

**Filed**  
**MAY 21 2013**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,            )  
  )  
  )            Petitioner,            )  
  )  
v.    )  
  )  
CLORIA BROWN,                                )            Case No. 12E255  
  )  
and    )  
  )  
FRIENDS OF CLORIA BROWN,                )  
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, Cloria Brown and Friends Of Cloria Brown, 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 Brown was an unsuccessful candidate for State Representative in the November 6, 2012 election.

3. Respondent Committee Friends of Cloria Brown was a candidate committee formed by respondent to support her candidacy in the November 6, 2012 election.

4. Respondents are required to file campaign finance disclosure reports and statements with the Missouri Ethics Commission. § 130.011(1); § 130.026.2(3), 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. Respondents Brown and Friends of Cloria Brown published, circulated, and/or distributed the newspaper advertisement, attached hereto as Exhibit A, by publishing it in the

“The Call” newspaper. This newspaper advertisement was a joint publication between Respondents and Marsha Haefner and Citizens for Marsha Haefner.

7. Respondents Brown and Friends of Cloria Brown, Marsha Haefner and Citizens for Marsha Haefner paid for the printed matter attached hereto as Exhibit A.

8. The printed matter attached hereto as Exhibit A relates to a candidate in the November 2012 election.

9. The newspaper advertisement attached hereto as Exhibit A should have contained a clear and conspicuous statement: “Paid for by Friends of Cloria Brown, Jack Bettag, treasurer and Citizens for Marsha Haefner, Mike Pourney, treasurer”, but it did not.

10. The committees contacted the Missouri Ethics Commission offices on November 1, 2012, which was prior to a complaint being filed, to report that the newspaper advertisement had been published without the proper paid for by.

### **JOINT PROPOSED CONCLUSIONS OF LAW**

11. “Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section.” § 130.031.8, RSMo.

12. “[P]rinted matter’ shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but ‘printed matter’ is defined to exclude ... any sign personally printed and constructed by an

individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.” § 130.031.8, RSMo.

13. In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee...and the name and title of the committee treasurer who was serving when the printed matter was paid for. § 130.031.8(2), RSMo.

14. There is probable cause to believe that Respondents Brown and Friends of Cloria Brown violated Section 130.301.8, RSMo, by printing, circulating and distributing the newspaper advertisement attached hereto as Exhibit A without including the proper “paid for by” disclosure.

## 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 B.

a. Respondents shall comply with all relevant sections of Chapter 130, RSMo.

b. It is the Order of the Missouri Ethics Commission that it issue a letter of reprimand to Respondents Cloria Brown and Friends of Cloria Brown.

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.

RESPONDENT CLORIA BROWN

By: Cloria Brown 5/15/13  
Cloria Brown Date

PETITIONER MISSOURI ETHICS  
COMMISSION

By: Stacey Heislen 5/21/13  
Stacey Heislen Date  
Acting Executive Director

RESPONDENT FRIENDS OF CLORIA  
BROWN

By: Cloria Brown 5/15/13  
Cloria Brown Date

By: Elizabeth L. Ziegler 5/21/13  
Elizabeth L. Ziegler Date  
Attorney for Petitioner

# November 6th Sample Ballot



**Marsha Haefner**  
State Representative

Dear Friends & Neighbors,

As your current Republican State Representatives, we have made a dedicated effort to provide the level of service you deserve and expect from your elected officials. Listening to your concerns, representing your values for the protection of life and religious liberty, and being your voice as important issues were discussed and voted on has been an honor. We both take public service seriously and thank you for allowing us to work on your behalf in Jefferson City.

Below you will find a Sample Ballot with all of the national, state and local candidates currently running for office in Legislative Districts 94 and 95. Also included are the choices you have for a Missouri Supreme Court Judge, the Missouri Court of Appeals, Circuit Judges and Associate Circuit Judges.

Judges and Associate Circuit Judges. Lastly, you will find Missouri Constitutional Amendment No. 3 and the various propositions you will be voting on when you go to the polls on Tuesday.

While the ballot you receive when voting will look different, depending on whether you vote electronically or by paper ballot, this Sample Ballot contains everything you will be voting on. It has been provided to assist you as you prepare for the upcoming election on Tuesday, Nov 6th.

