

## ELLISVILLE SAGA 2

### IMPEACHED OVER TRYING TO HELP SOMEONE

**Half of the Charges Were Dropped. Now Ellisville Council Appears to Try and Hang Mayor for Making a Telephone Call to Help Someone.**

**April 5, 2012**

**By John Hoffmann**

Back on March 2 we posted how we would like to put together a screenplay based on the impeachment of rookie Ellisville mayor Adam Paul. We gave the outline of the first film that we were sure if it was made into a movie would spawn sequels.

<http://johnhoffmann.net/crazy.pdf>

We wrote how the saga of 34-year-old Adam Paul is a modern day Jefferson Smith in Mr. Smith Goes to Washington. Perhaps instead of a Jimmy Stewart playing the main character, Will Ferrell might be a good choice. Ferrell could play the role of a person unfamiliar with politics wanting to do good only to see the system turn on him.



Adam Paul in center



1939 Jimmy Stewart as Jefferson Smith



Will Ferrell

The sequel will involve the impeachment trial itself and like any good courtroom movie there has to be action away from the courtroom to grab viewer's attention. Here is our latest version after watching 15 ½ hours of the impeachment charade this week.

We cut to a quiet residential street in the suburb of Ellisville where 45-ish Antoinette Kovar, a process server, wearing a tan suit with a very short skirt and spiked heels steps out of her car. She has a subpoena to serve on Mayor Paul.

Kovar's specialty is to use a short skirt and an open blouse to lure males close enough to drop some court paper on them. She is smart at this but at the same time pretty dumb.

Kovar had been hired by the law firm of Curtis, Heinz, Garrett & O'Keefe to serve a subpoena on Mayor Adam Paul. The law firm fell into a gold mine by accepting the job of advising the Ellisville City Council and prosecuting Mayor Adam Paul in an impeachment hearing. (Two of the firm's lawyers are getting \$200 each an hour to take depositions and prosecute the impeachment of the young mayor.)

Despite the fact that Mayor Paul had his photo plastered on the front page of the local papers and on local newscasts, Kovar had never heard of him. No one at Curtis, Heinz, Garrett & O'Keefe had the smarts to hand her a photo of the mayor.

As she put her leg and high heel out of her car she figured any male would immediately admit he was who and would be easy to serve. She went to the door, rang the bell and had the door opened by a male with two small children by his side. She asked if this was the home of Adam Paul and the male told her Adam was not home and slammed the door on her.

She went back to her car and using a Blackberry she Googled "Adam Paul" and found photos that were of the man who had answered the door. She was pissed and marched back to the door and pounded on it. When no one answered she tried to read the subpoena through the door. A woman finally came to the door.

We next cut to a police dispatch center where calls from Mrs. Adam Paul come in about a trespasser assaulting her and a call from Kovar about being assaulted.

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**ELLISVILLE POLICE DEPARTMENT  
 INCIDENT REPORT  
 13 - 362 - ORIGINAL**

INCIDENT DATA			
Offense	ASSAULT 3RD		
UCR Crime Code	ASSAULT, SIMPLE/OTHER		
Date/Time Reporting	03/26/2013 18:39 TUESDAY	Call Received	RADIO
Juris Reporting	ELLISVILLE	Reporting Dept.	PATROL
For Jurisdiction	ELLISVILLE	Reporting Officer	E194 - KELLER
Case Status	ACTIVE		
Dispatch Information			
Date/Time Received	03/26/2013 18:39 TUESDAY	Nature	ASSAULT
Date/Time Dispatch	03/26/2013 18:42 TUESDAY	Date/Time Arrival	03/26/2013 18:48 TUESDAY
Unit Num.	5A21	COGIS	5235
PCT/Dist	EAST	Sector	
Respond Location			
Street Address	1194 OAK HILL CT, ELLISVILLE, MISSOURI		
Apt/Suite/Rm #	Location Desc		
Caller Information			
Caller Name	MS KOVAR		
Street Address	@ 38.59306097 @ 90.5884552		
Apt/Suite/Rm #	Location Desc		Phone #
Area Code			314-771-1178
Occurrence Details			
Date/Time From	03/26/2013 18:39 TUESDAY	Date/Time To	
Premise	RESIDENCE		
Street Address	1194 OAK HILL CT, ELLISVILLE, MISSOURI		
	Location Desc		

Both Mayor Adam Paul's wife Dominique Paul and Kovar claim they were each assaulted with no injuries.

