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Office of the Ethics Administrator

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To: Kansas City Board of Public Utilities Board of Directors
Jeremy Ash, General Manager

Re: Advisory Opinion Regarding Complaint of Ethical Misconduct

The Kansas City Board of Public Utilities (“BPU”) adopted an *Ethics Policy* to prevent undue influence, promote high ethical standards, and establish conduct guidelines for officials and employees. It identifies acts incompatible with the BPU’s best interests and provides a basis for discipline for those who do not abide by the terms of the *Ethics Policy*.

The Ethics Administrator received a report alleging that an elected official of the BPU may have violated the BPU *Ethics Policy* and the BPU’s Health Benefit Plan. Section 104 of the *Ethics Policy* charges the Ethics Commission with the implementation, administration and enforcement of the *Ethics Policy*. Whenever it is requested or deemed in the public interest, the Ethics Commission is to render advisory opinions concerning the questions of ethics, conflict of interests and the applicability of the *Ethics Policy* and to provide copies of the opinion to the members of the BPU Board of Directors. Section 105 of the *Ethics Policy* also authorizes the Ethics Administrator to issue advisory opinions, resolve ethical matters and questions relating to the interpretation and applicability of the *Ethics Policy*, and to conduct investigations into alleged violations. Reports from the Ethics Administrator are to be provided to the General Manager and the BPU Board of Directors as needed or requested.

Operating as both the Ethics Commission and Ethics Administrator, the report was reviewed, and a comprehensive investigation was conducted. The report alleged, and it has been confirmed, that an elected official listed an individual that was not the official’s legal spouse on a BPU health insurance application in 2021 in the section marked “Spouse”. It is noteworthy that the elected official did not, however, indicate marital status—neither checking the "married" nor "single" box—on the application. As a result of the application, the individual was provided with health insurance benefits on the BPU health plan.

BPU practice requires documentation of the status of beneficiaries for health insurance by the submission of birth certificates, marriage certificates or a common law marriage affidavit prior to

enrolling beneficiaries in the health plan. The official did not provide these documents at the time of enrollment though a spouse and children were listed on the application for health insurance. Staff reported that they requested the certificates at open enrollment but ultimately proceeded with processing the application for all individuals listed on the application to meet the 30-day processing deadline. Staff stated that they relied on the information provided and believed the elected official would provide the necessary documentation. Staff stated that they requested certificates from the elected official multiple times thereafter with no success and reported the matter to their supervisor. The supervisor advised that the supervisor spoke with the elected official about the need to obtain certificates after a Board meeting in late January or early February 2022. The supervisor stated that the elected official agreed to provide the certificates.

No birth or marriage certificates were ever provided, and the marital status of the elected official was revisited in 2025 when the BPU began the process of transitioning its elected officials from 1099 contractors to W2 employees to retain benefit eligibility. The General Manager's office advised the Board members what documentation would be required for reenrollment, and Human Resources staff arranged a series of meetings with the Board members. Prior to a meeting with the elected official, on July 14, 2025, a staff member spoke with the elected official via telephone and reminded the elected official about the documents that were required. During the phone call, the elected official advised the staff member that the elected official was not legally married to the individual covered as the official's spouse on the BPU's health plan and asked to postpone the W2 transition until 2026.

During the 2025 enrollment meeting, the elected official spoke with another staff member and advised that the official and the individual were not married. The elected official declined to sign an affidavit affirming a common law marriage between the official and the individual and advised that the parties agreed not to present themselves as a married couple. The elected official asked again to postpone the transition and was advised that was not the staff member's decision. The staff member reported that the official was concerned about the official's partner and children losing health insurance and made a statement inferring that the official has messed up. The elected official met with another staff member and reiterated that the official did not have the documentation, was not married, and was not going to sign an affidavit of common law marriage. The official again asked to postpone the transition through the end of the year. It was reported that the elected official advised there was no intent to deceive anyone and said, "man, I really messed up."

An independent investigation was conducted to determine if the listed individual was the official's legal spouse and thus eligible for health benefits. It was ultimately determined that the individual is not the official's spouse and therefore not entitled to health insurance coverage under the BPU's health plan. This determination was based on the official's statements that, although they are in a long-term committed relationship, the elected official and individual are not married and have never agreed to be married.

