MISSOURI ETHICS COMMISSION
PO Box 1370
Jefferson City, MO 65102
www.mec.mo.gov
(573) 751-2020 / (800) 392-8660

James Klahr
Executive Director

July 20, 2015

Dwight DeRosear
Scotland Memorial Hospital District
450 East Sigler Ave
Memphis MO 63555

MEC No. 15-0029-I

Dear Mr. DeRosear:

At its July 20, 2015 meeting, the Missouri Ethics Commission considered the complaint filed against Scotland County Memorial Hospital District, its Board of Directors and Dr. Randy Tobler, its Chief Executive Officer. The complaint alleged that the Scotland County Memorial Hospital District (SCMHD), Board of Directors and CEO violated state conflict of interest laws under Chapter 105, RSMo, by employing Dr. Tobler as CEO while he continued to be employed as a physician with the hospital. The complaint further alleges that the hospital and Dr. Tobler took employment actions against complainant because he filed this complaint.

The Commission reviewed the conflict of interest laws, in particular Sections 105.454 and 105.458, RSMo, as well as the personal financial disclosure statute, Section 105.485, RSMo, as they apply to this complaint. The Commission further reviewed the Hospital District Law, Chapter 206, RSMo, as well as the hospital's by-laws. The Commission determined that Dr. Tobler did not have a conflict of interest under Chapter 105, RSMo. While he continued to serve as a physician during the time he was appointed as interim CEO in August 2014 and through his subsequent appointment as CEO in March 2015, the Commission determined that Dr. Tobler is not compensated for his duties as CEO. As a result, Section 105.454, RSMo, does not apply because that statute only prohibits an employee from performing a service for a political subdivision "in which he or she is an officer or employee or over which he or she has supervisory power **for receipt or payment of any compensation, other than of the compensation provided for the performance of his or her official duties. . . .**". In this instance, Dr. Tobler was being compensated for his services as a physician before his appointment to become CEO. The district's appointment of Dr. Tobler to CEO did not violate Section 105.454, RSMo.

The Commission also reviewed the allegation that Respondents violated Section 105.467, RSMo, in taking employment action against the complainant. The Commission's review showed that the hospital's actions regarding the complainant's employment began before the complainant filed his complaint alleging conflict of interest violations. The Commission concludes that the hospital's actions were not taken because the complainant had filed a complaint with the Commission – therefore, neither the hospital nor Dr. Tobler acted in violation of Section 105.467.

MISSOURI ETHICS COMMISSION
P.O. Box 1254
Jefferson City, MO 65102
www.mec.mo.gov
(573) 751-2020 / (800) 392-8660

James Klahr
Executive Director

Based on its review of the complaint, the Commission finds no reasonable grounds to support a violation of Chapter 105, RSMo, and is dismissing the complaint.

Sincerely,

James Klahr
Executive Director