

**IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI
DIVISION _____**

STATE OF MISSOURI ex rel Sheriff Paul)	
Vescovo, III)	
)	
Relator,)	
)	
vs.)	
)	
CLAY COUNTY, Missouri)	
(Serve: Megan Thompson, County Clerk)	
1 Courthouse Square)	
Liberty, Missouri 64068))	Case No. _____
and)	
)	
GENE OWEN, Clay County Commissioner)	
(Serve at : 1 Courthouse Square)	
Liberty, Missouri 64068))	
and)	
)	
LUANN RIDGEWAY, Clay County Commissioner)	
(Serve at : 1 Courthouse Square)	
Liberty, Missouri 64068))	
and)	
)	
JERRY NOLTE, Clay County Commissioner)	
(Serve at : 1 Courthouse Square)	
Liberty, Missouri 64068))	
)	
Respondents.)	

**PETITION FOR WRIT OF MANDAMUS, DECLARATORY JUDGMENT
AND ATTORNEY'S FEES**

COMES NOW Relator, Paul C. Vescovo, III, in his capacity as the duly elected sheriff of Clay County, Missouri, by and through undersigned counsel, and pursuant to Missouri Supreme Court Rule 94, petitions this Court for a Writ of Mandamus directed to Respondents Clay County, Missouri; Gene Owen in his capacity as Clay County Commissioner; Luann Ridgeway in her capacity as Clay County Commissioner; and Jerry Nolte in his capacity as Clay County

Commissioner, compelling Respondents to appropriate, encumber, sequester, and set aside funds for payment of the County's approved contracts as requested and submitted in Relator's 2019 Operating Budget Request; for an order of this Court declaring that Respondents' under-funding of Relator's 2018 Operating Budget to be illegal, entitling Relator to restitution of those amounts from Respondents, plus accrued interest; and ordering Respondents to pay Relator's reasonable attorney's fees, plus all costs of this action.

PARTIES, JURISDICTION, AND VENUE

1. Relator, Paul Vescovo, III, is an individual residing in Clay County, Missouri; and is the duly elected Sheriff of Clay County, Missouri, operating under the authority of Chapter 57 of Missouri Revised Statutes.

2. Respondent Clay County, Missouri is a political subdivision of the State of Missouri and is a county of the first class authorized and empowered to act as a legal subdivision of the state under Article VI of the Missouri Constitution and Chapters 49, 50 and 67 of the Missouri Revised Statutes, and can be served by serving the Clay County Clerk, Megan Thompson at 1 Courthouse Square, Liberty, Missouri 64068.

3. The Clay County Commission ("Commission") is the general governing authority of Clay County, Missouri. The Commission is comprised of three (3) commissioners, Jerry Nolte, Luanne Ridgeway and Gene Owen.

4. Respondent Jerry Nolte is an individual residing in Clay County, Missouri sued in his official capacity as the duly elected Presiding Commissioner of Clay County, and can be served by serving the Clay County Clerk, Megan Thompson at 1 Courthouse Square, Liberty, Missouri 64068.

5. Respondent Luanne Ridgeway (“Ridgeway”) is an individual residing in Clay County, Missouri the duly elected Eastern Commissioner of Clay County, Missouri and can be served by serving the Clay County Clerk, Megan Thompson at 1 Courthouse Square, Liberty, Missouri 64068.

6. Respondent Gene Owen (“Owen”) is an individual residing in Clay County, Missouri the duly elected Western Commissioner of Clay County, Missouri and can be served by serving the Clay County Clerk, Megan Thompson at 1 Courthouse Square, Liberty, Missouri 64068.

