

DOORACK UPDATE JANUARY 14 2017 SUPREME COURT'S OFFICE OF CHIEF DISCIPLINARY COUNSEL REFUSES TO TAKE ACTION AGAINST FORMER

CHESTERFIELD CITY ATTORNEY ROB HEGGIE: In our Ex-Alderman Newsletter 258 on January 2, 2017 we reported how he had filed a complaint against form Chesterfield City Attorney Rob Heggie for intentionally breaking the Missouri Open Record Sunshine Law by keeping the Doorack Lease at his office for years so the city could claim the lease was part of an Attorney-Client privilege, instead of making it public as required by law.

This was not a surprise as everyone who saw the complaint said it was clear what Heggie did and they doubted the OCDO would do anything about it.

It did not take the Office of Chief Disciplinary Counsel long to respond to our complaint. The unit of the Supreme Court of Missouri sent us the following letter:

OFFICE OF CHIEF DISCIPLINARY COUNSEL

OCDC

SUPREME COURT OF MISSOURI

3327 AMERICAN AVENUE
JEFFERSON CITY, MISSOURI 65109-1016
PHONE: (573) 635-7400
FAX: (573) 635-2240

January 4, 2017

John Hoffmann
13309 Manor Hill Rd.
St. Louis, MO 63131

Re: Robert M. Heggie

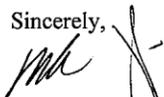
Dear Mr. Hoffmann:

This will acknowledge review of your complaint against Mr. Heggie received December 14, 2016.

Based upon the information you provided in your letter, it would not be appropriate for this office to take action. The matter you raise in your correspondence involves legal issues which are within the jurisdiction of the courts to resolve. This office has no jurisdiction in such matters.

You should consult with your attorney for any legal advice or assistance that you may need.

Sincerely,



Mark A. Flaregin
Staff Counsel

MF/ds

I'm certainly not going to hire an attorney to do what the State of Missouri should do when an attorney (now a judge) intentionally breaks the law.

NEXT UP WE FILED A MISSOURI OPEN RECORDS COMPLAINT WITH THE ATTORNEY GENERAL'S OFFICE: All prior Sunshine complaints of governments refusing to release or allow inspection of city, county or municipal government or court records with the Missouri Attorney General's Office have resulted in no real action taken by A.G. Chris Koster's office. Warning letters were sent out in some cases or phone calls in others and records were then made available. However no punitive action was taken.

So we decided to try the new Attorney General's Office under Josh Hawley who was sworn in on January 10, 2017.

John W. Hoffmann
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Town and Country, Missouri 63131
(314) 835-0751
E-Mail: johnhoffmann@charter.net

January 10, 2017

Missouri Attorney General's Office
Missouri Open Records/Sunshine Complaint Unit
P.O. Box 899
Jefferson City, MO 65102

Madam or Sir:

This is an official complaint against the:

City of Chesterfield, Missouri

The complaint involves how the City of Chesterfield intentionally hid since March of 2009 until November of 2016 the vote to lease property known as the Doorack Property

at the intersection of Old Chesterfield Airport Road and Baxter Road, the minutes of the vote and the lease itself.

The City Council of Chesterfield finally voted to release the documents and records 7 1/2 years later on November 7, 2016.

We have attached newly released documents that show then city administrator Michael Herring, then mayor John Nations and then city attorney (and now judge) Rob Heggie kept the vote from appearing in City Council minutes that were available to the public. This was a clear violation of the Missouri Open Records Law.

Further per the advice of City Attorney Rob Heggie, the actual lease involving payments in excess of \$80,000 a year for rent and taxes of a vacant lot was not kept with documents open to the public at City Hall. Instead the lease was kept at Heggie's law office in an effort for the city to claim the document was part of an attorney-client privilege. This was also a gross violation of the Missouri Open Records Law.

While this overt violation of the Missouri Open Records Sunshine Law began on March 16, 2009, it did not become known to the public until November 16, 2016 when an ongoing Sunshine Open Records request made on November 8, 2016 was complied with. This was done after a 4-4 vote of the City Council on November 7, 2016. (The tie was broken by Mayor Bob Nation voting to release the documents.)

Statute of Limitations should not begin to run until November 16, 2016 when the records from 2009 were finally made public and the illegal activity was publicly known.

I am filing this as a reporter who attempted to obtain public documents for the public's information and knowledge. The fact that ongoing mayors and city councils and city attorneys continued to hide public records associated with vote and lease is a violation of the Open Records Law and a clear detriment to the public being fully informed of city council and government actions.

Respectfully filed,

John Hoffmann

attachments

- 1) Summary of March 16, 2009 city council meeting Executive Session where the city administrator Michael Herring reports without naming the substance or title of the Bill No. 2897 and how it passed. Herring wrote, "Details to be provided to the appropriate individuals" keeping this document and government action secret from the public.
- 2) A "confidential" Executive Session (closed to the public) Chesterfield City Council meeting minutes on February 23, 2011 where it became clear that a lease between the City of Chesterfield and the Doorack family was not being kept at City Hall but at the law office of city attorney Rob Heggie. The document also has Heggie recommending the lease remain at his office so the public would not have access to it at City Hall.
- 3) A Missouri Open Records Sunshine request made to the Chesterfield city clerk on November 8, 2016. The request included all meeting minutes concerning the Doorack Property Lease. I received 325 pages of documents, but did not receive a copy of the actual vote to release the records taken on November 7, 2016.
- 4) The response of the city clerk on November 16, 2016 that the records were available for pickup.
- 5) Another Missouri Open Records Sunshine Request dated December 6, 2016 asking for documents from 2016 that were not provided with our November 8, 2016 request.
- 6) A December 15, 2016 email from the Chesterfield Ast. City Clerk reference documents and charges connected with my December 6, 2016 Open Records Records.
- 7) An email from me to the Ast. City Clerk asking about (known) records that were not provided in response to my December 6, 2016 Open Records Request.
- 8) A response to my inquiry about missing public records not provided with my December 6, 2016 Open Records request dated December 30, 2016 from Chesterfield City Attorney Chris Graville, admitting a number of records that should have been provided were not.
- 9) From November 7, 2016 the minutes of the Closed Executive Session City Council Meeting of November 7 and the vote to release the records which dated back to November of 2008.