Our next scene takes place on another residential street followed by a quick shift to an office on Manchester Road in Rock Hill. Another process server since Thursday March 28 had been trying to find Ellisville City Attorney Paul Martin to hand him a subpoena to attend the impeachment of Mayor Paul, which after discovery turns out to be something that Martin was orchestrating since May of 2012. The Ellisville City Attorney and City Prosecutor had apparently vanished and could not be found. The City Council and City Manager are doing nothing to help Mayor Paul's attorney find Martin.



Paul Martin



Actor John Heard, best known as the dad in Home Alone and the stalker in the real life of his former girlfriend, actress Melissa Leo, would be perfect to play Martin.

If you remember our first screenplay, we had Chet Pleban played by Lincoln Lawyer star Matthew McConaughey. Well, he was inked to a three picture deal and he returns.



A few days before the impeachment hearing Pleban and his staff were going through a mountain of copies generated by the city on his discovery motion, plus reviewed testimony from several days of depositions, when they discovered a complaint filed against Mayor Paul for having the police remove former councilwoman Katie James from a meeting was not actually written by James. Instead it was written by the City Attorney Paul Martin, who up to disappearing had claimed he was not on one side or another.

Also in the deposition it was learned from former mayor and current councilman Matt Pirrello had actually contacted James and recruited her in filing the complaint against Paul for an incident that happened nine months earlier. From discovery information it becomes clear that Pirrello and city attorney Martin had been working on trying to get rid of Mayor Paul within weeks of Paul being elected.



Matt Pirrello during the impeachment.



Las Vegas entertainer Wayne Newton would be perfect to play Pirrello. He has a chubby face and Dyed black hair.

**FIRST DAY OF THE IMPEACHMENT:** Due to an expected overflow crowd it was decided that the City Council Chamber could not accommodate everyone. The hearing was moved to the Ellisville Elementary School, located a couple of blocks north of the city hall.

The prosecution was being handled by Keith Cheung of Curtis, Heinz, Garrett & O’Keefe. Cheung was recently censured by the Missouri Supreme Court after he passed a note to a Circuit Judge hearing a trial where the police chief of tiny Bella Villa was a defendant and was in the middle of testifying. Cheung had been the prosecutor in Bella Villa and his note told the judge not to believe a word the chief was saying. The judge was forced to declare a mistrial. Cheung lost his job as a prosecutor in Town and Country and in Ballwin after he received a censure from the Missouri Supreme Court. He remains city judge in Ladue.

It was good to see that Ellisville hired someone who knows the rules and ethics of law and trial procedure.



Cheung unpacking boxes of documents.



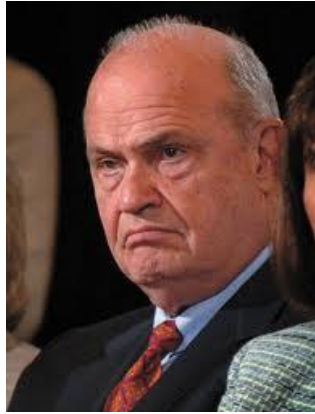
We think Michael Paul Chan could play Cheung. In a role that typecasts him with his Lt. Tao in “The Closer” where he tended to talk too much.

The hearing officer or judge was attorney John Maupin, who was not only hired to run the hearing and rule on motions, but unbelievably was also hired to advise the city council who was sitting as the jury. He actually helped prepare some of the documents.





John Maupin (center) with Cheung's partner Pat Chasseing (right) look at documents as Chet Pleban's partner Lynnette Petruska looks on.



Fred Thompson is perfect to play the part of Maupin, who most frequent lines are "over ruled Mr. Pleban" or "your objection is sustained Mr. Chueng."

Ten of Ellisville's 24-officer police force was at the meeting. Everyone entering had to go through a metal detector. A line to enter the building began at 5:20 and continued until 6:20 when about 500 people were in the grade school gym.

**NEW CHARGES:** At the start of the hearing Cheung made a motion to add to new charges against Mayor Paul by adding that Paul refused to accept a subpoena at his house on March 26.

Pleban objected to the new charge being added to the current charges at the hearing stating that Paul has five days to respond to the charge and a new hearing would have to be held on the new charge between 15 and 30 days later.

"Objection over ruled," said Maupin. .

**WHERE IN THE WORLD IS PAUL MARTIN?** In preliminary matters Chet Pleban wanted a city official to testify.

"We call city attorney Paul Martin," said Pleban. He repeated himself twice more.

"My investigator has been at his house and office since Thursday. He is not to be found," said Pleban.