7. This Court has jurisdiction pursuant to §§ 536.150, 561.016 RSMo.

8. Venue is proper in this Court pursuant to § 508.010 RSMo.

COUNT I – PETITION FOR WRIT OF MANDAMUS

STATEMENT OF FACTS

The Office of the Sheriff

9. The Office of the Sheriff of Clay County has many duties, statutory and legal, including but not limited to:

- A. be the “jailer” for the county and to receive and care for all persons apprehended by the other officers of the county, including the duty to care for all inmates and prisoners humanly;
- B. be the conservator of peace within the county and to commit all offenders to jail for failure to recognize the peace;
- C. regularly patrol and police all county roads and highways;
- D. enforce all laws designed to safeguard the highways and citizens of the county;
- E. suppress assaults, batteries, riots, etc., and to apprehend and commit all felons to jail; and,
- F. execute all process directed to the Sheriff.

10. As a separate office and department of the County, the Sheriff Office's budget is set and controlled by the Commission, pursuant to Missouri's Budget Statutes.

11. For all relevant expenditures of the Sheriff's Office, the funds are held at the County and the payment of authorized expenditures for the Sheriff's Office are made by and come out of the County, specifically the County Treasurer's Office. For all relevant expenditures of the Sheriff's Office, the Sheriff's Office does not have control over the funds to issue payment to authorized vendors.

Budget and Payment Process for Clay County

12. The procedure for the preparation and execution of Clay County's annual budget is set out in Missouri's County Budget Law, RSMo §§ 50.525, *et seq.* As a first class county, Clay County is required to have each department and office of the County submit to the County budget officer estimates of its expenditures and revenues for the upcoming budget year. The Commission's adopted budget is to present a complete financial plan for the ensuing budget year and "shall contain adequate provisions for the expenditures necessary for ... all county officers and agencies." § 50.550 RSMo.

13. As a part of the Commission's obligation to set the Budget for the County, the Commission is to review and approve the Budget for each office, including the Sheriff's Office.

14. The process for adopting a county budget follows the County Budget Law, requiring:

- A. each office or department to submit to the county budget officer estimates of its requirements for expenditures and its estimated revenues for the next budget year with corresponding figures for the last completed fiscal year;
- B. the county budget officers are to review the estimates, altering, revising, increasing or decreasing the items as the budget officers deem necessary in view of the needs of the offices and departments;

- C. the county budget officers then prepares a budget document and transmits it to the county commission;
- D. the county budget officers are required to hold public hearings before adoption of the budget;
- E. whenever the county budget officers recommends a decrease in the estimate of any department the county budget officers shall give special notice to the office or agency and give the office or agency the opportunity to be heard by the county commission; and,
- F. the county commission has the authority to approve the county budget, including any increases, decreases.

Sections 50.540, 50.610 RSMo.

15. It is the legal obligation of the Clay County Commission to adopt a budget which meets the County's legal obligation to adopt a budget which contains a "complete financial plan with adequate provisions for the expenditures necessary for all county officers and agencies.

Section 50.550 RSMo.

16. With respect to the contracts for commodities and services for the Sheriff's Office, only the County can enter into contracts or orders imposing financial obligation on the county and any such contracts shall be in writing. Section 50.660 RSMo.

17. The Sheriff's Office acts, in essence, as a "contract administrator" for the annual budget and disbursement process. The Sheriff's Office supplies information, estimates of expenditures and approvals for specific expenditures, for activities under the control of the Sheriff, but the County Treasurer makes the payments from County funds for all authorized expenditures, following the approval process outlined in paragraph 14 above.

18. The Sherriff's office total budget is comprised of several components, including but not limited to an "Operating Budget," covering "contractual and commodities" expenses for operating the Sheriff's Office.

19. The Sheriff's Operating Budget is separate and apart from the budget for the Sheriff's Office salaries and compensation for staff and officers.

County Contracts Underlying the Sheriff's Operating Budget

20. Pursuant to state law and statutes, the Commission and/or other authorized agents of the County enter into contracts, binding Clay County, which support or underlie the Sheriff's Operating Budget Request each year, and said contracts establish term and supply pricing and minimum estimates of County expenditures for the Sheriff's Office and the County.

