

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI**

JOSHUA D. HAWLEY, in his official)
capacity as Missouri Attorney General,)
)
Plaintiff,)
)
v.)
)
OFFICE OF THE ST. LOUIS COUNTY)
EXECUTIVE,)
)
Serve at: 41 South Central Ave.)
Clayton, MO 63105;)
)
Defendant.)

Case No.

Division No.

PETITION

Plaintiff Joshua Hawley, in his official capacity as the Attorney General of Missouri, through counsel, states as follows:

1. The Missouri Sunshine Law provides the public and the press with critical tools to ensure that government remains transparent, honest, and efficient.
2. The Sunshine Law declares that it is the State’s public policy that “meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public[.]” § 610.011, RSMo.
3. In the face of the Sunshine Law’s mandate of open and transparent government, the St. Louis County Executive’s Office has repeatedly failed to disclose public records in a timely fashion; failed to disclose the identity of the Office’s records custodian; and failed entirely to disclose certain important public records.

4. These Sunshine violations come at a time when St. Louis County has faced intense public scrutiny for a variety of controversial decisions.

5. The Attorney General's Office brings this action to enforce the Sunshine Law and to ensure that the public and the press have access to the information necessary to hold government accountable.

Parties

6. Plaintiff Joshua D. Hawley is the duly elected Attorney General of Missouri.

7. Under Missouri law, “[t]he attorney general shall institute, in the name and on the behalf of the state, all civil suits and other proceedings at law or in equity requisite or necessary to protect the rights and interests of the state, and enforce any and all rights, interests or claims against any and all persons, firms or corporations in whatever court or jurisdiction such action may be necessary; and he may also appear and interplead, answer or defend, in any proceeding or tribunal in which the state's interests are involved.” § 27.060, RSMo.

8. In addition, pursuant to § 610.027.1, RSMo, the Missouri Attorney General has the authority to seek judicial enforcement of the Missouri Sunshine Law.

9. Defendant Office of the St. Louis County Executive (“County Executive’s Office”) is a public governmental body under § 610.010.4, RSMo, and its meetings, actions, and records are subject to the provisions of Missouri’s Sunshine Law.

Jurisdiction and Venue

10. This Court has subject-matter jurisdiction over this action pursuant to §§ 610.027 and 610.030, RSMo; Missouri Supreme Court Rule 92; and Missouri Constitution Article V, § 14.

11. This Court has personal jurisdiction over County Executive's Office because that entity's principal place of business is in St. Louis County, Missouri.

12. In addition, venue is proper in this Court under § 610.027.1, RSMo, because the County Executive's Office principal place of business is in St. Louis County, Missouri.

Allegations Common to All Counts

I. The Sunshine Law Requires that Public Governmental Bodies and Their Employees Provide Timely Access to Public Records.

13. The Missouri Sunshine Law codifies the State's public policy in favor of, and its commitment to, open and transparent government.

14. "It is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public[.]" § 610.011.1, RSMo.

15. Pursuant to that clear public policy, "all public records of public governmental bodies shall be open to the public for inspection and copying as set forth in section 610.023 to 610.026." § 610.011.2, RSMo.

16. Under the Sunshine Law, when a public governmental body receives a request for access to public records, it must respond to the request as soon as possible, but no later than three business days after receiving the request. § 610.023.3, RSMo.

17. In that initial response, the public governmental body must either produce the records or provide the requesting party with an estimate of when the records will become available along with an explanation of the cause for the delay. *Id.*

18. Regardless of whether a public governmental body produces responsive materials immediately, it must always respond to a Sunshine request within three business days after receiving the Sunshine request.

19. Each governmental body must also appoint a custodian of records, who is responsible for maintaining the body's records and responding to Sunshine requests. § 610.023.1, RSMo.

20. A public governmental body must disclose the identity of its custodian of records upon request. *Id.*

II. The County Executive's Office Repeatedly Violated the Sunshine Law in Connection with Sunshine Requests Submitted by Journalists.

21. On several occasions during 2017, the County Executive's Office violated the Sunshine Law in connection with Sunshine requests submitted by journalists.

22. In some cases, the County Executive's Office failed to provide a timely response to the requests.

23. Untimely Sunshine responses often impose particular harms on journalists, who frequently face impending deadlines for the publication of their stories.

24. Where a journalist submits a Sunshine request, an untimely response may deprive the journalist of including critical information in her story, to the substantial detriment of the public.

