



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

FEB 21 2013
OPINION 13-0022

78 DUAL OFFICEHOLDING

Representative Dalton Honoré
Louisiana House of Representatives
District 63
8776 Scenic Highway
Baton Rouge, Louisiana 70807

La. Const. art. III

La. R.S. 42:61, *et seq.*

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit an elected official from serving on the Southern University Foundation Board.

Dear Rep. Honoré:

You have requested an opinion of the Attorney General as to whether an elected official can serve on the Southern University Foundation Board. Your request has been assigned to me for research and reply.

The provisions of the Dual Officeholding and Dual Employment Law, found at La. R.S. 42:61 *et seq.*, govern questions concerning the ability to hold two or more public offices and/or positions simultaneously. Classifying the correct nature of the positions is essential for the purposes of applying the dual officeholding provisions. Your current position as a state elected representative is an "elective office."¹ The other position you desire to hold is a board member of the Southern University Foundation. The Southern University Foundation is a private, non-profit entity. The Dual Officeholding and Dual Employment Laws, La. R.S. 42:61, *et seq.*, are applicable only when the positions of office or employment are public in nature; the laws have no applicability where one of the positions is private.

Therefore, the Dual Officeholding and Dual Employment Laws do not prohibit holding both of these positions simultaneously. We do, however, point out that serving on this Board must not conflict with the duties imposed upon you in your capacity as a state representative by constitutional authority.²

Any ethical questions raised by this matter are within the jurisdiction of the Louisiana State Board of Ethics. The Board renders advisory opinions regarding the Louisiana

¹ The dual officeholding law defined "elective office" as any position which is established or authorized by the constitution or laws of this state or by the charter or ordinances of any political subdivision thereof, which is not a political party office, and which is filled by vote of the citizens of this state or of a political subdivision. La. R.S. 42:62(1).

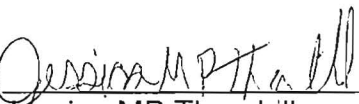
² La. Const. art. III, titled the Legislative branch, addresses the role of a state representative.

Any ethical questions raised by this matter are within the jurisdiction of the Louisiana State Board of Ethics. The Board renders advisory opinions regarding the Louisiana Code of Governmental Ethics, La. R.S. 42:1111, *et seq.* The mailing address is P.O. Box 4368, Baton Rouge, Louisiana 70821, phone 225-219-5600.

We hope that this opinion has adequately addressed the legal issues you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY 

Jessica MP Thornhill
Assistant Attorney General

JDC: JMPT