



MEC
OPINION NO.

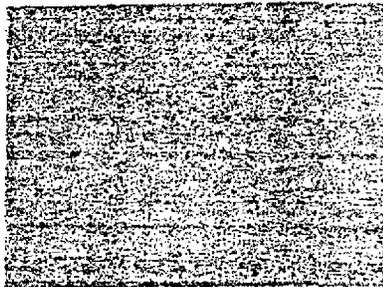
1997.11.106

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

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December 3, 1997

COPY



The Missouri Ethics Commission, at its November 18, 1997 meeting, discussed your request for an opinion. The following is the Commission's responses to your questions:

1. *Is our trade association in violation of Missouri statutes if the trade association establishes a separate PAC for each of the regions of the association?*

From the facts presented, the Commission stated the establishment of multiple continuing committees by an association would not, in and of itself, be a violation of the sections of the law over which the Commission has jurisdiction.

2. *Currently, one of our senior vice presidents is the treasurer of the trade association's state PAC. Is it appropriate for this vice president, or another employee of the trade association, to be the treasurer of each of the regional PACs?*

It is not within the purview of the Commission to determine if it is "appropriate" for a particular individual to serve as treasurer of a committee established pursuant to Chapter 130. Section 130.021, RSMo states: "Every committee shall have a treasurer who, except as provided in subsection 10 of this section shall be a resident of this state."

3. *The trade association's staff is responsible for all of the accounting and record-keeping for the trade association's state PAC. With the establishment of the regional PACs, can those functions still be performed by our staff or should an outside source perform those functions?*

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.

Pursuant to section 130.058, RSMo, the candidate or the committee treasurer of any committee is ultimately responsible for all reporting requirements pursuant to this chapter. The delegation of functions is an internal matter.

4. *What restrictions or guidelines exist regarding who may contribute to each regional PAC?*

Restrictions and limitations on contributions may generally be found in section 130.031, RSMo. However, you should be aware that federal law, over which the Commission does not have jurisdiction, prohibits some contributions from specifically identified sources.

5. *Is there any limitation on the distribution of monies from our trade association's state PAC to our trade association's regional PACs?*

Contributions from one committee to another are permitted. Committees should be aware of the restrictions and limitations on contributions found in section 130.031, RSMo.

6. *Is there any reason our trade association would be prohibited from dissolving the regional PACs and returning to one statewide PAC?*

The termination of a continuing committee may be accomplished pursuant to sections 130.021.8 and 130.046.7, RSMo.

7. *What are the defining characteristics that allow multiple state PACs for a single state trade association?*

The definition of a committee is found in section 130.011(7), RSMo; the definition of a continuing committee is found in section 130.011(10), RSMo; and the procedure to establish a continuing committee is found in section 130.021, RSMo.

8. *Is there any statutory reference that would allow our trade association to rely on an administrative agency's written opinion in a court of law? Do you have any cites to Missouri court decisions that uphold your opinions? Has anyone been convicted of violating this law who received a contrary opinion from the Commission?*

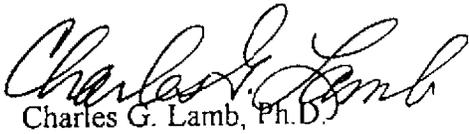
Section 105.955(16), RSMo, states:

"Any advisory opinion issued by the ethics commission shall act as legal direction to any person requesting such opinion and no person shall be liable for relying on the opinion and it shall act as a defense of justification against prosecution."

Our office is not aware of any court decision involving a written opinion of this Commission.

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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