



**MISSOURI ETHICS COMMISSION**

PO Box 1370  
Jefferson City, MO 65102  
[www.mec.mo.gov](http://www.mec.mo.gov)  
(573) 751-2020 / (800) 392-8660

James Klahr  
Executive Director

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September 20, 2017

Robbie Makinen, CEO  
Kansas City Area Transportation Authority  
1200 E. 18<sup>th</sup> Street  
Kansas City, MO 64108

Re: File No. 17-0044-I

Dear Mr. Makinen:

The Missouri Ethics Commission considered the complaint filed against you and the Kansas City Area Transportation Authority (KCATA) at its September 20, 2017 meeting. The complaint alleged you used your position as a board member for the KCATA to obtain your current position as CEO for KCATA.

KCATA was created in 1965 as a bi-state compact between the states of Missouri and Kansas. That process included approval by the legislatures in Missouri and Kansas as well as approval by Congress. The Missouri statute, Section 238.010, RSMo, sets out the terms of the compact as well as KCATA's powers. Article III of the compact begins with the following:

There is created the Kansas City Area Transportation District (hereinafter referred to as the "Authority"), which shall be a body corporate and politic and a political subdivision of the States of Missouri and Kansas.

Article VII of the compact provides:

The Authority is authorized and directed to proceed to carry out its duties, functions and powers in accordance with the articles of this compact as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the Constitution or the Laws of the United States or of either State, to effectuate the same, except the power to levy taxes or assessments.

A note appearing below Section 238.010, RSMo, in the Revised Statutes of Missouri states:

(1972) Kansas City Area Transportation Authority is not a political subdivision exercising government functions. *Kansas City Area Transportation Authority v. Ashley* (Mo.) 478 S.W.2d 323.

In the course of investigating this complaint, attorneys for KCATA provided additional background regarding the nature of KCATA as a creature of an interstate compact and the impact on the Commission's jurisdiction.



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First, attorneys cite to *KMOV TV, Inc. v. Bi-State Development Agency of Missouri-Illinois Metropolitan District*, 625 F.Supp. 2d 808 (E.D. Missouri 2008). In that case, the question before the court was whether the Missouri Sunshine Law was enforceable as to Bi-State. In ruling that it could not be enforced as to Bi-State, the court noted previous cases noting that “one party to an interstate compact may not enact legislation that would impose burdens upon the compact absent the concurrence of other signatories.” (citing *Bi-State Development Agency of the Missouri-Illinois Metropolitan District v. Director of Revenue*, 781 S.W.2d 80, 82 (Mo.banc 1989); *Kansas City Area Transportation Authority v. State of Missouri*, 640 F.2d 173, 174 (8<sup>th</sup> Cir. 1981).

Second, attorneys cite to *Kansas City Area Transportation Authority v. Ashley*, 478 S.W.2d 323 (Mo. 1972). The court noted that the term “political subdivision” as used in the Missouri Constitution referred to “agencies and corporate bodies which exercised governmental functions such as the levy and collection of taxes and the election of officers and delegation of their powers and duties as governmental officers of the body corporate.” In finding that it did not have jurisdiction over the case, the Missouri Supreme Court found that the statute creating the KCATA did not include such a delegation of governmental functions.

Third, attorneys indicate that the KCATA receives funds from the Federal Transportation Administration (FTA) and the FTA imposes its own ethics requirements on entities like KCATA who are grantees of federal funds.

For these reasons, the Commission has no jurisdiction over the conflict of interest allegations since KCATA is not a political subdivision for purposes of the Missouri conflict of interest laws found in Sections 105.450 to 105.467, RSMo, and is dismissing the complaint.

Sincerely,

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

James Klahr  
Executive Director