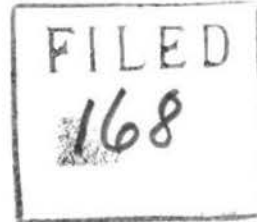


March 16, 1971

OPINION LETTER NO. 168
Answer by Letter (Wieler)

Honorable James N. Foley
Prosecuting Attorney
Macon County, Courthouse
Macon, Missouri 63552



Dear Mr. Foley:

This is in response to your request for an opinion concerning the propriety of a director of a nursing home district, organized under Section 198.200, RSMo 1969, accepting employment and compensation as a licensed practical nurse in the same nursing home district.

Section 190.290, RSMo 1969, places the power to exercise all legislative and executive functions in a nursing home district with the board of directors. Included among these is the power to employ whatever help necessary for the proper maintenance of the nursing home. See Section 198.300(6), RSMo 1969.

It is our opinion, as a matter of public policy, that a director of a nursing home district cannot accept employment and compensation as a licensed practical nurse within that district. To do so would be to create a substantial conflict between his interests as director of the district, charged with exercising all of the legislative and executive powers of such district as a member of the board of directors thereof, and his private interests as an employee.

Enclosed is a copy of Opinion No. 465, issued December 29, 1966, to Lee E. Norbury, which contains a comprehensive discussion of the public policy reason for not allowing a public official to contract with himself.

Very truly yours,

JOHN C. DANFORTH
Attorney General

Enclosure