

July 5, 1962



Honorable Norman H. Anderson
Prosecuting Attorney
St. Louis County
Courthouse
Clayton, Missouri

Dear Mr. Anderson:

Reference is made to your request for an opinion of this office reading in part as follows:

"There has been evidence presented that in some instances various music instructors and directors employed by school districts are engaged in the practice of 'recommending' certain music retail outlets to their students for the purchase of musical instruments. Upon the sale of the musical instrument from these outlets, a commission is paid to the said musical director.

"Although these instruments are purchased by individuals and not by school districts, we are interested in ascertaining whether or not the arrangements described above would create any conflict and would also create any unjust influence and restriction on the individual purchasing the instruments.

"Your office is being contacted on this matter for an opinion because of the quasi-public position in which is found the music directors of the public schools in the county. A further reason it was brought to our attention is that a particular music retailer has inquired as to the legality of this matter before engaging in said practice."

Honorable Norman H. Anderson

Although the described practice of recommending for commission would appear to create a conflict of interest and create an unjust influence and restriction on the individual purchasing the instrument, particularly in view of the highly confidential relationship of a teacher and pupil, it is our view that the present criminal statutes of Missouri do not prohibit the practice in question.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

PAS:lnr