

## Public Officer

### 63C Am.Jur.2d, Public Officers and Employees, §247

“As expressed otherwise, **the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.**

[1]Furthermore, the view has been expressed that **all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people,**

[2]and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts...

[3] and owes a fiduciary duty to the public...

[4] It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.

[5] Furthermore, it has been stated that **any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.** Fraud in its elementary common law sense of deceit-and this is one of the meanings that fraud bears [483 U. S. 372] in the statute.

See United States v. Dial, 757 F.2d 163, 168 (7th Cir1985) includes **the deliberate concealment of material information in a setting of fiduciary obligation.** A public official is a fiduciary toward the public, ... and if **he deliberately conceals material information from them, he is guilty of fraud.** McNally v United States 483 U.S. 350 (1987) [Emphasis added]