

Opinion No. 403**County Treasurer — Schools — School
Clerk—Public Officers—Incom-
patible Offices**

HELD: The county treasurer or his deputy is not eligible to hold the office of clerk of a school district because the two offices are incompatible.

December 4, 1933

You request an opinion from this office on the following matter: "Will you kindly give me your opinion as to whether or not the county treasurer or the deputy county treasurer can be clerk of the school district in which he resides?"

In *Wells v. State*, 175 Ind. 380, 94 N. E. 321, Ann. Cas. 1913C, 86, the court held that the office of deputy county auditor and school trustee were incompatible and for that reason one person could not hold both offices at the same time.

It is our opinion that there is a like incompatibility between the office of county treasurer or deputy county treasurer and school clerk and that one person may not hold both offices at the same time. The office of the county treasurer has certain statutory duties to perform in relation to the funds of school districts which might give rise to a conflict between the office of the county treasurer and the school district of which the treasurer or a deputy was clerk.