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## Conflict of Interest - Legal Interest vs. Relational Interests - Coyne, Swan, and Renner v. State of Wyoming ex rel. Thomas

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**CONFLICT OF INTEREST—Legal Interests vs. Relational Interests. Coyne, Swan, and Renner v. State of Wyoming ex rel. Thomas, 595 P.2d 970 (Wyo. 1979).**

William A. Coyne, Orville A. Swan, and Paddy L. Renner held the office of Trustee for Park County School District No. 16. Together they held three of the five positions on the Board of Trustees. Mr. Coyne and Mr. Renner were spouses of teachers employed by the district. Mr. Swan was the spouse of a cook employed by the district.<sup>1</sup>

A quo warranto action for conflict of interest and incompatibility of office was brought in the district court against appellants-defendants Coyne, Swan, and Renner on relation of ten patrons of Park County School District No. 16.<sup>2</sup> As there was no material issue of fact, both parties moved for summary judgment.<sup>3</sup>

A summary judgment was rendered by the district court against Coyne, Swan, and Renner. The defendants were "ousted from the office of Trustee" for 1) a conflict of interest under Sections 6-8-508 and 9-8-318 of the Wyoming Statutes;<sup>4</sup> and 2) incompatibility of office under the

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1. Coyne, Swan, and Renner v. State of Wyoming ex rel. Thomas, 595 P.2d 970, 971 (Wyo. 1979) [hereinafter cited in text as *Coyne*].

2. *Id.*

3. *Id.* n. 1.

4. Wyo. STAT. § 6-8-508 (1977), provides: <sup>e</sup>

(a) Any state officer, county commissioner, trustee of any school district, mayor, councilman or trustee of any city or town, or any person holding any appointing power, or any person holding an office under the laws of this state, who shall, during the time he may occupy such office or hold such appointing power and discharge the duties thereof, be interested, directly or indirectly, in any contract for the construction of any state building, courthouse, schoolhouse, bridge, public building, or work of any kind, erected or built for the use of the state, or any county, school district, city or town in the state in which he exercises any official jurisdiction; or who shall bargain for or receive any percentage, drawback, premiums, or profits, or money whatever on any contract, or for the letting of any contract, or making any appointment wherein the state, or any county, school district, city or town is concerned, shall be fined not more than five thousand dollars (\$5,000.00) nor less than one hundred dollars (\$100.00).

(b) Provided, that if any such officer, official or person as mentioned in subsection (a) hereof, shall be interested as aforesaid in any such contract, but shall disclose the nature and extent thereof to all the contracting parties concerned therewith and shall absent himself during the considerations and vote thereon and not attempt to influence any of the contracting parties and not act directly or indirectly for the governing body in inspection, operation, administration or performance of any such contract, then the said acts shall not be unlawful under this section; provided that the foregoing shall not be required or apply as to the operation, administration, inspection or performance of banking and deposit contracts and relationships after the selection of a depository.

common law doctrine of incompatibility. The trial court found that a conflict of interest existed by virtue of the fact that the defendants' spouses were employed by the district at the same time they served as Trustees for the same school district. The trial court also ruled that the defendants were ineligible to hold the office of Trustee as long as their spouses were employed by the district by virtue of the doctrine of incompatibility of office.<sup>5</sup>

The Wyoming Supreme Court unanimously reversed the action of the trial court with direction to reinstate the defendants to their offices as trustees of the school district.<sup>6</sup> Referring to Sections 6-8-508 and 9-8-318 of the Wyoming Statutes, the court ruled that a person is not automatically disqualified from holding an office that conflicts with other interests of that person. Two remedies are outlined by the statutes when such a conflict exists: either 1) the person complies with the requirements of the statutes; or 2) the contract or other action participated in by that person is null and he is subject to criminal prosecution.<sup>7</sup> The court ruled that the provision of the statutes controlled the dis-

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WYO. STAT. § 9-8-318 (1977), provides:

(a) It shall not be lawful for any person, now or hereafter holding any office, either by election or appointment, under the constitution or laws of this state, to become in any manner interested, either directly or indirectly, in his own name or in the name of any other person or corporation, in any contract, or the performance of any work in the making or letting of which such officer may be called upon to act or vote. And it shall not be lawful for any such officer to represent, either as agent or otherwise, any person, company or corporation, in respect of any application or bid for any contract or work in regard to which such officer may be called upon to vote, nor shall any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value, as a gift or bribe, or means of influencing his vote or action in his official character; and any and all contracts made and procured in violation hereof, shall be null and void.

