

August 29, 1961



Honorable Earl A. Bollinger
State Representative - Madison County
604 Buford Boulevard
Fredericktown, Missouri

Dear Mr. Bollinger:

This is in reply to your letter of August 7, 1961, requesting the opinion of this office as to whether a trustee of a county hospital may sell drugs to that institution at no profit.

Your attention is invited to subsection 5, Section 205.170 RSMo 1959 which provides as follows:

"No trustee shall have a personal pecuniary interest, either directly or indirectly, in the purchase of any supplies for said hospital, unless the same are purchased by competitive bidding."

As stated in that subsection, the only exception to the general prohibition against trustees having a pecuniary interest in the purchase of any supplies for the hospital arises where there is competitive bidding. Thus even the absence of profit to the trustee would not permit him to sell drugs to the hospital if there were no competitive bids submitted.

In an opinion issued by this office at the request of Fred C. Bollow under date of June 30, 1948, attached herewith, the conclusion was reached that public policy of the State of Missouri would prevent a member of a county school board from selling supplies to the school. Inasmuch as Section 205.170, supra, departs from that general rule, it is submitted that any contracts made under the exception set out therein would be subject to close scrutiny and would not be regarded with favor by the courts of this state.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

AJS:aa
Enclosure