Apparently it is a violation if the mayor avoids a subpoena but it is okay if the city attorney does the same thing. Of course the mayor is very much in the public view at the hearing and Cheung had plenty of time to serve him prior to March 26.

**CONFLICT OF INTERESTS:** Next Pleban moved to disqualify the hearing officer John Maupin, stating that Maupin would not fairly rule as a hearing officer since he is also special counsel to the city council which brought the charges.

“Over ruled, Mr. Pleban,” said Maupin, proving that Pleban possibly had a point.

Next he moved to disqualify Cheung as the prosecutor since he could not be unbiased since he, like Maupin had also been paid to advise the council.

“Your objection is over ruled Mr. Pleban,” said Maupin.

Next Pleban attempted to disqualify the council members sitting on the jury since five of the six had voted to impeach Paul they were already bias.

“Your objection is over ruled,” squawked Maupin.



Pleban tried to get everyone on the stage from the hearing officer to the jury of the city council disqualified. He had good reason.

Pleban next called councilman Troy Pieper to the stand.

“Objection,” said Cheung. “Mr. Pleban took Mr. Pieper’s deposition. There is no need to call him to testify. He already has.”

“Objection sustain,” aid Maupin.

Pleban then read from the deposition of Pieper how Pieper did not know how much the city was paying Mr. Cheung and Mr. Chasseing. Pieper stated in the deposition that he did not vote for hiring Cheung, Chasseing and Maupin and he had not met Cheung prior to his being hired by Ellisville.

Later it was revealed that Pieper had played 18 holes of golf with Cheung and Paul Martin.

Pleban also presented city records that showed Pieper had indeed voted to hire Cheung, Chasseing and Maupin despite denying making such a vote under oath.

He moved that Pieper be removed from the jury. That motion was denied.

“If Mayor Paul is being charged with violating the rules, we should be consistent and make everyone follow the rules. He is not telling the truth. They violated their own rules in a rush to judgment.”

“The problem of your appointment (speaking to Maupin) as judge or hearing officer and as a representative to the six people on your right is that the hearing officer should not have a horse in the race. I don’t see how you can split yourself in that way,” complained Pleban.

“Overruled,” said Maupin.

Pleban then wanted to voir dire the council members sitting as jurors to see if that had prejudices that would make it impossible for them to be unbiased.

“Objection,” barked Cheung. “He had an opportunity to take a deposition of everyone on the council.”

“Your objection is sustained,” said Maupin.

### **Two hours of pre hearing motions takes a toll:**



Here is the media at the start of the night.



Here is the media after 90 minutes of pre-hearing motions.



## THE CITY STARTS ITS CASE:

**The first witness took the fifth according to everyone in the room except Keith Cheung and John Maupin.**

Process server Antoinette Kovar took the stand. She explained how she rang the bell and a man showed up with two kids and after saying Adam Paul was not available slammed the door. She said she went back after getting a photo of Adam Paul and began reading the subpoena at the door.

That was all Cheung asked her about.



Antoinette Kovar testifying



For our film, porn actress Lisa Ann who makes appearances as Sarah Palin would be cast in the role of Kovar. After all sex sells tickets!

Pleban began asking if anyone else came to the door of the mayor's house.

“Under the advice of counsel I decline to answer that question,” said Kovar. The statement caught everyone by surprise. When you take an oath to tell the truth, the whole truth and nothing but the truth it normally means you are going to answer all the questions.

“Did you file a report with the Ellisville Police Department,” asked Pleban.

“Under the advice of counsel I decline to answer that question,” repeats Kovar.

Pleban requests Maupin to order Kovar to answer the questions.

Cheung objects saying that Pleban's question about the police being called were not asked on direct examination. Keeping with the script Maupin sides with Cheung.

"Do you mean you are exercising your rights per the Fifth Amendment," asks Pleban.

"Yes, I'm taking the Fifth," said Kovar.

For more questions about what happened at Mayor Paul's house on March 26 Kovar answers how she either declines to answer on the advice of counsel or how she is taking "the fifth."

After each answer Pleban asks her if she is "taking the fifth" and she replies, "Yes." We counted her saying this 11 times.

Pleban then makes a motion to strike all of her testimony since she is refusing to answer questions on the grounds the answers might incriminate her. That is all or nothing from someone refusing to testify on the ground she might incriminate herself. .

"She never said that," said Cheung which was followed by about 300 of the 500 spectators breaking out in laughter. Apparently they also had been hearing Kovar plead "the fifth" repeatedly.