Representing you has been an honor and we hope you will consider allowing us to continue our work as your State Representatives. We ask for your vote on November 6th.

Respectfully,  
Cloria Brown & Marsha Haefner



**Cloria Brown**  
State Representative

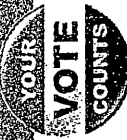
## Registered voters need to present ONLY ONE of the following types of ID:

### PHOTO ID

- Missouri Drivers License
- Missouri Non-Drivers License
- Federal Government ID

### NON-PHOTO ID

- Postcard from local election authority
- Bank Statement
- Utility Bill



If you do not have any of these forms of identification you may still vote if two supervising election judges, one from each political party, attest they know you.

PRESIDENTIAL	STATE	STATE	CIRCUIT JUDGES	ASSOCIATE CIRCUIT JUDGES	STATE PROPOSITIONS
<b>U.S. PRESIDENT and VICE PRESIDENT</b> FOUR Year Term (Vote for ONE) <ul style="list-style-type: none"> <li><input type="radio"/> BARACK OBAMA and JOE BIDEN DEMOCRATIC</li> <li><input type="radio"/> MITT ROMNEY and PAUL RYAN REPUBLICAN</li> <li><input type="radio"/> GARY JOHNSON and JAMES P. GRAY LIBERTARIAN</li> <li><input type="radio"/> VIRGIL GOODE and JIM CLYMER CONSTITUTION</li> </ul>	<b>LIEUTENANT GOVERNOR</b> FOUR Year Term (Vote for ONE) <ul style="list-style-type: none"> <li><input type="radio"/> SUSAN MONTEE DEMOCRATIC</li> <li><input type="radio"/> PETER KINDER REPUBLICAN</li> <li><input type="radio"/> MATTHEW COPPLE LIBERTARIAN</li> <li><input type="radio"/> CYNTHIA L. DAVIS CONSTITUTION</li> <li><input type="radio"/> Withd.</li> </ul>	<b>STATE REPRESENTATIVE DISTRICT 94</b> TWO Year Term (Vote for ONE) <ul style="list-style-type: none"> <li><input type="radio"/> VICKI LORENZ ENGLUND DEMOCRATIC</li> <li><input type="radio"/> CLORIA BROWN REPUBLICAN</li> <li><input type="radio"/> Withd.</li> </ul>	<b>Division No. 5</b> Shall Judge THEA A. SHERRY, Circuit Judge of Judicial Circuit No. 21, be retained in office? <input type="radio"/> YES <input type="radio"/> NO	<b>Division No. 37</b> Shall Judge JOHN R. ESSNER, Associate Circuit Judge of Judicial Circuit No. 21, be retained in office? <input type="radio"/> YES <input type="radio"/> NO	<b>PROPOSITION B</b> Proposed by Initiative Petition Shall Missouri law be amended to: -create the Health and Education Trust Fund with proceeds of a tax of \$0.0385 per cigarette and 25 percent of the manufacturers invoice price for roll-your-own tobacco and 15 percent for other tobacco products -use Fund proceeds to reduce and prevent tobacco use and for elementary, secondary, college, and university public school funding and -increase the amount that certain tobacco product manufacturers must maintain in their escrow accounts, to pay judgments or settlements, before any funds in escrow can be refunded to the tobacco product manufacturer and create bonding requirements for these manufacturers? Estimated additional revenue to state government is \$263 million to \$423 million annually with limited estimated implementation costs or savings. The revenue will fund only programs
<b>SECRETARY OF STATE</b> FOUR Year Term (Vote for ONE) <ul style="list-style-type: none"> <li><input type="radio"/> JOE ZELLE DEMOCRATIC</li> </ul>	<b>STATE REPRESENTATIVE DISTRICT 95</b> TWO Year Term (Vote for ONE) <ul style="list-style-type: none"> <li><input type="radio"/> JOE ZELLE DEMOCRATIC</li> </ul>	<b>Division No. 6</b> Shall Judge DOUGLAS R. BEACH, Circuit Judge of Judicial Circuit No. 21, be retained in office? <input type="radio"/> YES <input type="radio"/> NO	<b>Division No. 42</b> Shall Judge SANDRA FARRAGUT-HEMPHILL, Associate Circuit Judge of Judicial Circuit No. 21, be retained in office? <input type="radio"/> YES <input type="radio"/> NO	<b>Division No. 43</b> Shall Judge JOSEPH S. DUEKER, Associate Circuit Judge of Judicial Circuit No. 21, be retained in office? <input type="radio"/> YES <input type="radio"/> NO	

