

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.

For good consideration herein acknowledged, the parties further agree that Respondents shall pay to the Ethics Commission the sum of \$1,680 as and for satisfaction of the circuit court's Judgment and Order of Sanctions entered March 15, 2013.

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 Cole was an unsuccessful candidate for the position of State Representative in the November 2010 general election.
3. Respondent Cole for House was the candidate committee formed by Respondent Cole to support her candidacy in the November 2010 general election.
4. 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.

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 file independent contractor supplemental report

6. Respondents reported five (5) payments totaling \$2,871.50 to Regional Growth Consultants, and reported the purpose for those payments as either "consulting" or "general consulting," without filing an "independent contractor" supplemental report specifying the service or services provided.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to timely file independent contractor supplemental report

7. The words "consulting or consulting services, fees, or expenses", or similar words, shall not be used to describe the purpose of a payment. § 130.041.4, RSMo.

8. "Any payment to such an independent contractor shall be on a form ... established by the ethics commission and shall include identification of the specific service or services provided including, but not limited to, public opinion polling, research on issues or opposition background, print or broadcast media production, print or broadcast media purchase, computer programming or data entry, direct mail production, postage, rent, utilities, phone solicitation, or fund raising, and the dollar amount prorated for each service." § 130.041.4, RSMo.

9. Reports required by Section 130.041, RSMo, are due at the times prescribed in Section 130.046, RSMo.

10. There is probable cause to believe that Respondents violated Section 130.041.4, RSMo, by reporting five (5) expenditures totaling \$2,871.50 with the purpose of either “consulting” or “general consulting,” and not timely filing an “independent contractor” supplemental report, 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 \$3,400, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$340 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 Cole or Cole for House 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 Cole and Cole for House 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.

SO AGREED:

RESPONDENT COLE

By: Courtney Cole 9/7/13
Courtney Cole Date

By: Phil LeVota 9/9/13
Phil LeVota Date
Attorney for Respondent Cole

RESPONDENT COLE FOR HOUSE

By: Courtney Cole 9/7/13
Courtney Cole, Date
Candidate

By: Phil LeVota 9/9/13
Phil LeVota Date
Attorney for Respondent Cole

PETITIONER MISSOURI ETHICS
COMMISSION

By: Stacey Heislén 9/13/2013
Stacey Heislén Date
Acting Executive Director

By: Curtis R. Stokes 9/13/13
Curtis R. Stokes Date
Attorney for Petitioner

Filed
SEP 13 2013
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.)
)
COURTNEY COLE,) Case No. 11E199, 11E200
)
and)
)
COLE FOR HOUSE,)
)
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 Cole and Cole for House violated Section 130.041.4, RSMo, as stated in the Joint Stipulation.

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

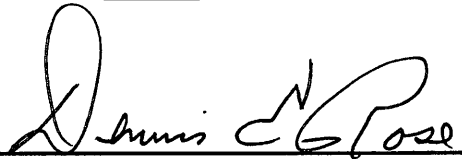
- a. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
- b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$3,400, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$340 of that fee within forty-five 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 Cole or Cole for House 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 Cole and Cole for House shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 13th day of September,
2013

By: 
Dennis Rose, Chair
Missouri Ethics Commission