A. *Journalist 1*

25. On October 17, 2017, Journalist 1 wrote an e-mail to Cordell Whitlock, the Director of Communications for the County Executive's Office, asking for the identity of the Office's custodian of records.

26. Whitlock responded and identified Stephen LeResche as the custodian of records for the County Executive's Office.

27. LeResche is a Senior Policy Advisor in the County Executive's Office.

28. On October 23, 2017, based on Whitlock's representation of the identity of the custodian of records, Journalist 1 submitted two requests for public records under the Sunshine Law to the County Executive's Office and LeResche.

29. In the first request, Journalist 1 requested all Sunshine requests submitted to St. Louis County since August 1, 2017 and "all responses to those requests."

30. The County Executive's Office is a component of St. Louis County.

31. The County Executive's Office received several Sunshine requests between August 1, 2017 and the date of Journalist 1's request.

32. On information and belief, the County Executive's Office retained records responsive to Journalist 1's Sunshine request at the time of the request.

33. An attorney from the Attorney General's Office submitted a substantially similar request for all Sunshine Law requests received by the County Executive's Office during 2017 and all responses to those Sunshine requests.

34. The County Executive's Office provided a purportedly complete production in response to the Attorney General's Office's request within ten days, including numerous documents that were responsive to Journalist 1's Sunshine request.

35. In the second request, Journalist 1 requested all real-estate contracts and copies of all lease payments for St. Louis County office space at Northwest Crossings and North Oaks Plaza.

36. The County Executive's Office considered Journalist 1's two October 23, 2017 requests to be requests for public records under the Sunshine Law.

37. On October 26, 2017, LeResche responded to Journalist 1's two requests, stating that there is no single custodian of records for St. Louis County government and instructing Journalist 1 to submit separate correspondence to each separate department within St. Louis county government.

38. LeResche copied Whitlock and Paul Hampel, a policy advisor for the County Executive's Office, on that correspondence.

39. LeResche did not produce any responsive documents to Journalist 1 at that time.

40. LeResche also did not provide an estimate of how long it would take the County Executive's Office to locate any responsive materials in its possession.

41. On October 26, 2017, Journalist 1 responded to LeResche's e-mail and requested a list of custodians of records for the various departments of St. Louis County government.

42. Having received no response to this request, Journalist 1 sent a follow-up e-mail to the same individuals on October 31, 2017.

43. On November 1, 2017, LeResche responded and indicated that he is not the custodian of records for the County Executive's Office, but rather that Glenn Powers is.

44. Glenn Powers is employed as the Chief of Operations in the County Executive's Office.

45. In his November 1, 2017 email, LeResche informed Journalist 1 that he would forward the records requests to Powers.

46. LeResche copied Whitlock and Paul Hampel on his November 1, 2017 e-mail, but he notably did not copy Powers or any other members of St. Louis County government on that e-mail.

47. On information and belief, the County Executive's Office still has not provided Journalist 1 with records responsive to his October 23, 2017 request for "all Sunshine requests submitted to the custodian of records of St. Louis County from August 1" through present and "all responses to those requests."

48. On November 3, 2017, Journalist 1 sent another Sunshine Law request to Powers.

49. In that request, Journalist 1 requested copies of documents concerning programs at North Oaks Plaza after the relocation of the Missouri Jobs Center;

documents concerning leases and renovations at North Oaks Plaza; and internal County Executive's Office correspondence regarding public records requests submitted by Journalist 1.

50. Journalist 1 did not receive a response from the County Executive's Office and/or Powers within three business days, as required by the Sunshine Law.

51. Having received no timely response to his Sunshine requests, on November 6, 2017, Journalist 1 was forced to run a feature article regarding the North Oaks Plaza lease without access to the lease itself.

52. In that article, Hampel defended the County's conduct by claiming "We were stuck with a bad lease."

53. However, because the County Executive's Office did not produce the lease or a timeline for when the lease might be produced, there was no opportunity for Journalist 1 to test the accuracy of this justification.

54. Having received no response from the County Executive's Office or Powers, on November 21, 2017, Journalist 1 sent a follow-up e-mail requesting an update regarding the status of his November 3 records request.

55. On November 22, 2017, after this prompting by Journalist 1, Powers responded and proposed to charge Journalist 1 \$590.00 in order to produce the records responsive to his November 3 request.

B. Journalist 2

56. On May 1, 2017, Journalist 2 submitted a request for records to Pamela Reitz, the Director of Administration for St. Louis County, seeking documents

concerning the separation of the former St. Louis County auditor; communications to and from Powers regarding a hiring freeze in St. Louis County government; and certain executive orders issued by Steve Stenger, the County Executive.

