



MEC
OPINION NO

1997.10.120

COPY

STATE OF MISSOURI
MISSOURI ETHICS COMMISSION
P. O. BOX 1254
JEFFERSON CITY, MISSOURI 65102

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October 22, 1997

NOTICE

Anyone examining this advisory opinion should be careful to note that an opinion of the Missouri Ethics Commission deals only with the specific request to which the opinion responded and only as to the law as it existed at the date of the response and cannot be relied upon for any other purpose or in any other manner.

The Missouri Ethics Commission, at their October 7, 1997 meeting, discussed your request for an opinion. The following is the Commission's response to your question:

Would a contract between a not-for-profit agency and the State of Missouri, where the state contracts for the service of a state employee to work half-time supervising employees of that not-for-profit agency, violate any parts of sections 105.452, 105.454 or 105.462, RSMo. If approved, is the individual barred from further work with the contractor and what, if any, notice is appropriate?

In the formulation of this response, the Commission assumes that the person who is the subject of the contract ("Director") is a state employee and will remain a state employee for all purposes. It is further assumed that his salary will be paid by the State of Missouri, and no part of his salary will be paid to him by the not-for-profit agency ("Agency"). The agency will reimburse the state for part of the Director's salary. It is further assumed that receipt of salary by the Director is not contingent upon the Agency performing under the terms of their contract with the state.

Given the foregoing assumptions, the provisions of Chapter 105 do not prohibit the Director from complying with his employer's directive to spend part of his work time at the Agency. He should, nonetheless, remember that he must still comply with sections 105.452 and 105.454, RSMo.

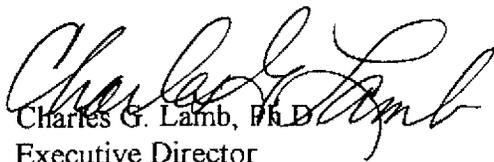
You also asked whether the Director should abstain from participating in the decision-making regarding future contracts with the Agency. The Commission believes the Director should not participate.

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If you have any further questions, please feel free to contact this office.

Sincerely,


Charles G. Lamb, Ph.D.
Executive Director

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