(b) Provided, that if any person mentioned in subsection (a) hereof shall be interested as aforesaid or shall represent as aforesaid any person, company or corporation, but shall disclose the nature and extent thereof to all the contracting parties concerned therewith and shall absent himself during the considerations and vote thereon and not attempt to influence any of the contracting parties and not act directly or indirectly for the the governing body in inspection, operation, administration or performance of any such contract, then the said acts shall not be unlawful under this section; provided that the foregoing shall not be required to apply as to the operation, administration, inspection or performance of banking and deposit contracts and relationships after the selection of a depository.

5. *Coyne, Swan, and Renner v. State of Wyoming ex rel. Thomas*, *supra* note 1, at 971.

6. *Id.* at 974.

7. *Id.* at 972.

position of the case on the conflict of interest issue. Applying the remedy of quo warranto in this case on the basis of conflict of interest was therefore incorrect.<sup>8</sup>

Citing *Haskins v. State ex rel. Harrington*,<sup>9</sup> the court stated that the remedy of quo warranto could be properly applied to incompatibility of office or position, if such incompatibility existed.<sup>10</sup> Incompatibility of office or position involves one person holding two different offices or positions with conflicting duties.<sup>11</sup> The relators' position was that a

husband and wife constitute a single entity for the purpose of incompatibility of office and position, with a community of interest and a natural family sentiment which will prevent one of them, as trustee of a school district, from exercising impartial and independent judgment in the public interest on a matter in which the other is involved as an employee of the district.<sup>12</sup>

The holding of two offices or positions by this single entity was argued as being the equivalent of one individual holding the offices.<sup>13</sup>

The Wyoming Supreme Court ruled that a husband and wife were no longer a single entity, and thus, the remedy of quo warranto in the instant case could not be applied on the basis of incompatibility of office, since the conflicting positions were held by two different persons.<sup>14</sup>

The court did not rule on whether there actually was a conflict of interest in this instance. That specific issue was not before the court because the issue was limited by the quo warranto action. The purpose of this note is to determine whether a conflict of interest exists in cases such as *Coyne*. While the court only addressed this issue under in-

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8. *Id.* at 973.

9. *Haskins v. State ex rel. Harrington*, 516 P.2d 1171 (Wyo. 1973) [hereinafter cited in text as *Haskins*].

10. *Coyne, Swan, and Renner v. State of Wyoming ex rel. Thomas*, *supra* note 1, at 973.

11. *Haskins v. State ex rel. Harrington*, *supra* note 10, at 1178.

12. *Coyne, Swan, and Renner v. State of Wyoming ex rel. Thomas*, *supra* note 1, at 974.

13. *Id.*

14. *Id.*

compatibility of office, the same arguments are applicable under conflict of interest.

#### CONFLICT OF INTEREST QUESTIONS PERTAINING TO SCHOOL TRUSTEES

Even after the *Coyne* ruling, many questions remain unanswered concerning potential conflicts of interest. The distinction between proper and improper conduct is unclear. A school trustee must know what is expected of him in order to make a good-faith effort to comply with the law. It is essential to determine if the Wyoming conflict of interest statutes<sup>15</sup> address the *Coyne* situation.

This note will discuss whether certain relationships are presumed to create interests in a contract, and if so, whether the school trustee must abstain from voting and presume that a conflict of interest exists just because a relative works for the same school district. Various interpretations as to what constitutes a conflict will also be examined. Finally, this note will explore how a board of trustees can still take legal action where there are sufficient conflicts at a board of trustees meeting to destroy a quorum.

An examination of the factors affecting the conflict of interest issue will help trustees determine the parameters of the conflict of interest statutes. The same considerations bear on potential conflicts of interest involving members of other public boards.

#### CONSTITUTIONAL AND STATUTORY PROVISIONS ON HOLDING OFFICE

Article I, section 3 of the Wyoming Constitution provides that "no circumstance or condition whatsoever other than individual incompetency or unworthiness duly ascertained by a court of competent jurisdiction" should limit the political rights and privileges of Wyoming citizens.<sup>16</sup> Yet the court in *Haskins v. State ex rel. Harrington* stated that constitutional rights, such as those mentioned in article

15. WYO. STAT. §§ 6-8-508 and 9-8-318 (1977).

16. WYO. CONST. art. I, § 3.

I, section 3, are not absolute and do not preclude restrictions on those rights in the public interest.<sup>17</sup> Thus, conflict of interest statutes are certainly permissible under article I, section 3.

