

Connie Fults' Comments  
City Council Meeting  
6.19.17

With Fact Checking

**Connie Fults:** *“Good evening. My comments tonight regarding the release of my emails. Releasing the emails was not the issue. But did you not, you did not go through and redact the personal information. Also the released emails of other people that were part of the Sunshine were not part of the Sunshine request were released. Curtis's farewell to the Council--how is that relevant to the request that was made?”*

Fact: If it is on the City's server, it is not personal, including Prosecutor Engelmeyer's email when he "interviewed" for City Attorney job, your work phone number (314-996-4753) and cell phone number (636-579-0701).

Fact: The Sunshine Request was for all emails, and would have included the farewell.

**Connie Fults:** *“I believe two attorney generals and the City Attorney advised you and yet you still voted to release. You acted negligently and violated my privacy and yet you've still denied me access to the account.”*

Fact: Attorneys General did not advise anything. The vote was to release the emails—that were never client/attorney protected in the first place. Nothing on the City's server is private.

Fact: No negligence, no privacy violation. If Connie Fults is talking about being denied access to her email account, why would she need it and why would she even think she should have access? Access is shut down when you are no longer on City Council.

**Connie Fults:** *“Of the so-called 67 pages of emails between myself and the city prosecutor 58 of the 67 pages were duplicates or part of email chains leaving only 8 emails with nothing that was done that was improper and I believe the City Attorney had told you that before the vote.”*

Fact: There was a lot in those emails between Connie Fults and the Prosecutor—more than enough to give the appearance of his lack of independence. Connie Fults and the Prosecutor exchanged emails before/after several of Mrs. Dull’s 4 court appearances. Connie Fults and the Prosecutor had phone calls. Connie Fults was kept up to date on the proceedings and advised him on emailing the full Council. The Prosecutor consulted with Connie Fults on his “interview” for City Attorney.

Who thinks any of that is proper? Plus, the Prosecutor did not have client/attorney privilege in the first place. The emails never should have been withheld.

**Connie Fults:** *“Just another dead end in Mrs. Dull’s 3 year quest to elude the city code.”*

Fact: Case was dismissed by the Prosecutor—after 9 months of prosecuting—and the Prosecutor even emailed that to Connie Fults.

Fact: Mrs. Dull was prosecuted for 9 months, 4 court appearances. On the date of the Summons, 5 neighbors came to testify as witnesses, but there was no judge, no court. Neither Citation was authorized.

The Summons was not in compliance with MO Supreme Court Rule 37.09. The Chief of Police’s email (12/23/15 email included) confirmed the citation was based on the address, not the street the house faced-- which is the Code. This email, containing exculpatory evidence, was denied to Mrs. Dull several times under Sunshine requests . The prosecutor and City Attorney O’Rourke knew it.

Mrs. Dull eluded nothing and was NEVER in violation of the City’s written Code. She apparently violated Connie’s Code.

**Connie Fults:** *“She has numerous Sunshine request for materials, accusations against the police, the chief, the planning department, the code enforcer, the courts and only if she had my emails against with Tim she would be absolved. Well she got ‘em, she's not and the question is how much longer is this Council and City going to play her game”?*

Fact: If the positive outcome would be that no one else would be subjected to this type of injustice and bullying, the City can only address the issues if they are made aware of them.

There is no game. The City withheld these emails for 9 months with the excuse that they were client/attorney privilege—when that relationship did not exist. There are issues the City has yet to address—holding people accountable and reimbursing Mrs. Dull attorney fees—because she was only guilty of breaking Connie’s Code, not the City’s.

**“Connie Fults:** *“I did file the complaint at the request of her neighbors because they felt she was unstable and if they filed a complaint she would retaliate against them”*

Fact: Connie Fults knows that Mrs. Dull is not unstable and should know better than to make such a slanderous statement.

Fact: There was no retaliation on Mrs. Dull’s part. In fact, Connie Fults was at the homeowners’ meeting when Mrs. Dull was instrumental in unseating one Trustee/complainer (?) and pointed out that the other Trustee/complainer (?) was ineligible to be a Trustee in the first place. Acting as Trustees, they were mistaken in assuming they had authority to commit the subdivision’s Common Ground to a deer hunt. Turning in Mrs. Dull was retaliation on their part. No other complaints were filed. In fact, Connie prided herself on filing numerous “anonymous” complaints for her constituents. This was just another one.

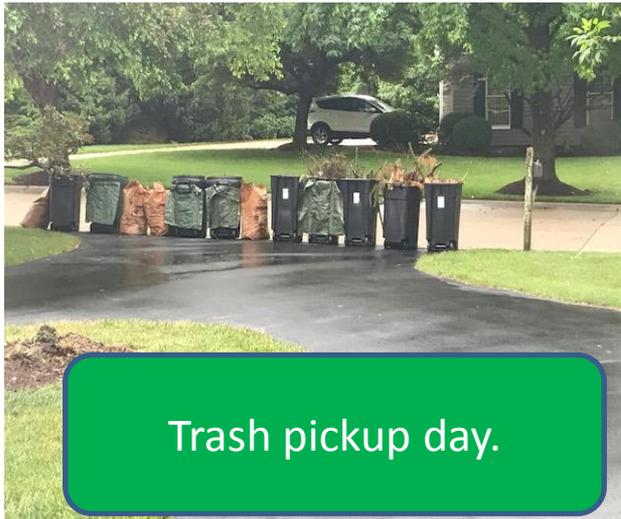
**Connie Fults:** *“The issue has never been a trash can. The issue has been 9 trash cans on her driveway two 24 hours a day 7 days a week 365 days a year and her neighbors plural are forced to look at them and feel they devalue their property.”*

Fact: The issue is not the number of trash cans. The Code stated trash cans must be in sufficient quantity to hold waste between the time it is generated and the time it is picked up. The Code also says trash cans cannot be visible from the street **the** residential structure faces. Mrs. Dull’s have always been in compliance with the City’s written Code.

Fact: The trash cans are at the street one day a week for pick up.

Fact: Mrs. Dull’s trash cans were in the exact same place for 28 years –way before these alleged complainers bought their houses. If they were worried about the impact on the value of their property, wouldn’t they complain about the violators near their house instead of someone on a different street? No one else was turned in.

**“Connie Fults:** *“I have never understood why a woman who lives alone needs 9 trash cans. I thought perhaps she was a hoarder or bringing trash from a business.”*



Trash pickup day.

Fact: Connie Fults has been to Mrs. Dull’s house, saw the lot, and was told that it exceeds 1 acre, that it is landscaped with over 70 trees and 200 shrubs. That takes a lot of trash cans. Is it really that hard to understand?

Fact: Connie Fults has been inside Mrs. Dull’s house and should be able to tell it is not the home of a hoarder. She should know better than to spread such untruths. She asked Mrs. Dull if she was bringing in trash from work or sharing trash cans with neighbors so they didn’t have to pay. She knows the truth.

