Filed
SEP 27 2013
Missouri Ethics Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	Case No. 13E051
v.	)	
	)	
GARY VOSS,	)	
	)	
Respondent.	)	

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 Respondent, Gary Voss, acknowledges that he has 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 Respondent further acknowledges that he is 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 Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waives each and every one of these rights and freely enters 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 agrees to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondent 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 Voss was a successful candidate in the April 2, 2013 election for Ellisville City Council, District 1.

3. According to the 2010 census, Ellisville, Missouri, has a population of 9,401.

4. Pursuant to Section 105.957, 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 were 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.

6. Respondent Voss was required to form a committee no later than thirty days prior to the election for which the contributions were received or expended. § 130.016.7, RSMo.

7. Respondent Voss was required to file a statement of committee organization with the local election authority within twenty days after the person or organization becomes a

committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046. §130.021, 5 (RSMo).

8. The St. Louis County Board of Elections is the appropriate election authority for a candidate for Ellisville City Council. §130.026.2(4), RSMo.

9. According to §130.011, RSMo:

"Contribution" includes, but is not limited to:

(a) A candidate's own money or property used in support of the person's candidacy other than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office

10. Respondent Voss made expenditures from his own funds in excess of $1,000 while a candidate for City Council.

11. Respondent Voss therefore was required to form a candidate committee but failed to form a committee and file a statement of committee organization within twenty days of exceeding the threshold with the St. Louis County Board of Elections.

12. Respondent Voss published, circulated, and/or distributed the yard signs and "Meet and Greet" invitation mailers, attached hereto as Exhibit A, by displaying the yard signs at various locations in Ellisville and mailing the invitations to 1,200 voters within Ellisville.

13. Respondent Voss paid for the printed matter attached hereto as Exhibit A.

14. The printed matter attached hereto as Exhibit A relates to a candidate in the April 2013 election.

15. The yard signs and mailers attached hereto as Exhibit A should have contained a clear and conspicuous statement: "Paid for by Gary Voss", but they did not.

JOINT PROPOSED CONCLUSIONS OF LAW

16. A candidate for the Ellisville City Council is required to form a candidate committee if the aggregate of contributions received and expenditures made exceed one thousand dollars and contributions from any single contributor exceeds three hundred twenty five dollars. § 130.016.6, RSMo.

17. There is probable cause to believe that Respondent Voss violated Sections 130.016.6, 130.016.7, 130.021.5, and 130.026.2(4), RSMo, by failing to form and register a candidate committee with the St. Louis County Board of Elections upon making expenditures in excess of $1,000 in support of his candidacy for Ellisville City Council, District One, and that Respondent did so knowingly.

18. "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.

19. "'[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.

20. In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known. § 130.031.8(1), RSMo.

21. There is probable cause to believe that Respondent Voss violated Section 130.031.8(1), RSMo, by creating and distributing yard signs and mailers 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 1.

   a. Respondent 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 Respondent Gary Voss in the amount of $1,100, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays $200 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 Respondent Gary Voss 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 Respondent 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.

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. Respondent, together with his heirs, successors, and assigns, does 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 Respondent or Respondent's 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 Respondent from any late filing fees due to the appropriate filing authority, including Petitioner Missouri Ethics Commission. Respondent understands that late filing fees accrue automatically under Section 105.963, RSMo.

