

Dear Parkville Ethics Commissioners:

Please consider this as my formal response to the complaint filed by Elaine Kellerman.

To provide relevance to the allegations, it is important to note that Mrs Kellerman is a protégé of Jason Maki, founder of “Citizens for a Better Parkville”, a group formed in the fall of 2018 to prevent the development at I-435 and Rte 45. During a meeting in early fall 2018 with Mr Maki, the developer and city officials, Mr Maki threatened me with interference in the elections and legal action against the city if his development concerns regarding the 435/45 project were not resolved to his satisfaction. A political action committee by the same name, was formed on October 1, 2018, to defeat me in the 2019 election (Exhibits 1, 2, and 3-page 6). He has since managed to recruit others, including Mrs Kellerman, to continue an onslaught of negativity against mainly me, but also other city officials and the reputation of the city of Parkville itself. In October of this year, a statement made by one member of this group was repeated to me: “Our plan will remove her before the end of her term.”

Regarding Mrs Kellerman’s formal complaint to the Parkville Ethics Commission, I would also like to note that the media received a copy of the complaint before I did. Mrs Kellerman dropped off the complaint to City Hall at approximately 4:00pm on October 19, 2021. Due to back-to-back meetings, staff was unable to give me a copy of the complaint until after our meetings adjourned at 9:25 pm. A mere three hours after Mrs Kellerman dropped it off; at 7:00 as I was calling the Board of Aldermen meeting to order I noticed a television crew was present. During the meeting, I received an email from a reporter with the station present, asking for an interview after the meeting about the ethics allegations, which was how I became aware of Mrs Kellerman’s complaint (Exhibit 4). Other examples of media being notified of various filings, complaints, etc; many times, prior to my knowledge, are noted in this response.

### **Complaint 1A**

I deny I violated the Missouri Constitution and found no such reference to violation of the state constitution in any of the Missouri Ethics Commission documents sent to me over the past three years. Mrs Kellerman’s complaint is riddled with superfluous language such as this has been a pattern by this group and is intentional to create headlines.

The complaints filed with the MEC have been resolved to the satisfaction of the Missouri Ethics Commission and has been closed and no further action is warranted. Only the Missouri Ethics Commission has jurisdiction over campaign reporting, and it is my view that this matter should be considered closed.

Nevertheless, I would like the opportunity to explain what happened both regarding the campaign finance matters as well as the conduct of individuals who have an agenda against myself and the city of Parkville.

First, prior to my knowledge of Mr Maki filing his first complaint against me with the Missouri Ethics Commission, I received an inquiry from Debbie Topi with The Landmark newspaper. I replied to her that I didn’t know anything about it, but of course she reported on it based on a copy that was given to her (Exhibit 5). Because complaints to the MEC are not made public until settlement or dismissal, nor does the MEC ever comment on complaints, she had to have received a copy of the complaint before I did from someone with firsthand knowledge of its existence. Also interesting is that this same paper did not do a follow-up article when the MEC found Mr Maki’s complaint baseless. Headline generating complaints, filings, and other distortions of the truth by Mr Maki and members of his strategy team have become a pattern that continues to this day.

The Missouri Ethics Commission found Mr Maki’s first complaint filed in early 2019, to be unfounded (Exhibit 6). It was a heads-up to me that my reports would be scrutinized, and I wanted to be absolutely certain future reports were 100% accurate. I also did not want to put my treasurer in the position of making an unintentional error and having people who were angry about the development start attacking her publicly as they were me.

To find the best possible help with my campaign reports, I asked around and a friend of a friend, Mike Reid, volunteered to fill out campaign reports on my behalf. Although Mr Reid is no longer in that line of work, he formerly held the position of Director of Compliance for the Missouri Ethics Commission, and I was happy to have him join others volunteering on my campaign. Mr Reid began filing reports beginning in March of 2019.