At issue is whether the actions of the elected official constitute a violation of the *Ethics Policy*. Section 115 of the *Ethics Policy* prohibits elected officials, officials, or employees from *intentionally* using the prestige of their office for their own private gain or that of another except as may be permitted. Providing typical constituent services without additional compensation does not constitute an abuse of public office or an improper use of official prestige under the *Ethics Policy*. However, including an individual on a health insurance application to secure insurance benefits does not constitute a “usual and customary constituent service” and therefore is not covered by this exception.

A determination is required to ascertain whether the elected official intentionally used the official’s prestige of office for the official’s own private gain or that of another by listing the official’s significant other on the official’s application for BPU health insurance. It is undisputed that the elected official was provided with an opportunity to enroll in the BPU health insurance plan due to the official’s status. It is undisputed that the elected official listed an individual who is not the official’s spouse on the application. It is undisputed that the elected official did not indicate marital status on the application by checking the "married" or "single" box nor provide copies of any marriage or birth certificates. It is also undisputed that the individual received health insurance benefits the individual was not entitled to.

The elected official specifically disavows intentionally using the prestige of office for the official’s own private gain or that of another and strongly asserts that it was the official’s belief at the time of enrolling in the BPU health insurance plan that the individual was entitled to obtain health insurance under the BPU policy as a domestic partner. The elected official states that the status of their relationship was disclosed to two former BPU staff members on at least two occasions indicating that the elected official had some question or concern about including the individual on the BPU health plan. The elected official maintains that the official was assured by the two former BPU staff members that it was permissible to list the individual on the official’s application for health insurance and told to “just leave it.” The elected official denies ever being asked to provide any birth or marriage certificates until 2025.

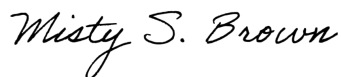
Interviews were conducted with multiple parties, including the elected official and the two former staff members referenced by the elected official. The testimony and supporting documentation provided by others are materially inconsistent with the official’s account. The two former staff members both strongly deny any knowledge that the elected official and the individual were not married or that they approved listing the individual as a spouse on the insurance application. It is important to note that if staff were aware of the elected official's marital status and consented to including the individual on the BPU health plan as proposed by the official, former staff members may also be implicated in a potential violation of the relevant section of the *Ethics Policy*. However, prior acquiescence by former staff does not absolve the act of listing a non-spouse in the

spousal section of the application or the receipt of health benefits for an individual who is not entitled to them at the utility's expense. Staff further assert that they verbally requested copies of the certificates multiple times from the elected official but were ultimately unable to provide copies of any written communication or email to the elected official seeking additional documentation or certificates.

The authority of the Ethics Administrator and Ethics Commission under the *Ethics Policy* is limited to investigating alleged violations, interpreting and applying the policy, and issuing advisory opinions. Pursuant to Section 120 of the *Ethics Policy*, the Board of Directors retains the sole authority to determine, by majority vote, whether an elected official has violated the *Ethics Policy* and to impose such actions as the Board deems appropriate, including but not limited to censure, admonishment and recovery of anything transferred or received in breach of the *Ethics Policy*. Therefore, unless the Board finds that the actions of the elected official were unintentional, the conduct described above constitutes a violation of Section 115 of the BPU *Ethics Policy*. Conversely, if the Board concludes that the actions were unintentional, then no violation of Section 115 of the *Ethics Policy* would be deemed to have occurred.

This Advisory Opinion is issued for the benefit of the Board and is based solely on the information provided or included herein. It applies exclusively to the facts as presented and referenced in this opinion. Additionally, please be advised that Section 118 of the *Ethics Policy*, entitled "Whistleblowing," prohibits any BPU employee, official, or elected official from retaliating against any individual for making a good-faith report of violations of state or federal laws, rules, regulations, or other misconduct by government officials or employees, including violations of this *Ethics Policy*.

Respectfully submitted,



Misty S. Brown
BPU Ethics Administrator

CC. Angela Lawson, Acting Chief Counsel