

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**  
**OCT 26 2010**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION	)	
	)	
Petitioner,	)	
v.	)	No. 10E042
	)	
EARLENE LUSTER	)	
	)	
Respondent.	)	

**CONSENT ORDER**

The parties having filed a Joint Stipulation of Facts, Waiver of Hearings before the Missouri Ethics Commission, and Consent Order with Proposed Findings of Fact and Conclusions of Law (“Joint Stipulation”) with the Missouri Ethics Commission in this matter. The Missouri Ethics Commission hereby accepts as true the facts stipulated and finds that the Respondent Earlene Luster violated §115.646, RSMo, as stated in the Joint Stipulation.

The Commission directs that all terms and orders of the Joint Stipulation be adopted herein and implemented.

a. Respondent agrees that she will comply with all relevant sections of Chapter 115, RSMo.

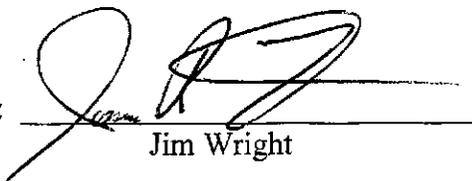
b. It is the order of the Missouri Ethics Commission that a fee is imposed against the Respondent Earlene Luster in the amount of \$1,000.00 pursuant to §105.961.4(6) RSMo. However, if Respondent pays \$100.00 of that fee within forty-five (45) days after the date of the Order, the remainder of the fee will be stayed for two years, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission.

If Respondent Earlene Luster has not committed any further violations of election authority laws pursuant to Chapter 105, 130 or 115, RSMo 2000, during the two year stay then Respondent will not be required to pay this fee.

If, however, Respondent is found to have violated laws pursuant to Chapter 105, 130 or 115, RSMo 2000, during this two year stay, Respondent will be required to pay the fee as originally imposed by the Commission. The fee will be due immediately upon final adjudication finding Respondent guilty of such a violation.

SO ORDERED this 24<sup>th</sup> day of October, 2010.

By:



Jim Wright

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION	)	
	)	
Petitioner,	)	
v.	)	
	)	
EARLENE LUSTER	)	No. 10E042
	)	
Respondent.	)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARINGS BEFORE THE  
MISSOURI ETHICS COMMISSION, AND CONSENT ORDER WITH JOINT  
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondent, Earlene Luster, acknowledges that she has received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that she is aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's own behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to the Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waives each and every one of these rights and freely enter into this Joint Stipulation of Facts, Waiver of Hearings before the

Missouri Ethics Commission, and Consent order with Joint Proposed Findings of Fact and Conclusions of Law, and agree to abide by the terms of this document.

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Based upon the foregoing, the Petitioner and the undersigned Respondent jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

**JOINT FINDINGS OF FACT**

1. The Missouri Ethics Commission ("the Commission") is an agency of the State of Missouri established pursuant to §105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.
2. Velda Village Hills, Missouri is a Village in the State of Missouri and qualifies as a political subdivision of the State of Missouri pursuant to §105.450(8), RSMo and Chapter 80 of the Missouri Revised Code.
3. In October 2009, Respondent Earlene Luster was the Chairman of the Velda Village Hills Board of Trustees.
4. On September 10, 2009, The Trustees of the Village of Velda Village Hills approved Ordinance 09-889 to place Proposition 1, a gross utility tax for general revenue purposes on the November 3, 2009 ballot.
5. In October 2009, Respondent Luster signed check number 11104 from the Village of Velda Village Hills funds to Mark's Quick Printing in the amount of \$215.70.
6. The payment of \$215.70 from the Village of Velda Village Hills constituted an expenditure of public fund in support of a ballot measure.

7. Respondent caused the above-described expenditure of funds to occur by directing the expenditure of fund to Mark's Quick Printing and by signing the check in the capacity as Chair of the Village Board of Trustees.

8. The check was payment for 25 yard signs which used the phrase, "Vote Yes for Prop 1, November 3, 2009, This is not a Tax Increase."

9. The printed matter stated, "Paid for by the Board of Trustees Earlene Luster, Chairman Mollic Bradford, Pro Tem Chairman." A copy of which is marked as Exhibit A and incorporated herein.

10. The printed matter was posted throughout the Village of Velda Village Hills in public easement areas on corner intersections prior to the November 3, 2009 election.

11. On March 26, 2010, the Commission received a complaint against Respondent pursuant to §105.957, RSMo.

12. Pursuant to § 105.961.1, RSMo, following the receipt of the complaint, a special investigator has conducted an investigation and reported findings to the Commission.

#### JOINT CONCLUSIONS OF LAW

1. §115.646, RSMo provides as follows:

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No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office. This section shall not be construed to prohibit any public official of a political subdivision from making public appearances or from issuing press releases concerning any such ballot measure.

2. There is probable cause to believe that Respondent violated §115.646, RSMo by authorizing the expenditure of public funds in support of a ballot measure.

## II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties to this Joint Stipulation understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.

2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.

a. Respondent agrees that she will comply with all relevant sections of Chapter 115, RSMo.

b. It is the order of the Missouri Ethics Commission that a fee is imposed against the Respondent Earlene Luster in the amount of \$1,000.00 pursuant to §105.961.4(6) RSMo. However, if Respondent pays \$100.00 of that fee within forty- five (45) days after the date of the Order, the remainder of the fee will be stayed for two years, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission.

If Respondent Earlene Luster has not committed any further violations of election authority laws pursuant to Chapter 105, 130 or 115, RSMo 2000, during the two year stay then Respondent will not be required to pay this fee.

If, however, Respondent is found to have violated laws pursuant to Chapter 105, 130 or 115, RSMo 2000, during this two year stay, Respondent will be required to pay the fee as originally imposed by the Commission. The fee will be due immediately upon final adjudication finding Respondent guilty of such a violation.

3. The party consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

4. Respondent, together with her heirs, successors and assigns, does hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorney of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, a claim for attorney's fees whatsoever which Respondent and her attorney now have or which they may hereafter have, which is based upon or arises out of the above case.

RESPONDENT

PETITIONER

By: Earlene Luster 10-15-10  
Earlene Luster Date  
Respondent

By: Julie A. Allen 10/26/10  
Julie A. Allen Date  
Executive Director

By: Donnell Smith 10-15-10  
Donnell Smith Date  
Attorney for Respondent

By: Earlene Luster 10/26/10  
Elizabeth L. Ziegler Date  
General Counsel

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Telephone: (314) 361-2500

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P.O. Box 1370  
Jefferson City, MO 65102  
Telephone: (573) 751-2020  
Attorney for Petitioner