He reviewed my campaign reports, noted that I had taken some company checks and informed me of a change in the law since the last election, mentioning other campaigns were making the same error. He helped me go through the process of refunding the business checks I was obligated to refund. This was an honest mistake and one I must point out was made by Mr Maki's Political Action Committee, "Citizens for a Better Parkville" as well. The PAC's January 15 report dated 1/22/2019 (EXHIBIT 7), lists the receipt of \$250 from Kansas City Backflow. The report was later amended to reflect the donor's name instead of her business (EXHIBIT 8). Their reports did not indicate the check was returned and replaced with a personal check, so using the same logic, we can assume Mr Maki is guilty of intentionally accepting an illegal campaign contribution.

The PAC employed the services of Axiom Strategies, who manages campaigns of candidates and PACs nationwide and an Axiom employee is the PAC's treasurer. They made several mistakes (or intentional concealing of who contributed, however you want to view it) on the PAC's reports and made mistakes (perhaps intentional concealing) on those of the other candidates supported by the PAC (EXHIBIT 9). In fact, it's common in the state of Missouri for those seeking elected office to have similar errors. From the state level (Exhibit 10 Gov Parson PAC Fined) all the way down to the local level, these mistakes, if reported or discovered by the candidates, are corrected. It's an invalid assumption that errors are automatically a willful intention to evade the law. Mr Maki's social media and other source claim I accepted illegal corporate contributions and I would like to have in turn made an ethics complaint against Mr Maki, his PAC and the candidates they supported for this and their other campaign report irregularities, but I took the high road.

Under complaint 1A Mrs Kellerman also states that I did not return "illegal" contributions until after the election. This complaint is blatantly false.

Complaint 1A also claims that I intended to conceal "illegal" contributions. I did not attempt to conceal anything. What happened was I recorded contributions on a spreadsheet using information the contributor supplied on the form enclosed with checks, whereas I should have instead used the information on the contributor's check. I should also note that some of the contributions to my campaign with business checking accounts were not from incorporated companies, in which case is perfectly acceptable. As noted above, when I realized there was a change in the campaign disclosure law, the contributions in question were returned; and returned PRIOR to the election, not after as Mrs Kellerman asserts. In some cases, checks were replaced by individuals from checks drawn on personal accounts.

So, why is it OK for Mr Maki and his PAC to make errors and correct on later reports but my errors she claims are intentional? It all has to do with timing. If you catch your mistake prior to someone else catching it and file an amended report, it's OK. But, if you don't catch it before someone files a complaint against you, then your mistake can turn into an investigation. No one was scrutinizing Mr Maki and his candidates reports for errors (or intentional concealing), but they were carefully monitoring mine.

Also claimed in section 1A is that I accepted an illegal corporate contribution and did not report it until after the election. Technically, this is true. One of the reports filed on my campaign's behalf by Mr Reid after the election was a limited activity report when it should have been a full disclosure report. Mr Reid notified me after he filed a limited activity report and when I informed him that the campaign did in fact have several transactions, he said we could fix it on a later filing. I took his advice since he was, I thought, in a position to know (Exhibit 11).

And I did wrongfully assume that since the \$5000 received from a contributor on a personal account and received within 24 hours of the election and was a replacement for the check made out on the business account weeks earlier (and I had already returned) did not fall under the 24-hour time requirement because it was a replacement for an earlier contribution. Unfortunately, as I found that even though the refund and replacement washed each other out, and the original contribution was made without the 24-hour disclosure requirement, the MEC required the replacement check to be reported the same as a new contribution. The reports were later amended to reflect the transaction properly. There was no intentional effort to conceal the transaction.

Mrs Kellerman also states that I concealed two in-kind contributions until after the election. I did not know what dollar amounts to report at the time the activity took place, so they were reported once I had the amount to report. She can believe the Citizen's Watch Dog group was the impetus behind my reporting them, but if they weren't in my reports, how did they know they even existed?

In her reference to my settlement of the above-mentioned complaints, she again refers to my acts violating the state constitution, which I stated earlier of my not finding that language in any of the numerous documents I have in my possession by the MEC.