The Requisition Process

21. The Requisition Process is the process by which bills and obligations of the County get reviewed, reviewed against the approved budget, and the contracts entered into by the County Commission. The Requisition Process generally follows the following process:

- A. a budget is adopted, based in part of contracts for goods and services, said contracts being approved and entered into by the County Commission, obligating the County;
- B. following bills and obligations, (requisitions) being submitted to the County or the Sheriff's Office they are reviewed and approved against the budget and any applicable County contracts;
- C. this review includes a review and approval by the Sheriff's Office, Clay County Purchasing Manager, Clay County's Auditor's Office and finally submitted to the Treasurer, (by warrants) to have the Treasurer to issue the necessary check, (from the County's treasury) to pay the obligation.

22. The Budget Process and Requisition and Payment Process is a system of checks and balances, ensuring that expenditures are made within an approved budget, reviewed by multiple parties and permit individual offices, such as the Sheriff's Office, to enable them to meet their legal obligations to the citizens of Clay County.

23. Within the Budget Process and Requisition and Payment Process the Sheriff's Office acts as proposer of the budget and a contract administrator of all expenditures relevant to

the Sheriff's Office's budget, the Sheriff having no authority to enter into contracts to bind the County or to pay or not to pay specific requisitions. The Sheriff's Office's role is best described as a "contract administrator" for the Sheriff's budget.

2019 Operating Budget for Sheriff's Office

24. On July 27, 2018, the Sheriff's Office submitted its 2019 Operating Budget Request using the account number of 279/556, as historically required by the County's budget officers. **Exhibit A.**

25. The Sheriff's 2019 Operating Budget Request was based on the Sheriff's Office's expenditure estimates based on historical information, as well as other anticipated or requested expenditures and including the various contracts for services and commodities entered into by the County by way of written contracts, approved and signed by the County Administrator and Commissioners.

26. The contracts which underlie and support the Sheriff's 2019 Operating Budget Request are attached hereto as **Exhibit B.**

27. Following the Sheriff's Office's submission of its 2019 Operating Budget Request to the County Budget Office, without notice to the Sheriff, or the Sheriff's knowledge or consent, rather than reviewing the Sheriff's 2019 Operating Budget as a whole under account number 279/556 the County budget officer "reorganized" the Sheriff's Operating Budget into several separate sub-accounts.

28. On January 28, 2019, the Commission adopted the County's 2019 Budget with a two to one vote, with Commissioners Ridgeway and Owen voting in favor of the Budget and Commissioner Nolte voting against the Budget. **Exhibit "C."**

29. The Commission’s adopted 2019 Budget made drastic cuts to the Sheriff’s 2019 Operating Budget Request, including an over 60% reduction of funds requested for contract and commodities expenditures underlying the following “re-organized” sub-accounts of the Sheriff’s 2019 Operating Budget:

<u>Account No.</u>	<u>Description</u>	<u>Requested Budget</u>	<u>Adopted Budget</u>	<u>Difference</u>
279-554-301	Civil Process & Court Security Commodities	\$231,839	\$68,553	\$163,286
279-555-209	Detention Contractual	\$1,579,410	\$532,571	\$1,046,839
279-555-301	Detention Commodities	\$179,375	\$164,478	\$14,897
279-556-209	Administration Contractual	\$445,114	\$214,896	\$230,218
279-556-301	Administration Commodities	\$365,435	\$66,368	\$299,067
	Total	\$2,801,173	\$1,046,866	\$1,754,307

Retaliation

30. For reasons unknown to Relator, defendant Ridgeway has repeatedly threatened to cut the Sheriff’s Office budget, without giving reason or explanation during hearings on the Sheriff’s Office budget for 2018 and 2019.

31. Upon information and belief Commissioners Ridgeway and Owen voted for the drastic cut in the Sheriff’s Operating Budget as retaliation for the Sheriff taking the complaint by the County Clerk of alleged tampering with public records by Clay County officers, Lori Rodriquez and Laurie L. Portwood in 2017.

