



MISSOURI HOUSE OF REPRESENTATIVES
COMMITTEE RECOMMENDATION

Bill Handler: Fitzwater District 49

Mr. Speaker:

Your Committee on **Ethics**,

to which was referred a review of **House Ethics Complaint No. 21-001**, begs leave to report it has examined the same and has adopted the accompanying report by the following vote:

Ayes: (10) Fitzwater, Brown (27), Andrews, Barnes, Brown (70), Eggleston, Francis, Kelly, McCreery, Sauls

Noes: (0):

Present: (10)

Absent: (0)

Chairman

**STATE OF MISSOURI
HOUSE OF REPRESENTATIVES
101ST GENERAL ASSEMBLY**

**In the Matter of Representative Rick Roeber
House Ethics Complaint No. 21-001**

REPORT OF THE COMMITTEE ON ETHICS

APRIL 19, 2021

SENSITIVE CONTENT WARNING

This report contains content of a sensitive and sexual nature. The Committee on Ethics has kept certain descriptions of an adult nature in the report in order to provide an unfiltered record of the witness testimony and other evidence received by the Committee. The names of victims who were minors when subjected to abusive conduct have been redacted to protect their privacy.

REPORT OF THE COMMITTEE ON ETHICS

WHEREON, the Committee on Ethics, of the Missouri House of Representatives, 101st General Assembly, pursuant to Rule 12 of House Committee Substitute for House Resolution 70, reports as follows:

1. The Kansas City Star reported in September 2020 that two adult children of the Respondent, Representative Rick Roeber, then a candidate for the 34th District in the House of Representatives, were abused by him when they were young. One sibling stated that "He made me place my hand on his genitals." The second sibling stated that their father has "always been physically abusive." This abuse would occur during visitation and Respondent would "hold us by our necks and hold us against the wall." A third sibling stated that they were aware of the abuse. The story further reported that a fourth sibling also claimed sexual maltreatment by Respondent, and that this allegation was investigated by the Division of Family Services.

2. Respondent ultimately was successful in the November 2020 election for the 34th District seat in the House of Representatives.

3. Shortly after the election, three of the siblings wrote to the Speaker-elect of the House of Representatives detailing the emotional turmoil they have suffered, not just from the sexual, physical and mental abuse of Respondent, but also because Respondent has never been held accountable for his actions. The siblings asked the House to consider Respondent's fitness to serve as a representative, and concluded with this plea:

Please do what is right, not just for us, but for all those in Missouri who have suffered, and all the children you have sworn to protect.

4. In January 2021, two representatives filed formal complaints of ethical misconduct concerning Respondent and the disturbing allegations of sexual and physical abuse. The complaints requested that the Committee on Ethics conduct an investigation into the allegations and report its findings.

5. The Committee on Ethics determined that the complaints were in compliance with the Rules; that the Committee had jurisdiction over this matter; and that the Committee would proceed to a primary hearing. The Committee met on numerous occasions from February through early April, receiving sworn testimony from five witnesses and reviewing over 200 pages of available documents concerning the accusations of abuse.

6. The Committee received testimony from Witness 1. Some of her testimony included the following:

- a. Respondent and Witness 1 married in 1984, separated in 1990, and were divorced in 1992. After the separation, Respondent moved out of the home into an apartment in the local area.

