

OPINION
64-330

November 18, 1964 (OPINION)

Mr. Calvin A. Calton

State's Attorney

Divide County

RE: State's Attorney - County Veterans Service Officer - Conflict

This is in reply to your letter of November 12, 1964, in regard to the fact that you have been duly appointed Divide County state's attorney, that you had been previously appointed county veterans' service officer and you are requesting our opinion on the following two questions:

1. Is there a conflict between holding the office of state's attorney and that of veterans' service officer?
2. Can a state's attorney receive in addition to his compensation as such, compensation for holding the office of veterans' service officer?

In answer to your specific questions:

1. We know of no statutory conflict between the offices of state's attorney and county veterans' service officer. County state's attorneys have long been permitted to privately practice law in this state. Also, section 37-14-19 of the North Dakota Century Code specifically permits the county to employ a "part-time" county veterans' service officer. Also, while in some matters the offices of state's attorney and county veterans' service officer may cooperate, there is generally no supervisory control by the one office in regard to the other.
2. Yes.

You also state that you understand we have written a previous opinion concerning the nature and scope of private practice which may be carried on by a state's attorney without conflict to his state's attorney's duties. You further state that you would appreciate receiving a copy of same. We do not know of a specific opinion covering this point. We think generally, expressions of opinion by this office on that particular subject have been comments in regard to very specific points of practice. Our opinion files are arranged under the same title and chapter headings as the North Dakota Century Code. We have checked same back to the year 1957 and we believe the enclosed is a quite representative random sampling of our correspondence on this point.

HELGI JOHANNESON

Attorney General