"Mr. Pleban, your motion is over ruled," said Maupin, followed by groans from the audience. .

Pleban did get Kovar to state that after leaving Ellisville she returned to her St. Louis office and complete the subpoena indicating it was not served.

At the end of Kovar's time on the stand you have to wonder what the city was doing allowing Cheung to hire someone like Kovar whose actions resulted into a police response. According to the 9-1-1 comments on the call "Hysterical female who pushed the process server just called." So the city and the city council was able to frighten the heck out of the mayor's family.

### **MOST OF CHARGES ACTUALLY DROPPED:**

There was no evidence to support to charges in the original impeachment document that Mayor Paul had been drinking on the job. The fact that the council inferred the

mayor was a drunk without any evidence seems to me to be grounds to impeach the council. Saying someone is a drunk without any evidence is about one of the lowest sleaziest things that can be done.

Apparently Keith Cheung realized that if he pursued the charges of the mayor swearing in a closed meeting for using the word “shitty” 80-percent of the city employees would have to be brought up on charges. You could start with the police department and move down to the public works department. That charge was also dropped.

On the third and final day of the impeachment hearing Cheung also dropped the charges claiming that Mayor Paul discussed in public subjects that were talked about in closed executive session meetings. I pointed out in my first column/screenplay that in Missouri this is perfectly legal. In many cases it is the act of an honest politician telling the public what is going on behind closed doors. For this Mayor Paul was charged, but never prosecuted. It was effective PR move in trying to paint the mayor as a rule breaker even if it is not a violation of anything.

**HELPING A CONSTITUENT IS GROUNDS FOR REMOVAL:** Apparently Mayor Paul trying to answer a question for a constituent is perhaps the strongest case the city council has against Paul which makes you almost ill, because apparently not only did he get an answer he also helped a number of people being evicted by the Sansone Development people and Wal Mart.

The next witness called was Jennifer Kaniecki. She works for a firm hired by Sansone to deal with relocating people whose residences were going to be taken by the new Wal Mart store. In this case it involved the Clarkchester Apartments.

Ms. Kaniecki testified that Mayor Paul called her in May of 2012 and asked her a question for eligibility of moving benefits for newer residents at the apartment complex.

“I was aware he was the new mayor concerned over new tenants not being eligible for benefits,” said Kaniecki.



Jennifer Kaniecki giving testimony about a 3-minute phone call. How about Frances McDormand as Kaniecki?

Kaniecki testified that the three-minute phone call was a pleasant business call. However she sent an email to Sansone and to Ellisville city Manager Kevin Bookout, which is now important evidence to fire Mayor Paul.

It was later revealed that because of the phone call some new residents of the apartments who were not going to get moving money, would instead get some relocation funds.

In other words the mayor had helped people. Gee like that is the job of elected officials. At first you wondered why Cheung even put Kaniecki on the stand, as her testimony made Paul look great to all the residents packed into the school gym. However, City Manager Bookout was not happy. He had sent an email to Mayor Paul saying it was not necessary to contact Kaniecki when Mayor Paul had emailed him about him asking about benefits.

Bookout would testify at length about this phone call at the end of the hearing.

**Next up was Ellisville Police Sergeant Nancy Walker.** She testified about Mayor Paul asking about getting a badge and a gun. Police Chief Tom Felgate later testified about the same thing. To cut down on the running time of the movie we are going to cut Sgt. Walker, especially since anyone in a film with the name of Nancy Walker will just have you thinking about Rhoda's mother or Rosie and "the quicker picker upper."



Nancy Walker the cop.



Nancy Walker, Rhoda's mom, Rosie the pitch Woman for Bounty paper towels and Mildred, McMillan and Wife's housekeeper

**FAST EXIT:** The roll call of witnesses stayed in the police department and next up was Lt. Kelly Murray, who was working security at a city council meeting held at the school due to an overflow crowd who were hostile about the Wal Mart TIF.



Lt. Murray gets sworn in.



Comedian/actor Larry Miller would be perfect for the role.

Murray testified **AFTER THE MEETING WAS OVER** several people from the audience walked up to the stage to speak with members of the council. He said former councilwoman Katie James appeared to be talking to Mayor Paul. They were on opposite sides of a table leaning toward each other. He said he could not hear them.



He continued that the mayor spoke up and said, "Officer I need you to remove this women." When Murray didn't respond right away Paul said, "I'm serious remove her."

