

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
DEC 20 2010
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION)
)
Petitioner,)
)
v.)
)
MARK HAYS, Treasurer)
)
and)
)
ROGER A. GOODEN POLITICAL ACTION)
COMMITTEE, Committee)
)
Respondents.)

No. 09A236

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 Mark Hays and Roger A. Gooden Political Action Committee have violated §130.046.1, 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 Mark Hays and Roger A. Gooden Political Action Committee 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 Mark Hays and Roger A. Gooden Political Action Committee 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 20th day of December, 2010.

By: 
Jim Wright

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION)
)
Petitioner,)
)
v.)
)
MARK HAYS, Treasurer)
)
and)
)
ROGER A. GOODEN POLITICAL ACTION)
COMMITTEE, Committee)
)
Respondents.)

Filed
DEC 16 2010
Missouri Ethics
Commission

No. 09A236

**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, Mark Hays and Roger A. Gooden Political Action Committee, 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. During the relevant times of this complaint Roger A. Gooden Political Action Committee was a continuing committee registered with Petitioner.
3. Respondent Mark Hays was the treasurer of Respondent Committee from January 18, 2008 to March 30, 2010.
4. John A. Comstock was treasurer of Respondent Committee from March 30, 2010 to present.
5. Pursuant to §130.026.2, RSMo, the Missouri Ethics Commission is the appropriate officer designated to receive campaign finance reports under Chapter 130 for continuing committees.

6. Respondent Mark Hays, as Treasurer at all relevant times, was responsible for filing campaign finance reports for Respondent Committee, pursuant to §130.041.1 and §130.058, RSMo.

7. Respondents filed the following reports all which were due on the 15th day of the month: April 2008 Quarterly Report on April 16, 2008; July 2008 Quarterly Report on September 22, 2008; October 2008 Quarterly Report on October 13, 2009; the April 2009 Quarterly Report on October 13, 2009; and the July 2009 Quarterly Report on October 13, 2009

8. Pursuant to §105.959, RSMo 2000, the Commission's staff has audited the files of the Commission and reported its findings to the Commission.

JOINT CONCLUSIONS OF LAW

1. §130.046.1, RSMo provides:

The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

...

(3) Not later than the fifteenth day following the close of each calendar quarter.

2. There is probable cause that Respondents have violated §130.046.1, RSMo by failing to file timely 5 quarterly disclosure reports including the April, July and October 2008 reports, and the April and July 2009 reports, 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 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 Mark Hays and Roger A. Gooden Political Action Committee 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 Mark Hays and Roger A. Gooden Political Action Committee 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	PETITIONER
By: <u>Mark A. Hays</u> <u>10/24/10</u> Date	By: <u>Julie A. Allen</u> <u>12/19/10</u> Date
<u>John A. Comstock</u> <u>10/27/10</u> Date	By: <u>Elizabeth L. Ziegler</u> <u>12/19/10</u> Date
Mark A. Hays S. John A. Comstock Roger A Gooden Political Action Committee	Julie A. Allen Executive Director Elizabeth L. Ziegler General Counsel

Respondents

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