

January 28, 1977

**77-3 MEMORANDUM OPINION FOR ASSISTANT
ATTORNEY GENERAL, LAND AND
NATURAL RESOURCES DIVISION**

**Conflict of Interest—Litigation Involving a
Corporation Owned by Government Attorney**

This is in response to a request for our opinion as to whether there is any potential conflict of interest in a situation involving Mr. A, an attorney in your Division.

It appears that Mr. A is the sole stockholder of a corporation that leases boatyard premises from the Department of the Interior. You state that the leased property in question is now the subject of an action to quiet title instituted by the Department of Justice at the request of the Department of the Interior. You further state that the quiet title litigation is being handled by the General Litigation Section of your Division and that it is not within Mr. A's area of responsibility.

Mr. A presumably has a financial interest in the outcome of the quiet title action; but since he does not intend to participate in the litigation on behalf of the United States, there is no problem raised under 18 U.S.C. § 208 or 28 CFR 45.735-5(a). Similarly, we assume that Mr. A does not intend to act as agent or attorney on behalf of the corporation in the litigation, action that would be prohibited by 18 U.S.C. § 205(2) and 28 CFR 45.735-6(a)(2). And finally, since the quiet title action is not even being handled by Mr. A's section, we see no reason why his ownership of stock in a corporation that could be affected by its outcome creates any real or apparent conflict of interest with his duties and responsibilities. *See* 28 CFR 45.735-4(c).

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