

AG asks for details from county about possible meeting violation

Camden County, Mo. — A complaint triggered by what may have been an illegal closed meeting of the Camden County Commission regarding the termination of a county employee has lead to the scrutiny of their agendas and minutes by the Missouri Attorney General.

The Camden County Commission has been given a deadline of Oct. 26 to file documents with the Missouri Attorney General's office in response to a complaint filed by the Lake Sun regarding possible violations of the Sunshine Law.

The Lake Sun filed the complaint with the AGO's office questioning the county's meeting notices after attempts to determine if the commission had violated the open meetings laws on two occasions about the termination and dismissal of former county employee Tony Beabout in July of this year.

The complaint alleges the commission lists the same closed session notice on each meeting agenda.

Although the AGO has not rendered a decision, the state has requested a written response to the allegations, including all meeting notices, agendas and minutes for August through October.

In a letter to the commission, AGO Sunshine Law Coordinator Brenda Siegler said the "complaint indicates that the commission lists the same closed session provisions on each notice in the event that something should come up that they would need to discuss in a closed session."

The commission is required, by state law, to post meeting notices whenever they meet to discuss county business and to record any action taken. Each item to be discussed is to be listed on the agendas including the reason for going into executive session.

State law specifically restricts what public bodies can discuss behind closed doors to personnel, litigation and real estate transactions.

Siegler points to two state statutes govern meeting notices and closed sessions for public governmental bodies.

Section 610.020 requires that public bodies write tentative agendas, "in a manner reasonably calculated to advise the public of the matters considered"

The second section Siegler cites is Section 610.020.2, which allows commissioners to meet and discuss items with less than 24 hours notice if, "for good cause such notice is impossible or impractical, in which case as much notice is as reasonably possible shall be given"

Section 610.020.4 requires commissioners to state in meeting minutes the "good cause" of why a meeting was called with less than 24 hours notice.

It should be noted that the agenda is the same form that has been used for a number of years by the Camden County Commission.

About the Sunshine Law

Chapter 610 of state statutes is known as the Sunshine Law. The chapter directs public bodies on open records, meeting notices and minutes; and sets out specific instances when a public body may close such.

Notice on each Camden County Commissioners' agenda

"The Camden County Commission, pursuant to Chapter 610.021 of the Revised Statutes of Missouri, may close this meeting, its records, and its votes for actions concerning legal matters or hiring or firing personnel, leading*, purchase or sale of real estate or their meetings, records or votes as otherwise provided by law may be a closed meeting, closed record, or closed vote."

*Typographical error on the notice. Supposed to be "leasing".

What led to the complaint:

Allegations were raised by Steve Meier, the attorney representing Tony Beabout, that on July 1 and July 11 the county commission took disciplinary actions against his client without properly giving public notice.

Beabout was employed with the Camden County MIS department as an IT technician.

Meier said on July 1, Beabout was called in and placed on administrative leave for improperly accessing another county employee's email account and sharing the information with a non-county employee back in April.

Less than two weeks after the July 1 meeting, Beabout was called back to meet with the commission. It was during that meeting, on July 11, Beabout was told if he signed what the county referred to as a "Last Chance Agreement," he could keep his job.

Beabout did not sign the agreement and was terminated.

The email in question was from the account of a family member who also works at the courthouse and was of a personal nature, according to information provided by Beabout.

Meier said Beabout admitted to what took place at that time and had reported the incident to Presiding Commissioner Kris Franken. No action was taken by Franken at that time. The email issue resurfaced three months later in June when the incident was questioned by the media.

Although there was talk of a proposed settlement agreement between the county and Beabout, it appears that it fell through. It is unclear an offer was made and rescinded or if a mutually accepted agreement could not be reached for settlement.