In *Brimmer v. Thompson*, the Wyoming Supreme Court ruled that statutory or constitutional provisions which tend to limit the candidacy of an individual for public office must be construed strictly and not extended to cases that are clearly covered by the Statutes.<sup>18</sup> This holding would include strict construction of the conflict of interest statutes.

#### THE WYOMING CONFLICT OF INTEREST STATUTES

Conflict of interest statutes are restrictions on individuals holding public office. Such laws are concerned with whether a public official's behavior is consistent with the public interest and free from partiality.<sup>19</sup> Under the common law, if a public officer's private interests would prevent him from exercising impartial judgment, he was forced to rid himself of the conflict or not be allowed to serve.<sup>20</sup>

Sections 6-8-508 and 9-8-318 of the Wyoming Statutes<sup>21</sup> address conflict of interest in Wyoming. These statutes only cover transactions of a contractual nature.<sup>22</sup> Criminal penalties are established in Section 6-8-508 of the Wyoming Statutes for a public officer who is interested, directly or indirectly, in a public contract.<sup>23</sup> Section 9-8-318 of the Wyoming Statutes basically contains the same rule, and additionally, renders all contracts made and procured in violation of the statute null and void.<sup>24</sup>

#### LIMITATION OF THE INTERESTS SUBJECT TO CONFLICT OF INTEREST STATUTES

The requirement that transactions must be of a contractual nature in order to be subject to the conflict of

17. *Haskins v. State ex rel. Harrington*, *supra* note 9, at 1173.

18. *Brimmer v. Thompson*, 521 P.2d 574, 580 (Wyo. 1974).

19. Eisenberg, *Conflicts of Interest Situations and Remedies*, 13 RUTGERS L. REV. 666 (1959).

20. Note, *Conflict of Interest*, 70 W. VA. L. REV. 400 (1968).

21. WYO. STAT. §§ 6-8-508 and 9-8-318 (1977).

22. WYO. STAT. §§ 6-8-508 and 9-8-318 (1977).

23. WYO. STAT. § 6-8-508 (1977).

24. WYO. STAT. § 9-8-318 (1977).

interest statutes is further limited by the type of private advantage the public officer could gain from the contract at the expense of the government.<sup>25</sup> The type of advantages governed by conflict of interest statutes are generally limited to personal, pecuniary, or proprietary interests.<sup>26</sup> Thus, the interests governed by conflict of interest statutes are narrower than interests in the general sense. While the Wyoming Supreme Court has not directly addressed this question, three cases have suggested agreement with this limitation.

In *Quackenbush et al. v. City of Cheyenne*, the court stated that "municipal contracts in which officers of the city have a personal pecuniary interest are, ordinarily at least, void or voidable".<sup>27</sup> In the case of *Board of County Commissioners of Natrona County v. Casper National Bank*, the court also treated the conflict of interest issue in that case as a pecuniary one.<sup>28</sup> Again in the *Haskins* case, the Wyoming Supreme Court seemed to confine the scope of conflict of interest statutes to conflicts involving pecuniary interests.<sup>29</sup> The court found that a teacher also serving on the board of trustees went beyond the bounds of a mere pecuniary interest and therefore fell outside the scope of conflict of interest and within the scope of the common law doctrine of incompatibility of office. While the classification of this case as an incompatibility of office situation has been criticized,<sup>30</sup> the case seemed to restrict such conflicts to pecuniary interests.

These three Wyoming cases never refer to an interest as being sentimental or emotional. Yet the Wyoming Court has not directly determined whether a "relational" interest would be an interest governed by the conflict of interest statutes. Although the issue has been addressed in relatively

25. Note, *Conflict of Interests: State Government Employees*, 47 VA. L. REV. 1034, 1045 (1961).

26. 63 C.J.S. *Municipal Corporations* § 991 (1950).

27. *Quackenbush et al. v. City of Cheyenne*, 52 Wyo. 146, 70 P.2d 577, 579 (1937).

28. *Board of County Commissioners of Natrona County v. Casper National Bank*, 56 Wyo. 132, 105 P.2d 578, 584 (1940).

29. *Haskins v. State ex rel. Harrington*, *supra* note 9, at 1180.

