

ADAIR COUNTY COMMISSION MINUTES MONDAY, DECEMBER 7, 2015

Continued from page 188

IN REF. ORDER NO 18 Transfer \$85,000 from General Revenue Transfers Out – Assessment Fund to Assessor – Transfer In from General Revenue

Order to Transfer Funds

December 7, 2015

Amount of Transfer \$85,000

Receipt: 202-4-000-700.100
Expense: 101-5-025-500.000

So Ordered On: December 7, 2015

Adair County Commission:

Stanley Pickens
Stanley Pickens, Presiding Commissioner

Carson Adams
Carson Adams, 1st District Commissioner

Mark Thompson
Mark Thompson, 2nd District Commissioner

Sandra Collop
Sandra Collop, County Clerk

Cc: Adair County Assessor, Dennie Waybill
Adair County Treasurer, Lori Smith

IN REF. ORDER NO 19 Petitioner's Application for Order to Show Cause and Motion for Judgment of Contempt

IN THE CIRCUIT COURT OF ADAIR COUNTY, MISSOURI

2ND JUDICIAL CIRCUIT, by way of)
The Honorable Russell E. Steele,)
Relator,)
vs.) Case No. 14AR-CV00603

ADAIR COUNTY COMMISSION, as)
an entity; CARSON ADAMS, in his)
official capacity as an Adair County)
Commissioner; MARK THOMPSON,)
in his official capacity as an Adair)
County Commissioner; STANLEY)
PICKENS, in his official capacity)
as an Adair County Commissioner;)
SANDRA COLLOP, in her official)
capacity as Adair County Clerk; and)
LORI SMITH, in her official capacity)
as Adair County Treasurer,)
Respondents.)

PETITIONER'S APPLICATION FOR ORDER TO SHOW CAUSE AND MOTION FOR JUDGMENT OF CONTEMPT

Comes now the Hon. Russell Steele, Presiding Judge of the Second Judicial Circuit of Missouri, Petitioner, by counsel of record, and for his Application alleges and states as follows:

- This case has been specially assigned by the Missouri Supreme Court to the Hon. Gary Oxenhandler, Circuit Judge for Boone County, Missouri, he will be hereinafter referred to as the "Court."
- The Court entered its judgment on August 6, 2015 deciding numerous issues including a judgment ordering the Respondent Commissioners and County Clerk to deliver a key to the restroom located on the third floor of the Adair County Courthouse to the secretary for the Presiding Judge.
- Instead of obeying the Court's Judgment/order, the Respondent Commissioners and County Clerk intentionally and deliberately provided the key to the restroom to the Adair County Circuit Clerk in direct and willful violation of this Court's

Judgment/Order.

4. The Circuit Clerk of Adair County, Missouri was fully aware of the Judgment/order entered by the Court, but nevertheless sent the following email on September 30, 2015 to Marsha Pickett, secretary to the presiding judge, which stated as follows: " Due to an apparent unknown emergency within our local Judiciary, I need to deliver information TODAY on the location of the Ladies Employee Hallway Restroom Key. The key for the restroom is located in the Circuit Clerk's office (where it had always been). One key works best for all involved and if the key is gone, then obviously the restroom is occupied. If this is not acceptable to YOU, please consider the alternative. If you are using the restroom and someone from my office is using our key, we can unlock the door and walk-in-and the same for you in reverse. I don't think anyone wants that happening. Additionally, I have always personally purchased the supplies for that restroom i.e. hand soaps, air fresheners, facial tissues, etc. However, I am not willing to continue that practice for your benefit. Please deposit \$10.00 (each) to me for your contribution to those supplies. I will contact you when additional funds are needed. Hoping that the planet is healthy, world hunger abolished, and peace for everyone is on the horizon as location of the LADIES HALLWAY RESTROOM KEY has been resolved. Have a great day! Linda Decker-Adair County Circuit Clerk."

5. Counsel for the Petitioner has spoken with counsel for the Respondents and asked for the situation to be remedied. Counsel responded that he did not represent the Circuit Clerk.

6. The Respondent, Commissioners and County Clerk have willfully and knowingly violated the Judgment/order of this court, they are in indirect civil contempt of this Court's Judgment/order.

WHEREFORE, the Petitioner prays that the Court make and enter an Order to have the Respondent's show cause why they should not be held in contempt of court for their refusal to comply with this Court's Judgment/order dated August 6, 2015, that Petitioner be awarded a reasonable sum for his attorney's fees and costs incurred, and for such other

Continued on page 190

ATTEST: *Sandra Collop* County Clerk *Stanley Pickens* Presiding Commissioner