

MAINE STATE LEGISLATURE

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June 22, 1973

Mr. Richard R. Sevigny
STAP Housing Specialist
Office of Economic Opportunity
Augusta, Maine

Dear Mr. Sevigny:

You have asked for advice as to a possible conflict of interest under 30 M.R.S.A. § 4603, in view of the anticipated termination of your employment with the State on July 1, and your prospective self-employment as a housing development consultant.

The facts as stated by you are that your State employment has been on the staff of the Office of Economic Opportunity, but that since about February 1, 1973, you have been on assignment to the Maine State Housing Authority by virtue of a written agreement between that Authority and OEO to develop programs and assist the Authority with relation to Community Action Housing. Your proposed self-employment as a consultant would include services to clients participating in State Housing Authority programs, for which you would receive fees, and generally to provide consultant services in the field of housing which come within the purvue of the State Housing Authority under 30 M.R.S.A. § 4601-A, subsection 1.

The Conflict of Interest statute (30 M.R.S.A. § 4603) provides in pertinent part as follows:

"During his tenure and for one year thereafter, neither the executive director nor any employee of any authority shall acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, of that housing authority, or in any contract or proposed contract relating to any such project . . . "

Mr. Richard R. Sevigny

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Although you continued to be on the payroll of OEO during your assignment to the State Housing Authority, it must be considered that, within the provisions of § 4603, you were during that time an employee of the Housing Authority.

Next it must be considered whether your contemplated remuneration by means of fees for services to clients participating in State Housing Authority programs, constitutes "any interest, direct or indirect, in any project or in any property included or planned to be included in any project" of the State Housing Authority, "or in any contract or proposed contract relating to any such project."

Since the apparent purpose of § 4603 is to enhance the integrity of the Authority's decisions and the public confidence therein, it is clear that the words "any interest" were not intended to be limited to a narrow, technical meaning, but to include any pecuniary interest in any project of the Authority.

Sincerely yours,

Leon V. Walker, Jr.
Assistant Attorney General

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