The superfluous language used throughout this complaint is reminiscent of documents and social media postings by Mr Maki. Having become very familiar with his writing style due to his numerous filings, and the fact that this complaint filed by Mrs Kellerman uses the same verbiage, references to statutes and code, use of bravado and verbosity makes one curious as to whether Mr Maki assisted with this complaint.

I also find it interesting that, once again, Ivan Foley, Editor of The Landmark contacted me for comment prior to my notification that Mr Maki had filed the second complaint and wrote the article because again, the paper had a copy of the complaint before I was even notified, further reinforcing the true intention of the filings was to garner negative media coverage (Exhibits 12 and 13).

After the filing, but prior to the MEC ruling even, I was contacted by a reporter with the Star and several news channels. Since complaints to the MEC aren't made public until dismissed or after a settlement has been reached, the reporters had to be informed of the investigation by an outside source. Of course, headlines and news coverage ensued based on the mere report of the filing of an ethics complaint and are among the strategy group's numerous successful attacks on my character.

Mr Maki's second complaint took several months to resolve. Soon after the settlement agreement was posted on the MEC website I began to hear from the same reporters as when the complaint was filed to "follow-up." It is difficult to believe that all reporters from the original reporting media sources just happened to check the MEC website at the same time, which leads me to believe the settlement was once again widely distributed for a second opportunity of negative media reporting covering the same complaint. Headlines from the Star and links from legitimate news sources are viewed as much more believable than The Landmark so this was a win celebrated by repeated postings on social media.

My settlement with the MEC regarding Mr Maki's second complaint was negotiated by an attorney who specializes in campaign finance and who is employed by a high-priced law firm in Jefferson City and was resolved to the Commission's satisfaction. I hired this firm at a considerable personal expense since the campaign was over and I no longer had contributions coming in. At no time did the ethics commission find reason to file criminal charges against me or my campaign; they found nothing to suggest the reporting errors were anything but errors.

By the time the third MEC complaint was filed, Mr Maki was involved in a lawsuit against the city so John Carter, a failed candidate for Ward Three Alderman and supported by Mr Maki filed it. The complaint Mr Carter filed used the same language (*emphasis added* for example), references to statute, etc that Mrs Kellerman utilized in this complaint, and that Mr Maki used in his first two ethics complaints, and numerous sunshine requests, leading me to believe he encouraged the filings of, and assisted Mr Carter and Mrs Kellerman.

The complaint filed by Mr Carter claims I did not report legal fees incurred from Mr Reid, however the MEC found no merit in this allegation, it wasn't part of the MEC investigation, nor did the media cover this fact. I hired an attorney specializing in campaign finance to handle the second complaint. And indeed, this firm did not include their own fees on the reports they filed, nor did they submit the erroneous reports for my approval. One would think this big-name law firm should not have made such an elementary error, but they did; and after they filed amended reports disclosing their fees, I discovered they left off bank fees too and I filed more amended reports.

The MEC could have fined me nearly \$5000 for committing this violation, as Mr Carter's complaint requested, but the fine was only \$100 for a technical violation. It strains logic to think I was trying to conceal an expense, there was no advantage to me doing so, as I was not in an active campaign. The MEC understood my lack of culpability which is evident by the \$100 fine. This fact, however, didn't dissuade the media and social media coverage; and as what happened previously, it's evident that they were provided a copy of the settlement from an outside source.

I later settled with the law firm who filed the reports and terms of the settlement agreement preclude me from naming them except in government filings, so while I can legally name the firm in this document, I suspect it will be widely distributed to the media and others, so with an abundance of caution I choose not to identify them in this response. If relevant to your decision, I will produce the information.