32. Relator also did not vote or participate in the Salary Commission meeting to raise Commissioners and Office Holders salaries - another possible reason for Commissioners Ridgeway and Owens’ retribution toward the Sheriff’s Office.

RELIEF SOUGHT

33. Relator respectfully requests that the Court issue a preliminary Writ of Mandamus ordering Respondents to appropriate, encumber, sequester, and set aside the amount of \$1,754,307 from the 2019 Clay County, Missouri General Fund Budget to cover any short fall and payments on the County's obligations under the various contracts underlying the accounts for Civil Process & Court Security Commodities, Detention Contractual and Commodities, and Administration Contractual and Commodities as requested in Relator's approved 2019 Operating Budget.

34. Further, Relator respectfully requests that the Court issue a permanent Writ of Mandamus ordering Respondents to appropriate, encumber, sequester, and set aside funds for payment of the County's approved contracts as requested and submitted in Relator's 2019 Operating Budget or mandating Respondents to directly pay the County's approved contracts and other necessary funds for the continued operating expenses of the Sheriff's Office underlying the Sheriff's accounts making up the Sheriff's Operating Budget; or, in the alternative, mandating Respondents to directly pay the County's approved contracts underlying the Sheriff's accounts making up the Sheriff's Operating Budget, without reference to or regard to the Sheriff's 2019 Operating Budget, as approved by the Commission's January 28, 2019 vote

35. Further, Relator respectfully requests that the Court issue a preliminary Writ of Mandamus ordering Respondents to appropriate, encumber, sequester, and set aside funds for payment of Relator's damages incurred to date, and reasonable and necessary attorneys' fees and costs that may be expended by Relator in requesting and/or obtaining the Writ of Mandamus and enforcing Relator's legal obligations to the citizens of Clay County, and that such payment of such damages, fees and costs be paid from sources other than the Relator's 2019 Operating Budget.

36. Further, Relator respectfully requests that the Court issue a permanent Writ of Mandamus ordering Respondents to appropriate, encumber, sequester, and set aside funds for payment of Relator's damages incurred to date, and reasonable and necessary attorneys' fees and costs that may be expended by Relator in requesting and/or obtaining the Writ of Mandamus and enforcing Relator's legal obligations to the citizens of Clay County, and that such payment of such damages, fees and costs be paid from sources other than the Relator's 2019 Operating Budget.

STATEMENT OF THE REASONS WHY THE WRIT SHOULD ISSUE

37. The 2019 Clay County Budget, as adopted by the Commission on January 28, 2019, as it specifically relates to the Sheriff's Operating Budget, is illegal and fails to comply with the Missouri County Budget Law §§ 50.525, *et seq.* in a number of respects, including but not limited to:

- A. failing to provide for sufficient funds for the Sheriff to operate his office in that the 2019 Budget fails to present a complete financial plan, which contains adequate provisions for expenditures for the Sheriff's Office's, necessary for the Sheriff to meet his legal obligations to the people of the Clay County, to provide for the safety of the people of Clay County, the humane treatment and housing of all inmates in the Sheriff's custody, and other obligations of the Sheriff, as required by Missouri law and § 50.550 RSMo; and
- B. failing to provide for sufficient funds for the Sheriff's Office to meet its legal and contractual obligations for Detention Contracts and Commodities, as required by Missouri law and § 50.660 RSMo; and,
- C. failing to give the Sheriff's Office special notice and opportunity to be heard thereon by the County Commission of the County Commission's intention to decrease and reduce the Sheriff's Operating Budget, as required by Missouri law and § 50.540(5)(1) RSMo.

38. There is no reasonable rationale for the Commission's over 60% reduction of the funds requested in the Sheriff's Office's 2019 Operating Budget Request for contract and commodities expenditures, and no reason was given by the Commissioners or budget officers.