Missouri Ethics Commission  
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EXHIBIT

A

<input type="radio"/> Write-in <b>SENATOR</b> U.S. SENATOR SIX Year Term (Vote for ONE)		<input type="radio"/> Write-in <b>SENATOR</b> JASON KANDER DEMOCRATIC		<input type="radio"/> Write-in <b>SENATOR</b> MARSHA HAERNER REPUBLICAN		<input type="radio"/> YES <input type="radio"/> NO Shall Judge MICHAEL T. JAMISON, Circuit Judge of Judicial Circuit No. 21, be retained in office?	
<input type="radio"/> Write-in <b>SENATOR</b> CLAIRE McCASKILL DEMOCRATIC		<input type="radio"/> Write-in <b>SENATOR</b> SHANE SCHOELLER REPUBLICAN		<input type="radio"/> YES <input type="radio"/> NO Shall Judge MICHAEL T. JAMISON, Circuit Judge of Judicial Circuit No. 21, be retained in office?		<input type="radio"/> YES <input type="radio"/> NO Division No. 16 Shall Judge MICHAEL D. BURTON, Circuit Judge of Judicial Circuit No. 21, be retained in office?	
<input type="radio"/> Write-in <b>SENATOR</b> TODD AKIN REPUBLICAN		<input type="radio"/> Write-in <b>SENATOR</b> CISE W. SPRAGINS LIBERTARIAN		<input type="radio"/> YES <input type="radio"/> NO Division No. 14 Shall Judge JOSEPH L. WALSH, Circuit Judge of Judicial Circuit No. 21, be retained in office?		<input type="radio"/> YES <input type="radio"/> NO Division No. 17 Shall Judge JOSEPH L. WALSH, Circuit Judge of Judicial Circuit No. 21, be retained in office?	
<input type="radio"/> Write-in <b>SENATOR</b> JONATHAN DINE LIBERTARIAN		<input type="radio"/> Write-in <b>SENATOR</b> JUSTIN HARTER CONSTITUTION		<input type="radio"/> YES <input type="radio"/> NO Division No. 18 Shall Judge RICHARD C. BRESNAHAN, Circuit Judge of Judicial Circuit No. 21, be retained in office?		<input type="radio"/> YES <input type="radio"/> NO Division No. 20 Shall Judge COLLEEN DOLAN, Circuit Judge of Judicial Circuit No. 21, be retained in office?	
<input type="radio"/> Write-in <b>SENATOR</b> GLENN KOENEN DEMOCRATIC		<input type="radio"/> Write-in <b>SENATOR</b> CLINT ZWEIFEL DEMOCRATIC		<input type="radio"/> YES <input type="radio"/> NO Shall Judge GEORGE W. DRAPER III of the Missouri Supreme Court be retained in office?		<input type="radio"/> YES <input type="radio"/> NO Division No. 32 Shall Judge MARY BRUNTRAGER SCHFOEDER, Associate Circuit Judge of Judicial Circuit No. 21, be retained in office?	
<input type="radio"/> Write-in <b>SENATOR</b> ANN WAGNER REPUBLICAN		<input type="radio"/> Write-in <b>SENATOR</b> COLE McNARY REPUBLICAN		<input type="radio"/> YES <input type="radio"/> NO Shall Judge GARY M. GAERTNER, JR. of the Eastern District Court of Appeals be retained in office?		<input type="radio"/> YES <input type="radio"/> NO Division No. 34 Shall Judge DALE W. HOOD, Associate Circuit Judge of Judicial Circuit No. 21, be retained in office?	
<input type="radio"/> Write-in <b>SENATOR</b> BILL SLANTZ LIBERTARIAN		<input type="radio"/> Write-in <b>SENATOR</b> SEAN O'TOOLE LIBERTARIAN		<input type="radio"/> YES <input type="radio"/> NO Shall Judge SHERRI B. SULLIVAN of the Eastern District Court of Appeals be retained in office?		<input type="radio"/> YES <input type="radio"/> NO Division No. 35 Shall Judge JOHN N. BORRONUS, Associate Circuit Judge of Judicial Circuit No. 21, be retained in office?	
