



STATE OF MISSOURI
MISSOURI ETHICS COMMISSION
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September 5, 2008

[REDACTED]

Opinion No: 2008.09.CI.007

[REDACTED]

At the September 2, 2008 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's response to your questions:

A member of the Missouri House of Representatives states: I am part owner and president of a company licensed both in Washington, D.C. and Missouri that deals with government contracts that pertain to disabled veterans. It is expected that the majority of contracts that will be dealt with will be federal ones, but some may eventually be state contracts OR contracts that have some state money involved. We do consulting for other companies wanting to gain contracts that are to be awarded to individuals or companies owned by disabled veterans and also do actual work and training. The company I am a part owner of is over 51% owned by disabled veterans (of which I am one of).

Of course in the legislature we do not vote on awarding bids, etc... so that is obviously no problem. Here are my questions:

- 1. Is it acceptable for my name to appear on correspondence sent to state agencies in Missouri for the purpose of either gaining a contract or gaining information for a bid/contract? Not necessarily the person signing the letter, but possibly on the letterhead? Is either, both, or neither acceptable?
 - a. If neither is the answer, is it acceptable for the company to still approach the state agency for business without my name appearing anywhere in the documentation?**

- b. OR is my company not allowed to do business with MO State Government as long as I am in the legislature?*
- 2. Can you think of any votes as a member of the House of Representatives that I need to vote "present" on to avoid a conflict of interest? I understand you do not know individual bills; I am looking for guidance on possible general situations.*
 - 3. Are there any other restrictions under these circumstances that I need to be aware of that you can inform me of.*

As a member of the General Assembly, you should be aware of provisions in Section 105.456, RSMo, and should be aware of the responsibilities to report a substantial interest in any measure that appears before the General Assembly. This requirement is contained in Section 105.461, RSMo.

Specifically, under Section 105.456.1(1), RSMO, you, as a member of the General Assembly, may not perform any service for the state, any political subdivision or any state agency, or act in your official capacity or perform duties associated with your position as a member of the General Assembly for any consideration other than the compensation provided for the performance of your official duties.

Under Section 105.456.1(3), RSMO, you may not attempt, for compensation, to influence a decision of any agency of the state on any matter. You are not prohibited from participating for compensation in the preparation or filing of any public document or conference thereon; but you may not receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any application, bid or request for a state grant, loan, appropriation, contract, award, permit.

Section 105.461.2, RSMo does not prohibit your company from doing business in the State of Missouri. But the section does provide the following if you are a sole proprietor, a partner having more than a ten percent partnership interest, or a co participant or owner of in excess of ten percent of the outstanding shares of any class of stock:

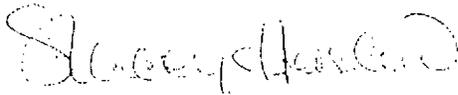
- (1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on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

You should also contact the chief clerk of the House of Representatives to determine if that regulating body has any rules concerning such activities, including the question of your name appearing on any company letterhead. In general, you should not identify yourself as a member of the General Assembly, and you should

be cognizant of any appearance that you are identifying yourself in your official capacity. You should also familiarize yourself with other conflict of interest provisions contained in Sections 105.452 and 105.454, RSMo.

In general, you cannot vote on any measure which would give preferential treatment to your company. In addition, Section 105.461. 1, RSMo requires that any member of the general assembly who has a substantial personal or private interest in any measure, bill, order or ordinance proposed or pending before the general assembly or such governing body, shall, before such official passes on the measure, bill, order or ordinance, file a written report of the nature of the interest with the chief clerk of the House of Representatives. The statement shall be recorded in the House Journal. You must also disclose any business interests on your Personal Financial Interest Statement filed under Section 105.483 to 105.492, RSMo.

Sincerely,



Stacey Heislen
Interim Executive Director

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