered by the Attorney General in concurrence with Mr. Flournoy, then County Attorney, in January 1975 on a similar question of conflict of interest where a board member was involved. The question posed to them was what effect the conflict of interest statutes would have upon a school board member's involvement in contract negotiations when he has a relative of the first degree employed by the school. Both Mr. Babbitt and Mr. Flournoy concurred that as long as A.R.S. § 38-503 is complied with by the interested board member, there is no conflict of interest.

As for Mr. Begay's dual position of Field Supervisor for the Navajo Teacher Education Development Program and newly elected Tuba City Unified School Board member, in reviewing the job description which was submitted to this office the most probable conflict may come with teacher contract-related decisions. As pointed out by the Attorney General, Arizona statutes provide a workable solution to such problems, and

Betty Jo Anderson  
February 9, 1977  
Page Two

if complied with, Mr. Begay and the Tuba City school board should be compatible. A.R.S. §38-503 (B) specifically provides:

Any public officer or employee who has or whose relative has, a substantial interest in any decision of a board, administrative official, commission, or legislative or administrative body of which he is a member or to which he makes recommendations, shall make known such interest in the official records of such board, commission, or legislative or administrative body and shall refrain from participating in any manner as an officer or employee in such decision.

I hope this clarifies the situation for you and should you have any further questions concerning this subject, I will be happy to help.

Sincerely,

John H. Grace  
Coconino County Attorney

JHG:cs