



State of Missouri  
**OFFICE OF ADMINISTRATION**

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**Jeremiah W. (Jay) Nixon**  
Governor

**Kelvin L. Simmons**  
Commissioner

March 12, 2009

To Whom It May Concern:

**RE: Public Officers and Employees**

The Office of Administration is charged with providing regulatory assistance to its constituents, including state vendors who contract with the State of Missouri for goods and services. As part of this regulatory responsibility it is important to remind state vendors about the prohibitions contained in Chapter 105, RSMo.

According to §105.454 (5), RSMo, no elected or appointed official or state employee shall:

Perform any service for consideration, during one year after termination of his or her office or employment, by which performance he or she attempts to influence a decision of any agency of the state ...over which he or she had supervisory power except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefore, in any adversary proceeding or in the preparation or filing of any public document ...

Further, §105.454 (6), RSMo, states that no elected or appointed official or state employee shall:

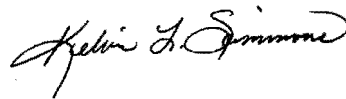
Perform any service for any consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment.

Please keep in mind these provisions pertain to criminal violations. According to §105.478, RSMo, anyone guilty of knowingly violating these provisions shall be guilty of a class B misdemeanor for their first offense, and guilty of a class D felony for their second or subsequent offenses.

The Office of Administration is asking you to be mindful of these prohibitions and to use discretion when assigning job duties to former state employees or officers who have ceased their employment with the state in the last 12 months. Please act with sound and professional judgment at all times; especially during these trying and difficult economic times. Do not place your applicable employees in a position that may cause them to violate these provisions and face possible criminal liability.

Thank you for your attention to this matter, and if you have any questions please contact my office at the above address or at telephone number (573) 751-1851.

Sincerely,

A handwritten signature in cursive script that reads "Kelvin L. Simmons".

Kelvin L. Simmons  
Commissioner