In the end, I tried my very best to comply with complicated MEC reporting requirements, and neither of the two experts involved in my campaign, the experts involved in the PAC's campaign, not even Governor Parson's campaign PAC filed 100% correct reports. Therefore, I disagree that mistakes made on my campaign reports and already settled with the appropriate agency, are violations of moral mandates of the Parkville City Code. Any reasonable person would not equate mistakes on reports where the MEC found no criminal activity, with immoral character. I believe that this matter has been fully resolved by the agency that has the authority to deal with it and no further action should be taken by the Parkville Ethics Commission.

### **Complaint 1B**

In complaint 1B, I deny Mrs Kellerman accusation that I "used public office to coerce private market participants and censor the media." It simply did not happen.

I met a woman named Heather one day at City Hall when I passed by the front desk where she was asking the receptionist questions about possibly starting a business in Parkville. I stopped to ask her about it and discovered she had run a successful business, but at the lease's renewal the landlord raised her rent, and she could not maintain operations at that location. The business had been a popular place and I could see a perfect fit in our downtown area. I knew of available space, but as you can tell by the copy of the email Mrs Kellerman references, that Mr Tinsley had already leased one of his available buildings and was under a sales contract for another.

Mrs Kellerman incorrectly asserts that I had a previous relationship with the potential business owner. I don't know how she can state this as fact without knowing for certain it is true. Our conversation at city hall was the one and only time I have met or spoken with Heather and don't even recall her last name. This claim is false. She has made no attempt to separate her suspicions from the truth.

At the time of my conversation with Heather, I knew someone who was in the process of buying a building downtown, (which he has since sold and no longer owns property in downtown Parkville). He told me that although the building was leased, one of the tenants was having difficulty paying rent. He was concerned about finding a replacement tenant, viewing their departure as imminent. So, naturally I thought of the possibility there may be space in this building after discovering the other spaces were unavailable. In hindsight my comment about "yanking the lease" was not well thought out, but my intentions were entirely appropriate. I know real estate law well enough to know that leases continue at their present terms even after the sale of the property. Therefore, I

was not suggesting that the business be illegally be kicked out. If a conversation with the tenant experiencing difficulties led to a mutual dissolution of the lease, it could be a win-win-win-win; (1) Help the existing business owner who was having difficulty staying open by relieving them of the remaining lease obligations, (2) Help the new building owner by filling the space with a more stable business, (3) Help the potential new business with finding a great space and (4) the addition of an already popular business to the downtown district.

And yes indeed, I did want a possible lease deal to remain confidential. There is nothing appropriate about airing the financial condition of a struggling business, nor would it be appropriate for anyone to know about a potential new business prior to a final lease negotiation. There is absolutely nothing improper about my behavior concerning this allegation.

After the email was sent, I had no further follow up and to my knowledge the lessee remained in the building for a period of time, and the potential business did not locate in Parkville.

Complaint 1B also alleges that I attempted to engineer a deceptive façade of support for a development project. Mr Miller had previously expressed his support for the project and asked to be notified when public testimony would be taken. He is the only one I recall asking staff to notify – hardly enough to create this so-called “deceptive façade of support”. Since those in opposition are given notification of public hearings, why is it wrong to give notification to persons interested in and in favor of?

And yes, the area was blighted and now contains an Ace Hardware which our residents love, a Dominos Pizza, A Rooster’s Men’s Haircut place, and a Verizon store. The project will soon be breaking ground for a **Whataburger** and is in negotiations with another business. The development contains companies who are all positive contributions to our business mix.

Mrs Kellerman’s accusation of my trying to censor the media is absurd. How is asking businesspeople who are greatly supportive of our community to discontinue distribution of the Landmark, who is known for inaccurate and sensationalized reporting, censoring the content of their publication? The business community and residents are disgusted with the allegations made by the editor and reporter of the publication. These “journalists” regularly rely on one or two sources who are dissatisfied with the city, ask for the city’s comment a few hours before going to press, then twist the comments given, disregard facts, and interestingly, oftentimes mirror what has already been posted on social media.

