

Filed
OCT 10 2013
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
)
) Case No. 13E061
v.)
)
ST. LOUIS FIREFIGHTERS LOCAL NO.)
73 PAC,)
Continuing Committee,)
)
and)
)
STEVE MIGNECO,)
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, St. Louis Firefighters Local No. 73 PAC and Migneco, 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 to 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 St. Louis Firefighters Local 73 PAC is a continuing committee which has been registered with the Commission since October 8, 1983.
3. At all relevant times, Respondent Migneco was the treasurer and Eugene Floyd was the deputy treasurer of the continuing committee.
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 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.

COUNT I

Failure to file 24 hour expenditure report and a direct expenditure report

6. Respondents paid \$600 to DDI Media on February 28, 2013 for a billboard that supported Lewis Reed for Mayor in the March 5, 2013, Primary Election.

7. While this \$600 expenditure occurred after the twelfth day prior to the Primary Election, it was not reported on a 24 Hour Expenditure report with a direct expenditure statement prior to the March 5, 2013 election. Respondents failed to file a 24 hour expenditure report containing a direct expenditure supplemental statement disclosing that this \$600 expenditure to DDI Media was in support of candidate Reed .

8. Respondents have, since the complaint was filed with the Commission, filed a 24 Hour Expenditure and a direct expenditure report, correctly reporting this \$600 expenditure.

COUNT II

Paid for by violation

9. Respondents published, circulated, and/or distributed the 4 foot by 8 foot sign, a true and correct copy of which is attached hereto as Exhibit A, by mounting it on a trailer and displaying it at various locations in the voting area.

10. Respondent St. Louis Firefighters Local 73 PAC paid for the printed matter attached hereto as Exhibit A.

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

12. The printed matter attached hereto had an incorrect paid for by disclosure that read: "Paid for by IAFF 73 PAC, Gene Floyd, Treasurer".

13. The sign attached hereto as Exhibit A should have contained the following correct disclosure statement: "Paid for by St. Louis Firefighters Local No 73 PAC, Steve Migneco, Treasurer."

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to file 24 hour expenditure report and a direct expenditure report

14. According to Section 130.046.3(2), RSMo:

A continuing committee shall submit additional reports if it makes aggregate expenditures, other than contributions to a committee, of five hundred dollars or more, within the reporting period at the following times for the following periods:

...

(2) Not later than twenty-four hours after aggregate expenditures of two hundred fifty dollars or more are made after the twelfth day before the election;

15. Section 130.041.1(7), RSMo specifies that the treasurer or deputy treasurer of every committee shall file a report of receipts and expenditures. The report shall indicate "the amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought."

16. There is probable cause to believe that Respondents violated Sections 130.041.1(7) and 130.046.3 , RSMo, by failing to file timely a 24 hour expenditure report with a direct expenditure report supporting candidate Lewis Reed in advance of the March 5, 2013 election, and that Respondents did so knowingly.

COUNT II

Paid for by violation

17. “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.

18. “[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.

19. Section 130.031.8(2), RSMo states that for 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.

20. There is probable cause to believe that Respondents violated Section 130.031.8(2), RSMo, by publishing, circulating and distributing a sign in support of a candidate in the April 2, 2013 election with an improper paid for by disclosure statement, 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 B.

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 \$1,100, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$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 either Respondent St. Louis Firefighters Local No. 73 PAC or Migneco 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 that 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.

d. Respondents St. Louis Firefighters Local No. 73 PAC and Migneco 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 ST. LOUIS FIREFIGHTERS
LOCAL NO. 73 PAC

