

Rep. Jones' Sunshine Bill efforts much appreciated

Internal police reports stalled effort

June is finally here and our state legislators have left Jefferson City and returned to your hometowns to raise money, rest up and prepare for their next campaign. When you see them, talk to them about the importance of public notices staying in local newspapers. The Press Association has information that will help you make those arguments.

The fact that we were successful turning aside a challenge this session does not mean it is the end of the battle on this issue. Even my representative, Jason Kander, voted the wrong way on this issue, and I'm going to be watching for a chance to talk to him about this soon. If you don't know how your representative voted, we can get that information for you, too.

Rep. Tim Jones did a wonderful job this year handling the sunshine law bill, which again failed to make it through the process. Rep. Jones is an unflagging supporter on sunshine law issues, and I so appreciate his devotion each year in getting a bill filed.

The vote in the House (159-0) supporting the bill was a confidence-booster. But in the Senate the bill bogged down with amendments added by the House, one of which would have closed law enforcement records relating to internal affairs reports about officers. This is an issue that has been litigated several times over the years as law enforcement seeks to bury records about misconduct allegations regarding actions of their own.

Most of those who serve the state as law enforcement are above reproach and the media has a wonderful relationship

with them. But it is important for the public to know the final outcome to allegations made about officers in order to ensure that the proper processes for such investigations are being followed, and to be aware if certain officers seem to be receiving an undue number of such complaints.

The legislative session has been quite interesting to watch because of the new players, including our new governor. While it is always "politics as usual" in Jefferson City, there are changes that result from the shift in power as officeholders change.

One officeholder I've been watching very closely, of course, is our new attorney general, Chris Koster. He's been quite busy lately, cracking down on fraudulent fundraisers, filing suit against Suzuki over fraudulent ads, meeting with Craigslist officials over erotic ads, suing over mortgage scams, and a multitude of other worthy, important tasks.

He has assigned persons to work with media on sunshine law issues, and I've talked with them several times. I've had reporters call them on important issues. We've had several situations that I felt were important enough to require intervention by the AG's office. But to date, I'm not aware of any situations where the AG's office has made a strong response to our requests.

I am, however, aware of one situation where the AG's office has issued a directive relating to the sunshine law. Margaret K. Landwehr, assistant attorney general, wrote to Sue Wishon, a council member of the City of Drexel, on April 17, advising her that the office

had received a complaint regarding a letter to the editor of the local paper (*The Drexel Star*) that had been signed by Ms. Wishon, Councilman Terry Mayfield, and Councilman Gale Allman. Apparently, there was no record in the minutes of the council, which consisted of these three persons, one other council person and the mayor, of this letter ever being submitted to the council at an open meeting.

"Therefore, if the three of you got together to discuss this letter, you were in violation of the Sunshine Law. If you decided to submit the letter by 'polling' each other, this is an attempt to circumvent the Sunshine Law. Either way, your actions are unacceptable," Ms. Landwehr adds. (And, I would add, also illegal!)

Ms. Landwehr suggests the city contact the AG's office to schedule training with Tom Durkin, public education director, "in order to better understand how to comply with the law."

This letter is a step in the right direction for Gen. Koster and his staff. I hope this is just the first baby step. Our citizens need Koster to take the same aggressive actions on behalf of the sunshine law that he is taking in regard to fraudulent fundraisers, fraudulent ads, ads for illegal services and mortgage scams. All of these are schemes that harm Missouri residents and all are violations of the laws of the state he has sworn to uphold.

Gen. Koster promised to take aggressive actions in the area of the sunshine law. I, for one, am holding him to his promise.



Jean Maneke, MPA's Legal Hotline attorney, can be reached at (816) 753-9000, jmaneke@manekelaw.com.

I'm going to hold Attorney General Koster to his promise to take aggressive action against Sunshine Law violators.
