

2002 WL 321993 (Miss.A.G.)

Office of the Attorney General
State of Mississippi

Opinion No. 2002-0033

February 19, 2002

Robert P. Chamberlin, Esquire

Dear Mr. Chamberlin:

Attorney General Mike Moore has received your request for an official opinion and has assigned it to me for research and reply.

Your letter states:

I am in receipt of the January 10, 2002 correspondence regarding my request in relation to [Mississippi Code Annotated Section 13-3-31](#). I had previously reviewed the opinion to Mr. Stockton and was aware of its existence. I do not feel that particularly opinion addressed some of the questions which were set forth in the December 11, 2001 request. I do certainly understand the desire of the office not to issue a factual determination as to whether a particular newspaper meets all of the requirements for a paper to publish legal notices. However, my intention was to get answers regarding some specific criteria. I would submit this revised request in that attempt.

In regard to [Mississippi Code Annotated Section 13-3-31](#) I would ask the following questions on behalf of the DeSoto County Board of Supervisors.

[Miss. Code Ann. Section 13-3-31\(1\)\(a\) \(1984\)](#) provides in part that legal notices shall be published in some newspaper which:

Maintains a general circulation predominantly to bona fide paying subscribers within the political subdivision within which publication of such legal notice is required.

Your queries and our responses are as follows:

1. Is a newspaper that has a publication office in Mississippi deemed to be published in Mississippi when it is a subsidiary of a newspaper published in Tennessee and can only be purchased with the Tennessee newspaper even if the Mississippi newspaper states that it provides the Tennessee newspaper as part of the package with the Mississippi newspaper?

RESPONSE: This office has previously opined that [Section 13-3-31](#) requires a newspaper be “published” at the principal public business office of the publisher and that a newspaper may have a principal public business in more than one location. MS AG Op., Stockton (December 15, 2000).

This office is of the opinion that a newspaper with a principal public business office in DeSoto County, Missis-

sippi is deemed to be published in Mississippi regardless of the fact it can be purchased only as part of a Tennessee newspaper.

2. Is the criteria for subscription met if you cannot subscribe to the subsidiary Mississippi newspaper separate from subscribing to the Tennessee newspaper?

RESPONSE: Yes, the fact that a subscription to the subsidiary Mississippi newspaper cannot be effected without a subscription to the Tennessee newspaper is immaterial.

3. Is the Mississippi newspaper on sale for value when the purchase price of the Tennessee newspaper and the purchase price of the subsidiary Mississippi newspaper included are the same even if the Mississippi newspaper states that both papers are both part of a single price package received by purchasers

*2 RESPONSE: Yes, the fact that the purchase price of the newspaper and the purchase price of the subsidiary Mississippi newspaper are part of a single price package is immaterial.

This office has further opined that all of the qualifications of [Section 13-3-31](#) are equally important and that a newspaper must meet all the qualifications to publish legal notices. MS AG Op., (Dickerson 3, 1999). However, the determination of whether the newspaper meets the qualifications of [Section 13-3-31](#) for legal publications is a factual matter and this office does not make this determination by official opinion.

Sincerely,
Mike Moore
Attorney General

John B. Runnels
Special Assistant Attorney General

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