



MEC
OPINION NO.

1998.04.105

COPY

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

573/751-2020
1-800/392-8660

April 28, 1998

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.

Dear Mr. Waldrup:

At the April 24, 1998 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's response to your question:

Can I continue to operate a home care services company, which received funds from the Division of Aging, while also serving as a state representative?

Section 105.456.2 states:

"No sole proprietorship, partnership, joint venture, or corporation in which a member of the general assembly . . . or spouse of such official, is the sole proprietor, a partner having more than ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the state or any political subdivision thereof . . . for consideration in excess of five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received;"

As you can see from this section, if you are elected state representative, you cannot perform any services with the Division of Aging unless there is competitive bidding and you are the lowest bidder.

Sincerely,



Charles G. Lamb, Ph.D.
Executive Director

MCR:bd

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.