

**Filed**  
**JUL 05 2013**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,            )  
  )  
  )     Case No. 12A188  
  )  
v.    )  
  )  
78TH LEGISLATIVE DISTRICT            )  
DEMOCRATIC COMMITTEE,                )  
Political Party Committee,              )  
  )  
and    )  
  )  
MATHEW ROBINSON,                      )  
Treasurer,                                )  
  )  
  )  
  )     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, 78th Legislative District Democratic Committee and Robinson, 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 78th Legislative District Democratic Committee is a political party committee registered with the Missouri Ethics Commission since 2004.
3. Respondent Robison was the treasurer of the 78th Legislative District Democratic Committee beginning in 2004 and at all times relevant to this complaint.
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. Based on the report of the Commission's staff, the Commission determined that there are reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

**COUNT I**

*Failure to timely and accurately file campaign finance disclosure reports and reports of contributions received*

6. Respondents failed to timely file the following five (5) campaign finance disclosure reports:

<b>Report</b>	<b>Due Date</b>	<b>Days Late</b>
October 2009 quarterly	10/15/2009	1
July 2010 quarterly	7/15/2010	6
April 2011 quarterly	4/15/2011	3
October 2011 quarterly	10/17/11	1
April 2012 quarterly	4/16/2012	7

7. Respondents originally filed a statement of limited activity in lieu of a full disclosure report for the April 2009 quarterly report, but Respondents made expenditures in excess of \$500 during the reporting period for the April 2009 quarterly report.

8. Respondents failed to include the full reporting period for the "30 Days After" report for the November 2008 general election.

9. Respondents failed to include the proper reporting periods for the April 2009 quarterly report (as amended):

<b>Proper Reporting Period</b>	<b>Reported Period</b>
November 30, 2008 – March 31, 2009	January 1, 2009 – March 31, 2009

**COUNT II**

*Failure to timely and accurately report contributions received and expenditures and contributions made*

10. Respondents failed to accurately report the amount of money on hand on the “30 Days After” report for the November 2008 general election: the report states \$11,620.89 in money on hand at the end of the reporting period, but the committee’s bank accounts show only \$3,091.91 at the end of the reporting period.

11. Respondents failed to timely disclose the following two contributions it received:

<b>Contributor</b>	<b>Amount</b>	<b>Date</b>	<b>Reported</b>
Kelly Steiner	\$20.00	10/26/2008	Not reported
Afro World	\$25.00	8/27/2009	Amended October quarterly report, filed October 17, 2012

12. Respondents failed to disclose an expenditure of \$90.58 at Shop N Save made on December 4, 2008.

13. Respondents failed to timely disclose four (4) expenditures over \$100 each, totaling \$1,933.75:

<b>Recipient</b>	<b>Amount</b>	<b>Check or Transaction Date</b>	<b>Reported</b>
U.S. Postal Service	\$270.00	11/25/2008	Not reported
Mattingly Inn	\$377.75	12/14/2008	Not reported
Mattingly Inn	\$375.01	1/31/2009	Amended April quarterly report, filed October 17, 2012
Madco Printing	\$910.99	3/5/2009	
<b>TOTAL</b>	<b>\$1,933.75</b>		

14. Respondents failed to timely disclose the following six (6) contributions it made to other committees:

<b>Recipient</b>	<b>Amount</b>	<b>Check or Transaction Date</b>	<b>Reported</b>
Citizens for Stone Stinger	\$750.00	11/20/2008	Not reported
Friends of Sylvester Taylor	\$100.00	2/7/2009	Amended April quarterly report, filed October 17, 2012
Margo McNeal for State Representative	\$910.99 (in-kind)	3/5/2009	
Oakville Township Democrats	\$50.00	2/7/2009	
Re-Elect Jim Murphy	\$100.00	2/22/2009	
Slay for Mayor	\$50.00	2/8/2009	
<b>TOTAL</b>	<b>\$1,960.99</b>		

## JOINT PROPOSED CONCLUSIONS OF LAW

### COUNT I

#### *Failure to timely and accurately file campaign finance disclosure reports and reports of contributions received*

15. Respondents were required to file quarterly campaign finance disclosure reports “except for any calendar quarter in which the contributions received by the committee or the expenditures or contributions made by the committee do not exceed five hundred dollars.” § 130.046.3, RSMo.

16. “The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September.” § 130.046.3, RSMo.

17. Respondents were also required to file a “30 Days After” report for a period closing on the twenty-fifth day after the election if the committee has made any contribution or

expenditure either in support of or opposition to any candidate or ballot measure. § 130.046.1(2), RSMo.

18. There is probable cause to believe that Respondents violated Sections 130.046.3 and 130.046.1(2), and , RSMo, by failing to timely file five (5) campaign finance disclosure reports, inaccurately filing statements of limited activity, and failing to include accurately reporting periods on two (2) campaign finance disclosure reports, and that Respondents did so knowingly.

## COUNT II

### *Failure to timely and accurately report contributions received and expenditures and contributions made*

19. Respondents were required to accurately disclose on each campaign finance disclosure report the receipts for that period, including the “Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor...” § 130.041.1(3)(a), RSMo.

20. Respondents were required to accurately disclose on each campaign finance disclosure report the expenditures for the period, including the:

(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....

§ 130.041.1(4), RSMo.

21. Respondents were required to accurately set forth on each campaign finance disclosure report a “separate listing by full name and address of any committee ... for which a transfer of funds or a contribution in any amount has been made during the reporting period, together with the date and amount of each such transfer or contribution.” § 130.041.1(8), RSMo.

22. Each campaign finance disclosure report must accurately state the committee’s money on hand at the beginning of the reporting period, § 130.041.1(2), RSMo, and at the close of the reporting period. § 130.041.1(5), RSMo.

23. There is probable cause to believe that Respondents violated Sections 130.041.1(3)(a), 130.041.1(4), 130.041.1(8), 130.041.1(2), and 130.041.1(5), RSMo, by failing to accurately report money on hand, failing to timely disclose two contributions it received, failing to report an expenditure under \$100 each, failing to timely report four expenditures over \$100 each and totaling \$1,933.75, and failing to timely disclose six contributions it made totaling \$1,960.99, 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 \$4,900, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$490 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 Robinson or 78th Legislative District Democratic Committee commits any further violation 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 Robinson and 78th Legislative District Democratic Committee 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 78TH LEGISLATIVE  
DISTRICT DEMOCRATIC COMMITTEE

By: Matthew G. Robinson  
Mathew Robinson, Treasurer Date

PETITIONER MISSOURI ETHICS  
COMMISSION

By: Stacey Heislen 7/3/13  
Stacey Heislen Date  
Acting Executive Director

RESPONDENT MATHEW ROBINSON

By: Matthew G. Robinson  
Mathew Robinson Date

By: Curtis R. Stokes 7/3/13  
Curtis R. Stokes Date  
Attorney for Petitioner



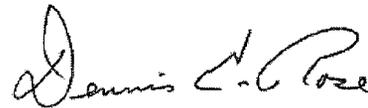
RSMo. However, if Respondents pay \$490 of that fee within forty-five days after the date of the Order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

3. If either Respondent Robinson or 78th Legislative District Democratic Committee commits any further violation 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.

4. Respondents Robinson and 78th Legislative District Democratic Committee shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 5<sup>th</sup> day of July, 2013

By:



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Dennis Rose, Chair  
Missouri Ethics Commission