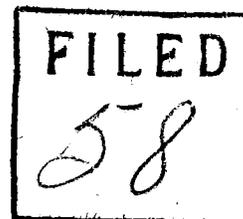


SPECIAL ROAD DISTRICTS: Treasurer of special road district is guilty  
OFFICERS: of no criminal violation when trucks to be  
used by the road district are purchased from  
a firm of which he is president and principal  
stockholder, but if the treasurer is also a  
commissioner of the road district, the con-  
tract is against public policy.

August 13, 1946



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Honorable W. N. McDonald  
Missouri House of Representatives  
Jasper County  
Joplin, Missouri

Dear Sir:

We acknowledge receipt of your letter of July 29, 1946,  
requesting an official opinion of this office, and reading  
as follows:

"Mr. W. M. Robertson is the president and  
principal stockholder of the R. & S. Motor  
Sales Company, and he also is treasurer of  
the Joplin Special Road District. For the  
past several years the Joplin Special Road  
District has purchased Chevrolet trucks and  
automotive parts from this firm.

"Section 10 of House Bill No. 794, passed by  
the recent 63rd General Assembly, prohibits  
an officer of any road district from being  
'pecuniarily interested' in the sale of equip-  
ment to be used for the building or repair of  
any county highway.

"Would you please render me your opinion with  
regard to whether this new law prohibits the  
R. & S. Motor Sales Company from furnishing  
any further equipment to the Joplin Special  
Road District."

House Bill No. 794, which you refer to in your letter,  
is entitled "An Act to provide for the office, duties and func-  
tion of the office of county highway engineer and surveyor in  
counties of class one." Section 14 of this bill provides,  
"The provisions of this act shall be applicable only to coun-

ties of class one." It can be seen that a special road district in Jasper County is not affected by any provision of this bill.

However, it has been held in an official opinion of this office dated October 7, 1942, to Hon. Wilson D. Hill, Prosecuting Attorney of Ray County, a copy of which opinion is enclosed, that it is against public policy for a commissioner of a special road district organized under Section 8673, R. S. Mo. 1939, to make purchases from a firm in which he owns stock or in which he is a partner.

You do not state in your letter whether Mr. W. M. Robertson is a commissioner of the special road district or whether he is merely the treasurer. Since the language used in *State v. Bowman*, 184 Mo. App. 549, quoted in the enclosed opinion, clearly indicates that the restriction on the purchase or supplies or entering into contracts by a member of the board of directors of a municipal corporation with a firm in which he is interested is based upon the power of the member of the board to contract with himself, the treasurer of a special road district has no power to let contracts and there would be no prohibition against a firm in which he was a stockholder furnishing trucks to the special road district unless he was also a commissioner of the road district itself.

#### CONCLUSION

House Bill No. 794 does not apply to a special road district in Jasper County.

If the treasurer of a special road district is also a commissioner of a special road district, a contract entered into by the road district to purchase trucks from a firm in which he is the principal stockholder would be against public policy. However, there would be no violation of any criminal statute in this case. If the treasurer of the special road district is not a commissioner of the district, the purchase of trucks by the road district from a firm of which the treasurer is the principal stockholder is valid and in no way illegal.

Respectfully submitted,

C. B. BURNS, Jr.  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General