30. See, Note, *Public Officials and Employees—the Common-Law Rule against Holding Incompatible Office—Abolishing the Office Limitation*, 9 LAND & WATER L. REV. 667, 675 (1974), for a discussion of why this case should have been decided under the conflict of interest statutes.

few cases, the general rule is that relationship has no disqualifying effect under conflict of interest statutes concerning public contracts.<sup>31</sup>

Indirect interests are specifically mentioned in Wyoming's conflict of interest statutes.<sup>32</sup> An examination of whether an indirect interest could be a relational one is best accomplished by referring to the opinion of the Illinois Supreme Court in *People v. Simpkins*.<sup>33</sup> In *Simpkins*, an indirect interest was interpreted as the "interest of the official, such as ownership of stock or a beneficial interest in a trust, not the individual interest of another to whom the official is related".<sup>34</sup> However, some courts have determined that a financial interest of an individual's relative may be an indirect pecuniary interest to that individual under certain circumstances.<sup>35</sup> While there is nothing in either conflict of interest statute which would suggest that an indirect interest should be construed as including a relational one,<sup>36</sup> it still must be determined whether it may be so construed; i.e., whether the financial or pecuniary interests of one spouse are necessarily the financial interests of the other spouse—directly or indirectly.

#### ARE ONE SPOUSE'S INTERESTS IN A CONTRACT NECESSARILY THOSE OF THE OTHER SPOUSE?

In *Simpkins*, the Illinois Supreme Court construed a conflict of interest statute similar to Wyoming's.<sup>37</sup> The court stated that the wife's interest is not necessarily the husband's interest. The indictments in the case did not charge the defendant with anything more than holding the

31. Annot., 74 A.L.R. 792 (1930).

32. WYO. STAT. §§ 6-8-508 and 9-8-318 (1977).

33. *People v. Simpkins*, 45 Ill App.3d 202, 359 N.E.2d 828 (1977) [hereinafter cited in text as *Simpkins*].

34. *Id.* at 832.

35. *Githens v. Butler County*, 165 S.W.2d 650 (Mo. 1942).

36. WYO. STAT. §§ 6-8-508 and 9-8-318 (1977).

37. ILL. REV. STAT. ch. 102, § 3 (1975), provides in part:

"No person holding any office, either by election or appointment under the laws or constitution of this state, may be in any manner interested, either directly or indirectly in his own name or in the name of any other person, association, trust or corporation, in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote . . . Any contract made and procured in violation hereof is void."



office of mayor while his wife worked for the water department.<sup>38</sup>

The Wyoming Supreme Court, favorably citing *Simpkins* in *Coyne*,<sup>39</sup> appears to agree with this reasoning. When determining that husband and wife were not a single entity for the purposes of incompatibility of office, the court stated that in 1977 the legislature enacted laws granting married persons the right to keep and maintain separate property, and to make contracts and incur obligations and liabilities as if they were unmarried.<sup>40</sup> Each spouse has a right to control his own property. The court went on to say that a majority of courts have held that "family relationship, without more, does not disqualify an officer from acting on a matter involving the relative".<sup>41</sup>

The court in *Coyne* also considered the practical aspects of the problem in Wyoming. As both spouses become involved in breadwinning activities in the same community, it is difficult for them not to cross paths in the small towns of Wyoming. Also, the court raised the difficult question of where the line should be drawn—at spouses, or parents and children, or brothers and sisters, etc.<sup>42</sup> Thus, while ruling on one issue, the incompatibility doctrine, the court appeared to answer many questions on conflict of interest in *dictum*. These same independent legal rights would be applicable in conflict of interest situations.

It does not appear that the supreme court would rule that a relational interest is *ipso facto* a conflict. This is especially true in Wyoming where one's spouse may maintain his own property and make his own contracts without the permission of the other.<sup>43</sup> It is not automatically a conflict of interest for a board member to vote on a salary schedule for teachers merely because his spouse is a teacher in the district.

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38. *People v. Simpkins*, *supra* note 34 at 830.

39. *Coyne, Swan, and Renner v. State ex rel. Thomas*, *supra* note 1, at 974.