**Connie Fults:** *“Frankly I didn't care. I filed the complaint on bequest of the residents. Now, any other person getting a complaint would feel bad that they have inconvenienced their neighbors, move them into one of her 3 car garages.”*

Facts: Did somebody die? There is no evidence of any neighbor complaints produced through numerous Sunshine requests. No neighbors showed up in opposition at any court appearances.

Facts: Mrs. Dull was never told who the alleged complaining neighbors were. The complaint was “anonymous” --in Connie Fults’ name. Connie Fults’ name was apparently enough to unleash the power of the Police against Mrs. Dull and Citations and a Summons were issued. Mrs. Dull was merely standing up for her rights—as were her 5 neighbors who came to testify on her behalf. Even though no evidence exists of any neighbor complaints (that could have been fabricated), Mrs. Dull was still prosecuted—for 9 months.

Fact: The Code didn't say Mrs. Dull needed to store trash cans in her garage. What about the rest of the clear violators?

**Connie Fults:** *“Instead Mrs. Dull started driving the city going house-to-house on the basis of everyone else is in violation. I understand to date she's turned in 162 violations. But are they Apples to Apples?”*

Fact: Curtis, the enforcer, told Mrs. Dull that turning in more people with trash can violations would actually help her in that the Council would listen and review the Code.

Fact: There are hundreds and hundreds of trash can ordinance violators. The City only enforces complaints. There is no proactive enforcement. Instead of being critical, Connie Fults should be appreciative.

Fact: Actually, 152 to date.

Fact: One trash can visible from the street the residential structure faces was a violation. No restriction on quantities of trash cans.

Fact: The Chief of Police refused to even investigate the complaints Mrs. Dull turned in prior to the trial. The Code says the Police “shall” investigate. Was the refusal to investigate because Connie Fults didn’t want her next door neighbor turned in?

**Connie Fults:** *“Quite frankly, what a waste of time driving the city looking for these houses. How many of them have 9 trash cans in violation?”*

Facts: Turning in trash can violators is cleaning up the City and probably should be a function of the City, instead of relying on residents to complain. Earlier Connie Fults said visible trash cans impact property value. Is it only considered a waste of time because Connie Fults didn't turn in the complaint?

Facts: It only takes 1 trash can visible from the street the residential structure faces to be a violation. The Code states you must have sufficient quantity of trash cans to hold the debris generated between pickups. The number of trash cans is a non-issue.

**“Connie Fults:** *“So to follow this we're rewriting an ordinance, releasing the emails who are going to show something for Mrs. Dull all because a campaign contributor wants to avoid the City's laws smacks of cronyism and I believe politically-motivated and the motive here is important.”*

Facts: Mrs. Dull wanted the emails between the Prosecutor and Connie Fults to show that his prosecution was influenced by Connie Fults. The Prosecutor told Mrs. Dull that he had to talk to Connie Fults first and at another court date he said that he needed the Judge to rule so he had something to tell Connie. The emails between the Prosecutor and Connie Fults confirm this.

Facts: Cronyism has to do with political appointments. Who received a political appointment?

**Connie Fults:**

*“Council needs to put a stop to this. Give her 7 days and start fining her. Enough is enough.”*

Fact: Connie Fults knows that the Prosecutor dismissed the case. Perhaps she needs to read the emails the Prosecutor sent her. Why is she still bullying Mrs. Dull?

Facts: This is exactly how Connie Fults unleashed her minions on Mrs. Dull in the first place—and a big issue that needs to be addressed by the City. Connie Fults was apparently used to making up the law and getting it enforced, through bullying—even through the extent of abusing the power of the Police and Prosecutor. Whatever it took! Did Connie Fults forget she is no longer in power? Isn't Connie Fults the person who tried to impeach the Mayor for an unimpeachable offense? Is this a pattern?

**“Connie Fults:** *“If you plan to send out those violations need to make sure that Lynn Dull 1807 Parsonage Drive is the one who turned them in.”*

Facts: If they are breaking the law, they need to comply. If they are not breaking the law and are being forced to comply with someone else’s day to day and varying interpretation of the law, then they need to stand up for their rights—and we need to support them.

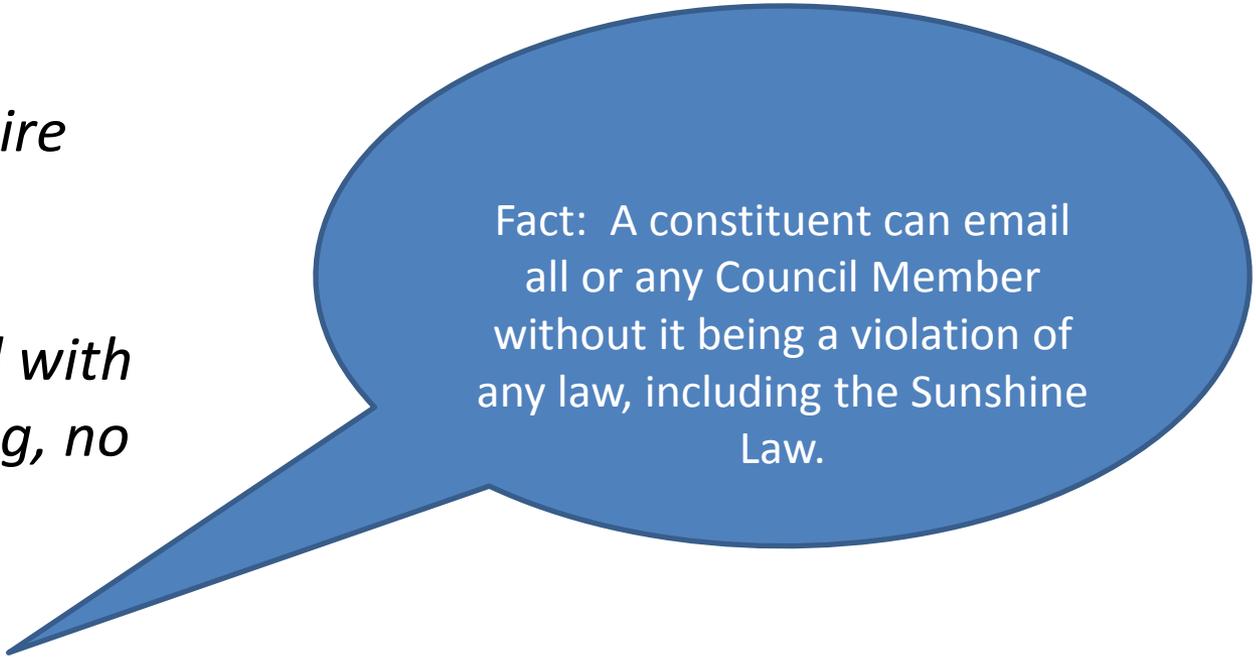
No Chesterfield resident should be subjected to this abuse of power.

