

MEC
OPINION NO.

2006.12.CI.105-5

STATE OF MISSOURI

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

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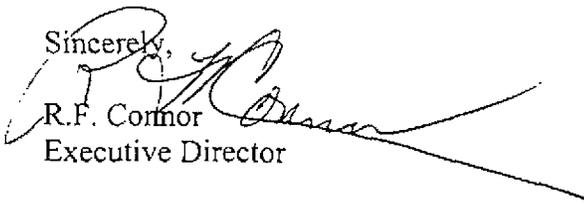
December 12, 2006

At the December 12, 2006 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's Response to your questions:

Can a newly elected Presiding Commissioner in one county continue to serve as an appointed County Surveyor in a separate county upon taking office. No compensation is taken for the surveyor position but compensation would occur for work in a Corner Remonumentation Program. Can compensation be received for any work for a separate county, any municipality, or otherwise incorporated entity in the State of Missouri.

From the facts presented in your letter, the Commission stated that on its face, there appears to be no violation of the conflict of interest laws of the State of Missouri found in Chapter 105, RSMo, for an individual to serve as presiding commissioner in one county and an appointed surveyor in a separate county. The Presiding Commissioner falls within Section 105.458 and cannot perform any service for any agency of the political subdivision for any consideration other than compensation provided for in the performance of official duties. The Commission directs you to familiarize yourself with the conflict of interest laws as set forth in Chapter 105, RSMO, primarily Sections 105.452, 105.454 and 105.458 RSMo. As the Commission can opine only on laws under jurisdiction of the Commission, the Commission advises you to direct your attention to Attorney General Opinions numbered 42-90 and 121-88, 84-2001, and 118-2004, concerning whether the dual service would violate common law incompatibility of public offices.

Sincerely,


R.F. Connor
Executive Director

RFC: ez

NOTICE

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