

Filed
JUN 06 2013
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.)
)
MARK LIGHT,) Case No. 12A120
)
and)
)
UNITED BROTHERHOOD OF)
CARPENTERS LOCAL 1839 PAC,)
Continuing 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, Mark Light and United Brotherhood Of Carpenters Local 1839 Pac, 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 United Brotherhood of Carpenters Local 1839 PAC (hereinafter “United Brotherhood PAC”) is a continuing committee formed on September 16, 2004.
3. On March 24, 2008, Respondent Light was named treasurer of Respondent United Brotherhood PAC on an amended statement of committee organization.
4. Pursuant to Section 105.961, RSMo, the Commission’s staff has investigated the reports and statements filed with the Commission and reported the investigation’s findings to the Commission.
5. Beginning in September 2009 Respondent United Brotherhood PAC’s official account had a balance of \$373.80.

6. On September 23, 2009, Respondent Light signed a check for \$200 to himself from Respondent United Brotherhood PAC's official account, leaving an account balance of \$173.80. Respondents did not report this transaction on any campaign finance disclosure reports.

7. Respondent United Brotherhood PAC's official account had no activity from September 2009 until May 2010, when Respondent Light deposited \$200 into the official account. Respondents did not report this transaction on any campaign finance disclosure reports.

8. On July 2, 2010, Respondent Light wrote a check to "Cash" for \$50. On July 14, 2010, Respondent Light wrote another check to "Cash" for \$50 from Respondent United Brotherhood PAC's official account. Respondents did not report this transaction on any campaign finance disclosure reports.

9. On August 10, 2010, Respondent Light deposited \$100 in cash into United Brotherhood PAC's official account. Respondents did not report this transaction on any campaign finance disclosure reports.

10. On August 16, 2010, Respondent Light withdrew \$300 in cash from Respondent United Brotherhood PAC's official account. Respondents did not report this transaction on any campaign finance disclosure reports.

11. On August 28, 2010, Respondent Light deposited \$300 in cash into United Brotherhood PAC's official account. Respondents did not report this transaction on any campaign finance disclosure reports.

12. On September 28, 2010, Respondent United Brotherhood PAC, on a check signed by Respondent Light, contributed \$300 to a candidate committee.

13. The candidate committee reported the \$300 contribution it received and the Missouri Ethics Commission noted Respondents had not reported the contribution made, and

pursuant to Section 105.959, RSMo, reviewed the reports and statements of Respondent United Brotherhood PAC for completeness, accuracy, and timeliness.

14. Between September 23, 2009 and September 28, 2010, the only activity in the committee's official fund depository was payments to Respondent Light or deposits by Respondent Light, as follows:

Date	Withdrawal	Deposit	Deposit/Withdrawal	Net deposits/withdrawals to date
9/23/2009		(\$200)	Withdrawal (Check 1011)	-\$200.00
6/17/10	\$200.00		Deposit	\$0.00
7/2/10		(\$50)	Withdrawal (Check to cash)	-\$50.00
7/14/10		(\$50)	Withdrawal (Check to cash)	-\$100.00
8/10/10	\$100.00		Deposit (cash)	\$0.00
8/16/10		(\$300)	Withdrawal (general ledger debit)	-\$300.00
9/28/10	\$300.00		Deposit	\$0.00

15. By making such withdrawals and deposits, between September 2009 and September 2010, Respondent Light had commingled his personal assets with the funds of the committee.

16. Respondents received contributions totaling \$200 during the July 2010 quarterly reporting period, and filed a statement of limited activity in lieu of the July 2010 quarterly reporting period.

17. Respondents received contributions totaling another \$400 during the October 2010 quarterly reporting period.

18. Because Respondents received contributions aggregating \$600 during these two consecutive reporting periods, Respondents should have filed a full October 2010 quarterly disclosure report.

19. Instead, Respondents filed a statement of limited activity in lieu of the October 2010 quarterly disclosure report.

20. Respondent failed to timely file the January 2012 and April 2012 quarterly disclosure reports, as those reports were both filed on June 12, 2012.

