

May 27, 1963



Honorable Charles G. Hyler
Prosecuting Attorney
County of St. Francois
Farmington, Missouri

Dear Mr. Hyler:

This is in response to your request for an opinion concerning the right of a member of the county court to continue in office who has been instrumental in purchasing road gravel for the county's use from a company owned and operated by his son. Specifically your question is:

"Does the purchase of material, to be used on a County road, by a County Judge, from a company owned and operated by his son, effect his right to remain in office under Article 7 Section 6 of the Missouri Constitution?"

The constitutional provision referred to is:

"Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment."

Apparently this provision of the constitution sheds no light upon the fact situation hypothesized. The facts which you set out do not constitute appointment to public office or employment.

Very truly yours,

THOMAS F. EAGLETON
Attorney General