

ARKANSAS ETHICS COMMISSION

910 West Second Street, Suite 100
Post Office Box 1917
Little Rock, Arkansas 72203-1917
(501) 324-9600 Fax (501) 324-9606
Toll Free (800) 422-7773

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ADVISORY OPINION NO. 2007-EC-006 **Issued October 19, 2007**

The Ethics Commission has received a written advisory opinion request from the Honorable John Hall, County Judge of Crawford County. The question posed by Judge Hall's request is whether an individual who held the office of Justice of the Peace is prohibited from receiving compensation from the County for his service as a volunteer in a group of hazardous material incident responders ("Hazmat Responders").

According to the opinion request, a Crawford County Justice of the Peace who took office in 2007 was already serving as a Hazmat Responder for the County. Hazmat Responders are a group of volunteers who are on call to respond to hazardous material incidents. Each responder is paid a small amount by the County on a quarterly basis. Since taking office, this Justice of the Peace has continued to serve as a Hazmat Responder.

A review of the statutes under the Ethics Commission's jurisdiction reflects there is no express statutory provision prohibiting a public official, such a Justice of the Peace, who receives compensation for serving as an elected official from receiving compensation from the governmental entity he or she serves for services rendered in some other capacity.

It is noted, however, that Ark. Code Ann. § 21-8-304(a) and § 402 of the Commission's Rules on Conflicts serve to prohibit a public official from using or attempting to use his or her official position to secure special privileges for himself or herself that are not available to others except as otherwise may be provided by law. § 400(p) of the Rules on Conflicts defines special privileges as a particular benefit or advantage unfairly extended to a person beyond the common advantages of others.

Because the Justice of the Peace was receiving compensation from the county for his service as a Hazmat Responder before assuming office and continues to do so at apparently the same rate as other Hazmat Responders, the Commission has concluded that the continued receipt of payment for such services is not prohibited by any laws under the Commission's jurisdiction.

This opinion is issued by the Arkansas Ethics Commission pursuant to Ark. Code Ann. § 7-6-2217(g)(2).

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By: 

Robert L. Roddey, Staff Attorney