

Filed
APR 30 2013
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
) Petitioner,)
)
)
 v.)
)
) DONALD "KEITH" VANCE,) Case No. 12E181
)
) and)
)
) COMMITTEE TO ELECT KEITH)
) VANCE, MILLER COUNTY SHERIFF,)
) 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, Donald "Keith" Vance and Committee To Elect Keith Vance, Miller County Sheriff, 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 Vance was an unsuccessful candidate for Miller County Sheriff in the August 7, 2012, primary election.
3. Respondent Committee to Elect Keith Vance, Miller County Sheriff, was the candidate committee formed by Respondent Vance to support his candidacy in the August 2012 primary election.
4. As a candidate for Sheriff in a county with a population under 100,000 inhabitants, the appropriate officer for Respondents to file campaign finance disclosure reports under Chapter 130 was the local election authority for Miller County. §130.026.2, RSMo.

5. Pursuant to Section 105.961, RSMo, the Commission's staff has investigated a complaint filed with the Commission and reported the investigation's findings to the Commission.

6. On July 10, 2012, Respondents incurred an expenditure of \$2,200 for a billboard supporting Respondent Vance's candidacy.

7. On July 13, 2012, Respondents received a contribution from a single contributor of \$2,200.

8. Respondents should have reported the \$2,200 contribution and the \$2,200 expenditure on the "8 Days Before" report required by Section 130.046.1(1), RSMo.

9. Respondents failed to timely file the "8 Days Before" report required by Section 130.046.1(1), RSMo, and instead reported the contribution and the expenditure on the "30 Days After" report required by Section 130.046.1(3), RSMo.

10. Because Respondents failed to timely file the "8 Days Before" report, Respondents failed to timely report the contribution of \$2,200 and the expenditure of \$2,200.

11. Since the receipt of the complaint by the Commission, Respondents have amended their reports and filed the "8 Days Before" report.

12. Respondent Vance contributed \$275 to his candidate committee on August 1, 2012. This contribution should have been disclosed on a "24 hour" notice required by Section 130.050.3, RSMo. Respondent Vance did not timely file this contribution on a "24 hour" notice.

JOINT PROPOSED CONCLUSIONS OF LAW

13. Respondents were required to file campaign finance disclosure reports at the times specified at Section 130.046, RSMo, including a report "not later than the eighth day

before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate.”

§ 130.046.1(1), RSMo.

14. In addition to the “8 Days Before” report, the

receipt of any late contribution or loan of more than two hundred fifty dollars ... shall be reported to the appropriate officer no later than twenty-four hours after receipt. For purposes of this subsection the term ‘late contribution or loan’ means a contribution or loan received after the closing date of the last disclosure report required to be filed before an election but received prior to the date of the election itself.

§ 130.050.3, RSMo.

15. Respondents were required to report the total dollar value of all in-kind contributions received. § 130.041.1(3)(d), RSMo.

16. Respondents were required to report all expenditures made or incurred. § 130.041.1(4)(d), RSMo.

17. There is probable cause to believe that Respondents violated Sections 130.046.1(1), 130.041.1(3)(d), 130.041.1(4)(d), and 130.050.3, RSMo, by failing to timely file an “8 Days Before” campaign finance report, failing to timely disclose a contribution of \$2,200, failing to timely disclose an expenditure of \$2,200, and failing to timely file a “24 hour” notice of contribution, 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 \$1,275, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$120 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 Donald “Keith” Vance or Committee To Elect Keith Vance, Miller County Sheriff 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 Donald "Keith" Vance and Committee to Elect Keith Vance, Miller County Sheriff 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 DONALD "KEITH" VANCE

By: Donald "Keith" Vance 04/24/13
Donald "Keith" Vance Date

PETITIONER MISSOURI ETHICS COMMISSION

By: Stacey Heislen 4/30/2013
Stacey Heislen Date
Acting Executive Director

RESPONDENT COMMITTEE TO ELECT KEITH VANCE, MILLER COUNTY SHERIFF

By: Donald "Keith" Vance 04/24/13
Donald "Keith" Vance, Candidate Date

By: Curtis R. Stokes 4/29/13
Curtis R. Stokes Date
Attorney for Petitioner

**BEFORE THE
MISSOURI ETHICS COMMISSION**

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MISSOURI ETHICS COMMISSION,)	
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Petitioner,)	
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v.)	
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DONALD "KEITH" VANCE,)	Case No. 12E181
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and)	
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COMMITTEE TO ELECT KEITH)	
VANCE, MILLER COUNTY 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 Donald "Keith" Vance and Committee to Elect Keith Vance, Miller County Sheriff violated Sections 130.046.1(1), 130.041.1(3)(d), 130.041.1(4)(d), and 130.050.3, RSMo, as stated in the Joint Stipulation.

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

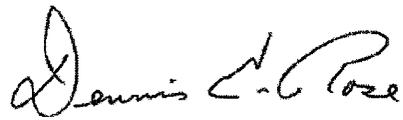
1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents Vance and Committee to Elect Keith Vance, Miller County Sheriff in the amount of \$1,275 pursuant to Section 105.961.4(6), RSMo. However, if either

Respondent pays \$120 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 Vance and Committee to Elect Keith Vance, Miller County 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 Vance and Committee to Elect Keith Vance, Miller County 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 Vance and Committee to Elect Keith Vance, Miller County Sheriff committed such a violation.
4. Respondents Vance and Committee to Elect Keith Vance, Miller County Sheriff shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 30th day of April, 2013

By:



Dennis Rose, Chair
Missouri Ethics Commission