Yes, I did attempt to influence leadership at Park University to consider discontinuing to provide content and advertising. Alderman Greg Plumb was copied as he is employed by the University and the purpose of my doing so was to inform him of my actions, not as an attempt to persuade his employer. Alderman Plumb does not run ads or provide content. I had conversations in person with President Dr Gunderson about this matter and he wholeheartedly agreed that the publication was damaging to the community. However, Dr Gunderson was not personally responsible for placing ads or providing content so he couldn’t guarantee the University would abide by my wishes. Finally, I have first amendment rights too and exercised the right to express my opinion.

### **Complaint 1C**

Complaint 1C generally alleges I instructed or pressured City officials and employees to act in ways that would cause them to violate Parkville’s code of ethics.

The first allegation under complaint C is a repeat of one alleged in Complaint 1B. This time however, Mrs Kellerman claims that I attempted to conceal my own unethical effort. I have already addressed the reason I asked for the potential transaction to remain confidential; and her claim that I was favoring a business I found to be more desirable is a misinterpretation of the email.

In Complaint 1C, Mrs Kellerman also repeats a previous allegation and adds that I attempted to persuade the Director of Community Development to assist me (in engineering a deceptive façade of support) and instructed him to engage in conduct contrary to ethical norms. No, as I stated previously, Mr Miller had expressed interest in the proposed development and I merely asked our community development director to inform Mr Miller of upcoming meetings, just as those opposed to the development are informed.

Mrs Kellerman next alleges I improperly attempted to influence Alderman Rittman to engage in conduct contrary to Parkville code of ethics and generally accepted ethical norms due to an email I sent Dave Rittman, a member of the Rotary, asking them to discontinue sending press releases to the Landmark. A short time later a member of the Rotary informed me the organization had months ago discontinued sending press releases to the Landmark as members expressed alarm about the obvious slant, negativity and inflammatory articles which are contrary to Rotary's mission (Exhibit 14). Informing an organization that something is contrary to their mission is my right and is not unethical.

She next alleges I attempted the same with regards to city employees. The only thing that became of it is that The Landmark is no longer delivered to City Hall. The city continues to publish legal notices there.

The next allegation is more of the same, this time improperly influencing a businessperson with intent to economically harm a local media publication and influence unethical behavior. Any answer to the allegation would be a repeat of what I have already stated.

### **Complaint 1D**

Mrs Kellerman alleges that I was involved in the city's refusal to allow inspection of public records, and this has no basis in fact. First, the city denies it did not allow inspection of public records. Record retrieval was done by staff and our city attorney. I deny involvement in records production and this issue has been settled with Mr Maki. In the settlement agreement with Mr Maki the city denies all allegations in the complaint and the matter is closed.

Mrs Kellerman claims I knowingly misled reporter Cat Reid in a sit-down interview. I relayed to Ms Reid what I was told by staff, that was despite having the records available for a period of time, Mr Maki had not retrieved them.

The city began receiving sunshine requests from Mr Maki after he discovered he had no grounds in which to sue the city for the 435/45 (now Creekside) development. I do not believe my characterization of Mr Maki's use of the sunshine act was inaccurate. In my opinion, it was part of his non-stop harassment; and I am entitled to my personal opinion. I wholeheartedly believe he used the Sunshine Law as a weapon, as in my opinion his 43 requests containing over 170 separate requests, resulting in staff producing in excess of 115,000 documents is an abuse of legal rights. That, combined with other actions he initiated involving government institutions was used to retaliate against me personally, and the City of Parkville for approving the development he was adamantly opposed to; and was making good on his threat of "Many Sleepless Nights Ahead" for me and other city officials via both his social media and published in the Landmark (Exhibit 2 blue highlight). Many of our elected officials and citizens are angry about the cost of the staff time it took to produce those documents, so he could go on a fishing expedition and use these documents for further speculation and "proof" of his theories.