**Connie Fults:** *“Secondly, based on my Sunshine request between Mr. DeCampi and Mrs. Dull’s emails, again looking for motive, City has some serious issues with City information and State Statutes violations. Six of them.”*

Fact: The motive for getting the emails between Connie Fults and the Prosecutor was always very clear--to show that the Prosecutor was being influenced by an elected official. What happened to separation of power and the Prosecutor’s independence? Apparently, not a problem in Chesterfield’s Municipal Court—but it should be.

**Connie Fults:**

*“Emailing the entire City Council and discussing City business by email with no posted meeting, no public access is a violation of the Sunshine Law.”*



Fact: A constituent can email all or any Council Member without it being a violation of any law, including the Sunshine Law.

**Mayor Nation:** *“Ms. Fults, are you about finished?”*

**Connie Fults:** *“I have 5 other violations.”*

**Mayor Nation:** *“How much more time do you need? Your 3 minutes is up.”*

**Connie Fults:** *“One more minute.”*

**Mayor Nation:** *“Go ahead.”*

Connie Fults has given no violations during the first 3 minutes.

Fact: The gavel should have silenced Connie Fults 2 ½ minutes ago for her inappropriate and untrue comments.

**Connie Fults:** *“Mr. DeCampi wanting the emails so that he might find something to use against the reappoint the reappointment of the prosecutor. Again, is that the motive of the release of these? City Council holding votes and timing the meetings so certain members can be present.”*

Fact: We already went over that. The motive was to show how Connie Fults influenced the Prosecutor . Many of these emails should have been produced prior to the trial— while Connie Fults was still a Council Member, representing Mrs. Dull. They were evidence and covered in several Sunshine requests. So, what was the City’s motive in withholding them?

Do not understand this “violation”. Shouldn’t we expect Council Members to be present at every meeting?

**Connie Fults:** *“Having a resident who is the violator of the ordinance tell the Council Members how to rewrite the ordinance. It’s like having speeders decide the speed limit.”*

Fact: After being falsely charged and prosecuted for 9 months, could it be possible that the resident knew something about the ordinance? Mrs. Dull only violated Connie’s Code, not the City’s Code. The Prosecutor emailed Connie Fults to inform her that the case was being dismissed and provided her with a copy of the nolle pros document. Any further amendments of the ordinance do not apply to her. Perhaps Connie Fults needs to read her emails with the Prosecutor.

Fact: The resident was NEVER in violation of the City’s written ordinance—only Connie’s version and apparently, that’s all that counts—all the way through the Municipal Court, until the Prosecutor dismissed it 9 months later.

**Connie Fults:** *“What bothers me the most was the email from Mr. Campi (?) telling her that he's going to ask Mr. DeGrille (?) to see if he can see the emails so that he can give them to her. Knowing that it was going to need a Council vote he was back dooring the law and the City Council to release these documents without Council consent.”*

Fact: If Connie Fults had access to an email, so does every other Council Member. And, if they weren't privileged communication, which they weren't, they should have been provided in 3 days, not 9 months. (Sunshine Law violation)

Fact: Connie Fults and Bruce DeGroot gave Mrs. Dull an email she was denied (a Sunshine Law violation by the City)—but only after the trial, not when she requested it. It contained exculpatory evidence. Harry O'Rourke and Tim Engelmeyer were aware it was not produced.

**Connie Fults:** *“I think this is the second time in two meetings there's been accusations of this Council improperly handing doc properly in handling documents.”*

Facts: Don't understand the “violation” or allegation as to what was improper. Just because Connie Fults makes an accusation, it certainly doesn't mean it is improper.

**Connie Fults:** *“Mr. DeGrille (?), I think you need an investigation and I think you need to audit these email accounts. That’s all.”*

Fact: Don’t understand the “violation” or allegation or what to audit in whose email accounts.

Fact: But, it’s not!

**Mayor Nation:** *“Okay. Thank you. Does anybody have any comments or questions of Mrs. Fults?”*

Next exchange

**Council Member DeCampi:** *“Mr. Mayor.”*

**Mayor Nation:** *“Yes. Go ahead.”*

**Council Member DeCampi:** *“I wanted to make a comment. First of all, I wanted to thank Mrs. Fults for pointing out that I had communicated with Ms. Dull through City email and in the spirit of transparency. So I completely have no trouble with anybody looking at those communications.”*

**Council Member DeCampi:** *“Secondly, I did want her to know that I worked with Mr. Graville every step of the way as to what would be proper, appropriate and legal and took his advice. My former ward mate Council Member DeGroot, when he was here, I know he released a couple of emails between you and Mr. Engelmeyer to Ms. Dull and he went through Mr. Haug, the IT Director to get those. I was advised on numerous occasions by Mr. Graville, that the proper, appropriate way to do this would be for a vote of the entire Council--which is the path that I took and I'm only one person but there was a vote taken and the Mayor broke the vote, the tiebreaker. So it was done appropriately, transparently and according to law. So thank you for pointing out some of those things, Mrs. Fults.”*

**Mayor Nation:** *“All right. Thank you.”*

**Council Member McGuinness:** *“Well, she wanted to respond. Can’t she respond? No?”*

**Mayor Nation:** *“You know.”*

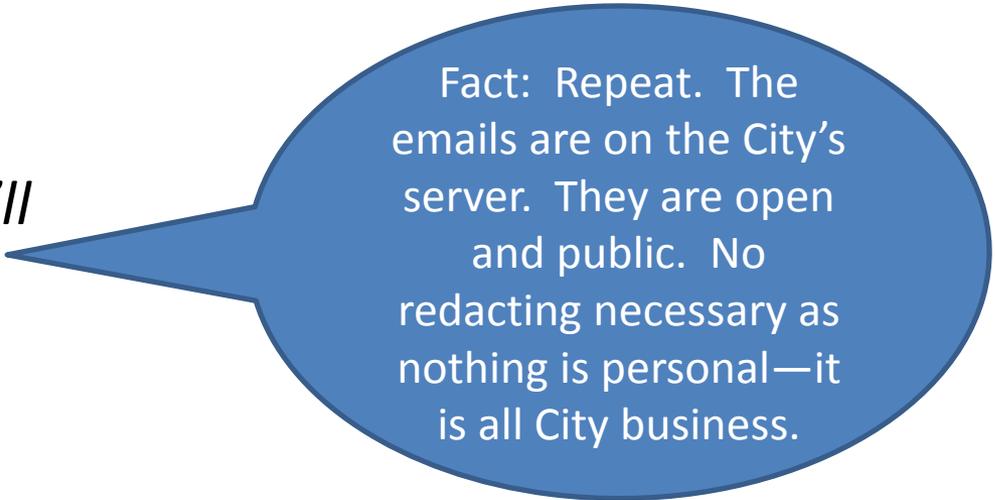
**Council Member McGuinness:** *“I don’t know.”*

**Mayor Nation:** *“You know, I think this is really kind of ...Mrs. Fults, do you have a burning desire to say anything else?”*

**Connie Fults:** *“You know I do Mayor. I absolutely do.”*

**Mayor Nation:** *“Then please approach the podium.”*

**Connie Fults:** *“The issue here is that you did not redact them. There was personal information in there and you’ll I’ve consulted with an attorney.”*



Fact: Repeat. The emails are on the City’s server. They are open and public. No redacting necessary as nothing is personal—it is all City business.