Lt. Murray said he did not approach Mrs. James. The exit to the gym was 10 or 15 behind him and he simply motioned to Mrs. James to come toward him and he then walked with her outside. He never touched her or physically removed her. She left with the rest of the people exiting the gym.

Lt. Murray under cross examination said he did not write a report because he did not think it was a big deal. Lt. Murray actually never physically removed anyone.

The complaint isn't that mayor Paul had someone removed, but it was the fact that he gave a city employee an order. The city council claims only City Manager Kevin Bookout can tell the police to do something.

**THE CHIEF OF POLICE WAS THE NEXT WITNESS:** Tom Felgate has been a cop since 1973. How do I know that? Because before being a cop Tom was a police dispatcher in Creve Coeur and I took his place when he entered the police academy. 18 months later after my 21<sup>st</sup> birthday I was in the police academy. That's how far back Tom and I go. Tom has been at Ellisville since 1980 and chief for 9 years.

Tom is the type of guy who would rather tell you about what the department's color guard will be doing on Memorial Day then telling war stories from a 40-year police career.

Felgate testified that in February at a city council meeting in city hall, he was in the back of the chambers and observed a resident and perennial losing council candidate Bob Srote sitting in the first row in front of the mayor. He said that some citizens to his left in the back row were being "boisterous" and he was keeping an eye on them when the mayor asked him to remove Mr. Srote.

Felgate said he did not removed Srote because he didn't see him do anything wrong. He continued that the next day he received an email from Mayor Paul "scolding" him for not removing Srote.

Felgate also testified that Mayor Paul called him about this and other matters. He said the phone conversation automatically was recorded on the police departments recording system.

Felgate said Mayor Paul wanted him to take a report about a false affidavit Katie James filed in connection with the complaint she had just filed in February about the may 2012 meeting. Felgate said he told Mayor Paul that it was a civil matter and the police would not take a report.

Under cross examination Felgate admitted that making a false affidavit is also a criminal offense.

Under examination by Cheung Felgate said he thought Mayor Paul ordering him to remove Bob Srote was a violation of the city charter as only Kevin Bookout could give such an order.

Under cross examination Chet Pleban asked Felgate why he didn't write a report if he thought the order was a violation of the city charter. Felgate said because it was a civil violation and the city attorney Paul Martin and City Manager Kevin Bookout were present.

Chet Pleban then had Felgate read the penalties for violation of the City Charter and dog gone it such penalties turned out to be ordinance violations or in other words crimes.

Chet Pleban demanded Felgate to say why he didn't write a report if it was a crime.

"I don't know," Felgate softly replied after a long pause.

**THREAT WAS REAL:** Pleban then showed an email that Mayor Paul received from Srote and asked Felgate to read it. He then asked Felgate if after reading the email would he be concerned for the safety of Mayor Paul.

"Yes, I would be concerned," answered Felgate.

**NO SUCH THING AS A STUPID QUESTION...UNLESS YOU ARE IN ELLISVILLE.**

The other big matter that Felgate and Sgt. Walker talked about was the request mayor Paul made for a badge and a gun shortly after he was elected.

Paul was at the station and made an inquiry of Walker and later sent an email to Felgate about a getting a badge and a gun. Felgate told Paul that he didn't give out guns or badges and you had to hold a police commission to get either.

Felgate then made a quiet but wise guy remark that the police department was not a gun store.

Pleban then asked Felgate if in his 32 years with the department if he'd ever known a mayor to get a badge. He stated he did not.

Pleban then showed Felgate a photo of a badge given to then Mayor Ed O'Reilly by the police chief and asked him what he thought of it.

"I'm shocked," said Felgate.

We spoke with O'Reilly who was in the audience and he told us shortly after he got sworn in back in about 1980 the police chief gave him a gun and a badge that said "Mayor City of Ellisville.

"I immediately gave him the gun back, but kept the badge," said O'Reilly.

He had given the badge to Paul who was showing it to reporters during a break. He said after Paul was elected he told him to ask if they still gave the mayor a badge and a gun. This is pretty common, as mayors often have huge egos that a badge in their wallet would help feed.

Felgate is the exception to most police chiefs. He is soft spoken and unassuming. Normally casting his part would call for a Gary Cooper type actor. But after hearing how he was "Shocked" to learn a mayor had a badge I had to think of Claude Rains.



Chief Tom Felgate speaking as softly as Gary Cooper in High Noon, but shocked much like Claude Rains as Captain Louis Renault in Casablanca when he discovered there was gambling going on at Rick's Place. .