In addition to his Sunshine Requests to the City, he (his PAC, candidates supported, or strategy group members) have either made a sunshine request, or asked for records from:

- The Main Street Parkville Association
- The Parkville Area Chamber of Commerce
- The Parkville Economic Development Council
- Platte County Economic Development Council

In addition to the Missouri Ethics Commission, he has involved the following government agencies to report or ask for investigations:

- Platte County Elected Officials
- Missouri Attorney General – twice
- The Federal Bureau of Investigation
- The Missouri Auditor's office
- The Platte County Sheriff's Department

These are just the ones I am aware of. Thus far, none of these complaints have resulted in negative action against the city or organizations.

Given Mr Maki's voluminous legal sunshine requests, various complaints and filings with other government entities, and requests for information from organizations supporting Parkville, I see nothing wrong with characterizing his behavior as harassment. I am entitled to my opinion, it is the truth, and is not unethical.

In Complaint 1D, Mrs Kellerman states that I refused or was a key participant in the city's refusal to permit inspection of city records. As I have already stated, I was not involved in the production of records, nor did I direct staff in the process. She has, again made a serious allegation against me with no regard for facts and I respectfully ask you to dismiss this as another extraneous attempt to undermine my character.

I don't understand what Mrs Kellerman is attempting to claim, still under complaint 1D, and located in her last paragraph on page 5. She states I was aware Mr Maki was not permitted to retrieve records he requested (I deny this) and go on to allege that **IF** I knew other facts or decisions by the Board of Aldermen .... **THEN** I would have been responsible for ensuring this was communicated to Mr Maki. This allegation using the words **IF and THEN** is not based on fact and is an attempt to establish unethical behavior on something I might have done. Furthermore, none of this is true. It did not happen.

The same paragraph goes on to claim that I failed to withhold a board of aldermen's decision to release the records due to my desire to thwart the release of public records which I viewed as a political danger to me and harassment. She provides no supporting documents. This is a blatantly false allegation and I deny it; another example of Mrs Kellerman's claims not supported by facts. Firstly, the Board of Aldermen does not make decisions to release public records. This is required under state statute and is not subject to the will of the Mayor, Board of Aldermen, staff, or anyone else.

Secondly, to claim that I attempted to thwart the release of records is another completely made-up and dishonest allegation. It has absolutely no basis in fact and has been widely distributed with the intention to ruin my reputation and that of the city, and are repeated so often, that people like Mrs Kellerman begin to believe them.

This next paragraph is even more absurd. She states: Ultimately Mr Maki brought a lawsuit against the city to retrieve the records requested under Missouri's sunshine law which resulted in approximately \$450K of legal fees and settlement costs to the taxpayer. Again, she attempts to claim I made an ethical violation by using an IF statement: **If** the Mayor's decisions and actions contradicted the Board of Alderman's decision to release the records, **THEN** those costs can be **directly attributed** to the mayor's actions..... Obviously, this is complete supposition, based on something I might have done, and no basis in truth. For it to be considered a legitimate ethical violation is preposterous and an attempt to sow doubt in the commissioner's minds.

### **Complaint 1E**

Alleges I used my office for personal gain and failing to conduct myself above reproach.

It is true, I was arrested for driving under the influence. The matter was handled through the judicial process. The Board of Aldermen addressed it and issued a statement to the community, I accepted the statement and apologized to my family, the Board of Aldermen, and the community. I consider this matter closed and I'm doing my best to make amends to the community.

The hypocrisy of their many attempts to keep this alive in the media and social media hasn't escaped me as Mr Maki has also been arrested for driving under the influence. I wonder if the members of his strategy group are aware of that.

She alleges I refused to fully cooperate; however, If I had refused, there would have been additional charges for resisting arrest.

She alleges I attempted to leverage my relationship with the Parkville Chief of Police to receive special favor. This is another wild assertion; Chief Chrisman is a man of integrity and if I did what she claims, it would certainly backfire. I called our Police Chief because I was scared to death. He has said numerous times over the years to call him if I need anything and I have several times, done just that, at all hours, weekends and holidays and he always answers. I was also concerned it would be on the police scanners and I wanted him to know if he was asked about it. He was able to calm me down and walk me through what to expect. At no time did I ever ask him to get me out of my predicament nor did he offer.

