

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

ATTORNEY GENERAL
AND THE , PLAINTIFFS

VS.

NO.

, DEFENDANT

COMPLAINT

COME NOW , Attorney General of the State of Mississippi, and the Mississippi Ethics Commission, Ex Rel. Board of Trustees of State Institutions of Higher Learning, and file this their Complaint against the Defendant, , and for cause of action would show unto the Court the following, to-wit:

I.

The Plaintiff, , is the duly elected Attorney General of the State of Mississippi whose principal office is located in the Justice Building on in the City of , County, Mississippi, and whose mailing address is , , Mississippi .

II.

The Plaintiff, Mississippi Ethics Commission, is an agency .

III.

The Defendant, , is an adult resident citizen of County, Mississippi, who may be served with process of this Court at his/her home address of , , Mississippi .

IV.

This action is brought by the Attorney General and Mississippi Ethics Commission pursuant to Sections 25-4-19(f), 25-4-107, 25-4-109 and 25-4-113, Mississippi Code of 1972.

V.

The Defendant, , was at all times mentioned herein employed as the of the Mississippi Guarantee Student Loan Agency (hereinafter referred to as "MGSLA"), a division of the Board of Trustees of State Institutions of Higher Learning (hereinafter referred to as "IHL"). was therefore an employee of the State of Mississippi and a "public servant" as defined in Section 25-4-103(p), Mississippi Code of 1972, as amended, for purposes of the conflict of interest laws.

VI.

During Defendant , in violation of IHL bylaws and policies, and without seeking his/her superiors' permission, undertook to do certain consulting work for a private company, (hereinafter referred to as " "). For these consulting services, was paid by the sum of \$ in fees and expenses. was therefore a business with which he [is] associated" as defined in Section 25-4-103(d) and as used in Section 25-4-105(1), Mississippi Code of 1972. also had a "material financial interest" as defined in Section 25-4-103(k) and used in preparation of a request for proposals for a contract whereby a private company would take over the main functions of the MGSLA, and to recommend a company for the award of that contract. utilized projects he had worked on for , --namely its responses to the and requests for proposals for the same type of contract--in preparing the MGSLA request for proposals. recommended to IHL that the proposal of be accepted, and it was at a basic rate of payment of \$ per year.

VIII.

These actions constitute violations of Sections 25-4-105(1) and 25-4-105(3)(a), Mississippi Code of 1972. Under the provisions of Section 25-4-113, Mississippi Code of 1972, all pecuniary benefit received by Defendant from in violation of these sections should be forfeited.

IX.

Under the provisions of Sections 25-4-19(f) and 25-4-113, Mississippi Code of 1972, and other applicable statues and laws of the State of Mississippi, the Defendant, , is liable for all pecuniary benefit received by him from . The Defendant is also liable for all court costs herein as well as reasonable attorney's fees to be paid to the Plaintiffs. Finally, upon a showing by clear and convincing evidence of the truth of his violation of Section 25-4-105(3)(a), Mississippi Code of 1972, the Defendant should be fined by this court in the penal sum of not more than \$ as provided by Section 25-4-109, Mississippi Code of 1972.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs pray that upon a hearing of this matter the Court will enter a judgment in their favor for the benefit of the Board of Trustees of State Institutions of Higher Learning in the amount of \$, plus attorney's fees. Finally, the Plaintiffs pray that the Court will levy a penal fine against the Defendant in a sum not exceeding \$.

Respectfully submitted,

, ATTORNEY GENERAL
STATE OF MISSISSIPPI

MISSISSIPPI ETHICS COMMISSION

BY: _____

OFFICE OF THE ATTORNEY GENERAL
STATE OF MISSISSIPPI

, Mississippi
Telephone: () -