

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

STATE OF MISSOURI, EX INF. ERIC G. ZAHND, PROSECUTING ATTORNEY,  
PLATTE COUNTY, MISSOURI,

Respondent

v.

RITA A. RHOADS.

Appellant

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DOCKET NUMBER WD75538

DATE: June 4, 2013

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Appeal From:

Circuit Court of Platte County, MO  
The Honorable Owens Lee Hull, Jr., Judge

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Appellate Judges:

Division Four  
James Edward Welsh, C.J., Victor C. Howard, J., and Michael Manners, Sp. J.

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Attorneys:

Keith Hicklin, Platte City, MO

Counsel for Appellant

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Attorneys:

Joseph Vanover, Platte City, MO

Counsel for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**STATE OF MISSOURI, EX INF. ERIC G. ZAHND, PROSECUTING ATTORNEY,  
PLATTE COUNTY, MISSOURI, Respondent, v. RITA A. RHOADS, Appellant**

**WD75538**

**Platte County**

Before Division Four Judges: Welsh, C.J., Howard, J., and Manners, Sp. J.

Rita A. Rhoads appeals the circuit court's judgment in quo warranto ousting her as Mayor of Tracy, Missouri, for hiring her son-in-law to repair a city sign. The circuit court determined that Rhoads violated article VII, section 6 of the Missouri Constitution, which states that a public officer forfeits her office if she appoints to "employment any relative within the fourth degree, by consanguinity or affinity[.]" Rhoads contends that, because her son-in-law was an independent contractor, she did not appoint him to employment as that term is used in article VII, section 6 of the Missouri Constitution.

**Affirmed**

**Division Four holds:**

Rhoads, in her capacity as Mayor of Tracy, made use of her son-in-law's services to repair a damaged city sign and entrusted her son-in-law with the duty to fix the sign. The act of repairing the sign consumed her son-in-law's time and attention. While working on the project, Rhoads's son-in-law was in the state of being employed by the City of Tracy, and the work of repairing the sign engaged and occupied him, even if only temporarily. Under the plain and ordinary meaning of the word "employment," Rhoads's asking her son-in-law to repair the sign and the son-in-law's act of repairing the sign for the City of Tracy constituted employment. Given that we give constitutional provisions a broader construction due to their more permanent character, we conclude that the work of an independent contractor falls within the definition of "employment" as that term is used in Mo. Const. art. VII, sec. 6. The circuit court, therefore, did not err when it determined that Rhoads, acting as Mayor of Tracy, violated article VII, section 6 of the Missouri Constitution, when she appointed to employment her son-in-law, who was a relative within the fourth degree, by affinity.

Opinion by James Edward Welsh, Chief Judge

June 4, 2013

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