

June 13, 2000
OPINION NUMBER 00-176

Ms. Ellen Hazeur
Clerk, First City Court
421 Loyola Avenue, Room 201
New Orleans, LA 70112

Dear Ms. Hazeur:

We received your request for an opinion regarding the expense fund of the clerk of the First City Court of New Orleans. La. R. S. 13:2153 provides as follows:

In addition to his salary, the clerk of the First City Court of the City of New Orleans shall receive a sum not to exceed 10% of his annual salary as an expense allowance. This allowance shall be made payable out of the judicial expense fund upon the warrant of the clerk of the First City Court of the City of New Orleans.

You specifically ask what type of expenses are allowed pursuant to this statute. The statute is silent as to what type of expenses are acceptable and only dictates that the expenses be paid upon the warrant of the clerk. It does not require that the clerk demonstrate the nature of the expense in any specific detail. Op. Atty. Gen. No. 90-584. We previously opined that the clerk's expense fund could be used for office expenses provided that the cost of such does not exceed 10% of the clerk's salary. Op. Atty. Gen. Nos. 89-213 and 90-584.

Thus, it is our opinion that the clerk's expense fund may be used for the type of office expenses outlined in your request as long as they do not exceed 10% of the clerk's salary.

We trust that this adequately responds to your request. If you need further information or have any questions or comments, please feel free to contact our office. With kindest regards,

Yours very truly,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY:

TINA VICARI GRANT
Assistant Attorney General

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FEES; POWER AND DUTIES, GENERAL

La. R. S. 13:2153

The clerk's expense fund may be used for office related expenses as long as the expenses do not exceed 10% of the clerk's salary.

Ms. Ellen Hazeur
Clerk, First City Court
421 Loyola Avenue, Room 201
New Orleans, LA 70112

DATE RECEIVED: 4/26/00
DATE RELEASED: June 13,2000

TINA VICARI GRANT, ASSISTANT ATTORNEY
GENERAL