57. On several occasions during 2017, Ms. Reitz responded to Sunshine Law requests submitted to the County Executive's Office.

58. Journalist 2 sought these documents in preparation for an article about the St. Louis County auditor.

59. On May 4, 2017, Ms. Reitz responded to Journalist 2's requests, stating that she is not the custodian of records for several of the requests, including the request for Powers's communications.

60. Ms. Reitz copied Powers on that email.

61. Powers received that e-mail, as well as Journalist 2's May 1, 2017 requests, on May 4, 2017.

62. Therefore, the County Executive's Office and its custodian of records received Journalist 2's request on May 4, 2017.

63. On May 5, 2017, Ms. Reitz wrote to Journalist 2 and informed him that Powers was the appropriate custodian of records for the requests concerning Powers's communications and the executive orders issued by the St. Louis County Executive.

64. Powers received that communication on May 5, 2017.

65. Therefore, the County Executive's Office and its custodian of records received Journalist 2's request for a second time on May 5, 2017.

66. On May 11, 2017, an attorney from the St. Louis County Counselor's Office responded to Journalist 2 on behalf of Powers, informing Journalist 2 that Powers was gathering responsive records.

67. The May 11, 2017 response was not provided to Journalist 2 within three business days after the custodian of records for the County Executive's Office received the request, as required by § 610.023.3, RSMo.

68. On May 25, 2017, Powers produced a single document responsive to Journalist 2's requests for Powers's communications.

69. On June 23, 2017, in preparation for an upcoming article about changes to the County's pension system, Journalist 2 wrote to Powers, Whitlock, and several other members of the St. Louis County government seeking public records under the Sunshine Law concerning the pension changes.

70. The County Executive's Office and the Office's custodian of records received Journalist 2's request on June 23, 2017.

71. Powers responded to Journalist 2's requests after the close of business on June 29, 2017.

72. This response was not provided within three business days after the custodian of records for the County Executive's Office received the request, as required § 610.023.3, RSMo.

73. The County Executive's Office considered Journalist 2's May 1 and June 23, 2017 requests to be requests for public records under the Sunshine Law.

C. Journalist 3

74. On August 28, 2017, Journalist 3 submitted a request for public records under the Sunshine Law seeking salary data for certain St. Louis County government employees.

75. The County Executive's Office and/or the Office's custodian of records received the August 28, 2017 request that same day.

76. The County Executive's Office considered Journalist 3's August 28, 2017 request to be a request for public records under the Sunshine Law.

77. On September 6, 2017, the County Executive's Office, through Stephen LeResche, responded to Journalist 3.

78. Therefore, the County Executive's Office did not provide a response to Journalist 3's August 28, 2017 request within three business days, as required by § 610.023.3, RSMo

79. In his September 6 correspondence, LeResche indicated that records would be provided upon payment of \$75.00.

80. Later on September 6, 2017, Journalist 3 requested that the proposed fee be waived.

81. On September 12, 2017, after having received no response, Journalist 3 sent a follow-up e-mail to LeResche seeking a status update on her request.

82. Upon information and belief, Pam Reitz, the Director of Administration for St. Louis County, provided a response to Journalist 3 on September 19, 2017.

83. The County Executive's Office considered Journalist 3's August 28, 2017 request to be a request for public records under the Sunshine Law.

D. Journalist 4

84. On August 23, 2017, Journalist 4 submitted a request for public records under the Sunshine Law seeking certain documents pertaining to inmates who have died while in the custody of the St. Louis County Department of Justice.

85. The County Executive's Office and/or the Office's custodian of records received Journalist 4's request on August 23, 2017.

86. On August 30, 2017, the County Executive's Office, through Stephen LeResche, responded to Journalist 4's request.

87. Therefore, the County Executive's Office did not provide a response to Journalist 4's August 23, 2017 request within three business days, as required by § 610.023.3, RSMo.

88. In addition, on November 6, 2017, Journalist 4 submitted a request for public records under the Sunshine Law seeking information about a specific inmate in the custody of the St. Louis County Department of Justice.

89. The County Executive's Office and/or the Office's custodian of records received Journalist 4's request on November 6, 2017.

90. Upon information and belief, the County Executive's Office did not provide a response to Journalist 4's November 6, 2017 request within three business days, as required by § 610.023.3, RSMo.

91. The County Executive's Office considered Journalist 4's August 23 and November 6, 2017 requests to be requests for public records under the Sunshine Law.