RESPONDENT GARY VOSS

By: _____ 9/20/13
Gary Voss Date

Petitioner

By: _____ 9/27/13
James Klahr Date
Executive Director

By: _____ 9/20/13
Henry Willimon, Jr. Date
Attorney for Respondent

By: _____ 9/27/13
Elizabeth L. Ziegler Date
Attorney for Petitioner

Missouri Ethics Commission
APR 0 8 2013

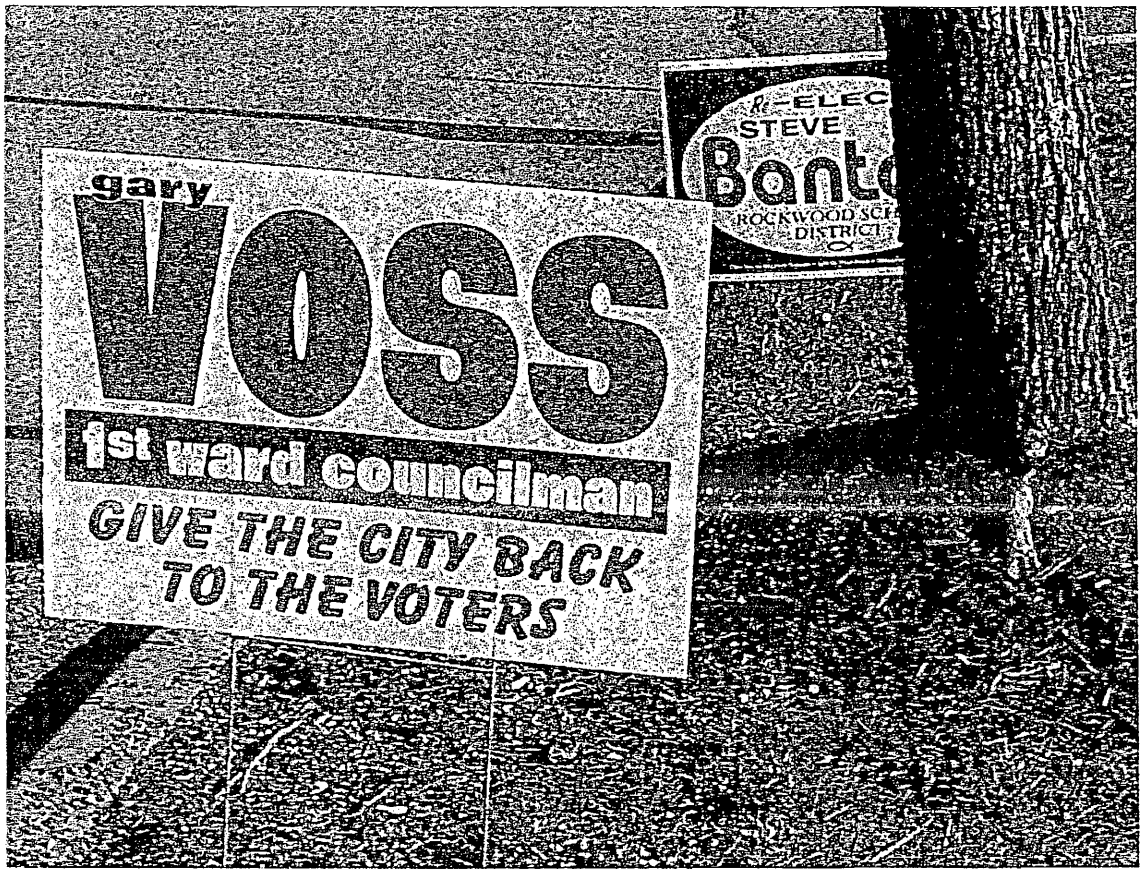


EXHIBIT
A

Missouri Ethics Commission
APR 0 8 2013

GARY G. VOSS
1048 LEMAR DRIVE
ELLISVILLE, MO. 63011
Phone: 636-227-1469

March 1, 2013

To The Residents of Ward One:

Many of you know me. I'm Gary Voss, Proprietor of West County Lanes, formerly Pat Patterson's Ellisville Bowl, established in 1965. My wife and I purchased the bowling center from the Patterson Family in 1984. I think everyone who lives in Ellisville has probably visited the bowling center at some time or another for a bowling event, party, or as a voter from Ward One.

I also live in Ellisville and would like to represent Ward One as a Council member. A change is definitely needed! So here's what I think we can do. Get new people on the City Council and run your city professionally with friendly, intelligent politicians and city employees.

Yes, I am anti-Wal-Mart. My issue is that they are just not small business friendly. Why should they get a $14 million tax concession and current city businesses get nothing? As we commute on Manchester on a daily basis, we can't help but notice all of the changes that have taken place over the past few years. There are a lot of empty businesses and vacant properties. Ellisville is not a very business-friendly city. While the City Council may think forking over $14 million in TIF to Wal-Mart, a $440 billion dollar company, is a good idea, it thinks nothing of making small business owners jump through hoops over something as trivial as the color of a roof. The City's sign ordinances are ridiculous

For the record, I supported Mayor Adam Paul in the last election. I feel the way the current City Council Members have treated the Mayor is very unprofessional and shameful. He was elected by a majority of the residents of this city and a handful of council members should not have the power to overturn that decision, despite their political differences. Yes, you need some new voices on the City Council and I hope I can be one of them.

I do not belong to any group such as Article Nine, although I'm not opposed to them. I am an independent interested in supporting the interests of the residents of Ward One. I have a low budget campaign and will not waste money on yard signs and campaign buttons.

On Thursday, March 14, 2013, I am hosting a "Meet and Greet" event at my bowling center from 6:00 PM until 8:00 PM, with a few short comments at 6:30 PM. I hope you'll join us for a soft drink and some light snacks and meet me, my wife and some of your neighbors.

Whether you can make it on March 14th or not, I would appreciate your vote on April 2nd.

