

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.)
)
MITCHELL SHAW,) Case No. 12C182
)
and)
)
COMMITTEE TO ELECT MITCHELL)
SHAW,)
Candidate Committee)
)
Respondents.)

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING
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, Mitchell Shaw and Committee to Elect Mitchell Shaw, 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 appear and be represented by counsel; the right to have all charges against Respondents be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondents; the right to present evidence on Respondents'

behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to 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 Hearing 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 PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission (“the Commission”) is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.
2. Respondent Shaw was a successful candidate for the office of Sheriff of Barton County, Missouri, in the August 7, 2012 primary election.
3. Pursuant to Sections 105.961 and 130.054, RSMo, the Commission’s staff has investigated a complaint filed with the Commission and reported the investigation’s findings to the Commission.
4. On or about May 11, 2012, Respondents received a contribution from a single contributor of \$1,000.
5. Respondents filed a statement of committee organization with the Barton County Clerk on August 3, 2012.

6. The statement of committee organization originally filed with the Barton County Clerk on August 3, 2012, failed to include the committee's account number.

7. Respondents received contributions and made expenditures in support of Respondent Shaw's candidacy in the August 7, 2012, primary election.

JOINT PROPOSED CONCLUSIONS OF LAW

8. A candidate committee is a committee "which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy." § 130.011(9), RSMo.

9. A candidate committee shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee "but no later than the date for filing the first report required pursuant to the provisions of section 130.046." § 130.21.5, RSMo.

10. The statement of committee organization must include, among other information, "the name and mailing address of its depository, and the name and account number of each account the committee has in the depository. The account number of each account shall be redacted prior to disclosing the statement to the public." § 130.021.5(6), RSMo.

11. Respondents were not exempt from forming a candidate committee and filing a statement of committee organization because they exceeded the contribution thresholds set forth at Section 130.016.6, RSMo.

12. Candidates exceeding the thresholds set forth at Section 130.016.6, RSMo, must form a committee "no later than thirty days prior to the election for which the contributions were received or expended which shall comply with all provisions of this chapter for committees." § 130.016.7, RSMo.

13. There is probable cause to believe that Respondents violated Sections 130.021.5, 130.021.5(6), and 130.016.7, RSMo, by failing to file a statement of committee organization within twenty (20) days of receiving a \$1,000 contribution from a single contributor, by filing a statement of committee organization four (4) days prior to the August 7, 2012, primary election, and by filing a statement of committee organization that failed to disclose the account number, and that Respondents did so knowingly.

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 shall 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 Respondents in the amount of \$1,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$100 of that fee within forty-five days after the date of the Order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

c. If either Respondent Shaw or Committee to Elect Mitchell Shaw commits any further violation or violations of the campaign finance laws under Chapter 130, RSMo, within the two year period from the date of this order, then both Respondents will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent has committed such a violation.

d. Respondents Mitchell Shaw and Committee to Elect Mitchell Shaw shall be jointly and severally liable for all fees imposed under this order.

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.

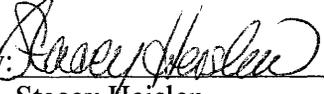
4. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited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

5. This joint stipulation does not settle, release, waive, or otherwise relieve Respondents from any late filing fees due to the appropriate filing authority, including Petitioner Missouri Ethics Commission. Respondents understand that late filing fees accrue automatically under Section 105.963, RSMo.

RESPONDENT MITCHELL SHAW

By:  3-22-2013
Mitchell Shaw Date

PETITIONER MISSOURI ETHICS COMMISSION

By:  4/29/2013
Stacey Heislen Date
Acting Executive Director

RESPONDENT COMMITTEE TO RE-ELECT MITCHELL SHAW SHERIFF

By:  3-22-2013
Mitchell Shaw, Candidate Date

By:  4/26/2013
Curtis R. Stokes Date
Attorney for Petitioner

Filed
APR 29 2013
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
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) Petitioner,)
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 v.)
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) MITCHELL SHAW,) Case No. 12C182
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) and)
)
) COMMITTEE TO RE-ELECT MITCHELL)
) SHAW SHERIFF,)
)
)
) Respondents.)

CONSENT ORDER

The parties having filed a Joint Stipulation of Facts, Waiver of Hearing 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 Respondents Mitchell Shaw and Committee to Re-Elect Mitchell Shaw Sheriff violated Sections 130.021.5, 130.021.5(6), and 130.016.7, RSMo, as stated in the Joint Stipulation.

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

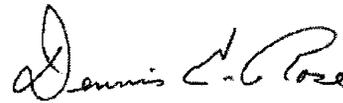
1. Respondent shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents Mitchell Shaw and Committee to Re-Elect Mitchell Shaw Sheriff in the amount of \$1,000 pursuant to Section 105.961.4(6), RSMo. However, if either Respondent pays \$100 of that fee within forty-five (45) days of the date of this Order,

the remainder of the fee will be stayed, 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.

3. If Respondents Mitchell Shaw and Committee to Re-Elect Mitchell Shaw Sheriff commit any further violations of the campaign finance laws pursuant to Chapter 130, RSMo, as amended, within the two year period from the date of this order, then Respondents Mitchell Shaw and Committee to Re-Elect Mitchell Shaw Sheriff 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 that Respondents Mitchell Shaw and Committee to Re-Elect Mitchell Shaw Sheriff committed such a violation.
4. Respondents Mitchell Shaw and Committee to Re-Elect Mitchell Shaw Sheriff shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 29th day of April, 2013

By:



Dennis Rose, Chair
Missouri Ethics Commission