E. Journalist 5

92. On September 1, 2017, Journalist 5 submitted a request for public records under the Sunshine Law seeking copies of communications between the St. Louis County Auditor and certain other employees of St. Louis County government.

93. The County Executive's Office and/or the Office's custodian of records received the September 1, 2017 request that same day.

94. Upon information and belief, the County Executive's Office did not provide a response to Journalist 5's September 1, 2017 request within three business days, as required by § 610.023.3, RSMo.

95. The County Executive's Office considered Journalist 5's September 1, 2017 request to be a request for public records under the Sunshine Law.

III. The County Executive's Office Repeatedly Failed to Provide Timely Responses to Sunshine Requests Submitted by the Public.

96. The County Executive's Office repeatedly failed to respond to Sunshine Law requests submitted by the public within three business days, as required by the Sunshine Law.

97. On April 19, 2017, Citizen 1 submitted a request for public records under the Sunshine Law seeking certain documents pertaining to St. Louis County's lawsuit against the National Football League.

98. The request was directed to the custodian of records for the County Executive's Office.

99. Upon information and belief, the County Executive's Office and/or the Office's custodian of records received Citizen 1's request on or about April 21, 2017.

100. Upon information and belief, on May 25, 2017, the St. Louis County Counselor's Office responded to Citizen 1's request on behalf of the County Executive's Office.

101. The response indicated that no responsive records were found.

102. The County Executive's Office did not provide a response to Citizen 1 within three business days, as required by § 610.023.3, RSMo.

103. The County Executive's Office considered Citizen 1's April 19, 2017 request to be a request for public records under the Sunshine Law.

104. On October 25, 2017, Citizen 2 submitted a request for public records under the Sunshine Law seeking copies of County Executive Stenger's work calendar.

105. The County Executive's Office and/or the Office's custodian of records received the October 25, 2017 request that same day.

106. Upon information and belief, the County Executive's Office did not provide a response to Citizen 2's October 25, 2017 request within three business days, as required by § 610.023.3, RSMo.

107. The County Executive's Office considered Citizen 2's October 25, 2017 request to be a request for public records under the Sunshine Law.

108. On October 25, 2017, Citizen 3 submitted a request for public records under the Sunshine Law seeking copies of e-mails between two employees of the County Executive's Office and a media organization.

109. The County Executive's Office and/or the Office's custodian of records received the October 25, 2017 request that same day.

110. On October 31, 2017, the County Executive's Office, through Jeff Wagener, responded to the October 25 request.

111. Therefore, the County Executive's Office did not provide a response to Citizen 3's October 25, 2017 request within three business days, as required by § 610.023.3, RSMo.

112. On November 1, 2017, Citizen 3 submitted a request for public records under the Sunshine Law seeking an attachment to an e-mail between a County Executive's Office employee and a journalist.

113. The County Executive's Office and/or the Office's custodian of records received the November 1, 2017 request that same day.

114. The County Executive's Office did not respond to Citizen 3's November 1, 2017 request within three business days, as required by § 610.023.3, RSMo.

115. On November 7, 2017, Citizen 3 sent a follow-up e-mail to the County Executive's Office seeking a status update on his November 1 request.

116. Later that same day, and only after prompting by Citizen 3, the County Executive's Office, through Jeff Wagener, responded to the November 1 request.

117. The County Executive's Office considered Citizen 3's October 25 and November 1, 2017 requests to be requests for public records under the Sunshine Law.

118. On November 9, 2017, Citizen 4 submitted a request for public records under the Sunshine Law seeking copies of documents pertaining to Amazon.com, Inc.'s requests for proposals to locate a second headquarters.

119. The County Executive's Office and/or the Office's custodian of records received the November 9, 2017 request that same day.

120. On November 15, 2017, after having received no response, Citizen 4 sent a follow-up message to the County Executive's Office and the custodian of records seeking a status update on his request.

121. On November 20, 2017, again after having received no response, Citizen 4 sent another follow-up message to the County Executive's Office and the custodian of records.

122. On November 20, 2017, and only after prompting by Citizen 4, the County Executive's Office, through Glenn Powers, ultimately provided a response to the November 9 request.

123. The County Executive's Office indicated that it has no documents responsive to Citizen 4's request.

124. The County Executive's Office did not provide a response to Citizen 4's November 9, 2017 request within three business days, as required by § 610.023.3, RSMo.