39. Clay County's general revenues for the years 2015 through 2018 have been stable and do not provide any reason for the dramatic cut in the Sheriff's 2019 Operating Budget Request.

40. The Commission's drastic cut of the Sheriff's 2019 Operating Budget (and less drastic but equally unsupportable cut in the Sheriff's 2018 Operating Budget) followed years of fairly stable budget approvals for the Sheriff's Operating Budget by the Commission.

41. The drastic cut in the 2019 Sheriff's Operating Budget is not based upon any change in circumstances, loss of tax revenue or anticipated lower need for the goods and services, which make up the Sheriff's Operating Budget for 2019.

42. The 2019 Clay County Budget, as adopted by the Commission on January 28, 2019, is illegal because it under-funds the Sheriff's Operating Budget by approximately \$1.7 million, thereby preventing the Sheriff's Office from providing necessary equipment, materials, and training to fulfill Relator's obligations to provide for the safety of the citizens of Clay County and fulfill his duties of keeping the peace, policing, suppressing crime and arresting criminals.

43. The Commission's drastic cut of the Sheriff's 2019 Operating Budget Request imperils the safety of the citizens of Clay County because the Sheriff will run out of funds needed to meet the Sheriff's public safety functions, including vehicle replacement, repair, fuel, equipment and training for officers, and general office supplies and computers, due to the shortfall of approximately \$1.7 million necessary to make payments on the County's obligations

under the various contracts underlying the Sheriff's accounts for Civil Process & Court Security Commodities, Detention Contractual and Commodities, and Administration Contractual and Commodities.

44. The Commission's drastic cut of approximately \$1.7 million in funds needed to make payments on the County's obligations under the various contracts underlying the Sheriff's account for Detention Contractual and Commodities, means that the Sheriff will run out of funds for the jail and will be unable to fulfill the Sheriff's duties and obligations of providing for the humane treatment of inmates, including providing food, shelter, medical care and clothing for the inmates confined to the Clay County Detention Center. *See e.g.*, RSMo. §§ 221.020; 221.310.

45. Further, the Commission's drastic cut of the Sheriff's 2019 Operating Budget Request attempts to force the Sheriff to use statutory funds set aside for other purposes to make payments on the County's obligations under the various contracts underlying the Sheriff's accounts for Civil Process & Court Security Commodities, Detention Contractual and Commodities, and Administration Contractual and Commodities, in order to cover the shortfall of approximately \$1.7 million in the Commission's adopted 2019 County Budget. *See e.g.*, RSMo. §§ 50.535.2; 50.565.4; 488.5026.3.

46. The 2019 Clay County Budget, as adopted by the Commission on January 28, 2019, as it specifically relates to the Sheriff's Operating Budget, is illegal because, upon information and belief, Commissioners Ridgeway and Owen voted to purposely under-fund the Sheriff's 2019 Operating Budget because of political conflict, retaliation, and for a number of improper reasons, including:

- A. the Sheriff receiving a report of criminal tampering of public documents by the Clay County Budget Officer, or others, from the Clerk of Clay County in early 2017, and consistent with the Sheriff's legal obligations,

referring that report and investigation to the State Highway Patrol for investigation and disposition;

- B. Commissioners Ridgeway and Owen having a long standing conflict with the Sheriff, which the Commissioners retaliate against the Sheriff's Office by cutting the Sheriff's budget in 2018 and again in 2019 in retaliation; and,
- C. Commissioner Ridgeway has repeatedly confronted the Sheriff and publically announced her intent to inflict harm on the Sheriff by threatening to and cutting his budget.

47. Relator's Office has incurred expenses in excess of \$25,000.00 that would not have been incurred but for the illegal actions of Respondents, including the arbitrary and capricious actions of Commissioners Ridgeway and Owen.

48. As such, Relator has a clear, unequivocal and specific right to have Respondents appropriate, encumber, sequester, and set aside funds for payment of the County's approved contracts as requested and submitted in Relator's 2019 Operating Budget and/or directly pay the County's approved contracts underlying the Sheriff's accounts making up the Sheriff's 2019 Operating Budget.

