

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

NICOLE GALLOWAY, AUDITOR OF THE)
STATE OF MISSOURI,) Case No 19CY-CV12168
Plaintiff,)
)
v)
)
CLAY COUNTY, MISSOURI, et al.,)
Defendants. (

JUDGMENT GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

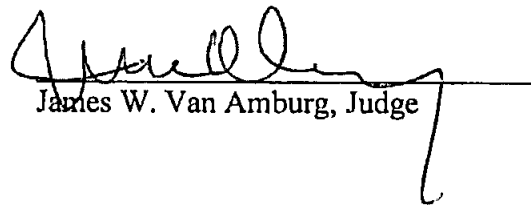
Now on this 23rd day of October, 2020, the Plaintiff appears by its attorney Joel E. Anderson and the Defendants appear by their attorney W. Joseph Hatley. The Court takes up the Plaintiff's Motion for Summary Judgment and the Defendants' Motion for Summary Judgment Arguments of Counsel are heard, and the Court being fully advised, finds as follows:

1. The State Auditor is authorized by the Missouri Constitution to conduct audits that are required by law. Audits required by Missouri Statute, including those specified in Chapter 29 of the Revised Statutes of Missouri (RSMo) are not limited by the Missouri Constitution to any particular type of audits.
2. The Missouri Constitution does not limit the Auditor's access to certain kinds of records or evidence in conducting an audit.
3. An audit under Section 29.235 RSMo that is required by law and performed in accordance with the provisions of Chapter 29 RSMo and performed in accordance with the provisions of Chapter 29 RSMo is a duty imposed on the Auditor that is related to the supervising and auditing of the receipt and expenditure of public funds as provided in Article IV, Section 13 of the Missouri Constitution.
4. Neither the Missouri Constitution nor Missouri Statutes require the Auditor to make a showing to any auditee as to how a particular record or set of records, or the testimony of witnesses is related to the receipt and expenditure of public funds prior to the duty to grant access to such records or witnesses during an audit.

5. Pursuant to Section 29.235 4(1), authorized representatives of the State Auditor may examine witnesses under oath in connection with a lawful audit without being licensed attorney

Wherefore, it is Ordered, Adjudged, and Decreed as follows:

- a The Plaintiff's Motion for Summary Judgment is granted and the Defendants' Motion for Summary Judgment is denied
- b The Defendants are Ordered to comply with both subpoenas (attached as Exhibit A and Exhibit B to Plaintiff's First Amended Petition) as follows:
 - i The Defendants are Ordered to produce all 2017-2019 meeting minutes, whether open or closed, redacted as specified in the subpoenas, and to the extent not already produced, within ten days of this Court's Order.
 - ii The Defendants are Ordered to produce the individual personnel performance appraisals of the persons and groups specified in the November 22, 2019 Subpoena within 10 days of this Court's Order
 - iii Defendant Nicole Brown is ordered to submit to an examination under oath by authorized audit staff at a reasonable time, whether or not such staff is licensed to practice law


James W. Van Amburg, Judge