- b. Witness 1's first child (Child 1), from another relationship, was born in 1981 and adopted by Respondent when the child was nine years old. The remaining three siblings were born in 1985, 1987, and 1989 (referred to herein as Child 2, Child 3, and Child 4 respectively).
- c. Witness 1 described the difficulties the family suffered during her marriage to Respondent. Respondent's work history was sporadic due to his alcoholism.
- d. Witness 1 stated she never witnessed sexual abuse, however, she did notice Child 1 suffering from anxiety and physical ailments in the early 1990s.
- e. Child 1 refused to talk to Witness 1 about the source of the anxiety. Witness 1 believed that Respondent told Child 1, that if Child 1 told Witness 1, either Child 1 or Witness 1 would be killed.
- f. Finally, in 1993, Child 1 disclosed to Witness 1 that in 1990 Respondent had sexually abused Child 1.
- g. Witness 1 called the local police after this disclosure. Officers came to her home and interviewed the family. No criminal charges were filed as a result of this disclosure.
- h. Child 2 thereafter started exhibiting behavioral issues. After some time in therapy, Child 2 finally told Witness 1, "Mom, you know the thing that happened to [Child 1]? The same thing happened to me." The abuse would have occurred when Child 2 was five years old, in 1990, the same year as the sexual abuse involving Child 1.
- i. This disclosure was also made to Child 2's therapist and was reported to the authorities. This resulted in an investigation by the Division of Family Services (DFS) and local law enforcement. Although DFS found probable cause that abuse had occurred, no criminal charges were filed as a result of this disclosure.
- j. Witness 1 remembers the Child Abuse and Neglect Review Board (CANRB) appeal to overturn the DFS probable cause finding regarding sexual abuse of Child 2. Respondent sought removal from the Central Registry as he was seeking a position at a local church that would involve working with children. Witness 1 had an attorney assist her at the time, however, the attorney was in another court and not able to attend the CANRB hearing.
- k. Witness 1 described seeking an ex parte order to prevent Respondent from seeing her children. After speaking with a judge, the court denied her request.
- l. Witness 1 described how Respondent, through his abusive actions, had "destroyed my family" for over 30 years now, caused division among the

siblings that lasts to this day, alienated Child 2 because of the beatings, and manipulated Child 4 to divide the other siblings.

- m. Witness 1 recalled an incident in which Child 2 was a toddler and knocked something over. Respondent flipped Child 2 over and “just started beating [Child 2’s] ass.” As a result, Child 2 suffered an injury to an eyelid, which resulted in a permanent scar, due to being struck by a nail in a board.
- n. Witness 1 described how devastated she felt as a parent that the sexual abuse had occurred and she did not know about it while it was occurring.
- o. Witness 1 recalled an incident when the children were young in which Respondent drowned several puppies.

7. The Committee found the testimony of Witness 1 to be credible.

8. The Committee heard testimony from Child 1. Some of Child 1’s testimony included:

- a. Child 1 described in general detail the abuse Child 1 suffered from Respondent, stating: “I was sexually abused by him. I was physically abused by him. I was groomed by him from a very young age....He treated me more like a [companion]....when we would ride in the car, he’d have his hand on my upper thigh just kind of rubbing it.”
- b. And, referencing a specific incident: “And I remember him coming into the room and picking me up and taking me out to the living room. I even remember what I was wearing. It was a Simpson’s T-shirt. It was long. And he laid me on his chest and I just laid there froze. He was bare chested. And after awhile he took my hand and placed it on his genitals. And I didn’t know what to do. I just froze there. I was 9.”
- c. Respondent told Child 1 that if Child 1 told anyone “he would be in a lot of trouble, he would go to jail and our family would be ruined.”
- d. Respondent attempted to do this one more time, but Child 1 said no.
- e. Child 1 was physically abused by Respondent as well, and recalled one incident in which, at age 5, Child 1 was accused of stealing a Chapstick. Child 1 was spanked with a belt, which left bruises on Child 1’s bottom.
- f. Child 1 finally disclosed this abuse to Witness 1 about three years after the incident. The “biggest weight had been lifted off of me” after telling, although Witness 1 was devastated. Child 1 went to counseling after the disclosure.
- g. Child 1 remembers giving an awkward interview to the police after the disclosure, however, no court proceedings resulted.

- h. Child 1 stated that Respondent was a severe alcoholic and, at the time the abuse occurred, would drink until he blacked out.
 - i. Child 1 described an incident in which Child 2 received an eye injury due to Respondent's spanking. The spanking continued even though the cut was bleeding.
 - j. Child 1 described an incident when Respondent drowned a litter of puppies in a nearby pond.
 - k. Child 1 stated that when Child 1 was 15, Respondent met Child 1 after getting off the school bus and attempted to apologize for the sexual abuse incident, stating he "was in a blackout."
 - l. Child 1 stated that because of Respondent's abuse, Child 1 lost a father, Child 1's children do not have a grandfather, and Child 1 lost trust in men for a very long time.
 - m. Child 1 stated that "to have someone that you are trusting as your parent to treat you in that manner and to not treat you like a child . . .take[s] away your innocence."
9. The Committee found the testimony of Child 1 to be credible.
10. The Committee was not able to arrange the testimony of Child 2.
11. The Committee was able to receive testimony from Child 3. Some of Child 3's testimony included:
- a. Child 3 described the earliest memories of Respondent as "just a bully."
 - b. Child 3 described constant beatings with a belt, many times for insignificant things such as spilling milk. Respondent would hold them against the wall by their necks and lift upwards until they could not breathe.
 - c. It took a long time for Child 3 to realize the constant abuse was not a normal childhood experience.
 - d. Child 3 stated that Child 2 took the worst of the abuse and trauma from their father. Child 2 is "very broken."
 - e. After Respondent was able to get his alcoholism under control, the abuse did not let up. Respondent simply learned not to leave marks.
 - f. Child 2 still has a mark on an eyelid due to an injury received during punishment inflicted by Respondent.