49. The Respondents have the present, imperative, and unconditional duty to pay the County's approved contracts as requested and submitted in Relator's 2019 Operating Budget.

50. The Relator has no other adequate remedy at law.

51. Pursuant to Rule 94.04, this Court should issue its Preliminary Order compelling Respondents to appropriate, encumber, sequester, and set aside funds for payment of the County's approved contracts as requested and submitted in Relator's 2019 Operating Budget so that the County can meet its legal and contractual obligations under the various contracts underlying the accounts for Civil Process & Court Security Commodities, Detention Contractual and Commodities, and Administration Contractual and Commodities in Relator's approved 2019

Operating Budget when such payments become due to vendors, insuring that the Sheriff's Office can provide necessary equipment, materials, and training to fulfill Relator's obligations to provide for the safety of the citizens of Clay County, to enable the Relator to fulfill his duties of keeping the peace, policing, suppressing crime and arresting criminals, and so that Relator will be able to meet his obligations to provide for the humane housing and treatment of all inmates in the Sheriff's custody.

COUNT II – DECLARATORY JUDGMENT

52. Relator alleges and incorporates by reference paragraphs 1 through 52 of this Petition.

Relator's 2018 Operating Budget

53. The Sheriff's Office submitted its 2018 Budget Request for the Sheriff's Operating Budget in the amount of \$3,029,119 using the account number of 279/556, as historically required by the County's budget officers.

54. The Sheriff Operating Budget request for 2018 was based on the Sheriff Office's expenditure estimates based on historical information, and including the various contracts and anticipated expenses for services and commodities entered into by the County by way of written contracts, approved and signed by the County Administrator and Commissioners.

55. On December 18, 2017 the Commission adopted the County's 2018 Budget with a two to one vote, with Commissioners Ridgeway and Owen voting in favor of the Budget and Commissioner Nolte voting against the Budget. The Sheriff's 2018 Operating Budget (a sub part of the overall Sheriff's Budget) was reduced from the requested \$3,029,119 to \$2,076,093, a cut of the Sheriff's requested Operating Budget of some \$953,026.

56. The 2018 Clay County Budget, as adopted by the Commission on December 18, 2017, as it relates to the Sheriff's Operating Budget, was illegal and failed to comply with the Missouri County Budget Law §§ 50.525, *et seq.* in a number of respects, including but not limited to:

- A. failing to provide for sufficient funds for the Sheriff to operate his office in that the 2018 Budget failed to present a complete financial plan, which contained adequate provisions for expenditures for the Sheriff's Office's, necessary for the Sheriff to meet his legal obligations to the people of the Clay County, to provide for the safety of the people of Clay County, the humane treatment and housing of all inmates in the Sheriff's custody, and other obligations of the Sheriff, as required by Missouri law and § 50.550 RSMo;
- B. failing to provide for sufficient funds for the County/Sheriff's Office to meet its legal and contractual obligations for Detention Contracts and Commodities, as required by Missouri law and § 50.660 RSMo; and
- C. failing to give the Sheriff's Office special notice and opportunity to be heard thereon by the County Commission of the County Commission's intention to decrease and reduce the Sheriff's Operating Budget, as required by Missouri law and § 50.540(5)(1) RSMo;

57. The 2018 Clay County Budget, as adopted by the Commission, was illegal and in violation of the County's contractual obligations in that the Commission's 2018 Budget specifically under-funded the County's legal and contractual obligations for the Detention Contractual Budget by more than \$80,000 (food service), forcing the Sheriff's Office to move funds from other accounts in order to meet the County's contractual obligations and to provide for the humane housing and treatment of all inmates in the Sheriff's custody.

58. The 2018 cuts in the Sheriff's Operating Budget by approximately \$428,323 (from the 2017 budget account #279/556), interfered with the Sheriff's Office's ability to provide necessary equipment, materials, training to fulfill the Office's obligations to provide for the safety of the citizens of Clay County.