Concerning the fact that Mayor Paul was taping their telephone conversation Felgate said it didn't bother him at all since he was also taping the conversation.

It was also brought out that in 30 years with the Ellisville Police Felgate had only once known of a person being removed from a city council meeting. That person was Pleban's partner Lynnette Petruska, when she was defending Paul at an early Charter Commission meeting concerning Katie James' complaint. With his lawyer removed the commission still found no violation had occurred.

I found it interesting that it is legal to tape a telephone conversation in Missouri when you are a party of the conversation and you don't have to tell anyone. Mayor Paul had the civility to announce he was taping the phone call. However one of the charges against Paul includes this phone conversation and one with the city clerk.

After his testimony Chief Felgate told me that he really hated it when the police department got dragged into local political disputes.

### **OBSERVATIONS AT THE END OF DAY 1 AND HE START OF DAY 2:**



On the first day of the impeachment hearing Paul showed up in the wide white pinstripe suit. I mentioned to Lynnette Petruska that he looked like he just came from a stage production of Chicago or Guys and Dolls or a remake of Robin and the Seven Hoods, where he was playing a Chicago gangster. The next two days he showed up in a solid gray suit and a solid navy blue suit.



We caught Channel 2 news reporter Anthony Kiekow before the second of the second day of impeachment hearings standing in the boy's restroom putting on makeup with a brush. To hell with those notes, lets be sure we have plenty of make up on.



Here it is...an actual Ellisville Mayor Badge given to former mayor Ed O'Reilly.

**THE MAYOR IS NOT A GOOD ENOUGH CATHOLIC FOR THE CITY CLERK:**

Perhaps the saddest and most pathetic testimony of the day on the second day of the hearing came from the city clerk, Kate Demeter.

Demeter was extremely soft spoken, even more so than Chief Felgate. Keith Chung got her to say how she considered the city council meetings under Mayor Paul were uncivil and contentious.

Here she was claiming the mayor was not doing enough to control meetings and the rest of the city council is impeaching him for trying to control the meetings.

She testified that the mayor violated council rules of only allowing citizens three minutes to speak.

Under cross examination she had to admit that all the other mayors in her 23 years as city clerk had at times allowed citizens to speak more than 3 minutes.

With hot issues like the Wal Mart TIF it is not unusual for people to come to their visit council meeting ever. They are often nervous when speaking before a large crowd. Mayors normally give them a little extra time rather than cutting them off. I have routinely seen the 3-minute rule waived at Town and Country, Manchester and Chesterfield meetings.

She testified that she received an email from Mayor Paul on August 14 asking about placing names in nominations for city appointed positions. Rather than giving him a



direct answer she gave him political advice and suggested he consult with all the city council, which was clearly adversarial with Mayor Paul.

He testified that she didn't like the way a city planner and the council were treated by the mayor and was very offended one time when the mayor referred to a bill as "asinine and garbage legislation."

Mrs. Demeter apparently is not aware or does not give a rat's ass that Paul had been elected to call out and try to curb some of the legislation being passed by the council.

Apparently the only help Ms. Demeter decided she should give the new mayor as some spiritual guidance.

"I was disappointed with his actions especially after we talked about our shared common Catholic beliefs. If he let Christ guide his heart our meetings would not have been as stressful," said Demeter.



City clerk taking an oath to tell the truth and then went way beyond any facts to complain about Adam Paul. Perhaps we could get Florence Henderson to play Demeter.

She also testified that the Mayor had asked for five years of City Attorney Paul Martin's bills to the city.

She testified how much she liked Martin and how he made her laugh. She said replacing appointed positions was up to the city council and not the mayor.

She testified how the mayor had frightened her by demanding she given him a handwritten complaint filed by Katie James in February 2013 about the 2012 meeting. She said Mayor Paul tried to take the complaint from her.

However under cross examination she admitted that Mayor Paul wanted a copy of the handwritten complaint and she decided she would not make a copy and instead would type up the complaint and give him a typed copy.

This woman should be fired without wasting a second. She is trying to change a document. Mayor Paul had every right to receive a copy of the original handwritten complaint.

“I was upset and I didn’t want to give it to him,” she admitted on cross examination.

In depositions it was learned that Councilman Pirrello had solicited Katie James to make the complaint and city attorney Paul Martin had actually written it. I’m sure Paul wanted to see the handwriting on the complaint.

Also as custodian of records Demeter had no right and was violating all known rules of government record keeping by altering and changing the complaint. It is not her job to produce complaints or retype them. Her job is to receive them and maintain the documents...not create new documents.