Sincerely,

Gary

Gary G. Voss

Missouri Ethics Commission
APR 0 8 2013

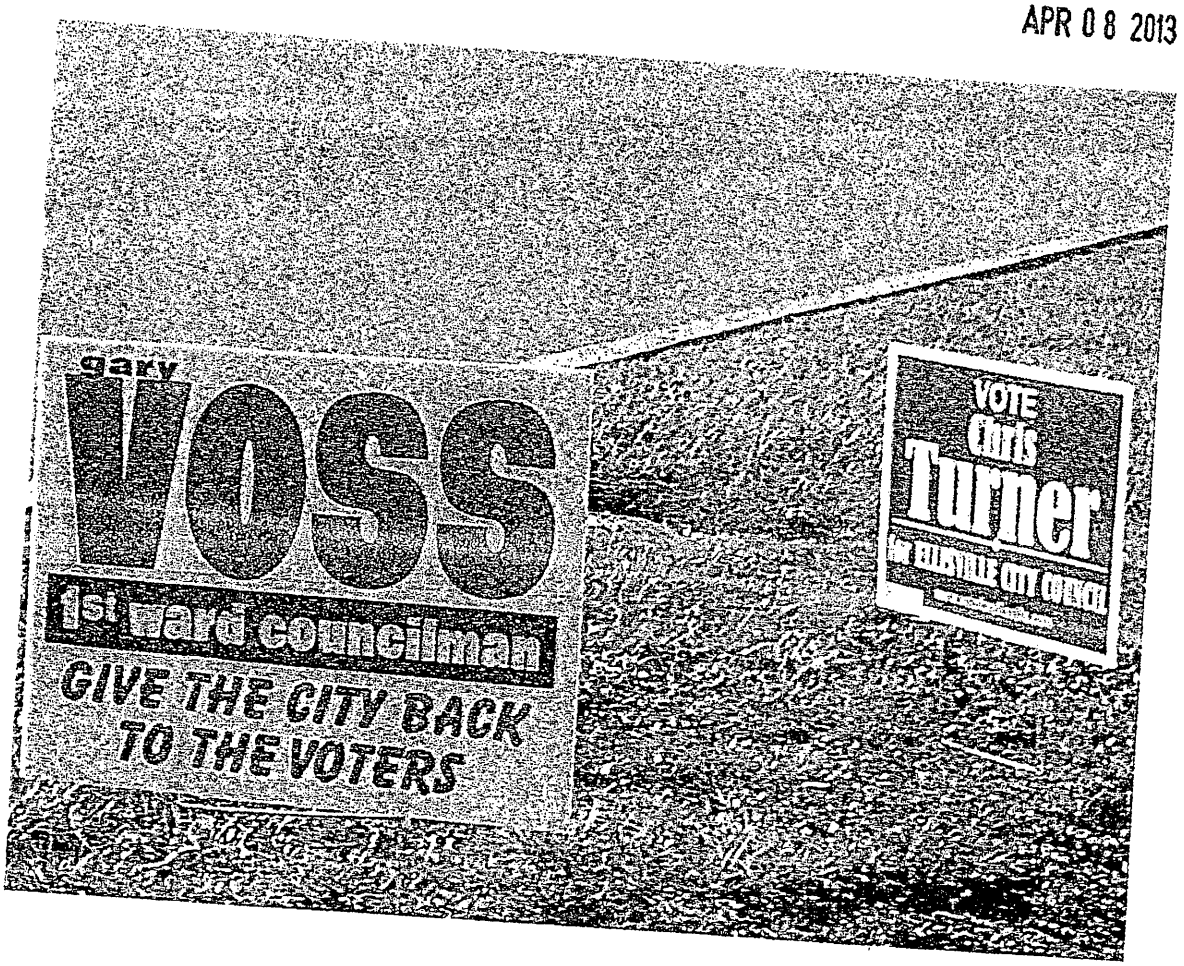
gary

VOSS

1st ward councilman

GIVE THE CITY BACK
TO THE VOTERS

Missouri Ethics Commission
APR 0 8 2013



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Respondent.	)	

CONSENT ORDER

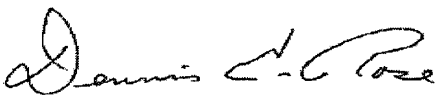
The parties having filed a Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Proposed Findings of Fact and Conclusions of Law ("Joint Stipulation") with the Missouri Ethics Commission in this matter, the Missouri Ethics Commission hereby accepts as true the facts stipulated and finds that Respondent Voss violated Sections 130.016.6, 130.016.7, 130.021.5, 130.026.2(4), and 130.031.8(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.

1. Respondent shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondent Voss in the amount of $1,100 pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays $200 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 Respondent Voss commits 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 Respondent Voss 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 Respondent Voss committed such a violation.

SO ORDERED this 27th day of September, 2013

By: 

Dennis Rose, Chair
Missouri Ethics Commission