**Connie Fults:** *“You have violated my privacy and since this Council acted against the advice of your City Attorney it’s a personal thing between those who voted in favor of releasing them. You did not take ordinary umm care of those documents.”*

Facts: Nothing on the City’s server is private so there was no violation of privacy. The City Attorney advised a vote of Council to release the emails.

Nothing personal. Only City business. How can anyone say ordinary care wasn’t taken with those documents when they were “closed” for 9 months under the guise of attorney/client privilege?

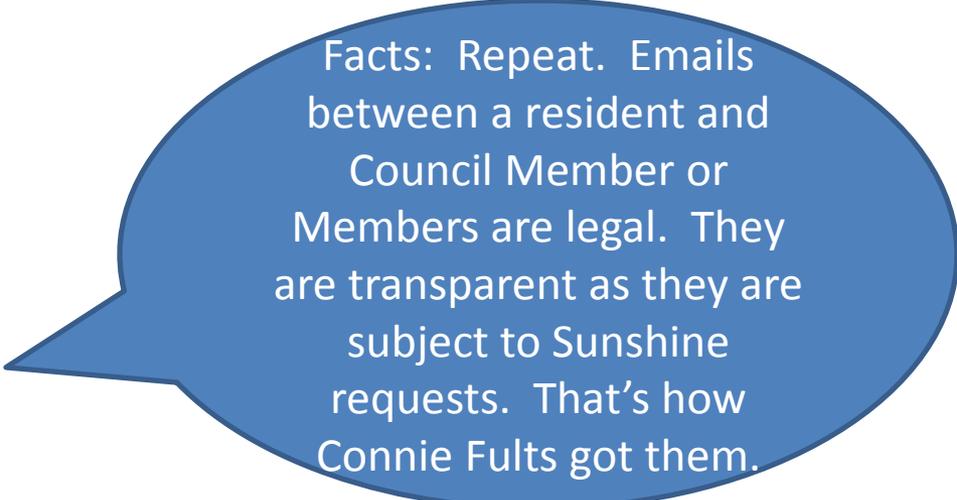
That’s well beyond ordinary care. In fact, it may be considered to be extraordinary. So, why would the City exert themselves to that standard of care?

**Connie Fults:** *“There was things released that were not part of the Sunshine request. There was personal information that you did not have a right to release. That is the issue. That was not legally acting and again I think it goes to motive--why you were so hot to get those emails. There was nothing there and you knew that Mr. Graville had told you that.”*

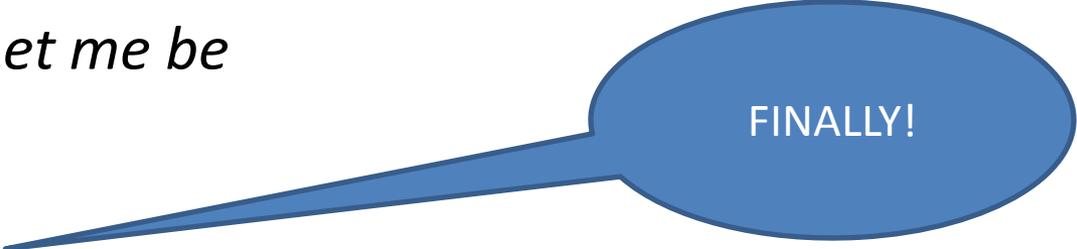
Facts: Repeat. Sunshine request applied to all emails provided. Nothing is considered personal in emails residing on the City's server.

Facts: Repeat. Motive was to provide Mrs. Dull with the Sunshine request of emails supporting the influence of Connie Fults on the Prosecutor. There was a lot in those emails that supported influence by Connie Fults.

**Connie Fults:** *“Again, I think it was politically motivated and (chuckle) for the life of me I just don’t understand and while you might say transparent, again, there is a lot in there and that was just the request between you and one resident that is not legal. And it’s not transparent.”*



Facts: Repeat. Emails between a resident and Council Member or Members are legal. They are transparent as they are subject to Sunshine requests. That’s how Connie Fults got them.



FINALLY!

**Council Member DeCampi:** *“Let me be clear...”*

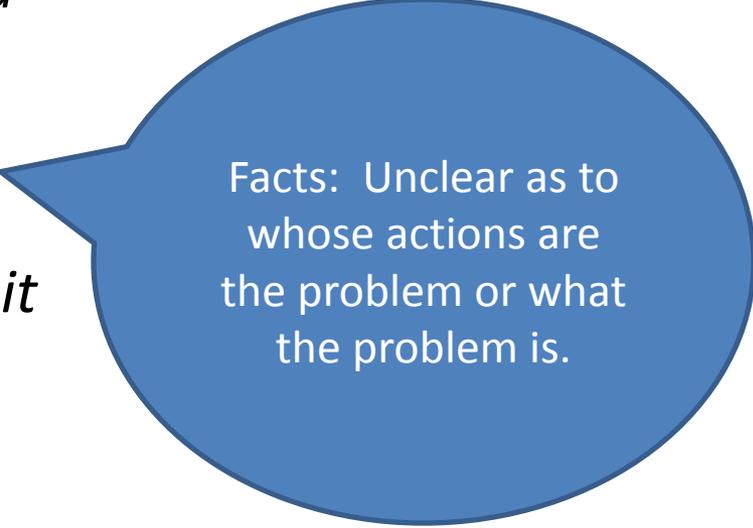
People over talking each other

**Mayor Nation:** (Gavels twice.) *“Ok. Hold it. This is in my opinion and with all due respect to both of you a complete waste of time. So let’s just move on and and move on to something else. If two of you want to have a communication outside you’re a Council Member you’re a constituent you can have a conversation.”*

**Connie Fults:** *“Sir I’m directing this to you and your legal attorney. I, I think there was a problem with your council/counsel (?) actions.”*

**Mayor Nation:** *“Your time is up. Please sit down Mrs. Fults.”*

**Connie Fults:** *“I will. Thank you. Transparent, right...”*



Facts: Unclear as to whose actions are the problem or what the problem is.

# First Unauthorized Citation

Code: "...the containers shall be stored in a place not visible from the street which the residential structure faces."  
"The" is a definite article and refers to a specific street—one street.



