

MAINE STATE LEGISLATURE

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September 2, 1971

Dean F. Jewett, Esquire
Attorney at Law
176 Main Street
Saco, Maine 04072

Dear Dean:

This is in reply to your letter of August 26 on the subject of incompatibility of office.

We have no opinions on record to indicate an incompatibility among the offices of Deputy Sheriff, Building Inspector and Town Meeting Moderator. While it would seem obvious that a full time Chief Deputy Sheriff would find it difficult to find the time legitimately to do all his duties full justice, there appears to be no violation of State law from the standpoint of incompatibility.

Conflict of interest, as you know, depends upon the fact situation at a given moment. If a Deputy Sheriff, acting as a Building Inspector, were knowingly to countenance or permit a violation of law, an obvious conflict would arise and there is always this potential conflict when a law enforcement officer has the power to issue or withhold governmental franchise or permit. While there is no violation of law, I find it ethically indefensible.

I have no doubt that Burleigh Richards whom I know, is an honest man. Neither you, nor anyone else, has suggested that he has, or would use the influence of one office to affect the other, or cease to act as one officer in a given case in order to accomplish a desired end for the other. Having said that, this is not a criticism of Burleigh Richards, I will say to you frankly that, in my judgment, the potential conflict of interest is so serious as to be unethical and to expose Mr. Richards to criticism which he does not deserve.

In short, I find no violation of law and no incompatibility by reason of State law. However, I don't know whether Buxton has either a charter or operative bylaws; therefore I don't speak to those. Kind personal regards.

Sincerely yours,

James S. Erwin
Attorney General

JSE:m

DEAN F. JEWETT

ATTORNEY AT LAW

SACO, MAINE

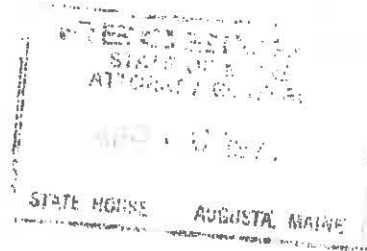
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AREA CODE 207
TELEPHONE 284-5948

CANAL BANK BUILDING
178 MAIN STREET

August 26, 1971

Jon R. Doyle, Esq.
Deputy Attorney General
State House
Augusta, Maine 04330



Dear Jon:

In our town we have a Deputy Sheriff who is also a Moderator of the Annual Town Meeting and also serves as Building Inspector on a yearly basis by appointment of the Selectmen.

His annual report as Building Inspector for calendar 1970 showed issuance of 146 permits. I believe his status in the York County Sheriff Department is Chief Deputy, which is not a part time job as is the case with the usual Deputy Sheriff. The Town Report shows that he was paid \$300.00 for his services as Building Inspector and \$55.00 for his services as Moderator.

Several times in the last two or three years I have been asked to find out (and the thought also occurred to me) whether or not there is any conflict of interest in one individual holding these three offices. I have been reluctant to pursue the inquiry for two reasons. First, I am a member of the opposite political party and did not wish to have it appear that my action was politically motivated. Second, formerly I was the Moderator and he defeated me in an election for that post, so I did not want to pursue the matter because it would look as though I was seeking personal revenge.

However, I have talked with some of the officials and they seem to have a feeling that the matter should be clarified. The reason for this is that apparently there are several individuals who have moved into Buxton and are staying in apparent violation of our laws. Unless something is done about these violations, the feeling seems to be that we are apt to attract more of them.

With the thought that even though two or three years have elapsed and I will still be accused of political purposes as well as personal motives, I would like to ask your office whether or not Burlleigh Richards, Jr. is in violation for holding these three offices simultaneously. I am sure you can appreciate that it is not my intent to have any publicity with respect to this inquiry. Any communication from you will be discussed

Jon R. Doyle, Esq.
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August 26, 1971

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by me only with the town officials. If you should decide that there is no conflict, then I certainly am willing to advise them of your decision. Or, if you would prefer that the request be routed to you through other channels I will also inform them of that.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Dean F. Jewett', with a stylized flourish at the end.

Dean F. Jewett

DFJ/r1