MEC
OPINION NO.
2007.02.CI.003--2

STATE OF MISSOURI

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

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February 13, 2007

At the February 13, 2007 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's response to your questions:

A public school district, may offer space in its Central District office for lease by the school district through a competitive bidding process as required by Missouri state law. One of the bidders may be a state legislator.

If the state legislator is the successful bidder for the lease of real property that is owned by a public school district in the district represented by the state legislator, can the state legislator lease the office space without creating or appearing to create a conflict of interest?

From the facts stated in your request, the Commission stated that Section 105.456.1(2) does not directly address your question as to whether a state legislator may bid to lease the real property from the political subdivision, and not to the political subdivision. Assuming that all appropriate competitive bidding processes established for the political subdivision are followed, Chapter 105.456.1(2) of the Missouri Revised Code does not prohibit a state representative from leasing property from a political subdivision in the district in which he resides. The representative should be cognizant that all conflict of interest provisions, including Sections 105.452 RSMo and 105.454 RSMo are followed.

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 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.