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STATE OF ILLINOIS
SPRINGFIELD
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FILE NO. NP-341

COUNTIES:
Compatibility
County Zoning Building Inspector
Board of Education

Honorable Ralph J. Moses
State's Attorney
Calhoun County
Hardin, Illinois 62047

Dear Mr. Moses:

In your recent letter to this office you have asked
the following questions:

1. Is the office of Building Inspector of Calhoun County compatible with the office of member of the Board of Education of a School District?
2. If these two offices are incompatible does the acceptance of the office of Building Inspector create a vacancy in the office of the School Board Member?"

According to your letter Calhoun County has a zoning ordinance which provides for the office of Building Inspector whose duties it is to enforce the provisions of the County Zoning Ordinance.

The rule regarding compatibility between offices, often cited, is stated in People v. Haag, 145 Ill. App. 283. The Court there held that incompatibility between offices arises where the Constitution, or a statute specifically prohibits the occupant of either one of the offices from holding the other, or where, because of the duties of either office a conflict in interest may arise, or where the duties of either office are such that a holder of one cannot, in every instance, properly and faithfully perform the duties of the other.

Where a person holding one office assumes another office incompatible with the first he thereby ipso facto vacates the first, People v. Bott, 261 Ill. App. 261.

The eligibility requirements for membership on the School Board of Education are set forth in Illinois Revised Statutes 1969, Chapter 122, Paragraph 10-10, which provides as follows:

Honorable Ralph J. Moses

- 3 -

** * * Each member shall, on the date of his election, be a citizen of the United States of the age of 21 years or over, a resident of the state and the territory of the district for at least one year immediately preceding his election, and shall not be a school trustee or a school treasurer. * * * **

Based on the information provided in your letter, I do not find any incompatibility between these two offices. It is pointed out, however, that there is a factual matter which you can determine based on your knowledge of the facts, as to whether the holder of these two offices is able to give the necessary and required time to each of the said offices in order to properly and faithfully perform the duties thereof.

Very truly yours,

A T T O R N E Y G E N E R A L