

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Based on the above, the vote could not be rescinded to correct the error—the action has been taken, and the result is forfeiture of the Board position, unfortunately.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.*

Not an Official Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

Not an Official Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

We recommend that a discussion is had with the Board member to outline the issue and recommend her resignation. If she refuses to resign, then a complaint with the Missouri Ethics Commission could be filed, which would trigger an ouster action in court by the local prosecuting attorney or the Attorney General.

A complaint can be filed using the form available at the following link on MEC's website: <https://www.mec.mo.gov/WebDocs/PDF/Fillable/Complaint/Complaint.pdf>

The only action that could be taken is forfeiture of/removal from the current term of office, which is rendered moot if the Board member resigns.

At this juncture, we recommend responding to requests for comment by explaining that you're looking into the matter and don't have further comment at this time.

If you have questions or want to discuss, please call me.

Thank you!

Rachel Meystedt
Attorney
Office (573) 777-9645
Fax (816) 252-9009

Not an Official Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

From: LaTonya Williams
Sent: Fri, 27 Mar 2026 04:24:53 +0000
To: Ronda Chesney; Mike Moore; Whitney Lanning; Tom Richmond; Jennifer Kerns; Kim Miller
Cc: Donna Baker; Ashly M McGinnis
Subject: Fw: [External]: RE: A board violation

Thank you for responding and calling today when I reached out. Attached is the email I received from Ed Counsel regarding the constitutional violation I spoke of when we talked. As you see, the information I verbally relayed to you mirrors the information sent to me by Ed Counsel.

Please let me know if you have questions. For complete transparency, I've included an outline of my steps as board president regarding this process:

- On 3.24.26 at 947p, Board member Whitney Lanning emailed both Ronda Chesney and myself, regarding this constitution violation by Kim Miller. Several community members also contacted me during the meeting and since. I replied that I would seek legal counsel's guidance.
- On 3.25.26, A representative from the Missouri Ethics Commission contacted me to let me know that they've received several calls regarding this matter.
- On 3.25.26 at 1230p, I was meeting with Ronda and Mike Moore about another matter, so I brought the matter to them, which they agreed I should contact Ed Counsel for guidance. At this time, Mike didn't know anything about it, but Ronda referenced reading Whitney's email.
- At 314p, I emailed Ed Counsel.
- After I saw the below response, I immediately reached out to Ronda to make a plan to meet with Kim. Ronda asked for the night to process, we agreed to set a meeting time the next morning. I forwarded the email from Ed Counsel to Ronda at the end of our conversation at 723p. I also contacted Mike that evening, since I'd told them both I'd update them when I heard something.
- I was contacted several times throughout the day and night regarding this issue.
- This morning at 7:30a, I reached out to Ronda to set availability to offer Kim.
- At 921a, I reached out to Dr. McGinnis, she responded that she's at an event but can call me on her break at 1015a. When she called me, I gave an overview and instruction that, per Ed Counsel, this is a board matter and all correspondence should be directed to me. She agreed and said she would direct her staff as such.
- I emailed Ronda and Kim at 1020a, requesting a meeting due to the violation. (Please let me know if you'd like to see the email)
- Ronda contacted me at 11a, she said she wasn't free until 7p. I stressed the urgency of letting everyone have this information before the media contacts anyone and

Ronda said she'd call Kim at 2p. I asked if she was going to set up a meeting with us and she said she can do that.

- I texted Kim at 1158a, asking her to check her email.
- I contacted each board member around the same time, asking each to call me. Mike, Whitney, Tom and Jennifer called me at various times today and received an overview.
- At 245p, I texted Ronda, asking if she has spoken to Kim, but received no response
- At 316p, Ashly contacted me to let me know that Donna had came to her about the issue and may be contacting me.
- At 322p, Donna texted me saying Kim told her about my email and was asking Donna if she knew anything about the situation. Donna told Kim she'd let her know if she found out anything. Donna asked Ashly, who said she'd spoken with me already. Ed Counsel told Donna that they've been in contact with me and that I was going to handle things with Kim.
- At 345p, Ashly let me know that KQ2 had reached out, they were referred to contact me, which they did.
- At 959p, Ronda responded to my 245p text that Kim told her she self reported to Donna after the meeting, that she doesn't plan to resign. I told Ronda this is now a matter for the Missouri Ethics