



From the Offices of the
Clay County Commission
Clay County, Missouri

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For Immediate Release:

CLAY COUNTY SEEKS JUDGE'S OPINION

Earlier today the Clay County Commission served Missouri State Auditor Nicole Galloway with a lawsuit seeking a declaratory judgment determining the scope of her constitutional authority. The Commission took this action to protect County tax payers from footing the bill for the Auditor's unconstitutional actions. The Missouri Constitution is a sacred document that outlines the obligations and limitations of statewide elected officials. It is the duty of individuals and organizations to challenge government officials who seek to expand their power beyond those granted to them by the state constitution.

The County has been very cooperative with the State Auditor's staff. Despite the Auditor only beginning this audit last month (almost four months after voters asked for it), Clay County personnel have moved quickly in turning over all of the financial records related to the County's accounts. This production comprises more than 300,000 lines of transactions to date, and County personnel remain committed to each office's review and improvement of internal controls.

Despite this prompt and thorough cooperation, Auditor Nicole Galloway has made an extraordinary and invasive request for attorney-client privileged information of the County. This information includes personnel records of individual employees, confidential contract negotiations and legal advice in pending lawsuits against Clay County taxpayers. To divulge this information to third parties would put Clay County taxpayers in a disastrous legal position.

The State Auditor has previously been forced into constitutional compliance by the courts in *Farmer v Kinder*, *Missouri Banker's Association v Schweich and Weaver*, *State Auditor v. Joint Committee on Legislative Research*, and *Schweich v Nixon*.

After informing counsel for the Auditor that the County would seek Court guidance on this constitutional issue, the State Auditor immediately issued a subpoena for appearance and records by a county employee. It would appear to the casual observer that this is retaliation for asking the Auditor to respect the Constitution of the State of Missouri. Beyond this subpoena, the Auditor issued a series of misleading press releases which are far from the professional process that taxpayers expect of their

elected officials. The Auditor now indicates the audit cost will increase for taxpayers—the County will take every step necessary to ensure that County taxpayers are not impacted by the Auditor’s decision to exceed her constitutional authority, and have specifically asked the Court to prevent her from doing so.

These poorly considered decisions of the Missouri State Auditor come at no surprise to Clay County. In 2018, Auditor Nicole Galloway was asked by Clay County recuse herself due to extremely prejudicial statements indicating she had, prior to an audit, already determined that Clay County was at fault. She continues to use bullying tactics in an attempt to grab a blanket release of attorney client privileged and confidential personnel information.

Clay County taxpayers deserve an audit that is in line with the Constitution of the State of Missouri and Missouri state laws. We will let a court decide the merits of both sides. In the meantime, we call upon Missouri State Auditor Nicole Galloway to cease her political rhetoric and adhere to the standards of governmental auditing with professionalism and impartiality.

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