



MEC

MISSOURI ETHICS COMMISSION

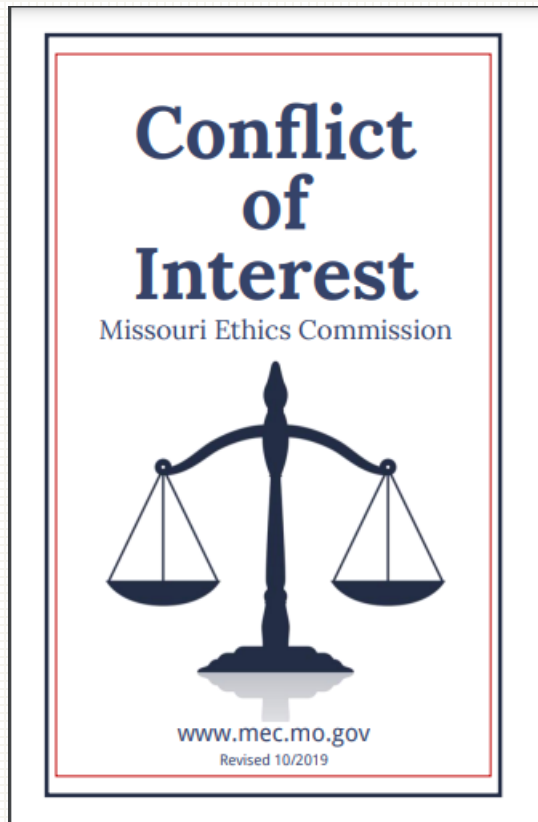
Association of Government Accountants | March 21, 2024



Disclaimer:

This presentation is meant as a summary of relevant provisions of the Revised Missouri Statutes related to Missouri's Ethics Commission (MEC); not an official opinion of the MEC. In providing this presentation we are not providing you with legal advice.

Conflict of Interest



- Helpful guide to the topics covered by today's presentation
- Copies available with the MEC staff
- Page citations found throughout today's presentation

Agenda



**Meet the
MEC**



**Use of Public
Funds**



**Conflict of
Interest**



Enforcement



**MEC
Resources**



The MEC Mission



Serve the public interest



Assist and Educate



Create transparency



Enforce MO ethics laws

Our Commissioners

6

Appointed members, one per congressional district

≤ 3

Commissioners in any one political party. Serve in a non-partisan manner

4

Maximum years of service



Our Non-partisan Staff

Administration



Compliance
& Education



Information
Technology



Enforcement





**Meet the
MEC**



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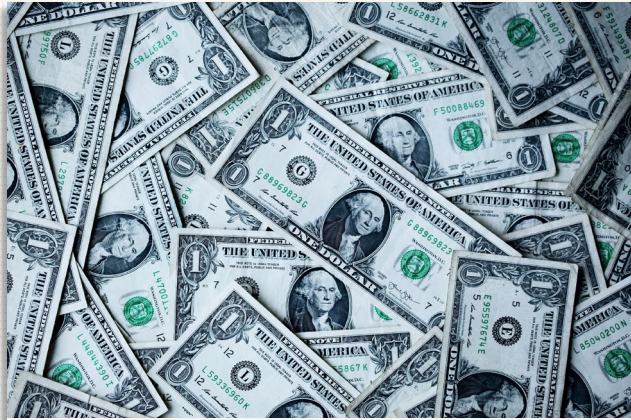
**MEC
Resources**



Key Term: Public Funds

- Monies belonging to the government (county, city, school board, etc.) or any department of the government.

Elected officials should not engage in political activity:



With public funds



With public resources

Use of Public funds:



CANNOT be used to advocate for or against a ballot issue



CANNOT be used to advocate for or against a candidate



CAN be used for information only materials, press releases, and public appearances re: a ballot issue.

Paid for by disclosure Must Include:

- Paid for by
- Name of the city
- Principal officer's name
- Principal officer's title
- Mailing address of city or principal officer

Ballot Measure #1 Info Sheet

Paid for by City of
Anytown, Bob Jones,
Mayor, 123 Main St.,
Anytown, MO 60123



Local Case Study

- **Situation:** A political subdivision included a campaign event for a candidate committee on the subdivision’s online calendar.
- **Outcome:** *Settlement Agreement*
The MEC issued a letter or reprimand indicating that there was, “probable cause to believe that such posting can be considered a statement in support of a candidate for election.”
- **Prevention:** Carefully consider how the political subdivision uses public resources, which can include items that are owned or maintained by the subdivision.

How to avoid violating use of public funds law:

- Consult with local counsel.
- Ensure any material relating to a ballot measure is informational only and includes a “paid for by” disclosure.
- Citizens may form a committee to advocate for a measure they support or oppose.



