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DEPARTMENT OF JUSTICE
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OPINION 24-0113

Mr. Samuel C. D'Aquilla
District Attorney
20th Judicial District
P.O. Box 8428
Clinton, LA 70722

77-OFFICERS – Local & Municipal; Selection, Qualification
& Tenure; Vacancies

77 – A – STATE OFFICERS – Selection, Selection,
Qualification & Tenure; Vacancies

La. R.S. 42:2.2

La. R.S. 42:1102

Answers questions relative to the appointment of members
to boards and commissions by the East Feliciana Parish
Police Jury.

Dear Mr. D'Aquilla:

This office has received your request for an Attorney General's opinion concerning the interpretation of La. R.S. 42:2.2. You have asked several questions with regard to the statute, which we will answer in turn.

Questions # 1 and #3: Does La. R.S. 42:2.2 prohibit the appointment of two siblings to the same board or commission and what is the best interpretation of the statute?

Conclusion: By its terms, the statute prohibits the appointment of two siblings to the same board or commission if they are serving at the same time.

Louisiana Revised Statute 42:2.2 prohibits the appointment to a board, commission, council, authority, or similar entity, by the appointing authority (1) a person who is a member of the immediate family (2) of a person who serves on the board, commission, council, authority, or similar entity (3) at the time of appointment.

Pursuant to La. R.S. 42:2.2, the term "immediate family" shall have the same meaning as provided in La. R.S. 42:1102. Thus, as it would apply to a member of a board, commission, council, authority, or similar entity, a member of the immediate family would be (1) his/her children, (2) the spouses of his/her children, (3) his/her brothers and their spouses, (4) his/her sisters and their spouses, (5) his/her parents, (6) his/her spouse, and (7) the parents of his/her spouse.

Brothers and sisters are listed as immediate family in the statute. Accordingly, two siblings may not serve on the same board or commission at the same time.

Question # 2: Does La. R.S. 42:2.2 prohibit the appointment of an immediate family member of an appointing authority member to a different board or commission?

Conclusion: The statute does not mention the relationship of members of the appointing authority to the appointment of members to a different board or commission.

You have indicated that the appointing authority at issue is the East Feliciana Parish Police Jury. Thus, in this case, the question is whether the statute prohibits the appointment of immediate family members of the individual members of the police jury. The quick answer is no.

Louisiana Revised Statute 42:2.2 does not set limitations on the relationship between the appointing authority, or its members, and the members of a different board or commission to which members are appointed.

Our opinion regarding the ability of the police jury to appoint immediate family members of one of its members to boards or commissions is limited solely to an examination of La. R.S. 42:2.2. It does not address the potential applicability of the provisions of the Louisiana Code of Governmental Ethics, La. R.S. 42:1111, *et seq.* Advisory rulings addressing questions under the Ethics Code are within the jurisdiction of the Louisiana State Board of Ethics. The Board may be contacted at the following address: P.O. Box 4368, Baton Rouge, LA 70821.

We trust that this adequately responds to your request and the issues that you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

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BY: Chimène St. Amant
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LM/CS