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

April 13, 2015

Lynn Dull  
1807 Parsonage Dr  
Chesterfield, MO 63005

RE: Waste Storage Violation located at: 1807 Parsonage Dr  
Chesterfield, MO 63005

Dear Ms. Dull,

In response to a complaint filed with the Chesterfield Police Department, an inspection of the above-referenced property was conducted. That inspection confirmed the presence of at least seven waste containers on the driveway visible from the street. This is a violation of **Section 25-28** of the Chesterfield Municipal Code, which states:

*(a) Residential waste containers and tree waste shall be stored upon the premises where the waste was generated, unless written permission for storage on other premises is obtained from a person having authority to grant such permission. The containers shall be stored in a place not visible from the street which the residential structure faces. Waste containers used for the storage of residential waste, other than waste from multifamily premises having four (4) or more units, shall be placed at the curb or mailbox or backyard or side yard as required by the hauler for collection. Waste containers and bundles of tree waste permitted by this chapter shall be placed at the collection point, i.e., in front of the premises or on the street no earlier than 5:00 p.m. on the day prior to the regularly scheduled collection day. Waste containers shall be returned to their appropriate storage place no later than 12:00 midnight on the day of collection.*

The Chesterfield Municipal Code is available in its entirety on the City's website at:  
<http://www.chesterfield.mo.us/city-ordinances.html>

The Chesterfield Police Department makes every effort to determine the exact location of the violation, as well as the owner of the property where the violation exists. However, there is always the possibility that a mistake has been made. If this has occurred, please contact me via the information below.

Please relocate the waste containers to a storage place not visible from the street within **FIVE (5) DAYS** of the date of this letter. If you have any questions regarding this matter, please call me at (636) 537-4756 or contact me via email at [ckrusie@chesterfield.mo.us](mailto:ckrusie@chesterfield.mo.us).

Sincerely,  
  
Curtis Krusie  
Code Enforcement Inspector

Instructions:  
relocate so they are not visible from the street. But, that would mean relocating them to the street the residential structure does face.

# First Email to Fults—which should have ended it all.... (1 of 2)

Lynn Dull

**From:** Lynn Dull <jldull@sbcglobal.net>  
**Sent:** Monday, April 20, 2015 7:35 AM  
**To:** 'ckrusie@chesterfield.mo.us'  
**Cc:** cfults@chesterfield.mo.us  
**Subject:** Chesterfield Code Enforcement Violation letter dated 4/13/15--In Error  
**Attachments:** Chesterfield Code Enforcement Letter dated 4.13.15.pdf

Dear Curtis,

As a follow up to your letter dated 4/13/15 and our conversation on 4/17/15, I have attached a screen shot from Zillow of an aerial view of my house—clearly showing that it faces Wilson Manor Drive. According to the bolded excerpt of the Code included in your letter, “The containers shall be stored in a place not visible from the street which the residential structure faces.” In our conversation, you agreed that the trash cans cannot be seen from Wilson Manor Drive—the street my residence faces.

Therefore, I am not in violation of the specified Code. Please confirm that the complaint has been closed and the letter sent to me dated April 13, 2015 citing a violation of Section 25-28 of the Chesterfield Municipal Code is in error. Even though I am not in violation of the Code, I am surprised that I would be the only neighbor getting the citation. When Mr. LeGrand took pictures of my house from the Parsonage Dr. cul-de-sac, he could have rotated his camera just a couple of degrees in either direction and filed valid complaints against homeowners whose houses do face Parsonage Dr. and do have trash cans visible from Parsonage Dr. Or, he could have taken a picture of his neighbor directly next door whose trash cans routinely remain on the curb till late in the day following trash pick-up. Without leaving my property, I recently noted 6 homeowners in clear violation of the Ordinance—and I’m the only one being cited? Would this be considered to be arbitrary?

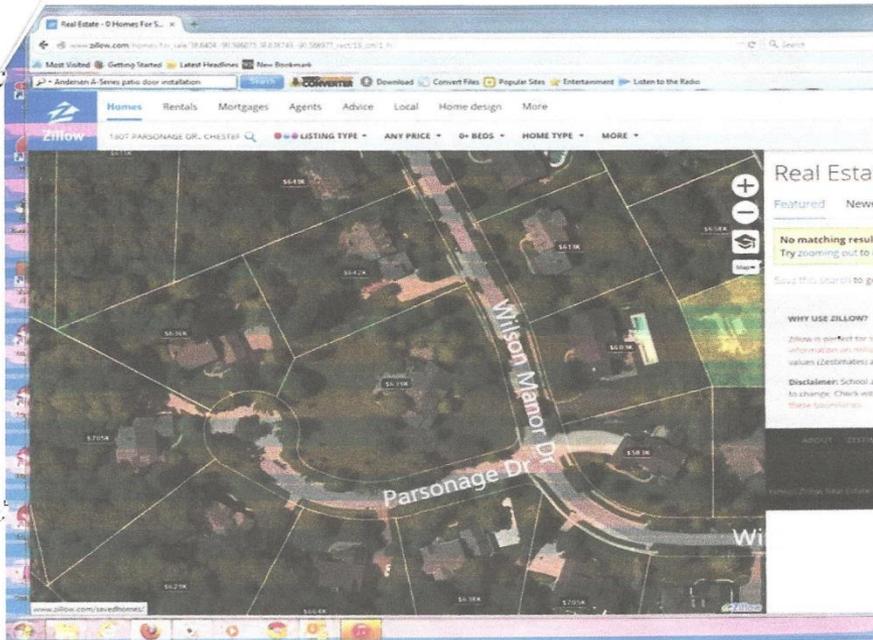
As I told you on the phone, I do not wish to antagonize Mr. LeGrand as I have been told he has an anger management issue and have witnessed his inappropriate behavior on several occasions—including once when I was not the recipient. He has cursed at me; braked and barely made forward progress when driving his car as soon as he realized I was behind him—all the way up Wilson Hill and upon turning into our subdivision, he proceeded creeping down the middle of the street; and now this—forcing me to defend myself against his baseless complaint. He has issues with me from when he was a Trustee and held illegal homeowners meetings/votes—and I voiced my disapproval. It culminated with this year’s meeting when I participated with several other homeowners to solicit votes for a write-in candidate to oust him as a Trustee and remove his fellow Trustee who was ineligible to be a Trustee in the first place as he was not a homeowner. I am taking your advice to contact the Police. His harassment needs to end.

I trust that when he is contacted regarding the outcome of his meritless complaint, these points will be incorporated in your response. I would appreciate being copied in on all correspondence from all City officials regarding this issue—including the response to Mr. LeGrand.

Thank you in advance,  
Lynn Dull

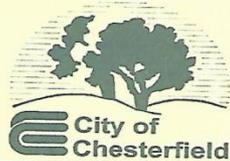
Enforcer wanted it to end. But his boss wouldn't let him—because of who turned Mrs. Dull in—Connie. It was “too big”.