125. On November 20, 2017, Citizen 4 submitted a request for public records under the Sunshine Law seeking copies of communications among various County Executive's Office employees pertaining to Amazon.com, Inc.

126. The County Executive's Office and/or the Office's custodian of records received the November 20, 2017 request that same day.

127. Upon information and belief, the County Executive's Office did not provide a response to Citizen 4's November 20, 2017 request within three business days, as required by § 610.023.3, RSMo.

128. The County Executive's Office considered Citizen 4's November 9 and November 20, 2017 requests to be requests for public records under the Sunshine Law.

129. On September 21, 2017, Citizen 5 submitted a request for public records under the Sunshine Law, directed to County Executive Stenger, seeking several lists of employees of the County Executive's Office.

130. The County Executive's Office and/or the Office's custodian of records received the September 21, 2017 request on or about September 25, 2017.

131. Upon information and belief, on or about October 17, 2017, Pamela Reitz responded to Citizen 5's request informing him that research is being done to assemble responsive records.

132. On December 8, 2017, Ms. Reitz responded to Citizen 5 and informed him that no records exist that are responsive to his September 21, 2017 request directed to County Executive Stenger.

133. The County Executive's Office did not provide a response to Citizen 5's September 21, 2017 request within three business days, as required by § 610.023.3, RSMo.

134. The County Executive's Office considered Citizen 5's September 21, 2017 request to be a request for public records under the Sunshine Law.

IV. Defendant Failed to Properly Identify and Designate a Custodian of Records, Causing Confusion Among Those Submitting Sunshine Requests and Thwarting Compliance with the Sunshine Law

135. On information and belief, Powers is the designated custodian of records for the County Executive's Office for Sunshine Law purposes.

136. However, on several occasions throughout 2017, the County Executive's Office has identified other County officials as the custodian of records, thereby interfering with the ability of the public to submit Sunshine requests.

137. For example, as detailed above, on October 17, 2017, Cordell Whitlock informed Journalist 1 that Stephen LeResche was the custodian of records for the County Executive's Office.

138. Upon information and belief, LeResche was not the custodian of records at that time.

139. On November 27, 2017, an attorney from the Attorney General's Office called the public telephone number for the County Executive's Office and asked for the identity of the custodian of records.

140. An employee of the County Executive's Office informed the attorney that Jeffrey Wagener currently serves as the Office's custodian of records.

141. Jeffrey Wagener is employed as the Chief of Policy for the County Executive's Office.

142. Upon information and belief, Wagener was not the custodian of records at that time.

143. The County Executive's Office did not disclose the correct identity of the County Executive's Office's custodian of records in response to this request.

144. At all times relevant to this Petition, because of the County Executive's Office's repeated failures to identify the correct custodian of records upon request, and because of the failure of the County Executive's Office to ensure its own employees were aware who served as the custodian of the records, members of the public were confused and misled as to the identity of the custodian of records.

145. In addition, at all times relevant to this Petition, employees of the County Executive's Office other than the custodian of records frequently responded to requests for public records that the County Executive's Office itself deemed were requests under the Sunshine Law.

146. This practice also confused and misled the public as to the identity of the custodian of records.

147. These practices of the County Executive's Office's thwarted and precluded compliance with the Sunshine Law.

COUNT I
Violation of Section 610.023.3, RSMo, Against Defendant for Failure to Provide
Timely Responses to Requests for Public Records

148. Plaintiff herein restates and incorporates by reference the allegations contained in Paragraphs 1-147 of this Petition.

149. Section 610.023.3, RSMo, provides that “[e]ach request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body.”

150. Time and again, the County Executive’s Office has failed to respond to Sunshine Law requests within three business days, as required by § 631.023.3, RSMo.

151. Indeed, evidence obtained by the Attorney General’s Office indicates that the County Executive’s Office failed to respond timely to nearly half of all Sunshine requests received by the County Executive’s Office during 2017.

152. As alleged throughout this Petition, Defendant and/or its custodian of records repeatedly failed to respond to public records requests within three business days as required by § 610.023.3, RSMo.

153. In the instances where Defendant’s custodian of records was not the employee who responded to or received a Sunshine Law request, Defendant still violated § 610.023.3, RSMo, because of its conduct in not delegating a response to the custodian of records.

154. In the instances where Defendant’s custodian of records was not the employee who responded to or received a Sunshine Law request, Defendant still

considered and treated those requests as requests for public records under the Sunshine Law.

155. Defendant's conduct in having employees other than the custodian receive and/or respond to Sunshine Law requests thwarted and precluded compliance with § 610.023.3, RSMo.