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Conflict of Interest

- A conflict between the private interests and official responsibilities of a person in a position of trust – *Merriam-Webster*
- The MEC enforces conflict of interest laws for both public officials and employees.



Conflict of Interest Categories

Nepotism

Employment

Conducting
Business

Voting



Key Term: Nepotism

- Appointing, promoting, or hiring a relative within the 4th degree of blood or marriage

1st Degree

- Child
- Parent

2nd Degree

- Grandchild
- Grandparent
- Sibling

3rd Degree

- Great Grandchild
- Great Grandparent
- Niece or Nephew
- Aunt or Uncle

4th Degree

- Great-Great Grandchild
- Great-Great Grandparent
- Grand Niece or Nephew
- First Cousin
- Great Aunt or Uncle



Nepotism - Penalty

- Penalty for nepotism is the automatic forfeiture of office.
- The MEC is not responsible for the enforcement of this clause, contact the local county prosecutor, or the Missouri Attorney General's Office

Employment

Members of any legislative or governing body of any political subdivision cannot be employed in another capacity by the subdivision.

Disclosing substantial interest in a pending matter:



File a written report on the nature of the interest with the clerk or secretary



Requirement met if disclosed on PFD

What is substantial interest?

Consider self, spouse, and dependent children



Ownership of
10% or more
of any
business entity



Ownership of
interest
valued at
\$10,000 or
more



Salary or
compensation
of \$5,000 or
more per
calendar year



After Employment Restrictions

Local public officials and employees serving in an executive or administrative capacity

1 year

Cannot perform services attempting to influence a decision of the subdivision in which they served

Never

Cannot perform services related to any case, decision, etc. if they were directly concerned or personally participated



Conducting Business

Generally, an official may not conduct business over \$500/transaction or \$5,000/year with the subdivision, unless:



Public notice and competitive bidding



Official's bid is lowest received



Transaction is disclosed on PFD (if required)



Voting

Certain officials may vote on a measure that could allow themselves, their spouse, dependent child or associated business to conduct business over \$500/transaction or \$5,000/year with the subdivision **IF:**



Public notice and competitive bidding



Their bid is the lowest received



Quid pro quo:

- **Do not act, or refrain from acting** by reason of any payment, offer to pay, promise to pay or receipt of anything of value to themselves or any third person.
- This includes any gift or committee contribution made or received in relationship to, or as a condition of the performance of an official act.

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Local Case Study

- **Situation:** An elected official sold real estate to the political subdivision she was serving. There was no public notice the local political subdivision was considering the real estate purchase.
- **Outcome:** *Settlement Agreement*
The MEC had probable cause to believe that a violation occurred.
- **Prevention:** Ensure that all purchases and sales are properly noticed.



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When is an investigation initiated?

Upon receipt of a complaint

or

Upon audit of reports and records filed with the MEC



Five (5) days after complaint received:



Accepted for
investigation

or



Rejected for
cause

Investigation timeline

MEC generally has 90 days to investigate the complaint

The Commission must decide if there are reasonable grounds, before the allotted time expires



Ninety (90)
calendar
days

Dismissed complaints

- If the Commission does not find that the complaint has reasonable grounds it will be dismissed.
- If the complaint is dismissed both the complainant and respondent will be informed.



Confidentiality



Investigations are confidential, even to the complainant.



Final actions are open and published online, with complainant's information redacted.



Final Commission Review

Quasi-judicial administrative hearing for final actions (if complaint not dismissed):

- Letter of concern
- Letter of reprimand
- Issue fines



Commission Opinions

Upon written request the Commission may issue advisory opinions to persons directly affected by the application of law.

Searching Commission opinions and final actions

mec.mo.gov



Help Center



Search Commission
Actions

Help Center

- [Access Resources for Candidates- *New*](#)
- [View our Tutorials](#)
- [Register for a Webinar !\[\]\(223f1a84e0bc2cacb9c165f716817dcc_img.jpg\)](#)
- [Register or Amend a Committee](#)
- [Register as a Lobbyist](#)
- [File a Complaint](#)
- [Make a Sunshine Request](#)
- [Search Commission Actions](#)
- [Redact my child's information from a PFD !\[\]\(c437123967ec19fa50ef7951237304ba_img.jpg\)](#)
- [LLC Campaign Finance Registration](#)





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**Use of Public
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Enforcement



**MEC
Resources**



MEC Resources



Publications
and
Brochures



Commission
Actions



Tutorials
and
Webinars



Frequently
Asked
Questions



Contact us



helpdesk@mec.mo.gov



800-392-8660



www.mec.mo.gov