# First Email to Fults— which should have ended it all... (2 of 2)



J. Lynn Dull  
1807 Parsonage Dr.  
Chesterfield, MO 63005  
636-537-9150  
[jdull@sbglobal.net](mailto:jdull@sbglobal.net)

# Second Unauthorized Citation



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

May 6, 2015

Lynn Dull  
1807 Parsonage Dr  
Chesterfield, MO 63005

RE: Waste Storage Violation located at: 1807 Parsonage Dr  
Chesterfield, MO 63005

Dear Ms. Dull,

In response to a complaint filed with the Chesterfield Police Department, an inspection of the above-referenced property was conducted. That inspection confirmed the presence of at least seven waste containers on the driveway visible from the street (Parsonage Drive). This is a violation of Section 25-28 of the Chesterfield Municipal Code, which states:

*(a) Residential waste containers and tree waste shall be stored upon the premises where the waste was generated, unless written permission for storage on other premises is obtained from a person having authority to grant such permission. The containers shall be stored in a place not visible from the street which the residential structure faces. Waste containers used for the storage of residential waste, other than waste from multifamily premises having four (4) or more units, shall be placed at the curb or mailbox or backyard or side yard as required by the hauler for collection. Waste containers and bundles of tree waste permitted by this chapter shall be placed at the collection point, i.e., in front of the premises or on the street no earlier than 5:00 p.m. on the day prior to the regularly scheduled collection day. Waste containers shall be returned to their appropriate storage place no later than 12:00 midnight on the day of collection.*

The Chesterfield Municipal Code is available in its entirety on the City's website at:  
<http://www.chesterfield.mo.us/city-ordinances.html>

*Code says \$500*

This letter will serve as an official violation notice. A follow-up inspection will be conducted to verify compliance. **Failure to abate this violation within FIVE (5) DAYS of the date of this letter will result in this matter being forwarded to Municipal Court, which may result in fines totaling up to \$1000.00 per offense per day plus court costs.** Future reoccurring violations by the same occupier, owner or person in charge will result in a summons being issued without further notice.

If you have any questions regarding this matter, please call me at (636) 537-4756 or contact me via email at [ckrusie@chesterfield.mo.us](mailto:ckrusie@chesterfield.mo.us).

Sincerely,

  
Curtis Krusie  
Code Enforcement Inspector

Even after Mrs. Dull phoned the enforcer and followed up an email explaining that the house faced Wilson Manor Dr. and not Parsonage Dr., the 2<sup>nd</sup> Unauthorized Citation was sent.

# Planning Dept knows “the street the residential structure faces”

Curtis Krusie

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**From:** Aimee Nassif  
**Sent:** Tuesday, April 28, 2015 3:01 PM  
**To:** Lynn Dull  
**Subject:** RE: Dull--Street my house faces

Good afternoon Lynn,

As I mentioned to you today, I can only answer questions and make determinations on items the Planning and Development Services Department is responsible for and involved with. The City's code enforcement items are handled with our Police Department and Curtis Krusie. So how I would determine your lot to be considered in terms of front, side and rear yards is not relevant to how the Police Department will interpret Code requirements they are charged with enforcing.

I understand your concerns and I do hope you get everything worked out with regards to your property. I also understand this may not be the answer you were looking for, but I hope the explanation helps to explain the reasons for it.

Thank you,  
Aimee

Aimee Nassif, AICP  
*Planning and Development Services Director*  
City of Chesterfield  
690 Chesterfield Parkway West  
P 636.537.4749/F 636.537.4798



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**From:** Lynn Dull [mailto:ldull@sbcglobal.net]  
**Sent:** Tuesday, April 28, 2015 2:19 PM  
**To:** Aimee Nassif  
**Subject:** Dull--Street my house faces

Amy,  
Thank you for talking to me today.  
Would you please respond to my email and confirm, that based on your review of an aerial map, your opinion would be that “the street my residence faces” is Wilson Manor Drive?  
Thanks in advance.  
Lynn Dull

Repeated Sunshine requests for criteria the Police use for determining “the street the residential structure faces” have provided nothing. Yet, this email, with Aimee Nassif confirming Mrs. Dull’s house faced Wilson Manor Dr. (not Parsonage Dr. as was cited), was ignored by the enforcement group. Why?

# Summons did not comply with MO Supreme Court Rule 37.09

ARREST NOTICE  
CITY OF CHESTERFIELD  
MUNICIPAL COURT  
6960 CHESTERFIELD PARKWAY WEST  
CHESTERFIELD, MO 63017  
1-636-537-4718

24395  
COMPLAINT & INFORMATION  
Complaint Number

IN THE MUNICIPAL COURT OF THE CITY OF CHESTERFIELD  
YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THE FOLLOWING CHARGE:

ON OR ABOUT 5/13/15 AT OR NEAR (LOCATION) 1211 S. 20th Street, Dr. AT (TIME) (AM) 7:00 PM  
WITHIN THE CITY, COUNTY, AND STATE AFORESAID.

NAME (first) Lisa (middle) Ann (last) Smith HEIGHT 5'00" WEIGHT 120  
ADDRESS 1807 W. 20th Street RACE White SEX Female  
CITY Chesterfield STATE MO ZIP CODE 63005 BIRTHDATE 01/15/1985 AGE 30  
DRIVERS LICENSE NO. EMPLOYER'S TELEPHONE #  
HOME TELEPHONE # ADDRESS OF EMPLOYER  
S.S. # EMPLOYERS TELEPHONE #

VEHICLE MAKE BODY STYLE  
STATE LICENSE NO. YEAR

AND DID AND THERE COMMIT FOLLOWING OFFENSE TO WIT:

<input type="checkbox"/> Shoplifting	<input type="checkbox"/> Possession of Tobacco (Under Aged)
<input type="checkbox"/> Peace Disturbance	<input type="checkbox"/> Possession of Liquor (Under Aged)
<input type="checkbox"/> Alarm Violation	<input checked="" type="checkbox"/> Other: Waste Storage

Describe Violation: previous written notice  
multiple waste containers stored in front of garage door visible from the public Dr.

IN VIOLATION OF ORDINANCE NO. 1781

ABOVE COMPLAINT IS TRUE AS I VERILY BELIEVE  
OFFICER [Signature] No. 950

ON INFORMATION UNDERSIGNED PROSECUTOR COMPLAINS AND INFORMS COURT THAT ABOVE FACTS ARE TRUE AS HE VERILY BELIEVES.

I PROMISE TO APPEAR  
 AT (TIME) 4 PM ON (DATE) 7-14-15 COURT ADDRESS (SEE ABOVE)  
DEFENDANT'S COPY

“Multiple waste containers stored in front of garage door visible from Parsonage Dr.”

But, the house doesn't face that street—and they know it!

Date of last Citation was 5/6/15. Summons was issued 5/13/15. Three additional days should have been allowed for mail. Violation of 37.09.

Chapter and section providing penalty or punishment not included. Violation of 37.09.

