



# Missouri Ethics Commission

Elizabeth L. Ziegler  
EXECUTIVE DIRECTOR

**Final Action: MEC No. 22-0074-I, Clay Sexson, Alderman, City of Goodman**

**Date: 01/09/2023**

The Missouri Ethics Commission took final consideration of the complaint filed against Clay Sexson, Alderman, City of Goodman, Missouri at its January 9, 2023, meeting.

The complaint filed with the Commission alleged Clay Sexson, an Alderman with the City of Goodman, MO, violated Chapter 105 conflict of interest and local city code when recused on votes impacting his wife, the elected city Tax Collector which would impact her pay.

Missouri statutes limited the investigation to allegations which occurred two years prior to the receipt of the complaint on October 11, 2022. The investigation was based on an abstention by Alderman Sexson at the October 4, 2022, meeting and showed the following: City of Goodman ordinances Sections 115.110 and 115.130 provide that the City Collector shall receive fifteen percent (15%) of the monies collected as compensation for her services. The mayor may appoint a Deputy Collector to be approved by the Board of Aldermen, and when such Deputy Collector is employed, they have the same duties as the Collector.

At the October 11, 2022, meeting, the board considered a motion to appoint a deputy tax collector and to discuss pay at a later time. Alderman Sexson remained present during the discussion and abstained. With 2 votes in favor, one against and the abstention, the motion did not carry. Alderman Sexson was previously advised by the city attorney regarding recusals in which he would withdraw from any involvement and abstentions of a vote.

§105.452.1, RSMo, "No elected or appointed official or employee of the state or any political subdivision thereof shall:

(4) Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official or his spouse or dependent children, ... For the purpose of this subdivision, "special monetary benefit" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting...

In this instance the question was whether Alderman Sexson's abstention which acted to change the math for adoption of the measure provided a special monetary benefit to his wife under the theory that her fee would be impacted by work also done by a deputy tax collector. The city ordinances did not address how the deputy collector would be paid, and meeting minutes and interviews reflected that this remained an open issue to be decided later if the deputy position was

approved. Therefore, the question of a special monetary benefit was not ripe in this instance as there was no motion impacting the pay of Alderman Sexson's wife. However, the Commission notes that if Alderman Sexson participated by abstaining, instead of fully recusing himself, from a vote which provided for pay for these positions, there could be a potential violation of the statute to be investigated.

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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