156. On information and belief, Defendant was aware of the Sunshine Law's requirement that a public records request must be acted upon as soon as possible, and that a response must be provided to the requesting party no later than the third business day after receipt.

157. On information and belief, Defendant knew that its actions in failing to respond timely to a Sunshine Law request violates § 610.023.3, RSMo.

158. On information and belief, Defendant was aware of the consequences and penalties of violating the Sunshine Law.

159. On information and belief, Defendant intended to violate and purposefully violated the Sunshine Law by failing to respond to nearly half of all public records requests received pursuant to the three-business day limitation imposed by the Sunshine Law.

160. Each instance where Defendant failed to respond timely to a Sunshine Law as required by § 610.023.3, RSMo, constitutes a separate violation of the Sunshine Law.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff (a) awarding the State preliminary and permanent injunctive relief under § 610.030, RSMo; (b) finding that Defendant knowingly and purposefully violated

§ 610.023.3, RSMo; (c) assessing civil penalties pursuant to § 610.027.3 and .4 of up to \$1,000 for each knowing violation and up to \$5,000 for each purposeful violation of the Sunshine Law; and (d) such further relief as the Court deems just and appropriate.

COUNT II

Violation of Section 610.023.2, RSMo, Against Defendant for Failure to Provide Access to Public Records

161. Plaintiff herein restates and incorporates by reference the allegations contained in Paragraphs 1-160 of this Petition.

162. Section 610.023.2, RSMo, provides that “[e]ach public governmental body shall make available for inspection and copying by the public of that body’s public records.”

163. The County Executive’s Office did not make available for inspection and copying records responsive to Journalist 1’s October 23, 2017 request for all Sunshine requests submitted to St. Louis County since August 1, 2017 and “all responses to those requests.”

164. The County Executive’s Office retained public records responsive to this Sunshine request.

165. When the Attorney General’s Office submitted a substantially identical Sunshine request to the County Executive’s Office, the County Executive’s Office supplied a purportedly complete production within 10 days.

166. On information and belief, Defendant was aware that the Sunshine Law required the County Executive’s Office to make the materials requested by Journalist 1 available.

167. On information and belief, Defendant knew that refusing to make these materials available to Journalist 1 would violate § 610.023.2, RSMo.

168. On information and belief, Defendant was aware of the consequences and penalties of violating the Sunshine Law.

169. On information and belief, Defendant intended to violate and purposefully violated the Sunshine Law by failing to produce the materials responsive to Journalist 1's Sunshine Law request.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff (a) awarding the State preliminary and permanent injunctive relief under § 610.030, RSMo; (b) finding that Defendant knowingly and purposefully violated § 610.023.2, RSMo; (c) assessing civil penalties pursuant to § 610.027.3 and .4 of up to \$1,000 for each knowing violation and up to \$5,000 for each purposeful violation of the Sunshine Law; and (d) such further relief as the Court deems just and appropriate.

COUNT III
Violation of Section 610.023.1, RSMo, Against Defendant for Failure to Disclose the Identity of the Custodian of Records

170. Plaintiff herein restates and incorporates by reference the allegations contained in Paragraphs 1-169 of this Petition.

171. Section 610.023.1, RSMo, requires that “[t]he identity and location of a public governmental body’s custodian is to be made available upon request.”

172. As described above, the County Executive’s Office and its employees failed to provide the correct identity of the Office’s custodian of records upon request on multiple occasions.

173. Because of Defendant's failures to identify the correct custodian of records upon request, and because of Defendant's failure to ensure its own employees were aware who the custodian is, members of the public were confused and misled as to the identity Defendant's records custodian.

174. Defendant's conduct thwarted and precluded compliance with the Sunshine Law, including § 610.023.1, RSMo.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff (a) awarding the State preliminary and permanent injunctive relief under § 610.030, RSMo; and (b) such further relief as the Court deems just and appropriate.

Respectfully submitted,

JOSHUA D. HAWLEY
Missouri Attorney General

/s/ Jason K. Lewis
Michael Martinich-Sauter, #66065
Deputy Attorney General
Jason K. Lewis, #66725
Assistant Attorney General
P.O. Box 861
St. Louis, MO 63188
Telephone: (573) 751-3321
Facsimile: (573) 751-0774
michael.martinich-sauter@ago.mo.gov
jason.lewis@ago.mo.gov

*Counsel for Plaintiff Joshua D. Hawley,
Attorney General of Missouri*