Pleban asked her if it was correct that she thought people going to city council meetings about Wal Mart were unruly and uncivil. She replied, “at times.”

“Did the police remove a single person,” asked Pleban.

“No,” she answered...and she admitted that it was the police chief’s job to maintain peace in the city and not the mayor’s job.

She also testified under questioning by Pleban that Mayor Paul had sent the staff an email after being elected asking them to call him “Adam” and not mayor. She said Councilman Pirrello was upset about the mayor’s request and sent an email to City Attorney Paul Martin about it.

This would be like Pirrello living in Mayberry and demanding county and city employees to stop calling the sheriff “Andy” and start addressing him as “Sheriff Taylor.” What a jerk!

Finally in her job of taking minutes of minutes, apparently Demeter felt it was her duty to make the meetings more civilized. She testified that after sending out a draft of the minutes of a meeting the mayor contacted her and told her to put in his exact words in a section of the minutes and not to paraphrase him. She said she refused.

At one point Demeter referred to a council meeting in November as being the “second worst meeting of my career.” She referred to a meeting in December being the worst meeting of her career. I was sorry that Chet Pleban didn’t ask her to please name the top ten worst meetings of her career.

Really Kate should retire tomorrow or be fired by the day after tomorrow. She has brought religion into her government job, refused to provide advice, refused to provide actual records to elected officials, alter records and refused to make accurate minutes.

If nothing else this hearing has shown she should be terminated instead of the Mayor being impeached.

**TEXTING AND JUDGING:** Before starting his cross examination of Ms. Demeter Chet Pleban looked up and addressed the hearing officer John Maupin.

“Mr. hearing Officer, May I caution Ms. Murray (Councilwoman Michele Murray who has a record of dislike toward Mayor Paul...who was sitting on the stage as a juror) about texting while sitting there. Texting is not appropriate when you are supposed to be paying attention.”

Over an hour later we photographed Murray ignoring Pleban’s request and was texting away during questioning.



Michelle Murray texting long after she was cautioned to stopped. Apparently evidence was not important to her and perhaps her mind had been made up.

**BAD NIGHT FOR SOME JURORS:** The election results were coming in during Tuesday night's session of the hearing. Troy Pieper lost large in his reelection attempt to a pro Adam Paul candidate and another Paul backer won Murray's open seat. .

**THE CITY MANGER DOES NOT LIKE TO LOOK FOR COST CUTTING OR REPORTING WHAT HE NOW CONSIDERS A CRIME:** On the last day of the hearing City Manager Kevin Bookout took the stand.



Kevin Bookout get sworn in.



Jeffrey Tambor is very good at playing pompous jerks and would be perfect in the role of Bookout.

Bookout testified that he believed Mayor Paul violated the city charter when he called Jennifer Kaniecki without permission from the city council, despite Bookout emailing Paul and writing "there was no reason to contact Kaniecki."

By now we know he called Kanieck and did something Bookout didn't do...get relocation benefits for more Ellisville residents.

Next Bookout discussed how Mayor Paul getting quotes for legal services for other lawyers. He said it appeared as if the mayor was trying to replace Paul Martin. Bookout claimed there wasn't an opening for city attorney and Mayor Paul violated the city charter.

Bookout said people wanting positions like city Attorney had to apply before the city council.

This was utterly amazing. They were trying to fire Mayor Paul for checking pricing of legal services to see if he could save the residents tax money.

Bookout claimed both the 3-minute telephone call to Kaniecki and the taking to the attorneys were violations of the City's charter.

Bookout also said Mayor Paul was abusive toward the city council and had hurt his feelings in the way he dealt with him. Bookout gave an example of the mayor's disrespect toward the council by saying at one meeting "Shame on you!" He said this comment was directed at the city council. Oh the humanity! What an amazingly thin skin Mr. Bookout must have, under his tough guy veneer.

Bookout tried to come across with his answers as a tough guy who didn't take any guff. It was fun watching the cross examination.

**SAVING KEVIN BOOKOUT:** Pleban asked Bookout several times if he thought about the fact if a new city council was elected that he might lose his job. Bookout dodged the question repeatedly but finally admitted that in January he thought about it "a little bit."

Pleban then got Bookout to state that Paul Martin had billed the city \$371,000 over the last five years as city prosecutor and city attorney. He stated Martin received \$2,025 a month as city attorney and \$700 a month as city prosecutor, plus some additional hourly billing.

