



MISSOURI ETHICS COMMISSION

PO Box 1370
Jefferson City, MO 65102
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(573) 751-2020 / (800) 392-8660

James Klahr
Executive Director

May 19, 2016

Nicholas Lange
809 Tiffany Court
Marthasville MO 63357

Re: File No. 16-0034-I

Dear Mr. Lange:

The Missouri Ethics Commission considered the complaint filed against you at its May 19, 2016 meeting. The complaint alleged you, while serving as alderman in the City of Marthasville, violated the conflict of interest law contained in Chapter 105, RSMo, when you voted to accept certain streets into the city so the city could make repairs to those streets. The complaint cites that you have relatives who live on those streets and that the vote to accept those streets resulted in financial gain for those family members.

The complaint also alleges that Daniel Grafrath violated Chapter 105, RSMo, when he performed work on the street and when the city entered into a contract with Daniel Grafrath's employer to pour the concrete as part of the street repairs.

Staff review determined that, because the street improvement work benefitted all who live along those streets, not just those related to you, your action to vote to accept these streets and approve the road work was not in violation of Section 105.452.1(4), RSMo, because there was no "special monetary benefit" derived by those relatives. Had there been a "special monetary benefit," this statute is only triggered when the benefit is derived by the official, that official's spouse or the official's dependent child.

Staff review determined that Daniel Grafrath received no compensation for his work in using the city excavator to dig up part of the street in preparation for repairs. Daniel Grafrath works for the company that poured the concrete for the street repairs. But he did not receive any additional compensation or any other financial benefit from that company performing the work. The work he performed voluntarily does not violate Section 105.458.1(1), RSMo, which prohibits a member of a legislative or governing body of a political subdivision from performing work for the political subdivision for any compensation other than the compensation for that member's official duties.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "James Klahr".

James Klahr
Executive Director