<input type="radio"/> Write-in <b>SENATOR</b> ANATOL ZORIKOVA CONSTITUTION		<input type="radio"/> Write-in <b>SENATOR</b> CHRIS KOSTER DEMOCRATIC		<input type="radio"/> YES <input type="radio"/> NO Shall Judge ROBERT CLAYTON of the Eastern District Court of Appeals be retained in office?		<input type="radio"/> YES <input type="radio"/> NO Division No. 35 Shall Judge LAWRENCE E. MOONEY of the Eastern District Court of Appeals be retained in office?	
<input type="radio"/> Write-in <b>SENATOR</b> JEREMIAH W. (JAY) NIXON DEMOCRATIC		<input type="radio"/> Write-in <b>SENATOR</b> ED MARTIN REPUBLICAN		<input type="radio"/> YES <input type="radio"/> NO Shall Judge LAWRENCE E. MOONEY of the Eastern District Court of Appeals be retained in office?		<input type="radio"/> YES <input type="radio"/> NO Division No. 35 Shall Judge JOHN N. BORRONUS, Associate Circuit Judge of Judicial Circuit No. 21, be retained in office?	
<input type="radio"/> Write-in <b>SENATOR</b> DAVID (DAVE) SPENCE REPUBLICAN		<input type="radio"/> Write-in <b>SENATOR</b> DAVE BROWNING LIBERTARIAN		<input type="radio"/> YES <input type="radio"/> NO Shall Judge LAWRENCE E. MOONEY of the Eastern District Court of Appeals be retained in office?		<input type="radio"/> YES <input type="radio"/> NO Division No. 35 Shall Judge JOHN N. BORRONUS, Associate Circuit Judge of Judicial Circuit No. 21, be retained in office?	
<input type="radio"/> Write-in <b>SENATOR</b> JIM HIGGINS LIBERTARIAN		<input type="radio"/> Write-in <b>SENATOR</b> SCOTT SIFTON DEMOCRATIC		<input type="radio"/> YES <input type="radio"/> NO Shall Judge LAWRENCE E. MOONEY of the Eastern District Court of Appeals be retained in office?		<input type="radio"/> YES <input type="radio"/> NO Division No. 35 Shall Judge JOHN N. BORRONUS, Associate Circuit Judge of Judicial Circuit No. 21, be retained in office?	
<input type="radio"/> Write-in <b>SENATOR</b> JIM HIGGINS LIBERTARIAN		<input type="radio"/> Write-in <b>SENATOR</b> JIM LEMBEKE REPUBLICAN		<input type="radio"/> YES <input type="radio"/> NO Shall Judge LAWRENCE E. MOONEY of the Eastern District Court of Appeals be retained in office?		<input type="radio"/> YES <input type="radio"/> NO Division No. 35 Shall Judge JOHN N. BORRONUS, Associate Circuit Judge of Judicial Circuit No. 21, be retained in office?	
<input type="radio"/> Write-in <b>SENATOR</b> JIM HIGGINS LIBERTARIAN		<input type="radio"/> Write-in <b>SENATOR</b> JIM LEMBEKE REPUBLICAN		<input type="radio"/> YES <input type="radio"/> NO Shall Judge LAWRENCE E. MOONEY of the Eastern District Court of Appeals be retained in office?		<input type="radio"/> YES <input type="radio"/> NO Division No. 35 Shall Judge JOHN N. BORRONUS, Associate Circuit Judge of Judicial Circuit No. 21, be retained in office?	

FOR MORE INFORMATION OR TO FIND YOUR POLLING PLACE CONTACT ST. LOUIS COUNTY ELECTION BOARD AT 314-615-1800.

Missouri Ethics Commission  
NOV 08 2012

ical impact to local governmental entities is unknown. Escrow fund changes may result in an unknown increase in future state revenue.

