

As you see in the information below, there is no board action that will take place and my contact to you all today was for informational purposes.

Please contact me directly with questions and be mindful of the sunshine law.

LaTonya Williams

President, SJSD BOE

From: Rachel Meystedt <rmeystedt@edcounsel.law>

Sent: Wednesday, March 25, 2026 5:00 PM

To: LaTonya Williams <LaTonyaWilliams@sjsd.k12.mo.us>

Cc: Duane Martin <dmartin@edcounsel.law>

Subject: [External]: RE: A board violation

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LaTonya,

Thank you for reaching out about this. We reviewed your email and have provided responses to your questions and proposed next steps below.

Missouri Constitutional Article VII, § 6, states the following:

Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment.

If the Board member voted to hire her son, then that the Board member has forfeited her position as a Board member under the Missouri Constitution and the cases interpreting it. The Board member can resign her position, or there may be an enforcement action taken by the Missouri Ethics Commission and/or the Attorney General's Office to remove her from office if she does not.

The Missouri Ethics Commission's Conflict of Interest booklet discusses nepotism and the above prohibition starting on page 11. It is available here: https://www.mec.mo.gov/WebDocs/PDF/Complaint/Conflict_of_Interest.pdf

This is outlined further in *Nixon v. Wakeman*, 271 S.W.3d 28 (Mo. App. W.D. 2008). In that case, the Mayor of Holden, Missouri appointed his brother-in-law as the chief firefighter. Upon discovering that this appointment violated the Missouri Constitution, the brother-in-law resigned. After the resignation, a complaint was filed with the Missouri Ethics Commission, and the Attorney General notified the Mayor in writing that they would seek his removal if he did not resign. The Mayor then resigned, and the City Council accepted his resignation, but then unanimously voted to appoint the Mayor back into his position to serve the remainder of his term. The Attorney General sought removal of the Mayor from his position because he forfeited his office when he violated the anti-nepotism clause of the Constitution. The Mayor was removed from office, and that decision was upheld on appeal.

Based on the above, the vote could not be rescinded to correct the error—the action has been taken, and the result is forfeiture of the Board position, unfortunately. The law also does not require a specific intent, so even if this was not purposeful, the result is the same. The law also doesn't require her vote be the deciding vote—meaning even if it were a unanimous vote, the action of voting resulted in forfeiture. It would also not be possible for her to resign and then be reappointed by the Board to serve the remainder of her term under the Board vacancy process, as "[a]n officer removed from the office cannot serve the remainder of the term as his or her own successor." *Nixon* at 29 (internal citations omitted). This is because forfeiture of the office includes the entire designated term, and resigning in the middle of the term would not create two distinct terms. *Id.*