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Complaints lead to probe

Attorney hired to investigate alleged Sunshine Law violations

By TYLER FRANCKE

TFRANCKE@BRANSONTRILAKESNEWS.COM

FORSYTH — The Taney County Commission has hired an attorney to conduct an internal investigation after being notified of two complaints regarding possible Sunshine Law violations filed with Attorney General Chris Koster's office.

Nanci Gonder, a spokeswoman for Koster, said the attorney general is reviewing the two complaints, which are related to "improper meetings."

"Generally, we try to mediate the complaints," Gonder said. "Sometimes, it's just a matter of the bodies not understanding what the law requires. We try to fix the problems before taking any action."

'I've litigated for 20 years. I know how to get to the bottom of things.'

Patricia Keck, attorney hired for investigation of Taney County

Commissioners held emergency executive sessions Monday and Tuesday to discuss the matter. According to meeting minutes, Springfield attorney Patricia Keck was present at several of these sessions and was hired during one of them to conduct an investigation and report any violations of the Missouri Sunshine Law she finds.

Keck said she has been involved in cases both for and against Taney County for the past 15 years, but in this matter, she is to be "absolutely impartial."

"I've been retained to be impartial," Keck said. "If I find a violation, I am to report it and make recommendations to the commission for correction."

Keck said Thursday she has already written most of her report and expects to be finished next week. She said she could not comment on specifics of how she would conduct the investigation.

"Let me just say that I've litigated for 20 years," Keck said. "I know how to get to the bottom of things."

PROBE — cont. on 5A





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PROBE

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Western District
Commissioner Jim Strafuss said that though no vote has been taken on the subject, he believes the contents of Keck's report will be made public when she submits it.

"I want to make sure the results and recommendations are open to the public," Strafuss said, adding that he thinks only personal information about specific employees should be withheld to protect their privacy.

Outside counsel was hired in the matter, Strafuss said, to ensure the investigation could be done quickly and objectively. He added that county counselor Robert Paulson's day-to-day duties can preclude him from devoting time to new cases.

"We just felt like we needed to get it done," Strafuss said. "And we wanted it to be completely objective. You can't have an employee for the county investigating the county."

Strafuss said he could not comment on the complaint in Koster's office, except that it appears to concern a Jan. 26 commission meeting, during which he was in Jefferson City.

According to minutes from that meeting, Presiding

Commissioner Ron Houseman met with human resources representative Dixie Wagner and purchasing agent Linda Gifford to discuss employee insurance coverage.

The minutes were drafted by Houseman and later typed by deputy clerk Angelia Edwards, who was not present in the meeting.

The record said Eastern District Commissioner Danny Strahan "stuck his head in the door" during the discussion, which led to Houseman writing the minutes.

Although Strafuss declined to comment on the matter, the complaint could be related to a case alleging Sunshine Law violations filed by former county employee Dan Nosalek.

Nosalek said the complaint he submitted to Koster's office several weeks ago includes evidence that commissioners spent 75 hours in executive session during 16 days in January.

Under the Sunshine Law, governmental bodies are permitted executive session in a number of specific circumstances, including the firing of particular employees when personal information is to be discussed.

During these sessions, the agencies are not required by law to take minutes other than the date, time, place, members pres-

ent, members absent and a record of any votes. However, Gonder said the body "should" include more information as a service to both the public and future members.

According to Nosalek, the closed session minutes of the commission's meetings include nothing but the required details.

"They basically cut their own throats with that," Nosalek said. "Now they can't go back and prove they were in compliance."

According to Gonder, in such complaints, the burden of proof falls on the body to demonstrate its compliance with the Sunshine Law.

Strahan said Thursday afternoon that he could not comment on the complaint.

"Until the results come in, we really don't know what to say," Strahan said. "For now, we're going to go ahead and do county business like we were elected to do."

The commission met in executive session again Friday, minus Houseman who is out of town until next week. Strafuss said they were to discuss details of this incident and an unrelated matter.

After this session concluded, Taney County Clerk Donna Neeley said she had been advised by an unnamed attorney that the minutes of that meeting should be held until Monday.