40. *Id.*

41. *Id.*

42. *Id.*

43. WYO. STAT. §§ 20-1-201 and 20-1-202 (1977).

The Michigan Supreme Court in *Thompson v. District Board of School District No. 1*, examined relational interests when making public contracts. The court stated that a conflict of interest statute "does not apply to one having only a remote interest which a school officer might have under many and varied circumstances."<sup>44</sup> The court went on to discuss many instances in which a school trustee might have an interest in matters coming before the board. Merely because there is an interest, does not mean that there is a conflict.<sup>45</sup>

It also appears to be a violation of due process if an automatic conflict of interest is assumed because of a relational factor. The irrebuttable presumption doctrine is an aspect of due process, and an irrebuttable presumption determines that a given fact or condition flows conclusively from a statutory classification. In this case, the presumption would be that a public officer cannot make independent unbiased judgments when they concern a relative. In *Vlandis v. Kline*, the court examined a Connecticut State University policy that provided that the status of a student as to residency established at the time of admission should be his status for his entire period of attendance.<sup>46</sup> The Court in *Vlandis*, as in other irrebuttable presumption cases, was concerned with the lack of an individual's opportunity to be heard, and struck down the rule. Thus, it cannot automatically be assumed that there is a conflict of interest which requires that a board member refrain from voting whenever a relative might be affected by the decision.

The law on conflict of interest in Wyoming is still uncertain. It appears that the Wyoming Supreme Court sees this as a unique problem for which there is no automatic answer. *Only* a relational interest with a district's employees by the trustees does not constitute a conflict of interest. Other evidence would have to be introduced in order for a trustee to be charged with a conflict of interest.<sup>47</sup>

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44. *Thompson v. Dist. Board of School District No. 1*, 252 Mich. 269, 233 N.W. 439, 440 (1930).

45. *Id.*

46. *Vlandis v. Kline*, 412 U.S. 441 (1973).

47. *People v. Simpkins*, *supra* note 34, at 832, 833.

Unless the contract is a mere subterfuge for the other spouse's own pecuniary interests, that spouse's interest in a contract is not necessarily that of the voting spouse.<sup>48</sup>

Yet severing pecuniary interests in a marital relationship is not always easy. This is why "appearances" tend to indicate a conflict of interest, when legally one does not actually exist. Though a spouse may do whatever he wants with his own property at any time, most couple's finances are so entwined as to make this independence realistically impossible. Still, legally, even though a couple's finances are intermingled in many business and social relationships, most can be severed at any time. An employment contract is legally only the business of the contracting parties. One's spouse does not have a *legal* interest in that contract.<sup>49</sup>

The Wyoming Supreme Court has stated that statutes imposing qualifications should be liberally construed in favor of the right of the people to exercise freedom of choice through elections.<sup>50</sup> The Ohio Supreme Court has stated that if the right to employment is denied or abridged, such denial or abridgement must stem from an express provision of the legislation of the state.<sup>51</sup> The Wyoming Statutes do not specifically state that a relational interest is a conflict of interest.<sup>52</sup> Thus, it should be up to the electors to decide whether a relational interest is detrimental to their community. If it proves to be detrimental, the public official should be voted out of office, or charged with a specific conflict of interest under the conflict of interest statutes. Even a court that believed that there might be an indirect interest in a spouse's employment contract, ruled that "when the interest is not direct there is more reason for considering each case on its special facts".<sup>53</sup>

When ruling on whether a judge could preside over a case involving a close personal friend, the Wyoming Supreme Court in *Cline v. Sawyer*, stated that a prejudgment of

48. *Id.* at 832.

49. Wyo. STAT. §§ 20-1-201 and 20-1-202 (1977).

50. State ex rel. Pape v. Hockett, 61 Wyo. 145, 156 P.2d 299, 303 (1945).

51. Board of Education v. Boal, 104 Ohio 482, 135 N.E. 540, 541 (1922).

52. Wyo. STAT. §§ 6-8-508 and 9-8-318 (1977).

53. *Githen v. Butler County*, *supra* note 36, at 652.

the case was not indicated by the relationships and did not preclude the judge from exercising his judicial functions impartially.<sup>54</sup> The court went on to conclude that

There is no more of a disposition for a judge to rule in favor of an acquaintance or friend because of that fact than there is a disposition for him to rule against an acquaintance or friend because of that fact. The fact of friendship could result in a "leaning over backwards" to maintain impartiality, or it could result in the opposite. But an allegation of friendship, without more, is not sufficient to establish that either is likely to happen.<sup>55</sup>

The *Cline* decision, coupled with *Coyne*, indicates that the Wyoming Supreme Court is not likely to consider *any* relational interest—consanguinity, affinity, or friendship—as a *per se* conflict of interest. Yet since the Wyoming Supreme Court has not specifically ruled on this conflict of interest issue, some board members may still want to refrain from voting, if only for the sake of "appearance".

