Missouri Ethics Commission
Elizabeth L. Ziegler
EXECUTIVE DIRECTOR

Final Action: MEC No. 22-0060-I, Hershel Lee Patterson, Dion A. Politte, Kingston K-14 School Board

Date: 09/13/2022

The Missouri Ethics Commission took final consideration of the complaint filed against Hershel Lee Patterson and Dion A. Politte at its September 13, 2022, meeting.

The complaint filed with the Commission alleged that Hershel Lee Patterson and Dion Politte violated constitutional provisions of nepotism when as board members and brothers-in-law, they each voted for the other to hold officer positions (President and Vice President) during the April 2022 school board reorganization.

Pursuant to the Missouri Constitution Article VII, Section 6: "Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall there by forfeit his office or employment."

Section 162.301 RSMo, in part reads, "that within fourteen days after the election of the first school board in each seven-director district, other than an urban district, and within fourteen days after each annual election, the board shall meet. The newly elected members shall qualify by taking the oath of office prescribed by Article VII, Section 11, of the Constitution of Missouri and the board shall organize by the election of a president and vice president, and the board shall, on or before the fifteenth day of July of each year, elect a secretary and a treasurer, who shall enter upon their respective duties on the fifteenth day of July."

As brothers-in-law, both Mr. Patterson and Politte are related within three degrees of separation. This case involves the legal question of whether the nepotism clause applies to the election of these officers by the elected board. In fact, the district received conflicting information on this issue.

While the Commission has the authority to investigate nepotism complaints, Missouri statutes in Chapter 106 give exclusive jurisdiction to the prosecutor or attorney general to file quo warranto proceedings against an official. Ultimately, the determination of the legal question in this case is one for the courts which might be considered in a quo warranto proceeding if a prosecutor or attorney general pursued such issue. *State v. King* 379 S.W.2d 522 (Mo. 1964). Legal action in this case is not dependent on a resolution by the Commission.

For these reasons, the Commission voted to dismiss the complaint.

Elizabeth L. Ziegler
Executive Director