MISSOURI COURT OF APPEALS
WESTERN DISTRICT

AARON MALIN,
APPELLANT

vs.

MISSOURI ASSOCIATION OF COMMUNITY TASK FORCES, D/B/A ACT MISSOURI,
RESPONDENT

DOCKET NUMBER WD83322

DATE: JULY 21, 2020

Appeal from:

The Circuit Court of Cole County, Missouri
The Honorable Patricia S. Joyce, Judge

Appellate Judges:

Division One: Thomas H. Newton, Presiding Judge, Mark D. Pfeiffer, Judge and Edward R. Ardini, Jr., Judge

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Attorneys:

Gilliam R. Wilcox, for Appellant

Stephanie S. Bell, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

AARON M. MALIN, APPELLANT,
v.
MISSOURI ASSOCIATION OF COMMUNITY TASK FORCES, D/B/A ACT MISSOURI, RESPONDENT.

WD83322 Cole County

Before Division One Judges: Thomas H. Newton, Presiding Judge, Mark D. Pfeiffer, Judge, and Edward R. Ardini, Jr., Judge

Aaron Malin ("Malin") brought this action in the Circuit Court of Cole County against the Missouri Association of Community Task Forces ("ACT Missouri") after ACT Missouri refused to produce records under the Missouri Sunshine Law. Malin appeals from the trial court's grant of summary judgment in favor of ACT Missouri based on its finding that ACT Missouri was not a quasi-public governmental body under Chapter 610, RSMo, and was therefore not required to provide Malin with documents under the Sunshine Law. Malin argued that the trial court misapplied the law in finding that ACT Missouri was not a quasi-public governmental body, or, in the alternative, that the trial court abused its discretion in denying his motion for additional discovery under Rule 74.04(f).

REVERSED AND REMANDED.

Division One holds:

The words "any association" in section 610.010(4)(f)(b), RSMo, apply only to unincorporated associations and, because ACT Missouri was organized under chapter 355, RSMo, it is not a quasi-public governmental body under that provision.

In order to determine whether an organization's "primary purpose" is to "enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies" under section 610.010(4)(f)(a), RSMo, courts are not limited to the statement of purpose contained in the organization's articles of incorporation. Rather, a court may also consider present and historical activities of the entity, any relationship the entity has with public governmental bodies, the governing structure of the organization, and any other aspects of the organization's existence or operations that might shed light on its primary purpose.

The trial court misapplied the law when it relied solely on the statement of purpose in ACT Missouri's articles of incorporation in determining that ACT Missouri was not a quasi-public governmental body.

The trial court's erroneous application of the law formed the foundation for its grant of summary judgment and its denial of Malin's Rule 74.04(f) request to defer ruling on the motion for summary judgment and to permit Malin to engage in discovery relevant to whether ACT Missouri is a quasi-public governmental body under section 610.010(4)(f).

Opinion by: Edward R. Ardini, Jr., Judge Date: July 21, 2020

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