If a quorum is destroyed by three trustees of the five-man board removing themselves on the basis of conflict of interest, the board will probably be forced to resort to the common law rule of necessity. While this issue was mentioned in *Coyne*, it was not addressed.<sup>56</sup>

#### THE RULE OF NECESSITY

Section 21-3-104 of the Wyoming Statutes requires that all actions taken by the board of trustees, in order to be valid, must receive the approval of a majority of the members elected to the board.<sup>57</sup> With three members missing from a five-man board, there can be no quorum. Because such a situation did not arise in the instant case, the *Coyne* court refused to speculate on the matter.<sup>58</sup>

There is no absolute prohibition to act in such cases. The rule of necessity allows an official to act, even if he

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54. *Cline v. Sawyer*, 600 P.2d 725 (Wyo. 1979).

55. *Id.* at 729.

56. *Coyne, Swan, and Renner v. State ex rel. Thomas*, *supra* note 1, at 973.

57. WYO. STAT. § 21-3-105 (1977).

58. *Coyne, Swan, and Renner v. State ex rel. Thomas*, *supra* note 1, at 973.

has a conflict, when his participation is legally required to establish a quorum.<sup>59</sup> One of the most prominent cases affirming this rule is *Evans v. Gore*.<sup>60</sup> In *Evans*, the validity of taxing the income of federal judges and Supreme Court justices had to be heard by the Supreme Court justices. There was no one else that could rule on the final issue.

In *Mosman v. Mathison*, the Idaho Supreme Court discussed the issue of necessity:

The courts generally recognize that when the members of the only tribunal with jurisdiction to act are disqualified by reason of bias, prejudice, or interest, still such tribunal is not prohibited from acting where such disqualification would prevent a determination of the proceeding. Such exception is also recognized as being applicable to administrative officers, commissioners, commissions, boards, and other bodies.<sup>61</sup>

While the Wyoming Supreme Court referred to the problem of the lack of a quorum in *Lake De Smet Reservoir Co. v. Alex Kaufman*,<sup>62</sup> they did not rule on the issue, as they felt the legislature might want to prescribe a remedy for a lack of a quorum. This issue was also examined in *Board of Trustees of Laramie County School District No. 1 v. Spiegel*. The rule of necessity was examined as a solution to a board lacking a quorum. While not determining that this rule should be used in such cases, the court in *dictum* did examine the rule and how it affected due process rights.<sup>63</sup> The major concern was that a completely biased board could not provide a fair hearing under the Administrative Procedure Act.<sup>64</sup> However, in the case of a *hearing* involving a relative, probably only one individual would appear before the board of trustees at a time, and thus only one member would have to disqualify himself. In this way, a quorum would still be maintained.

59. Davis, ADMINISTRATIVE LAW TREATISE § 12.04 (1959).

60. *Evans v. Gore*, 253 U.S. 245 (1920).

61. *Mosman v. Mathison*, 408 P.2d 450, 455 (Idaho 1965).

62. *Lake DeSmet Reservoir Co. v. Alex Kaufman*, 75 Wyo. 87, 292 P.2d 482 (1956).

63. *Board of Trustees of Laramie County School District No. 1 v. Spiegel*, 549 P.2d 1161, 1165-1170 (Wyo. 1976).

64. WYO. STAT. §§ 9-4-101 through 9-4-115 (1977).

## CONCLUSION

While the court in the *Coyne* case did not directly rule on the conflict of interest issue, some guidelines were given in *dictum* as to how the court views relational interests on contract matters coming before the board of trustees. The court stated that it was aware of the practical aspects of the problem in Wyoming.<sup>65</sup> School board members by their very nature are interested in what is happening in the school district. They are not paid for their long, hard work, and thus, interest is what motivates them. This interest in many aspects of the business of the school district does not necessarily entail a conflict of interest, especially with regard to a relational interest. Just because a public officer is related to someone does not mean that he is incapable of making an unbiased judgment about that individual. The law should not presume a conflict, but should require that it be proven in each case. If the people of Wyoming wish to bring relational interests within the boundaries of the conflict of interest statutes, they should do so legislatively.

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65. *Coyne, Swan, and Renner v. State ex rel. Thomas*, *supra* note 1, at 974.