She alleges I responded to a citizen by threatening to have him investigated by a state regulatory agency. Yes, I did. He was a Mr Maki-supported candidate for office who had made untrue allegations against me in the past. He poked, and I ate the bait. I apologized. I was frustrated because I made the decision to play nice by not reporting his Missouri Ethics Commission violations, while he continued to taunt me. While this would not be considered news by most persons as communications between elected officials and constituents generally are not, the email was retrieved through a sunshine request and widely distributed on social media and the Landmark. She might disagree with what I did but it is hardly unethical.

Still under 1E, alleging I attempted to conceal my relationship with a developer's attorney. Please note the date of Patricia Jensen's campaign contribution. How could I have known on **2/11/2016** that there would even BE a Creekside development or that she would end up being the attorney? This outright wrong allegation was first made in fall of 2018, has been made over and over again, and continues to this day. It's repeated on social media and my favorite local newspaper because it gets people very riled up. It sounds very bad... until you look at the timing. What's interesting is her Exhibit 1 is a mix of my campaign reports from both the 2016 and 2019 campaigns and appears to be an attempt to confuse the commissioners and everyone reading it (Exhibit 15).

In October 2018 I was asked by a board member of Saint Luke's North Hospital to apply for a position on the hospital's Board of Directors and I subsequently submitted a resume using my city's email address. I most certainly did not use the City's seal, which would have been a weird and questionable use.

This board position is unpaid. I am fulfilling my mayoral responsibilities by holding positions on boards, networking, and in turn giving me the opportunity to showcase Parkville. This allegation is so ridiculous, it suggests Mrs Kellerman is throwing everything on the wall and hoping something sticks. This allegation has been widely reported and is an attempt to encourage Saint Luke's to remove me from their board of directors due to negative coverage.

## **Complaint 1F**

Accuses me of spoliation and tampering of evidence and destroying public records. In it, she refers to court transcripts proving it. To my knowledge there are no court transcripts from Mr Maki's lawsuit against the city proving I destroyed public records, although Mr Maki has alleged it numerous times in various venues.



Then her complaint goes on to refer to a criminal investigation. I assume she is referring to the Platte County Sheriff's Office, alleging criminal activity.

Strangely, yet again, local media as well as the Kansas City Star and news stations had a copy of the incident report outlining details of the alleged criminal activity before I did. Prior to the Star reporter, the only information I had was a notification from Google that they were turning over my private emails to the sheriff (containing private correspondence, health records, my company records, details of clients and their projects, insurance, tax records, state and federal income tax returns, campaign records, personal photos, and deeply private correspondence). After asking why the sheriff wanted my personal emails, I was given a copy of a heavily redacted Platte County Sheriff document (Exhibit 16).

I was contacted by a reporter with the Star, and he provided me with a copy of an incident report providing details of the investigation that had not been shared with me (Exhibit 17 and 18). Although the name of the person being interviewed is redacted, it is clear due to the referenced lawsuit and other references that it is Mr Maki. The details of the complaint are riddled with lies. Mr Maki knows, that if no charges are brought against me and others he accuses, he faces absolutely no negative legal consequences. But he does get to make false allegations and get the media to cover it. I deny the claims made in the criminal investigation and look forward to being cleared of these allegations. Because it's a pending legal matter, it is inappropriate for me to comment further. It is equally inappropriate for Mrs Kellerman to attempt to sway public opinion by repeating unproven allegations.

## **Complaint II**

I'm apparently missing a page or more because I don't have anything referencing #2.

## **Complaint III**

She states that some commissioners must recuse themselves from considering this complaint. This isn't truly an allegation against me, but I would still like to point out some untruths in this paragraph.

