

BEFORE THE  
MISSOURI ETHICS COMMISSION

**Filed**  
**NOV 02 2010**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION )  
)  
Petitioner, )  
)  
v. )  
)  
JOE RUSCH, Candidate ) No. 10C121  
)  
and )  
)  
COMMITTEE TO ELECT JOE RUSCH, Committee )  
)  
Respondents. )  
)

**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 Respondents Joe Rusch and Committee to Elect Joe Rusch violated §130.021.1, 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. Respondents agree that they will comply with all relevant sections of Chapter 130, RSMo.

b. It is the order of the Missouri Ethics Commission that a fee is imposed against the Respondents Joe Rusch and Committee to Elect Joe Rusch in the amount of \$1,000.00 pursuant to §105.961.4(6) RSMo. However, if either Respondent pays

\$100.00 of that fee within 45 days of the entry of the consent 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 Respondents Joe Rusch and Committee to Elect Joe Rusch have not committed any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo, during the two year stay then Respondents will not be required to pay the remainder of this fee.

If, however, either Respondent is found to have violated the campaign finance laws pursuant to Chapter 130, RSMo, during this two year stay, Respondents will be required to pay the remainder of the fee as originally imposed by the Commission. The fee will be due immediately upon final adjudication finding probable cause of such a violation.

SO ORDERED this 2<sup>nd</sup> day of November, 2010.

By:   
Jim Wright

BEFORE THE  
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
JOE RUSCH, Candidate	)	No. 10C121
	)	
and	)	
	)	
COMMITTEE TO ELECT JOE RUSCH, Committee	)	
	)	
Respondents.	)	
	)	

**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 Respondents, Joe Rusch and Committee to Elect Joe Rusch, acknowledge that they have 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 Respondents further acknowledge that they are 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 Respondents proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondents; the right to present evidence on Respondents' 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 Respondents by operation of law, the undersigned Respondents knowingly and voluntarily waive 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.

## I.

Based upon the foregoing, the Petitioner and the undersigned Respondents 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. On April 12, 2010, a Statement of Committee Organization was filed with Petitioner for Respondent, Committee to Elect Joe Rusch (“Committee”), as a Candidate Committee.
3. Respondent Committee was formed in support of Respondent Joe Rusch for State Representative, 108<sup>th</sup> District, in the August 6, 2010 election.
4. The statement listed Robert Cummings as Treasurer of the Committee. The address for Robert Cummings was 11421 Nora Ct., St. Louis, MO 63044.
5. Pursuant to § 130.026, RSMo, the Petitioner and the St. Louis City Board of Elections are the appropriate officers designated to receive the statement of committee of organization and campaign finance reports for Committee.

6. The 108<sup>th</sup> Legislative District is in the City of St. Louis.
7. The residence for Robert Cummings is in St. Louis County.
8. From April 12, 2010 through August 27, 2010, the treasurer for Respondent Committee did not reside in the district or county in which the committee sits.
9. On August 23, 2010, a complaint was filed against Respondents.
10. Pursuant to §105.961, RSMo a special investigator has investigated these matters reported its findings to the Commission.

### **JOINT CONCLUSIONS OF LAW**

1. According to §130.021.1, RSMo, effective through August 27, 2010:  
  
Every committee shall have a treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and reside in the district or county in which the committee sits.
2. There is probable cause that Respondents Joe Rusch and Committee to Elect Joe Rusch have violated §130.021.1, RSMo from the time period of April 12, 2010 through August 27, 2010, in that Robert Cummings, the treasurer of Respondent Committee was a resident of St. Louis County and not St. Louis City, which is not within the County or District in which Respondent Committee sits.

## 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. Respondents agree that they will comply with all relevant sections of Chapter 130, RSMo.

b. It is the order of the Missouri Ethics Commission that a fee is imposed against the Respondents Joe Rusch and Committee to Elect Joe Rusch in the amount of \$1,000.00 pursuant to §105.961.4(6) RSMo. However, if either Respondent pays \$100.00 of that fee within 45 days of the entry of the consent 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 Respondents Joe Rusch and Committee to Elect Joe Rusch have not committed any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo, during the two year stay then Respondents will not be required to pay the remainder of this fee.

If, however, either Respondent is found to have violated the campaign finance laws pursuant to Chapter 130, RSMo, during this two year stay, Respondents will be required to pay the remainder of the fee as originally imposed by the Commission. The fee will be due immediately upon final adjudication finding probable cause of such a violation.

3. The parties 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.

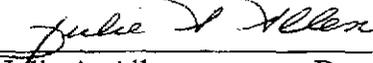
4. Respondents, together with their heirs, successors and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorney of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited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

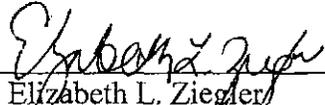
RESPONDENT

By:  10-26-10  
Joe Rusch Date  
Committee to Elect Joe Rusch

Respondents

PETITIONER

By:  10/29/10  
Julie A. Allen Date  
Executive Director

By:  10-29-10  
Elizabeth L. Ziegler Date  
General Counsel

Missouri Ethics Commission  
3411-A Knipp Drive  
P.O. Box 1370  
Jefferson City, MO 65102  
Telephone: (573) 751-2020  
Telefax: (573) 526-4506

Attorney for Petitioner