- g. Child 3 estimated that Child 3 received 185 beatings from Respondent, and that Child 2 “definitely” would have received more beatings than Child 3.

12. The Committee found the testimony of Child 3 to be credible.

13. Child 4 also provided sworn testimony to the Committee. Some of Child 4’s testimony included:

- a. Being in Respondent’s home was “very chaotic always,” crazy and stressful.
- b. Although Child 4 did not witness sexual abuse, Child 4 did describe physical abuse that occurred.
- c. When Child 1 stopped visitation with Respondent, Respondent would get angry and lose his cool. Respondent would use a belt on Child 2 and leave green bruises on Child 2’s buttocks and thighs.
- d. Child 4 stated that Child 2, Child 3, and Child 4 would “get beat with a belt” by Respondent.
- e. After Child 2’s disclosure, Child 4 never had to go back to Respondent’s home.
- f. Child 4 suffers from several conditions related to this abuse, and still sees a therapist monthly.
- g. Child 4 described Child 2 as “broken.” The whole family has suffered a “hellish nightmare” because of Respondent.
- h. Child 4 remembers Respondent “always with a beer in hand.” Respondent did stop drinking when he went to AA, however, the violence did not stop.

14. The Committee found the testimony of Child 4 to be credible.

15. The Committee obtained sufficient testimony and records to confirm that, in 1993, Child 1 disclosed to authorities sexual abuse by Respondent, and that, in 2001, Child 2 disclosed to authorities sexual abuse by Respondent. Both incidents occurred approximately in 1990. At the time the abuse occurred, Child 1 was nine years old, and Child 2 was five years old.

16. Due to the extremely sensitive and graphic nature of the statements made to authorities, the Committee provides the following summary: The conduct committed by Respondent as disclosed by Child 1 would constitute “sexual contact” under state law. The conduct committed by Respondent as disclosed by Child 2 would constitute “deviate sexual intercourse” under state law. Respondent attempted to induce both children to repeat the actions at later dates, however, both children refused.

17. Under current law, and in 1990, the statutory definition of “deviate sexual intercourse” means any sexual act involving the genitals of one person and the hands of another. The state criminal code in 1990 stated that a person committed the felony crime of sodomy if he has deviate sexual intercourse with another person who is less than fourteen years old. Under current law, these actions would constitute Statutory Sodomy in the First Degree. If the victim is less than 12 years old, the offender is subject to a possible term of life imprisonment (a class A felony under the current criminal code).

18. Under current law, and in 1990, the statutory definition of “sexual contact” means any touching of the genitals of another person for the purpose of arousing or gratifying the sexual desire of any person. The state criminal code in 1990 provided that a person committed the felony crime of sexual abuse in the first degree if he subjects another person who is less than 12 years old to sexual contact. Under current law, subjecting a child less than 12 years old, who is a descendant by blood or adoption, to sexual contact is the class A felony of child molestation in the first degree.

19. Although a referral by law enforcement was made to the local prosecuting attorney, no criminal charges were filed against Respondent as a result of the 2001 disclosure. The Committee was unable to locate records to determine whether a law enforcement referral was made concerning the 1993 disclosure. No criminal charges were filed against Respondent as a result of the 1993 disclosure.

20. Among the records the Committee was able to locate was a finding of probable cause that Child 2 had been sexually abused by Respondent. In the same document was a notation by a state employee that “The children will be protected. No file will be opened.”

21. The Committee notes that RSMo. § 556.037 currently provides that a sexual offense committed against a minor may be prosecuted “at any time.”

