



## SCOTT FITZPATRICK MISSOURI STATE AUDITOR

### Investigative Summary

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#### **Summary of Significant Complaint(s) reported:**

The St. Louis County Council passed Resolution 7368, 2025 requesting the Missouri State Auditor's Office complete an investigation of the former Prosecuting Attorney of St. Louis County, Wesley Bell, and the operations of the office during his term. The January 7, 2025 resolution indicated that certain procedures, policies, and accounting practices of the St. Louis County Prosecuting Attorney's Office (PAO) had been brought to the attention of the County Council over the last six years. The St. Louis County Council indicated it believed it was in the best interest of the residents of St. Louis County for the Missouri State Auditor to conduct a thorough investigation of the former Prosecuting Attorney's office to provide guidance to the new Prosecuting Attorney. The State Auditor's Office also received Whistleblower concerns about credit card use and staff working in secondary positions during PAO office hours.

#### **Background:**

The former Prosecuting Attorney, Wesley Bell, was elected and was sworn into office January 1, 2019, and served through December 31, 2024. The PAO had 133 fulltime employees, including attorneys, an investigator, and clerical staff, as of December 31, 2024. Melissa Price Smith was sworn into office as Prosecuting Attorney on January 3, 2025. During the review period, the PAO had written policies and procedures for purchasing/credit card use that allowed for purchases of goods and/or services under \$1,500. The office also had policies that provided guidance for the approval and reimbursement of travel expenses. For secondary employment, office policy dictated that work should be done on the employee's own time, and employees should avoid conflicts of interest in accordance with professional standards. Employees were required to sign a copy of the policy to acknowledge receipt of the policy and identify any secondary employment.

#### **Complaint Review:**

##### **Purchasing/Credit Card Use**

A review of office card purchases did not identify improper purchases; however, we noted opportunities for improved controls. For our review period, we examined the 195 transactions included on the statements for cards held by 4 employees (148 transactions were on 3 employee cards and 47 were on the former Prosecuting Attorney's card), including the former Prosecuting Attorney. We noted no issues with purchases on the former Prosecuting Attorney's card. All purchases during the review period were monthly web service fees.

Our review of the other credit card statements identified purchases of travel, animal care, food, and Amazon purchases that we reviewed further for appropriateness. Purchases were supported with invoices or purchase receipts. Amazon purchases were generally for office supplies. The airline tickets and other travel were primarily for case related travel. During review of travel expenses we noted that an employee was allowed to charge an extra night for a hotel stay and then reimburse the county for the expense. The employee chose to stay another night rather than travel separately from another attorney who had to stay an extra day. While it was appropriate the employee reimbursed the county, the Purchasing Manual does not allow for personal expenses to be paid with an office credit card and reimbursed. We also noted one meal purchase that did not have the purpose of the meeting documented as required by the Purchasing Manual. It was also noted

the office did not cancel one hotel reservation in time to prevent paying for hotel accommodations for a witness who did not appear. Controls would be improved by ensuring staff follow office policies.

Finally, our review identified veterinarian and grooming charges for an advocate dog provided by a third party. The PAO does not have a contract with the third party so there is nothing defining what expenses are the responsibility of the office. Section 432.070, RSMo, requires contracts of political subdivisions to be in writing. Written agreements are necessary to ensure all parties are aware of their duties and responsibilities and to prevent misunderstandings.

The current Prosecuting Attorney indicated she is enforcing strict policies on food and travel and will try to avoid any unnecessary costs in the future.

#### Secondary Employment

To review the concern that PAO attorneys were working in secondary positions in local municipal courts during PAO working hours in violation of office policy, we contacted the applicable courts to determine when court was held. We then compared this to PAO regular working hours and attorney Paid Time Off (PTO) records. Our review noted 43 instances when a court employing one of the PAO attorneys was in session during PAO office hours (8 am and 5 pm) and the attorney did not take PTO, indicating the employee's PAO and secondary employment may have overlapped. However, attorney time records were insufficient to determine if attorneys worked alternative hours to make up their time.

We provided detail of the 43 instances to the PAO for review and they contacted the courts to verify if the attorneys appeared. After their review, they determined in 41 of 43 instances the attorney did not appear during PAO office hours. While the majority of attorneys' secondary employment did not overlap with their PAO duties, procedures including sufficient documentation of time worked are necessary to ensure attorneys with secondary employment do not work in these positions during PAO office hours. The current Prosecuting Attorney implemented a policy that requires employees working in a secondary position to take PTO when working for or being paid by any other entity.

#### Sunshine Law

To review concerns with how Sunshine Law requests were handled, we reviewed the Sunshine Law request log. It appears requests were addressed; however, there were opportunities for more timely response in some instances. Going forward, the Prosecuting Attorney should continue to track Sunshine Law requests and ensure all requests are addressed as required by law.

#### Additional Concerns:

During review of attorney timesheets, we noted that approximately 51 percent of the timesheets were not signed by a supervisor to document their review and approval. Appropriate supervisory review of time records is necessary to ensure records are accurate, and necessary leave is documented. PAO personnel indicated there was no policy requiring supervisory review, but it was a recommended practice. The current Prosecuting Attorney has implemented a policy that all timesheets be reviewed, approved and signed by supervisors weekly.

#### Conclusion:

Our review noted that credit card procedures would be improved by enforcing existing food and travel policies and developing policies and procedures to prevent unnecessary costs due to cancellations. Additionally, we noted the Prosecuting Attorney should enter into a written contract with the provider for the advocate dog to ensure all rights and responsibilities related to the services are outlined. Our review of attorney secondary employment identified some attorneys who may have worked at their secondary position during PAO office hours without taking PTO. However, time records were insufficient to determine if attorneys worked alternative hours to make up their time. The Prosecuting Attorney should develop

procedures including requiring sufficient documentation to ensure attorneys do not work in their secondary capacity during PAO office time. We also noted supervisory review of time records was insufficient and controls would be improved by ensuring a documented review is conducted for all attorney time.

Issues identified indicate opportunities for improvement in policies and procedures, but do not suggest there is significant, if any, improper governmental activity. As a result, it appears appropriate to close this investigation with a letter providing recommendations that the Prosecuting Attorney enter into written agreements for services, and implement improved procedures for credit card use, employee time keeping, and Sunshine Law compliance.