She asserts that Bryan Dehner must recuse himself because he was appointed by me. The ethics commission chair is a mayoral appointment with the consent of the board. I don't know Mr Dehner personally, haven't met him and spoke with him once on the phone. I was told he was a person with high ethical standards and would provide an unbiased opinion. Perhaps Mrs Kellerman is angry because she applied for a Ward One seat on the commission, and I did not present her application to the board of aldermen. Since she has been very vocal in public meetings and on social media, I do not believe she would have been an impartial voice.

I don't know Gil Scott, Ward Two Ethics Commissioner. He was recommended to me by a Ward Two Alderman to be a person of high ethical standards. Jerry Felker has been a member of the ethics commission representing Ward Three for some time. I was not acquainted with Mr Felker at the time of his original appointment, however since that time we have become acquainted through my work with area veterans' organizations. He is also someone with high ethical standards as well as served our country in Vietnam.

Deborah Butcher and Peggy Parolin resigned and had they not, I agree it would be appropriate that they recuse themselves due to our close relationship and their financial contributions to my campaigns.

In my opinion Aldermen who made financial or in-kind contributions, or outwardly supported my re-election should not have to recuse themselves. It's not required by state or city statute; but most importantly because there is no monetary or other gain for their support of me. I do not set their salaries or even whether they hold office. Elected officials from other cities and counties have also contributed to my campaigns over the years, a sign of their faith in my leadership.

Number IV asks that I be removed from office. Of course, this is your recommendation, however I hope you carefully weigh the accusations to determine what is true, what is opinion not backed by facts, what is clearly retaliation, or presumption.

Other relevant facts pointing to Mrs Kellerman, Mr Maki and the strategy group (Exhibit 19) showing their concerted effort to bring negative attention to me, and the city and I hope you will take under consideration when judging the merits of this complaint:

At least three times, Parkville residents received a free copy of the Landmark, each time when there was an inflammatory front-page story about me. Since only a handful of Parkville residents subscribe to it, I can assume they wanted to ensure all residents saw the "news" if they hadn't already on social media.

Members of the media volunteered to me without my probing:

A local news station reporter told me that Mr Maki was one of their most frequent callers.

A news anchor at a different station told me that Mr Maki called him all the time trying to get the station to report negatively on me.

A newspaper reporter said Mr Maki called frequently and refused to put anything in an email; an apparent attempt to make certain his behavior couldn't be traced back to him.

Many residents have told me they deeply resent the untruthful allegations, distortion of facts, derogatory comments on social media, misrepresentations of my character, viciousness toward City staff and officials, damage to Parkville's reputation, and enormous financial cost to the taxpayers in the past three years. There have been ugly consequences to those who've spoken out against their behavior. In a conversation a few months after the 2019 election, my opponent confided to me that Parkville would never be the same and expressed sadness about all the ugliness. Mr Wilson moved away a short time later.

Not speaking on behalf of the city, my opinion is that the lengths to which the members of this group have employed to tarnish my reputation is unbelievably excessive. The unabashed use of government agencies and resources to further various agendas and vendettas cost the taxpayers. Excessive means of retaliation and Mr Maki's encouragement and assistance to others to do the same is harassment and the many unfounded claims harms my ability to make a living, perform my mayoral responsibilities to the fullest; and the stress of dealing with these claims has taken a toll on personal relationships and my health.

In closing, I am not denying that some of what Mrs Kellerman alleges is true.

Some, including the ones initiated by her and cohorts, have been settled. Some are not under the authority of the city or any of its' boards and commissions. Some of the allegations have no relevance to an ethics complaint, and some of it is blatantly false. It is my opinion that most of the allegations are an effort to keep negativity about me alive in the media. I ask you to consider the malicious and retaliatory intentions of Ms Kellerman, Mr Maki, and other members of the strategy group which lead to the filing of this 80+ page complaint against me.

I know that many eyes are on you as you consider your recommendations to the Board of Aldermen, and I appreciate your willingness to open yourselves up to criticism by those who will disagree with your decision. Thank you for agreeing to serve the city.

Sincerely,

  
Nan Johnston