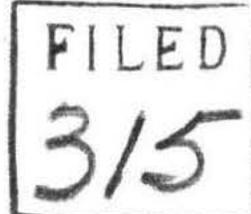


August 16, 1963



Honorable Larry M. Woods,  
State Representative, 1st District  
Boone County  
502 Guitar Building  
Columbia, Missouri

Dear Mr. Woods:

In reply to your opinion request of July 29, 1963, concerning the situation existing with the Land Clearance and Redevelopment Authority of the City of Columbia, Missouri, and the sale of a tract of land for redevelopment to Mr. William H. Simon, wherein the brother of William H. Simon, Mr. B. D. Simon, Jr., is Chairman of the Board of Commissioners of such Authority, it is to be noted that the Authority by Section 99.320, RSMo is stated to be a " \* \* \* public body, corporate and politic, " \* \* \*. Further, that the commissioners of such Authority are subject to several restrictions among them those contained in Section 99.400, RSMo wherein it is specifically provided that "no commissioner or employee of an authority shall voluntarily acquire any interest, direct or indirect, in any land clearance project or in any property included or planned by the Authority to be included in any such project, or in any contract or proposed contract in connection with any such project."

It is noted in your opinion request that it is publicly stated, although not appearing of record, that the purchaser of this tract of land, Mr. William H. Simon, intends to lease the building, which he is to construct upon this tract of land, to a corporation in which both he and his brother, Mr. B. D. Simon, Jr., are shareholders and officers. We have given considerable thought to this situation and it appears to us that the question is as stated in your letter, i.e.: Is this such an interest on the part of Mr. B. D. Simon, Jr., as to constitute a violation of Section 99.400, RSMo? And in answer to this question, I am enclosing herewith

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a copy of an opinion issued by this office on May 15, 1958, to the Honorable Rolin T. Boulware, Prosecuting Attorney, Shelby County, Shelbyville, Missouri, which opinion while it specifically rules upon the city officials and the scope of Section 106.300, RSMo, we believe is applicable to the case at hand arising under Chapter 99, RSMo.

It is the opinion of this office that a careful reading of the enclosed opinion and the cases therein cited will furnish the answer to the question which you have presented.

Yours very truly,

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THOMAS F. EAGLETON  
Attorney General

RRN:df  
Enc.