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State denies Sunshine Law request

Report of DOLIR investigation into the city's hiring practices remains closed

From LDR staff

The Missouri Department of Labor and Industrial Relations has declined a Sunshine Law request by The Daily Record for its final report on the DOLIR investigation into Lebanon's employment practices.

The request for the report was submitted Friday, and the response denying access to the record was received Monday.

"The records responsive to your request are closed pursuant to 610.021.1 and 610.100, RSMo.," wrote DOLIR Assistant General Counsel Jeannie Mitchell in an e-mail. "Information related to pending investigations and legal actions, causes of action or litigation involving a public governmental body is closed."

Wednesday, The Daily Record requested a clarification of the status of the investigation — active or inactive. RSMo. 610.100 protects active investigation reports by law enforcement agencies from disclosure.

In addition, The Daily Record has asked DOLIR what legal actions, causes of action or litigation currently involve the investigation

report, since no charges have been filed as a result of the probe.

DOLIR submitted a probable cause statement to the Laclede County Prosecuting Attorney Oct. 30, alleging that Lebanon has violated the state's prevailing wage law by hiring the employees of its contractors to work on construction projects.

Contractors that do work for public entities are required by law to pay the prevailing wage.

Prosecuting Attorney Angie Hemphill Wright has not yet filed charges related to the DOLIR investigation. Hemphill Wright has requested more information from DOLIR, she has said.

The DOLIR probe was prompted by a state audit in 2008 that pointed out what the auditors described as possible violations of the prevailing wage law.

Since the audit, Lebanon City Attorney David Wilhite and attorney Ransom A. Ellis III from Ellis, Ellis, Hammons & Johnson of Springfield both have offered the city legal advice about the issue, saying they don't believe the city has broken the law.