PETITIONER MISSOURI ETHICS
COMMISSION

By: SK Mgn 9-23-2013
Steve Migneco, Date
Treasurer

By: James Klahr 10/9/13
James Klahr Date
Executive Director

RESPONDENT STEVE MIGNECO

By: Curtis R. Stokes 10/9/13
Curtis R. Stokes Date
Attorney for Petitioner

By: SK Mgn 9-23-2013
Steve Migneco Date

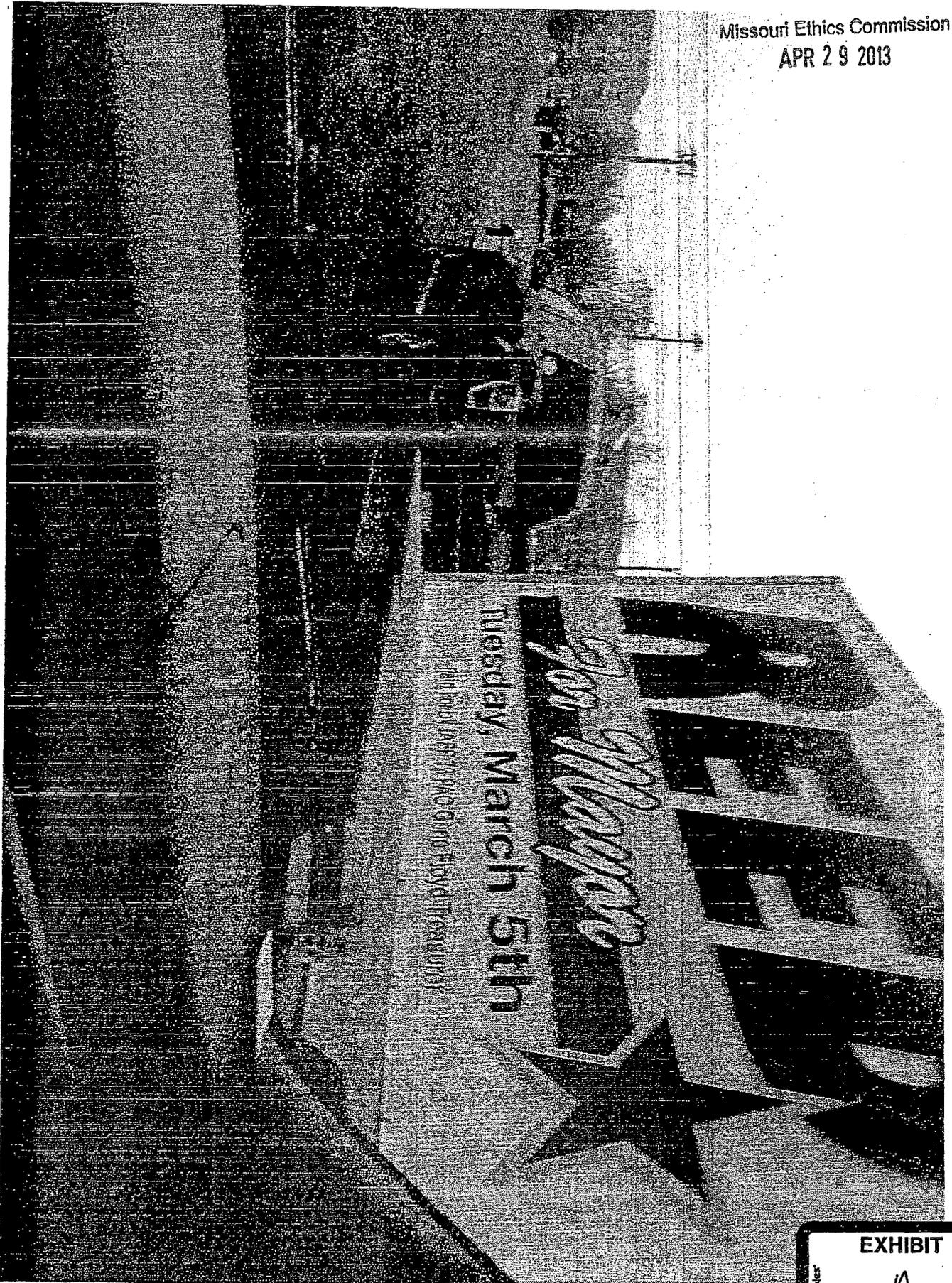


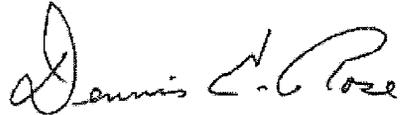
EXHIBIT
A

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 either Respondent St. Louis Firefighters Local No. 73 PAC or Migneco 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 that Respondent 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 committed such a violation.
4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 10th day of October,
2013

By:



Dennis Rose, Chair
Missouri Ethics Commission