



MISSOURI ETHICS COMMISSION

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(573) 751-2020 / (800) 392-8660

James Klahr
Executive Director

October 4, 2016

Bill James

Sikeston MO 63801

Re: File No. 16-0066-I & 16-0069-I

Dear Mr. James:

The Missouri Ethics Commission considered the complaints filed against you at its October 3, 2016 meeting. One of the complaints alleged that you should not have entered a bid on an excavating job for the City of Miner while you served as an alderman for the city. Both complaints allege that you should not have voted on the lowest bid, which was submitted by your brother, because you had a conflict of interest.¹

Section 105.452.1(4), RSMo, provides:

No elected or appointed official or employee of the state or any political subdivision thereof shall:

...

(4) Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official or his spouse or dependent children, including but not limited to increases in retirement benefits, whether received from the state of Missouri or any third party by reason of such act. For the purposes of this subdivision, "special monetary benefit" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting, except that such official may act on increases in compensation subject to the restrictions of Section 13 of Article VII of the Missouri Constitution;

The staff review of this complaint determined that, during a board of aldermen meeting on May 24, 2016, the board considered two bids submitted to do "lagoon dirt work" for the city. Your company, James Excavating Company, submitted a bid and your brother's company, A.C. James

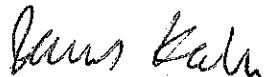
¹ One complaint incorrectly indicated that the company submitting the lowest bid is owned by Respondent's nephew. Staff determined that the company is owned by Respondent's brother and not his nephew.

Excavating, submitted the other bid. The bid submitted by A.C. James Excavating was the lowest bid. One alderman moved to accept the bid submitted by A.C. James Excavating and you seconded the motion and voted "yes" to accept the bid. The vote to accept the bid was unanimous.

The result of the board's vote did not provide a special monetary benefit to you, your spouse or dependent children. Section 105.452(4), RSMo, does not apply because your brother received the monetary benefit of your vote in favor of accepting his bid.

From the facts presented, the Commission finds no reasonable grounds exist to support a violation of Chapter 105, RSMo, and is dismissing the complaint. If in the future you or your company submit a bid to do work for the city while you are serving as an alderman, please be advised that, in order to perform services for the city, the city must provide public notice of the opportunity for bidding and your bid must be the lowest received in order for the city to accept it.

Sincerely,



James Klahr
Executive Director