21. Respondents failed to timely disclose the following contributions and/or receipts received:

Amount	Contributor	Date
\$200.00	Mark Light or United Brotherhood of Carpenters & Joiners of America Local Union NO. 1839 General Fund	June 17, 2010
\$100.00	Cash (Mark Light)	August 10, 2010
\$300.00	Mark Light	September 28, 2010
\$600.00	TOTAL	

22. Respondents failed to timely report the following expenditures made:

Amount	Recipient	Date
\$200.00	Mark Light	Sep. 23, 2009
\$50.00	Cash (signed by Mark Light)	July 2, 2010
\$50.00	Cash (signed by Mark Light)	Oct. 14, 2010
\$300.00	Cash (general ledger debit signed by Mark Light)	Aug. 16, 2010
\$600.00	TOTAL	

JOINT PROPOSED CONCLUSIONS OF LAW

23. Contributions received by a committee “shall not be commingled with any funds of an agent of the committee, a candidate or any other person.” § 130.021.4(1), RSMo.

24. There is probable cause to believe that Respondent Light violated Sections 130.034.1, 130.021.4(1), and/or 130.041.1, RSMo, by commingling \$600 of his personal funds with committee funds, and that Respondent Light did so knowingly.

25. Committees must file quarterly campaign finance disclosure reports except when the contributions received or the expenditures or contributions made by the committee do not exceed \$500. § 130.046, RSMo.

26. A committee may file a statement of limited activity for a reporting period only when the committee has neither received contributions aggregating more than \$500 nor made expenditures aggregating more than \$500 and has not received contributions aggregating more than \$300 from a single contributor. § 130.046.5(2), RSMo.

27. The statement of limited activity may not be filed “in lieu of the report for two or more consecutive disclosure periods if either the contributions received or expenditures made in the aggregate during those reporting periods exceed five hundred dollars.” § 130.046.5(2), RSMo.

28. There is probable cause to believe that Respondents violated Section 130.046, RSMo, by improperly filing a statement of limited activity in lieu of the October 2010 quarterly disclosure report, when Respondents had received \$600 in contributions since their last full disclosure report, and that Respondents did so knowingly.

29. Respondents were required to file campaign finance disclosure reports “[n]ot later than the fifteenth day following the close of each calendar quarter.” § 130.046.1, RSMo.

30. There is probable cause to believe that Respondents violated Section 130.046.1, RSMo, by failing to timely file two (2) campaign finance disclosure reports, and that Respondents did so knowingly.

31. Respondents were required to file campaign finance disclosure reports that set forth all receipts for the period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor....

...

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution;

§ 130.041.1(3), RSMo.

32. There is probable cause to believe that Respondents violated Section 130.041.1(3), RSMo, by failing to timely report \$600 in contributions or receipts, and that Respondents did so knowingly.

33. Respondents were required to file campaign finance disclosure reports that set forth expenditures for the period, including:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

(b) The total dollar amount of expenditures made in cash;

...

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker;

...

§130.046.1(4), RSMo.

34. There is probable cause to believe that Respondents violated Section 130.046.1(4), RSMo, by failing to timely and accurately report \$600 in expenditures, and that Respondents did so knowingly.

35. "Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all

expenditures made by the committee during that calendar year. A check made payable to "cash" shall not be made except to replenish a petty cash fund." § 130.031.2, RSMo.

36. There is probable cause to believe that Respondents violated Section 130.031.2, RSMo, by cashing a check issued by Respondents to Respondent Light, and by withdrawing \$300 in cash from the committee's official account, 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 \$3,700, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$910 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 Mark Light or United Brotherhood Of Carpenters Local 1839 Pac 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 MARK LIGHT and UNITED BROTHERHOOD OF CARPENTERS LOCAL 1839 PAC 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 MARK LIGHT

By: Mark Light 6/01/13
Mark Light Date

RESPONDENT UNITED BROTHERHOOD OF CARPENTERS LOCAL 1839 PAC

By: Mark Light 6-01-13
Mark Light Date
Treasurer

PETITIONER MISSOURI ETHICS COMMISSION

By: Stacey Heislen 6/5/13
Stacey Heislen Curt Stokes Date
Acting Executive Director Attorney for Petitioner

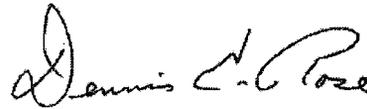
By: Curtis R. Stokes 6/6/13
Curtis R. Stokes Date
Attorney for Petitioner
Stacey Heislen
Acting Executive Director

Respondent pays \$910 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 Mark Light and United Brotherhood of Carpenters Local 1839 PAC 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 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 Mark Light and United Brotherhood of Carpenters Local 1839 PAC committed such a violation.
4. Respondents Mark Light and United Brotherhood of Carpenters Local 1839 PAC shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 6th day of June, 2013

By:



Dennis Rose, Chair
Missouri Ethics Commission