22. The Committee offered Respondent the opportunity to testify in response to the complaints filed in this matter. Some of the sworn testimony provided by Respondent included:

- a. Respondent described the allegations that were published prior to the election as “a political hit” and “a setup.”
- b. Respondent stated he is an alcoholic, however, he has not consumed alcohol since March 5, 1992.
- c. Respondent stated he never drank alcohol when his children were present, and never stored alcohol in his home.
- d. Respondent stated he suffered no memory loss due to drinking and, although he would go on drinking binges, he was “always coherent enough.”

- e. Respondent blamed the accusations and family's division on Witness 1, stating it was a "bitter divorce" and that there was "bitterness in the camp" which "spilled over to the children."
- f. Respondent stated that his children aligned with their mother and that he thought they suffered from "parental alienation syndrome."

(The Committee notes that "parental alienation syndrome" is not a diagnosis included in the Diagnostic and Statistical Manual–Fifth Edition. Respondent produced no additional professional or other expert opinion evidence indicating that any of his children have been diagnosed with this syndrome.)

- g. Respondent confirmed that Child 1 made the initial disclosure of sexual abuse to the Division of Family Services in 1993.
- h. Respondent stated he has never spoken to anyone from the Jackson County office of the Division of Family Services.
- i. Respondent confirmed that Witness 1 was not present and not represented at the hearing of the Child Abuse and Neglect Review Board.
- j. Respondent stated that he could not recall whether he used a belt on his children, but Respondent did remember being spanked with a belt when Respondent was a child.
- k. Respondent stated that he could not recall even a general description of the accusations of sexual abuse made by his children.
- l. Respondent denied physically abusing any of his children.
- m. Respondent denied any sexual abuse of Child 1.
- n. Respondent denied any sexual abuse of Child 2.

23. Respondent was combative, defensive, defiant, and at times angry in his testimony before the Committee. Respondent, at one point in his testimony, stated that "all my kids are Democrats" and agreed that he was implying that "Democrats would accuse their fathers" of this type of abuse as part of a "political hit."

24. The Committee finds that the testimony of Respondent, in all material respects related to this investigation, to be not credible.

25. Respondent was offered the opportunity to designate witnesses for the Committee to interview. Respondent offered the Committee no witnesses in support of his defense.

26. Respondent submitted to the Committee three documents in his defense, which the Committee accepted and considered:

- a. Respondent submitted a letter dated 2003 from the Child Abuse Neglect and Review Board. The Division of Family Services investigated the 2001 report from Child 2 and entered a finding of probable cause that Respondent was the “perpetrator of sexual maltreatment to your” child. The CANRB reversed this finding and updated the Central Registry to “unsubstantiated.” The Committee notes that neither the mother of Child 2 nor her counsel were able to be present at the CANRB hearing. The Department of Social Services confirmed that the department no longer retains any records of the DFS incident or CANRB review hearing.
- b. Respondent further submitted a deposition transcript of Witness 1 taken during a 2003 proceeding to modify their dissolution decree. Respondent claimed that “there’s a lot of contradiction in it as far as her testimony.” However, after careful review, the Committee did not find the testimony to contain contradictions.
- c. The final document submitted by Respondent was a paper copy of an alleged email chain from September 2007 through February 2008 between Respondent and Child 2. The original email to Child 2 was not responded to, but a forwarded copy is purported to have been; which was then forwarded to another of Respondent’s email accounts. In the email response, Child 2 purports to apologize for lying about what Respondent did to him. However, in the same email, Respondent states “I know your mother was only trying to protect you with the false information you were providing her.” This directly contradicts Respondent’s sworn testimony to the Committee that the child’s mother “poisoned the well” which “spilled over to the children.” The Committee requested Respondent produce any additional emails between Respondent and Child 2, but Respondent did not produce any further documentation or an electronic copy of the email chain. The Committee was not able to further explore the authenticity of this email chain and unanimously agreed that this was not credible evidence.

27. On Tuesday, April 6, 2021, The Speaker of the House of Representatives and Chair of the Committee on Ethics wrote to the Prosecuting Attorney of Jackson County, Missouri, expressing concern for a minor child, Respondent’s step-grandson, who would have weekend visits in the home of Respondent, and requesting that the proper authorities be notified to ensure the safety of the child.

28. At the conclusion of the primary hearing, Thursday, April 8, 2021, the Committee unanimously voted to find the allegations in the two complaints to be credible and well founded, and to offer Respondent the recommended sanction of expulsion. Respondent was given until 5 p.m., Monday, April 12, 2021, to accept or object to the recommended sanction.

