



MISSOURI ETHICS COMMISSION
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James Klahr
Executive Director

October 17, 2017

Re: Advisory Opinion No. 2017.10.PF.019

Dear

At the October 16, 2017 meeting of the Missouri Ethics Commission, your request for an opinion was discussed.

Opinion

Pursuant to §105.955.16, RSMo, the Missouri Ethics Commission may issue a written opinion regarding any issue on which the Commission can receive a complaint pursuant to §105.957, RSMo. The Commission receives complaints concerning personal financial disclosure reporting under Chapter 105. This opinion is issued within the context of Missouri's statutes governing such issues, and assumes the facts presented by you in your letter.

The questions presented and responses for each question are as follows:

In Opinion No. 1996.01.101, the Commission advised that the chief counsel to the Labor and Industrial Relations Commission (LIRC) is not required to file a personal financial disclosure statement because the position is not specifically listed in §105.483, RSMo. I am requesting an opinion on whether this interpretation continues.

According to §105.483, RSMo, the following persons are required to file a financial interest statement:

(4) The members of each board or commission and the chief executive officer of each public entity created pursuant to the constitution or interstate compact or agreement and the members of each board of regents or curators and the chancellor or president of each state institution of higher education;

...

(6) Any official or employee of the state authorized by law to promulgate rules and regulations or authorized by law to vote on the adoption of rules and regulations;

...

(10) The members, the chief executive officer and the chief purchasing officer of each board or commission which enters into or approves contracts for the expenditure of state funds;

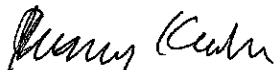
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(12) Any person who is designated as a decision-making public servant by any of the officials or entities listed in subdivision (6) of section 105.450.

§105.450(6) (b) states that a department director is responsible for designating a decision-making public servant, defined as “an official, appointee or employee of the offices or entities ...who exercises supervisory authority over the negotiation of contracts, or has the legal authority to adopt or vote on the adoption of rules and regulations with the force of law or exercises primary supervisory responsibility over purchasing decisions.

The LIRC is established by Article IV, §49 of the Missouri Constitution. As stated in MEC Opinion No. 1996.01.101, the position of Chief Counsel is not one specifically listed in the relevant portions of §105.483, RSMo. Therefore, you are not required to file a financial interest statement unless the department director designates you as a decision-making public servant to the Missouri Ethics Commission. The designation occurs annually as required by §105.955.18, RSMo, by the end of the calendar year preceding the reporting period, and the Commission will notify each person designated at least 90 days before the May 1 deadline. *See* §105.958. RSMo.

Sincerely,



James Klahr
Executive Director