# Exculpatory Evidence Withheld

## Sunshine Law Violation (1 of 2)

**From:** RJohnson@chesterfield.mo.us  
**Sent:** Wednesday, December 23, 2015 3:06 PM  
**To:** CFults@chesterfield.mo.us  
**Cc:** BDegroot@chesterfield.mo.us; mherring@chesterfield.mo.us; mgeisel@chesterfield.mo.us  
**Subject:** RE: Municipal Code Violations

Ms. Fults.....I'm responding to you rather than Ms. Dulls because I'm not sure I have an answer which would satisfy/please Ms. Dull. Quite honestly, I don't think we should over-react to her complaint, considering the fact she drove half-way across town to list 43 locations about which no one else has complained. First I would like to share with you the logic with which we manage code violation complaints and what I feel is a very judicious and practical response model based on guidance over the years from the Council and community as a whole. When dealing with any violation we strive to be reasonable, and still accomplish the mission of the City in enforcing the law. To that end our officers, and in this case our Code Enforcement Inspector, use logical discretion when applying the property ordinance code. The intent of the ordinance is to ensure that neighbors and/or neighborhoods are not faced with unsightly trash receptacles and nuisance issues which may cause dismay to those residing in that section of the community. Property value enhancement is the cornerstone of our property code ordinances and this is a good example of that factor.

Here's the situation at hand...we received a complaint of Ms. Dull's trash cans being visible from the street. The complaint was investigated and it was found that she had nine (9) trash cans clearly visible from the street on which her home bears the address; Parsonage. She was advised of the violation but chose to not resolve the issue. A summons was then issued after we consulted with PA Tim Engelmeyer and he concurred with our finding that a violation existed. In response, Ms. Dull drove a considerable distance to other subdivisions and submitted 43 addresses as being in violation of the ordinance in question. What typically drives our enforcement of this type ordinance violation and the discretion which we apply/respond, is the neighbors immediately effected by the issue. No neighbor(s) in proximity to the addresses submitted have complained.

Therefore, Considering the totality of the circumstances, and, in applying what I believe to be the spirit of the ordinance, I would defend the enforcement actions we took regarding the violation at Ms. Dull's residence; but, I do not feel enforcement action is warranted on the 43 locations she then submitted as violations. Here's my analogy; if someone is speeding 50mph in a 35mph zone (OR, has nine trash cans visible from the street about which neighbor(s) have complained) enforcement is warranted. However, if someone is driving 36mph in a 35mph zone, although they

The Code says: "from the street which the residential structure faces". In this case, it is NOT the street of the residential address. The Citation was written from the wrong street.

This email was requested 1/4/16, prior to Mrs. Dull's trial and numerous times after that. 7 months later, and after the trial and after she settled with the City, it was produced on 8/11/16.

# Exculpatory Evidence Withheld Sunshine Law Violation (2 of 2)

may technically be in violation, enforcement is probably NOT warranted and reasonable discretion is applied.

Obviously, the police department is here to serve the citizens, and the elected council that represents the citizens. But, I am not in favor of the police responding to property violations of this type that are not the result of a neighbors complaint; and instead, the complaint of a person who, rather than attend to their own clear violation, reacts by driving considerable distances in search of similar violations to which no neighbor in close proximity has complained. Therefore, unless directed otherwise, it is my recommendation, and planned course of action, to NOT respond to any of the 43 addresses submitted as violations.

If you would like to discuss this further prior to responding to Ms. Dull, or if you prefer some other course of action, please advise. Or, if deemed necessary, this matter could be placed on the agenda for the next PH&S meeting for further discussion by that committee. Thanks, and Merry Christmas!!

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**From:** Connie Fults  
**Sent:** Tuesday, December 22, 2015 1:33 PM  
**To:** Ray Johnson  
**Subject:** Fwd: Municipal Code Violations

hi Chief,  
I know you saw the first email, but not sure if you saw the follow up. Could you please forward info to me or respond to Lynn directly?  
thank you,  
Connie

Sent from my iPhone

Begin forwarded message:

**From:** Lynn Dull <[ldull@sbcglobal.net](mailto:ldull@sbcglobal.net)>  
**Date:** December 21, 2015 at 9:08:44 AM CST  
**To:** 'Connie Fults' <[CFults@chesterfield.mo.us](mailto:CFults@chesterfield.mo.us)>  
**Cc:** 'Barry Flachsbart' <[BFlachsbart@chesterfield.mo.us](mailto:BFlachsbart@chesterfield.mo.us)>, 'Barbara McGuinness' <[BMcGuinness@chesterfield.mo.us](mailto:BMcGuinness@chesterfield.mo.us)>, 'Elliot Grissom' <[EGrissom@chesterfield.mo.us](mailto:EGrissom@chesterfield.mo.us)>, 'Mike Casey' <[MCCasey@chesterfield.mo.us](mailto:MCCasey@chesterfield.mo.us)>, "'Dan Hurt'" <[DHurt@chesterfield.mo.us](mailto:DHurt@chesterfield.mo.us)>, 'Bruce DeGroot' <[BDegroot@chesterfield.mo.us](mailto:BDegroot@chesterfield.mo.us)>, <[bnations@chesterfield.mo.us](mailto:bnations@chesterfield.mo.us)>, 'Bob Nation' <[BNation@chesterfield.mo.us](mailto:BNation@chesterfield.mo.us)>  
**Subject:** RE: Municipal Code Violations

Thanks, Connie.  
When you talk to the Code Enforcement officer, could you also ask for them to provide me with the criteria they use for determining "the street the residential structure faces" as well as the definition of "visible" they use in enforcing the ordinance.  
Thanks, again.



Request for  
criteria used  
for  
determining  
"the street  
the  
residential  
structure  
faces" never  
provided,  
even after  
additional  
Sunshine  
requests.

# Stipulation of Facts—agreed to by the Prosecutor

IN THE CHESTERFIELD MUNICIPAL COURT

CITY OF CHESTERFIELD,                    )  
  )  
v.    )     Complaint and Information #24395  
  )  
LYNN DULL,                                    )  
  )  
Defendant.                                    )

## JOINT STIPULATION OF FACTS

Comes now, Defendant Lynn Dull and the City of Chesterfield and for their Joint Stipulation of Facts state the following:

1. Lynn Dull (“Lynn”) is a resident of the City of Chesterfield residing at 1807 Parsonage Drive since 1989.
2. Lynn’s residence is located at the corner of Wilson Manor Drive and Parsonage Drive.
3. On May 13, 2015, Lynn received a citation from the City of Chesterfield informing her that she was in violation of the Chesterfield Municipal Code Section 25-28 because her waste containers were visible from Parsonage Drive.
4. A copy of the relevant ordinance is submitted and the parties request the Court take judicial notice of the relevant ordinance.
5. Section 25-25 provides, in part, that:  

The containers shall be stored in a place not visible from the street which the residential structure faces.
6. The Defendant’s house is situated as laid out in Exhibit A.
7. Lynn’s residence includes a side-entry garage situated at the top of a driveway that intersects with Parsonage Drive.



