



MEC
OPINION NO.

2007.07.CI.011

STATE OF MISSOURI

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

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

July 19, 2007

At the June 19, 2007 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's Response to your questions:

As a member of a Fire Protection District Board, can I vote on issues that deal with my husband's employment with the new district? We are aware of the nepotism laws in Missouri.

The Commission advises you to be aware of all provisions of Sections 105.452, 105.454 and 105.458, RSMo as they apply to any potential voting, and any needs to recuse from voting. Specifically, Section 105.452(4) prohibits you from voting on any matter which may provide a "special monetary benefit" to you or your family. See MEC Opinion 97.11.121. As outlined in MEC Opinion 04.01.106, there is no special monetary benefit when members of the class receive the same benefit. If your spouse is treated differently from others in his/her class of employees, there may be a special monetary benefit and you should recuse from voting on the matter.

In addition, Section 105.452(2) prohibits the use of confidential information obtained in the course of or by reason of your official capacity to result in financial gain for you or our spouse. While you are aware of the provisions of the nepotism law, please be aware of MEC opinions 97.06.113, 99.10.114, 00.06.106, and 01.10.109 which address the application of the nepotism clause when family members are existing members or employees of a political subdivision.

Sincerely,

A handwritten signature in black ink, appearing to read "R.F. Connor".

R.F. Connor

R.F.C: ez