



Missouri Ethics Commission

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EXECUTIVE DIRECTOR

Final Action: MEC No. 21-0028-I, Show Me PACE District, Missouri Energy Initiative & Josh Campbell

Date: August 23, 2021

The Missouri Ethics Commission took final consideration of the complaint filed against Show Me PACE District (a clean energy development board) and Missouri Energy Initiative (a non-profit corporation), and Josh Campbell at its August 19, 2021 meeting.

The Show Me PACE District (SMP) was created in the City of Bel-Nor in June 2015 and is a political subdivision pursuant to the provisions of Chapter 67 of the Revised Statutes of Missouri. Because it is a political subdivision, its board members are subject to the conflict of interest prohibitions in Chapter 105, RSMo. See MEC Advisory Opinion 2021.02.CI.003 for more information. However, those prohibitions do not apply directly to political subdivisions or to non-profit corporations and their employees. Accordingly, the MEC's investigation was focused on the conduct of Mr. Campbell during the relevant times related to his official service to SMP.

From June 15, 2015 through June 15, 2018, Mr. Campbell concurrently served as both SMP Board President and Executive Director for Missouri Energy Initiative (MEI). During that time, SMP and MEI executed an agreement for MEI to administer SMP's PACE program. Public financial records confirm that SMP paid MEI for "central administration."

Section 67.2810.2(6), RSMo, provides a clean energy development board may "employ or contract for such managerial, legal, technical, clerical, accounting, or other assistance it deems advisable." The City of Bel-Nor ordinances authorize the clean energy development board to contract "with third-parties for the administration or execution of such of the Clean Energy Development Board's powers as may be delegated pursuant to the PACE act."

The complaint that was filed with the Commission alleged that Mr. Campbell had improperly influenced SMP to enter into the contract with MEI, and that the contract had been executed without the benefit of public notice and a competitive bidding process. Under Missouri law, the MEC shall only investigate alleged violations which occurred 2 years from the receipt of a complaint. With consideration of this 2-year limitation, the complaint suggests that ongoing violations occurred relative to applications processed pursuant to the contract within the previous 2 years.

The conflict of interest laws apply to specific conduct and the activities of Missouri elected or appointed officials and employees of political subdivisions. For example, Section 105.454.1(3), RSMo, contains the following prohibition:

No elected or appointed official or employee of the state or any political subdivision thereof, serving in an executive or administrative capacity, shall [p]articipate in any

matter, directly or indirectly, in which he or she attempts to influence any decision of any agency of the state, or political subdivision thereof in which he or she is an officer of employee or over which he or she has supervisory power, when he or she knows the result of such decision may be the acceptance of the performance of a service of the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

Additionally, Section 105.454.1, RSMo, places prohibitions on *former* elected or appointed officials and employees of political subdivisions. Subsection (5) says, for one year, they may not accept compensation to attempt to influence a decision of the political subdivision they once served. Subsection (6) imposes a lifetime ban on accepting compensation for any service "in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment."

While Mr. Campbell executed the contract between SMP and MEI, signing on behalf of SMP as President of the Board, and on behalf of MEI as Executive Director, that activity was outside the MEC's 2 year statute of limitations for investigation of complaints found in Section 105.957.3, RSMo.

Mr. Campbell's service to SMP as President of the Board terminated on June 15, 2018. As this complaint was received on May 21, 2021, the timeline for consideration of Mr. Campbell's service as a former member of the Board under Section 105.454.1(5), RSMo was limited to one month. The MEC's investigation included interviews and a careful review of the Board's meeting minutes during the relevant periods. While SMP meeting minutes from May 29, 2019 and June 12, 2019, show that Mr. Campbell attended those board meetings, they do not show that he attempted to influence any decisions of SMP on behalf of MEI with respect to any individual applications.

The investigation also looked into possible violations of Section 105.454.1(6), RSMo, occurring after May 21, 2019. During this time, Mr. Campbell was acting only in his capacity as Executive Director for MEI, but the conflict of interest prohibitions directed to former officials would still be applicable to him. No evidence was found which would constitute the conflicts of interest contemplated by the statutes.

From the facts presented, the Commission found no reasonable grounds exist to support a violation of Chapter 105, RSMo, and dismissed the complaint.

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