

LINCOLN UNIVERSITY:

STATE UNIVERSITY:

Member of Board  
of Curators who is editor  
of and stockholder in  
newspaper may distribute  
rotogravure section  
advertising university  
without compensation to the  
distributing paper.

✓  
9654 R S Mo 1933

August 14, 1933

8-14.



Board of Curators  
Lincoln University  
Jefferson City, Missouri

Dear Sirs:

This Department acknowledges receipt of your  
letter dated August 5, 1933, as follows:

"The Board of Curators of Lincoln  
University desires to publish a  
Rotogravure Section advertising  
Lincoln University in an effort  
to increase the enrollment at  
the school.

The publisher of the Rotogravure  
plans to distribute the Rotogravure  
Section through the papers of the  
State without charge except for  
the cost of stuffing and mailing.

Would the Kansas City American  
be eligible to participate in the  
distribution of this material on  
the same basis as the other news-  
papers of the State in view of the  
fact that Dr. W. J. Thompkins, a  
member of the Board of Curators,  
is also the editor and a member  
of the corporation which publishes  
the Kansas City American? In other  
words, would such participation on  
the part of the Kansas City  
American be in violation of Section  
9654 R. S. 1919 or any other statute  
bearing on this matter?

Your opinion and ruling in this  
matter will be appreciated."

August 1 , 1933

As we understand your letter the Board of Curators of Lincoln University intend to have published a rotogravure section for the purpose of advertising the merits of Lincoln University to the end that the enrollment in the school may be increased. We further understand that such rotogravure section is not to be published by the Kansas City American. We further understand that as and when published the rotogravure section is to be distributed to readers through the newspapers of this state and that there will be no charge for the distribution of such rotogravure section by the newspapers so distributing the same, except the distributing newspapers will pay the cost of stuffing and mailing the section so that whatever compensation is paid on account of the rotogravure section will be paid to the publisher of same and not to the newspapers making distribution thereof.

Section 9654 Revised Statutes of Missouri 1929, reads as follows:

"If any member of the board of curators, president, professor, teacher or other officer or employe of the state university shall be directly or indirectly interested in any contract for furnishing supplies for said university or any of the departments thereof, or in any work to be done upon any of the buildings of said university or repairing of the same, or ornamenting the grounds thereof or fencing the same, or if said curators, or any one of them, or the president or any professor, teacher or other officer or employe shall keep for sale or be interested in, directly or indirectly, the sale of any school furniture or apparatus, books, maps, charts or stationery used in said university or any department thereof, such person or persons shall be deemed guilty of a misdemeanor, and upon conviction be fined not less than two hundred dollars or imprisoned in the county jail where said offense is committed not less than three months, or by both such fine and imprisonment."

August 14, 1933

We can not find that the foregoing section has been construed by any of the courts of this state.

A member of the Board of Curators of Lincoln University by the above section is prohibited from being directly or indirectly interested in any contract for furnishing supplies for the university or any of its departments. He is also forbidden to be directly or indirectly interested in a contract for any work to be done upon any of the buildings of the university or repairing the same or ornamenting the grounds thereof or fencing such grounds and such member is further prohibited from keeping for sale or being interested in, directly or indirectly, the sale of any school furniture or apparatus, books, maps, charts or stationery used in such university or any department thereof. The distribution of the roto- gravure section, as detailed in your letter, would not be furnishing supplies for the university nor would it be work done upon any of the buildings of the university or repairing same, nor ornamenting the grounds of the university or fencing such grounds, nor would it be the keeping for sale or being interested in, directly or indirectly, the sale of any school furniture or other school equipment.

The plan outlined in your letter does not come within any of the prohibited acts or contracts mentioned in Section 9654, and we are of the opinion that the distribution by the Kansas City American of the roto- gravure section mentioned in your letter, and as above outlined would not be a violation of Section 9654 Revised Statutes of Missouri 1929, or any other statute, by a member of the board of Curators of Lincoln University who is also the editor of and a stockholder in the corporation publishing the Kansas City American.

Very truly yours,

GILBERT LAMB  
Assistant Attorney General,

APPROVED:

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ROY McKITTRICK  
Attorney General.