

# Attorney general sues district over openness

## Fire board banned citizens from meetings

Just two months ago, I talked about my concerns over the slow response we had seen from Attorney General Chris Koster's office and commented that I hoped we would see some strong signs of enforcement intent in regard to the Sunshine Law. It wasn't but about one month later that the first action came, a lawsuit filed by his office against the Northeast Ambulance and Fire Protection District and two of its board members for violating the sunshine law.

The suit alleges that the district board voted for a resolution to keep selected members of the public from attending their meetings, and for actions the board and the district took in failing to provide documents to the state auditor in response to a subpoena – a count in the lawsuit that is still somewhat sunshine-law related.

“Missouri's Sunshine Law is crystal clear that both state and local governments must be open to the people,” Koster said in his press release about the suit. “Governmental bodies cannot make arbitrary rules to keep citizens out of the process.”

The resolution was apparently related to some similar ordinance from last year that is not further described in most news stories I read. The count relating to the subpoena indicates that the state auditor first requested the records under the sunshine law. When the district failed to respond, then the subpoena was issued.

Unfortunately for most citizens requesting records, the process of getting a subpoena to drive home the point isn't an option. But perhaps lawsuits such as this will help make it clear that the sun-

shine law is something to take seriously.

Apparently a few days after the lawsuit was filed, the board continued to have controversial meetings, resulting in the arrest of a lawyer who was stopped outside the district's administration building and told he could not enter the meeting wearing a shirt that made a statement about a bond issue, in an effort to assert his First Amendment rights. The officer who arrested him claimed his dress code violated the dress code of the building.



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These actions are similar to a situation that arose in Jackson County a few years ago when a sunshine law advocate of some fame in Jackson County took to attending the county legislators' meetings and holding up small signs from his seat in the audience asserting the legislators were regular sunshine law violators. Apparently, the Jackson County legislators did receive some better advice than the fire district and decided to simply advise the protestor that he needed to keep his signs in an unobtrusive position so as not to block others' view in the audience. The citizen was allowed to continue making his statements from the peanut gallery.

Meanwhile, in St. Louis, the fire district claims it intends to seek dismissal of the suit. The board's attorney, whose firm, by the way, works on a \$180,000 retainer, issued a statement that under the sunshine law, citizens would be “free to shoot up the council under the provisions of the Missouri Sunshine Law” if they couldn't bar persons from public meetings. Somehow, I miss the point of the logic of that

argument.

At any rate, the funniest thing from the coverage of all this last month comes from a blog called Missouri Political News Service. That blog, in reporting on the lawsuit, noted that this was a suit filed against an “African American Foe of [the] ‘Missouri Plan.’” Frankly, I understand that an African-American defendant is involved, but fail to see how this is related to the Missouri Plan controversy simmering in the state.

And the funniest part of this blog entry is the first sentence, where it quotes Tony Messenger of the *St. Louis Post-Dispatch*, who said in his Political Fix blog entry “Attorney General Chris Koster told a group of Sunshine Law advocates earlier this year that he'd take the state's open records law seriously.”

The Missouri Political News Service blog adds a tag to the line, noting that the “Sunshine Law advocates” Tony mentions are “trial attorneys...our words” but it is clear this particular blogger has not a clue.

You and I were there. The “Sunshine Law advocates” Tony writes about were us – those of us present at Day at the Capitol in Jeff City back in February. Obviously, this blogger has somehow confused many of the key journalists in the state of Missouri with trial attorneys. Doesn't do much for his credibility, does it?

I'm not sure who comes off worse for the comparison – the trial attorneys or all of you hard-working journalists. I'll leave the joke there, folks. I'm not a member of the Missouri Association of Trial Attorneys, but I certainly do try my fair share of cases.

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**Attorney claims citizens would be “free to shoot up the council” under the provisions of the Sunshine Law if they couldn't bar persons from meetings.**

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