59. The 2018 cuts in the Sheriff's Operating Budget purposely under-funded the Sheriff's Office's essential functions to provide for the safety of the citizens of Clay County and for the humane housing and treatment of all inmates in the Sheriff's custody was adopted by the Commission because:

- A. the Sheriff receiving a report of criminal tampering of public documents by the Clay County Budget Officer, or others, from the Clerk of Clay County in early 2017, and consistent with the Sheriff's legal obligations, referring that report and investigation to the State Highway Patrol for investigation and disposition;
- B. Commissioners Ridgeway and Owen having a long standing conflict with the Sheriff, which the Commissioners retaliate against the Sheriff's Office by cutting the Sheriff's budget in 2018 and again in 2019 in retaliation; and,
- C. Commissioner Ridgeway has repeatedly confronted the Sheriff and publically told the Sheriff of her intent to inflict harm on the Sheriff by threatening to and cutting his budget.

60. That as a result of the Commissions' actions relating to the illegal under-funding of the Relator's 2018 Operating Budget, the Office of the Sheriff has incurred expenses in excess of \$25,000.00.

61. That as a result of the Commissions' actions the Office of the Sheriff has incurred attorneys' fees to correct the illegal actions of the Commission and the Sheriff's Office is entitled to recover its attorneys' fees and costs in bringing this action.

WHEREFORE, Relator Sheriff prays for a declaratory judgment as follows:

- A. declaratory judgment determining that the Commissions' under-funding of the Sheriff's 2018 Operating Budget was illegal and damaging to the Sheriff's Office;
- B. that Relator Sheriff be awarded restitution of those amounts illegally omitted from the Sheriff's 2018 Operating Budget;
- C. an award of damages adequate to compensate the Relator for the County Commission's illegal and improper actions;

- D. Relator' attorneys' fees incurred in bringing this action and enforcing Sheriff's legal obligations to the citizens of Clay County;
- E. for the costs of this action; and
- F. for such other and further relief as the Court deems just and appropriate.

COUNT IV – ATTORNEYS' FEES

62. Relator Sheriff alleges and incorporates by reference paragraphs 1 through 62 of this Petition.

63. In relevant part § 57.104 RSMo provides: “[t]he sheriff of any county . . . may employ an attorney at law to aid and advise him in discharge of his duties and to represent him in court. The sheriff shall set the compensation for an attorney hired pursuant to this section within the allocation made by the county commission to the sheriff’s department for compensation of employees to be paid out of the general revenue fund of the county.”

64. Relator Sheriff has retained the firms of Seigfreid Bingham, PC and Accurso law office to represent Relator Sheriff in this action and for the necessary recovery of Sheriff’s budget, due to the illegal and improper actions of Commissioners Ridgeway and Owen.

65. That Relator Sheriff, pursuant to Missouri law requests that his attorneys’ fees in this action, necessarily incurred by Relator Sheriff be reimburse to the Sheriff in an amount determined to be reasonable by the court.

WHEREFORE, Relator Sheriff prays for judgment for his attorneys’ fees and costs incurred in this action in an amount determined to be reasonable by the Court.

SEIGFREID BINGHAM, PC

By: /s/ Frederick H. Riesmeyer, II
Frederick H. Riesmeyer, II (26062)
friesmeyer@sb-kc.com

Christopher C. Tillery ()
ctillery@sb-kc.com
2323 Grand Avenue, 10th Floor
Kansas City, Missouri 64108
T: (816) 421-4134
F: (816)474-3447

THE ACCURSO LAW FIRM

By: /s/ Andrew H. McCue
Andrew H. McCue (36145)
amccue@accursolaw.com
4646 Roanoke Parkway
Kansas City, MO 64112
T: (816) 561-3900
F: (816) 561-2992

Attorneys for Relator State Ex Rel Paul Vescovo, III