YES  
 NO

**PROPOSITION E**  
Proposed by the 56th General Assembly (Second Regular Session) SB 464  
Shall Missouri law be amended to prohibit the Governor or any state agency, from establishing or operating state-based health insurance exchanges unless authorized by a vote of the people or by the legislature?  
No direct costs or savings for state and local governmental entities are expected from this proposal. Indirect costs or savings related to enforcement actions, raised federal funding, avoided implementation costs, and other issues are unknown.

YES  
 NO

**PROPOSITION S**  
Shall the Board of Education of the Special School District of St. Louis County be authorized to increase the operating tax levy to fund education for children with disabilities, expand job training and placement, improve safety, and repair, expand, furnish and equip schools, and rebuild one school, which funds shall be apportioned to the school, if this proposition is approved, the adjusted operating levy of the District is estimated to be \$1.19 per \$100.00 assessed valuation?

YES  
 NO

**PROPOSITION L**  
For the purpose of renovating and replacing existing facilities, enhancing children's spaces and youth, adult and senior programs, constructing, improving, operating and maintaining facilities of St. Louis County Library District, and acquiring necessary property, shall the \$0.20 per hundred dollars assessed valuation tax for the Library District be increased to \$0.28 per hundred dollars assessed valuation?  
 YES  
 NO

**CONSTITUTIONAL AMENDMENT NO. 3**  
Proposed by the 56th General Assembly (Second Regular Session) SJR 57  
Shall the Missouri Constitution be amended to change the current nonpartisan selection of supreme court and court of appeals judges to a process that gives the governor increased authority to:  
-appoint a majority of the commission that selects these court nominees and  
-appoint all lawyers to the commission by removing the requirement that the governors appointees be nonlawyers?  
There are no estimated costs or savings expected if this proposal is approved by voters.

YES  
 NO

**PROPOSITION A:**  
Proposed by Initiative Petition  
Shall Missouri law be amended to:  
-allow any city not within a county (the City of St. Louis) the option of transferring certain obligations and control of the city's police force from the board of police commissioners currently appointed by the governor to the city and establishing a municipal police force  
-establish certain procedures and requirements for governing such a municipal police force including residency, rank, salary, benefits, insurance, and pension and  
-prohibit retaliation against any employee of such municipal police force who reports conduct believed to be illegal to a superior, government agency, or the press?  
State governmental entities estimated savings will eventually be up to \$500,000 annually. Local governmental entities estimated annual potential savings of \$3.5 million however, consolidation decisions with an unknown outcome may result in the savings being more or less than estimated.

YES  
 NO

**THIS IS A SAMPLE BALLOT WHICH IS PRESENTED TO ASSIST YOU IN PREPARING FOR THE UPCOMING ELECTION HELD ON NOVEMBER 6, 2012**  
DISTRICT 04 & 05 will not be listed on both ballots, only in their respective districts.  
**THIS IS NOT AN ACTUAL BALLOT.**

YES  
 NO



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MISSOURI ETHICS COMMISSION, )  
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 Petitioner, )  
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 v. )  
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 CLORIA BROWN, ) Case No. 12E255  
 )  
 and )  
 )  
 FRIENDS OF CLORIA BROWN, )  
 )  
 Respondents. )

**CONSENT ORDER**

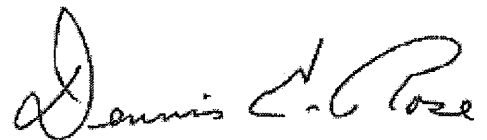
The parties having filed a Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Proposed Findings of Fact and Conclusions of Law (“Joint Stipulation”) with the Missouri Ethics Commission in this matter, the Missouri Ethics Commission hereby accepts as true the facts stipulated and finds that Respondents Cloria Brown and Friends of Cloria Brown violated Sections 130.031.8, 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 it issue a letter of reprimand to Respondents Cloria Brown and Friends of Cloria Brown pursuant to §105.961.4(4), RSMo.

SO ORDERED this 21<sup>st</sup> day of May, 2013

By:



Dennis Rose, Chair  
Missouri Ethics Commission