

process and in the past have served as the president of the corporation. As such, I always petitioned the CVB to contribute to the Grilling on the River event, to promote tourism, and to bring the City and the County into positive light. However, since my appointment to the CVB Board I have resigned as an officer and director of Grilling. However, I would still like to be involved as an unpaid volunteer of Grilling, to continue to make the event a successful event.

I am aware that Section 109 of the State Constitution prohibits a public officer from having an interest, direct or indirect, in any contract with the state, district, county, city or town thereof during the term of office and for one year thereafter. I have also read Section 25-4-105 of the Mississippi Code, which, though amplified, restates the constitutional prohibition of being interested in a contract. I am most concerned with Paragraph 1 of Section 25-4-105. As you know, this paragraph provides that "No public servant shall use his official position to obtain, or attempt to obtain, pecuniary benefit for himself other than that compensation provided for by law, or to obtain, or attempt to obtain, pecuniary benefit for any relative or any business with which he is associated." Miss. Code Ann. S25-4-105(1). I don't see how Section 25-4-105(3) would be relevant to the issue, inasmuch as I don't have a material financial interest in Grilling. Nonetheless, I certainly don't want to make a mistake and would therefore appreciate the Commission's input.

I am not sure that I have said this, but I have never, even before my appointment to the CVB, used Grilling for my personal gain, other than personal satisfaction. I have never been paid a salary or other wages, and I do not intend to begin accepting such in the future.

I understand that Grilling will petition the CVB Board very soon for funding from the CVB. I intend at that time to disclose to the CVB my past service as the incorporator, officer, director and agent for process for Grilling. Further, I probably would want to recuse myself and leave the room while the CVB Board considers whether to fund Grilling, so as to avoid the appearance of impropriety. I would very much appreciate your posing the question to the Commission as to whether my recusal would be adequate to prevent my being in violation of the Ethics In Government laws or the Mississippi Constitution, assuming of course that the CVB funds Grilling. Please also assume that I will serve as an unpaid volunteer of that corporation to promote the event and help coordinate the competition, ticket sales, registrations and other labor and services in the interest of raising money for the Columbus Lowndes Humane Society.

Please feel free to call me if I have left out any information that you might wish to know, or any document that you feel you need to answer the question posed.

Sincerely,

Harvey J. Myrick, III