29. Later in the day on Thursday, April 8, 2021, Respondent contacted the Committee Chair and Chief Clerk and verbally indicated he would submit a resignation letter to the Speaker on Monday, April 12, 2021.

30. On Monday, April 12, 2021, Respondent instead delivered to the Committee his written objection to the Committee's findings and recommendation. Respondent requested a formal hearing under the rules governing the Committee on Ethics.

31. The Committee then began making arrangements to conduct a formal hearing in this matter. However, on Tuesday, April 13, 2021, before a formal hearing could be conducted, Respondent delivered to the Speaker his letter of resignation effective 11:59 p.m., Friday, April 16, 2021. Respondent turned in to the House human resource division his building entry badge and left the Capitol building. Respondent's legislator assistant was placed under the supervision of the Chief Clerk to continue providing constituent service to the 34th District.

32. The Committee finds that Respondent's actions, including the tender of a resignation letter, to be a waiver of any further requested action or procedure under the rules governing the Committee on Ethics.

33. The House of Representatives, on Thursday, April 15, 2021, voted to postpone the acceptance of Respondent's resignation until the recommendation of the Committee on Ethics is considered by the House of Representatives.

34. On Monday, April 19, 2021, the Committee on Ethics voted, unanimously, to release this report containing the Committee's findings and recommendation that Respondent be expelled.

35. The Committee finds, based upon the clear and convincing testimony and other evidence received by the Committee, that:

- a. Respondent sexually abused Child 1 when Child 1 was nine years old.
- b. Respondent sexually abused Child 2 when Child 2 was five years old.
- c. Respondent attempted to sexually abuse Child 1 and Child 2 on other occasions.
- d. Respondent physically and mentally abused his children.
- e. Witness 1 and her children repeatedly sought the assistance of law enforcement, family services, counselors, and the court system, to remedy the abuse suffered by these children and to hold Respondent accountable.
- f. Witness 1 and her children, for almost three decades, have provided consistent statements and sworn testimony detailing the sexual, physical, and mental abuse suffered by these children.
- g. Respondent has never been held accountable for his conduct.
- h. The State of Missouri has failed these children for over 20 years. Although this Committee cannot change the past, this Committee can provide a clear record of Respondent's abusive conduct.

- i. Respondent's conduct renders him unfit to serve as a representative in the Missouri General Assembly.
- j. The House of Representatives has incurred costs in the amount of \$1,574.09 related to the investigation of these complaints.

36. The Committee further finds that Respondent's abuse of his children, as described in this report, constitutes ethical misconduct of sufficient severity to warrant expulsion. Rule 2(5), of the rules governing the Committee on Ethics, defines "ethical misconduct" to include a crime, as well as any "conduct constituting a legal or moral wrong which materially impairs the member's ability to perform the duties of his office or substantially impairs public confidence in the General Assembly." The sexual abuse as referred to in this report constitutes both a Class A felony offense under the laws of this state, and an offense of a sexual nature under the laws of this state, as is required under Rule 2 of the rules governing the Committee on Ethics.

NOW THEREFORE, the Committee on Ethics, having given full consideration to the complaints filed in this matter and the evidence and testimony adduced in the hearings conducted before the committee, concludes this matter with the issuance of this report and recommends that the House of Representatives consider the following sanctions against the Respondent:

1. Expulsion;
2. Payment of \$1,574.09 in costs related to the investigation of these complaints; and
3. Such other sanctions as the House of Representatives deems just and proper under the circumstances.

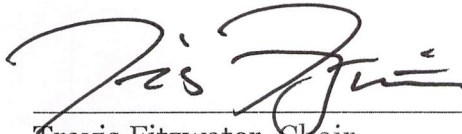
Pursuant to Rule 12 of the rules governing the Committee on Ethics, this report shall be filed with the Chief Clerk of the House, with a copy delivered to the office of the Speaker, office of the Majority Floor Leader, and office of the Minority Floor Leader, and shall be printed in the House Journal.

This report was adopted by the Committee by a vote of 10 to 0:

Aye: Fitzwater, Brown (27), Andrews, Barnes, Brown (70), Eggleston, Francis,
Kelly, McCreery, Sauls

No:

Date: April 19, 2021



Travis Fitzwater, Chair



Richard Brown, Vice-Chair