MISSOURI ETHICS COMMISSION
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James Klahr
Executive Director

December 17, 2015

Bob Hofer
Town Board of Augusta
PO Box 142
Augusta MO 63332

Re: File No. 15-0058-I

Dear Mr. Hofer:

The Missouri Ethics Commission considered the complaint filed against you and the Town Board of Augusta at its December 16, 2015 meeting. The complaint alleged Town Board of Augusta Zoning Commission and Town Board have used spot zoning to benefit current and former Board members by zoning certain properties previously zoned as "R-2" to "R-1".

Staff review of the complaint determined that the Zoning Commission and Town held public meetings during which they amended the town's zoning ordinances to allow for bed & breakfasts to obtain a conditional use permit if the bed & breakfast was zoned R-2.

Before the Zoning Commission and Town Board amended the ordinance, the ordinance provided that a conditional use for bed & breakfast operations was allowed for properties zoned R-1, but not for properties zoned R-2. The complaint alleges this amendment resulted in a financial benefit for those R-2 properties that had bed & breakfasts already in operation when the zoning ordinance was amended.

Review of this complaint determined that you had no ownership interest in any of the four bed & breakfasts which were zoned R-2 and granted a conditional use permit allowing them to continue operating bed & breakfasts.[1]

From the facts presented, the Commission finds no reasonable grounds exist to support a conflict of interest violation under Chapter 105, RSMo, and is dismissing the complaint.

Sincerely,

James Klahr
Executive Director

[1] Even if one of the Respondents did have a property interest in one of the bed & breakfasts at the time the Town Board granted a conditional use permit for that property, it is not clear that the Board's decision to amend the zoning ordinance amounts to "...adoption of rates or zoning plans...which may result in a direct financial gain or loss" to a board member or immediate family member. Sec. 105.462.1(1), RSMo.