OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

JIMMY YOUNT,	)	No. ED109503
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of Perry County
vs.	)	
	)	Honorable Benjamin F. Lewis
KELLER MOTORS, INC.,	)	
	)	
Respondent.	)	FILED: December 14, 2021

Jimmy Yount ("Yount") appeals from the circuit court's judgment dismissing his petition ("Petition") brought against his former employer, Keller Motors, Inc. ("Keller"), under Section 285.575, also known as the Whistleblower's Protection Act ("WPA"). In his sole point on appeal, Yount argues the circuit court misinterpreted the WPA to find that his allegation of co-employee misconduct did not plead an unlawful act or serious misconduct of the employer to qualify him as a protected person under the WPA. The WPA protects employees who report to the proper authorities an unlawful act of his or her employer or who report serious misconduct of the employer that violates a clear mandate of public policy as articulated in a constitutional provision, statute, or regulation promulgated by statute. Section 285.575.2(4). Yount avers in his Petition that he was wrongfully discharged after reporting to his supervisors that certain of his coworkers were stealing from Keller.

REVERSED AND REMANDED.

DIVISION ONE HOLDS: Because interpreting "employer" to exclude whistleblower protection for those employees who report unlawful acts or serious misconduct of co-employees violates the express intent of the legislature to codify the existing common-law exceptions to the at-will employment doctrine, the circuit court erred in finding Yount was not a "protected person" so as to state a claim under the WPA. Accordingly, we reverse the circuit court's dismissal of Yount's Petition and remand for the circuit court for further proceedings consistent with this opinion.

Opinion by: Kurt S. Odenwald, P.J.
Kelly C. Broniec, J., and John P. Torbitzky, J., concur.

Attorneys for Appellant: Jase C. Carter and Bryant K. Bass

Attorneys for Respondent: Christine A. Vaporean and Thomas M. Ward

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.