City’s Code

# Stipulation of Facts—agreed to by the Prosecutor

8. The Defendant places her garbage cans outside on her driveway behind a row of landscaping that ensures they are not visible from Wilson Manor.

9. Sgt. Rainey with the Chesterfield Police confirms that when the Defendant's trash is placed as described in paragraph 8, it is not visible from Wilson Manor.

10. The containers are only visible from Parsonage Drive when at the foot of the driveway looking up towards the garage door or from further down Parsonage Drive where it faces the rear of the residence.

11. If one draws a 90 degree line from the front door of Defendant's house, the line intersects with Wilson Manor Drive.

12. Defendant's civil engineer has provided Exhibit B and concluded, "*I have drawn a line perpendicular to the front face of the residence at the front door. The marked up map is provided. The line clearly intersects with Wilson Manor Drive. That line intersects to the left of Parsonage Drive (looking from the front entrance toward the street). Thus, I conclude that the street which this residence structure faces is Wilson Manor Drive.*"

13. Due to the curvature of both Wilson Manor Drive and Parsonage Drive and the angle in which Defendant's residence is oriented on the residential lot, there is no facet of the exterior of the residence that is not visible from at least one of these two streets.

"not visible from Wilson Manor"

"only visible from Parsonage Drive..."

Engineer concludes residence faces Wilson Manor Drive. Trash cans are not visible from that street.

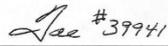
# Stipulation of Facts—agreed to by the Prosecutor

Respectfully submitted,

PAULE, CAMAZINE & BLUMENTHAL, P.C.  
*A Professional Corporation*

By: 

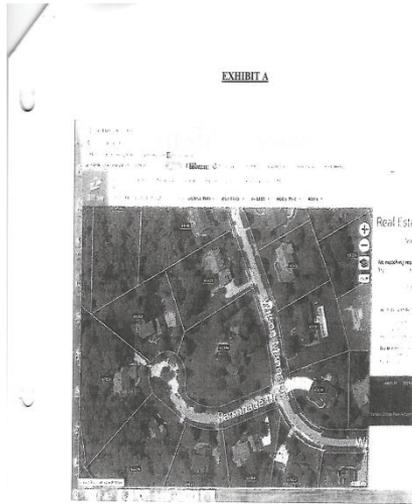
Donald W. Paule, MBE #19768  
165 N. Meramec Avenue, Suite 110  
St. Louis, Missouri 63105  
Telephone: (314) 244-2266 (Main)  
Telephone: (314) 244-3650 (Direct)  
Facsimile: (314) 727-2101  
[dpaule@pcblawfirm.com](mailto:dpaule@pcblawfirm.com)  
Attorneys for Defendant

By:  #39941

Timothy Engelmeyer, #39941, City Prosecutor

# Stipulation of Facts—agreed to by the Prosecutor

Zillow—clearer picture

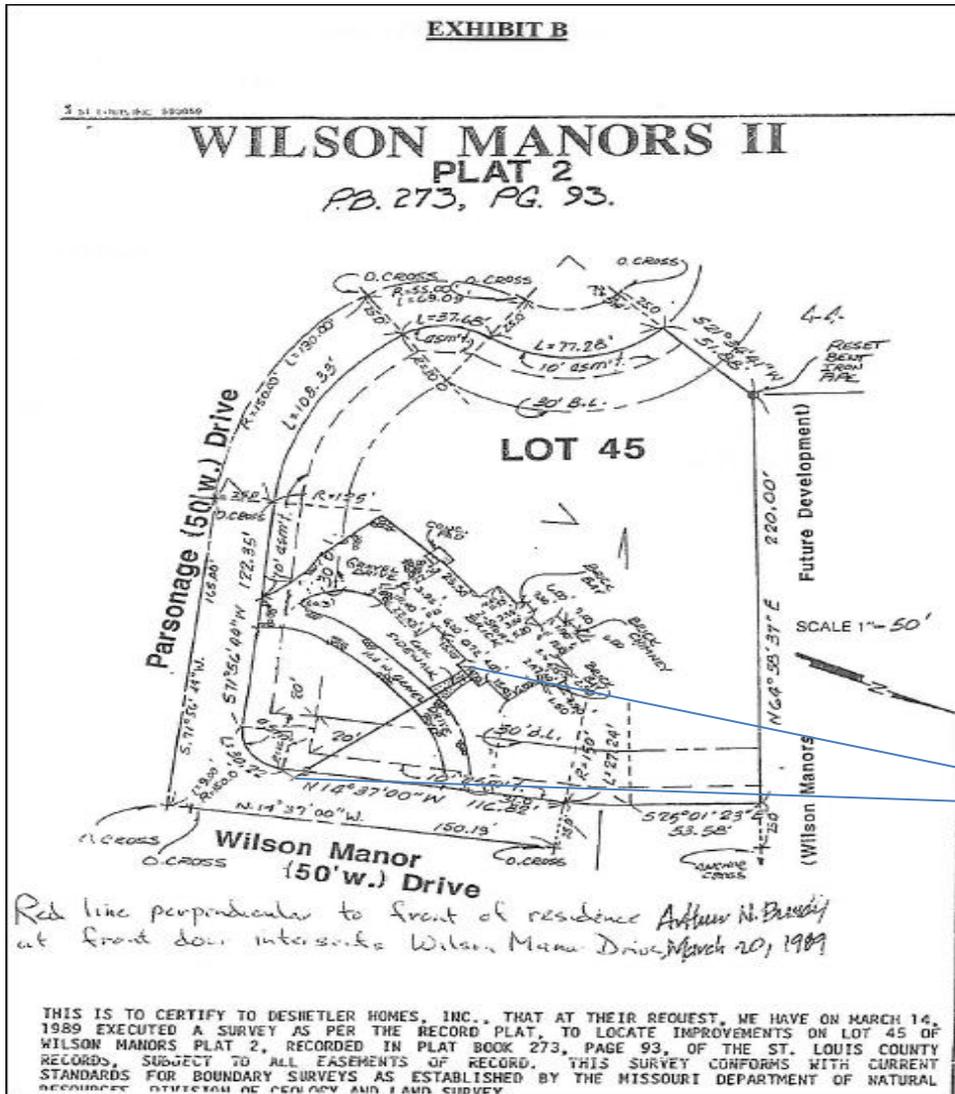


Trash cans

Front door

“THE” street the residential structure faces

# Stipulation of Facts—agreed to by the Prosecutor



A civil engineer determined the residence faces Wilson Manor Dr.

# It's not over

- This is not about trash cans.
- It is all about bullying, abuse of power and disregard for the laws of the land—on the part of the City of Chesterfield.
- Facts don't lie.
- But, when will the City address the issues?