Bookout said he found Martin's rates were in line with other cities. Pleban pounced on this and asked what other cities he compared Martin's rates too. Bookout could not name a specific city where he checked on legal rates.

Bookout testified again that it was wrong for Mayor Paul to check other attorneys' rates. Then he said it was good for someone to try and save the city money, but it was apparently bad if that person was the mayor.

Pleban asked Bookout if he thought Mayor Paul's checking on legal rates was a violation of the charter why didn't he take action in August when it occurred.

"I don't know," was Bookout's answer.

Concerning the mayor's behavior at meetings, Pleban asked Bookout if he ever witnessed any council person rise a "point of order" during a meeting concerning any statements by Mayor Paul. Bookout said he had not witnessed such a thing.

Pleban then asked if as Cheung claimed that violations of the city charter were crimes and not civil matters had he Bookout reported the call to Kaniecki and Paul checking on legal fees to the police chief.

"Why didn't you call the police chief and report these violations of the charter?"



“I don’t know,” was the quick answer back from Bookout.

“Do you think it is your duty as city manager to report crimes?”

“I’m not sure. I don’t know,” replied Bookout.

Concerning the disruptive meetings, Bookout admitted that only he could tell the police to remove someone from a council meeting, not the mayor. Pleban asked if other than ordering Mayor Paul’s lawyer removed from a meeting, had he ever ordered anyone from the unruly and disruptive meetings he had talked about. “No” was the answer.

Pleban then tried to show that Bookout was an active participant in removing Mayor Paul. He asked which council person had recommended the city hire the law firm Curtis, Hines, Garrett and O’Keefe to represent the city in the impeachment hearing.

Bookout tried to evade the question by saying HE had worked with Curtis, Hines, Garrett and O’Keefe before.

Pleban held his feet to the fire asked again which council person had put the hiring of the law firm on the agenda. Bookout paused and finally said, “I guess I did.”

With the impeachment occurring at the time of municipal elections, Pleban clearly showed that Bookout wanted to get this council to kick Paul out of the office of the mayor, before the new council was sworn in.

“Why wouldn’t you wait until the new council is seated to proceed with a law firm for an impeachment,” asked Pleban.

“I didn’t believe it was necessary to wait,” said Bookout.

**THE DEFENSE’S CASE NEVER GOT TO THE STAND:** Pleban did not put Mayor Paul on the stand. Why should he? He had already proven the charges were baseless and in fact a number of city employees along with council members wanted to remove the mayor in spite of his large election victory in April of 2012 and there being no evidence to do so.

Pleban did call Councilman Matt Pirrello as a witness. Cheung objected and Maupin sided with Cheung.

Pleban next called councilwoman Michelle Murrary adding he wanted to question who she was texting when she was suppose to be listening to testimony.

Cheung objected. Maupin sustained the objection.

Pleban rested with plenty of material to use on appeal when Mayor Paul was impeached.

The council/jury decided they wanted to deliberate on Monday April 8 back at the St. John's school auditorium where the third day of the impeachment hearing was held. The deliberations will be in public. Doors open at 5:30.

I'd love to be there, but I have other meetings to attend. I'm betting Mayor Paul is impeached.

The three day hearing did show the public that Paul tried to help people at the Clarkchester apartments and was looking to try and save the city money with a new lawyer. The hearing also showed that Ellisville is in desperate need for a new city clerk and a new city manager.

Someone suggested to me based on my first column/screenplay how this should now be like "To Kill a Mockingbird" where an innocent man was convicted. I thought not. To Kill a Mockingbird dealt with a serious national topic...racism. It would also be impossible to write in the juvenile Truman Capote character.



Child actor Jon Megna who played Dill Harris, a character based on a real life Truman Capote, who grew up with author Harper Lee.

I would have to say that this farce in Ellisville is closer to the comedy My Cousin Vinnie, where the innocents are charged with a crime without any real evidence.



from My cousin Vinnie.

**MUSIC PLEASE!** Of course for a movie you need music. I would have to choose my friend, trumpet player and band leader Jim Manley, who on recent CDs recorded the theme to the Rocky and Bullwinkle Show and also the song "If I Only Had a Brain." I think the jazz version of If I Only Had a Brian should be the theme though the movie and the Rocky and Bullwinkle music be used at the start of the first day of the hearing.



Jim Manley will do the soundtrack.

All this sets up the third movie in the three film deal. This one will take longer to write and cast. It will involve the verdict on the impeachment hearing, the appeals to the Circuit Court and beyond plus the interaction of the new city council members with the ones who viciously screwed Adam Paul.