

Cuba Free  
Press  
Cuba, MO  
Circ. 3700  
From Page:  
2  
1/14/2010  
19630



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Commissioners  
review complaint,  
believe it was  
handled properly

*Constable: 'I was very careful  
to follow all the rules and  
regulations with this one.'*

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Commissioners agree the county health inspector acted appropriately in investigating the former inspector's sewage system.

County personnel followed up on a complaint made last week by former septic inspector John McGill. At the Jan. 4 meeting of the Crawford County Commission, McGill reported he was not happy with an anonymous tip to the health department that stated he'd illegally moved his drain field a few years ago when he constructed an addition on his home. He was also displeased with the way it was handled by the department.

When the current inspector visited his home to check it out, she found the complaint was inaccurate, there were no violations in his septic system and closed the case. McGill felt that county GIS photos showed there was no probable cause to warrant an investigation and that an erroneous complaint should not remain anonymous.

Commissioners spoke with Health Department Administrator Shirley Stulce briefly last week and asked that she and Environmental Health Specialist Michelle Constable come to the meeting this week to further explain the situation.

The two brought the department's policy and procedure manual that follows the Environmental Health Operations Guide set by the state. Constable pointed out several sections of the guidelines that showed the complaint was handled properly. One such section regarding onsite sewage complaints clearly stated, "Complaints do not have to be in writing and the complainant does not have to identify himself or herself. However, the





Cuba Free  
Press  
Cuba,MO  
Circ. 3700  
From Page:  
2  
1/14/2010  
19630

investigator must determine probable cause or that an adjoining property owner or an aggrieved party made the complaint.”

Presiding Commissioner Ed Worley said, “I really didn’t understand his (McGill’s) complaint because he was agreeable to you coming there (for the inspection on his property). I think the main thing he wanted was to see who made the complaint.”

Constable reported she’d recorded the information in the paperwork for the case that stated the informant wished to remain anonymous. McGill requested copies of the report under the Missouri Sunshine Law provisions and received them.

Commissioner John Hewkin noted McGill’s other concern that probable cause for the investigation was not determined and therefore the actual site inspection should not have taken place. “He felt we needed to have probable cause and he wanted to know if we’d determined probable cause,” he said. “He thought we should have used the GIS photos, but to me, GIS is just a snapshot of one moment in time. It doesn’t necessarily show the most current information.”

“A lot of counties don’t use GIS because it’s not always accurate,” Constable agreed. “The person who complained said they knew for a fact that when he added on, he’d moved the drain field. The probable cause was the person who made the complaint.” Constable added, “John (McGill) did put a new pipe in from his house to the septic tank, but that is work where no permit is required.”

Constable also reported, “I was very careful to follow all the rules and regulations with this one. I do with all inspections, but especially in this case because John was an inspector.”

She explained that she spoke with state personnel who assured her that she had probable cause and needed to investigate. Additionally, she checked with Prosecuting Attorney Sid Pearson, who informed her it was appropriate to keep the complainant’s identity secret. Although part of McGill’s complaint seemed to be about the type of form used for her report, Constable stated she used the same one they’ve always used, one believed to have been adopted from Phelps County.

“My main concern was that we had policies and procedures in place and that we followed them,” Hewkin stated. “You went out and looked, you didn’t find anything and the investigation is closed now, right?” he asked Constable, who affirmed that was correct.

Commissioners asked Pearson for advice regarding a response to McGill and he suggested a brief letter stating the matter had been reviewed and it had been found that the





correct policy and procedure were followed. //

Cuba Free  
Press  
Cuba,MO  
Circ. 3700  
From Page:  
2  
1/14/2010  
19630