Filed
OCT 31 2013
Missouri Ethics Commission

MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION, Petitioner, v. EILEEN McGEOGHEGAN, Candidate FRIENDS FOR EILEEN McGEOGHEGAN, Candidate committee and RORY RIDDLER, doing business as MEDIA MAGIC, Respondents.	)))))))))))))))))	Case No. 12E175, 12E175A

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, McGeoghegan, Friends for Eileen McGeoghegan, and Riddler, 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.

The parties agree that this joint stipulation may be signed in counterparts, each of which shall be deemed original, with the same effect as if all the parties had signed the same document. All such counterparts shall constitute a single agreement.

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. Respondent McGeoghegan was an unsuccessful candidate for Missouri Representative in the August 7, 2012, primary election.

2. Respondent Friends for Eileen McGeoghegan was the candidate committee formed by Respondent McGeoghegan to support her candidacy in the August 2012 primary election.

3. Respondent Riddler was a consultant to Respondent McGeoghegan and her candidate committee in the August 2012 primary election. Respondent Riddler had served as the

legislative assistant to Respondent McGeoghegan in the Missouri House of Representatives from June 2011 through December 2011.

4. Respondent Riddler does business under the fictitious name "Media Magic."

5. "Media Magic" is a fictitious name registered by Respondent Riddler with the Missouri Secretary of State in 1982.

6. 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.

Facts common to all counts

7. Because of legislative redistricting, Respondent McGeoghegan and Mary Nichols, both Democratic incumbent members of the Missouri House of Representatives, were running for nomination as the Democratic candidate in the new Missouri House District 72 during the August 7, 2012, primary election.

8. On July 31, and August 3, 2012, two mailers arrived by mail to voters in the new Missouri House District 72.

9. Mailer 1, attached hereto and incorporated by reference as Exhibit 1, featured a photograph of Ms. Nichols in front of a background with a Great White Shark and the words:

a. "Nichols Sold Out Constituents to Pay Day Loan Sharks";

b. "THAT REALLY BITES!"; and

c. "'They should all be ashamed.' – Post-Dispatch Editorial"

10. The reverse side of Mailer 1, in addition to selected quotes from a Post-Dispatch Editorial, states:

a. "Pay Day Loan Stores Rip Off The Poor And Are Eyesores In Our Communities!";

b. "That doesn't stop Representative Mary Nichols from taking their money and voting to help her political donors. After all, Mary Nichols lives in a $350,000 house in an exclusive neighborhood of Maryland Heights complete with her own lake (SHARK FREE). She will never have to pay 400% for a loan. She can't be bothered worrying about working families that can't make ends meet." and

c. "August 7th Retire Queen Mary! As Voters Of Conscience, It's Time To Break The Cycle Of Pay To Play Politics!";

11. Mailer 1 contains a disclaimer stating "Paid for by Mary White."

12. Mary White is a relative of Respondent McGeoghegan who lives near San Antonio, Texas.

13. Mailer 2, attached hereto and incorporated by reference as Exhibit 2, features Ms. Nichols on a background of muddy handprints with the words:

a. "Why Is Mary Nichols Slinging So Much Mud?"

b. "Isn't That What She Did In 2010 To Two Other Opponents?" and

c. "'If she can't run a positive campaign.... Then maybe she doesn't need to be there at all.' Mayor Bob Moeller Maryland Heights, October 2010."

14. The reverse side of Mailer 2 states in part:

a. "Two years ago Mary Nichols ran two of the most negative campaigns ever seen for Representative. She put out negative smear attacks against both opponents. She spent OVER $100,000 for an office that pays only $28,000."

b. "Now Nichols Is Slinging Mud Again! SHAME ON HER!"

c. "Funny How Every Opponent Nichols Has Gets Targeted For The Same Attacks"

d. "Maybe it is because her husband, an ex-police officer, investigates her opponents looking to dig up dirt. When they can't find any they make it up. After spending over $100,000 two years ago, Nichols is desperate to make her investment pay-off."

e. "Nichols even sued the State of Missouri to try to get a more favorable district to run in. The Missouri Supreme Court rules against her, but it cost taxpayers thousands!" and

f. "If Nichols Thinks She Can Fool Voters Again, She's Going To Need A Bigger Shovel!"

15. Mailer 2 contains a disclaimer, "Paid for by Mary White."

16. Contrary to the "paid for by" disclaimers on Mailer 1 and Mailer 2, Ms. White did not pay for Mailer 1 or Mailer 2.

17. Universal Printing invoiced Media Magic, "Attn Rory Riddler" for a sheet of print jobs that included Mailer 1 and Mailer 2, on or about July 20, 2012.

18. Respondent Friends for Eileen McGeoghegan paid Universal Printing for the invoice issued to Media Magic for the sheet of print jobs that included Mailer 1 and Mailer 2.

19. Respondents McGeoghegan and Friends for Eileen McGeoghegan did not disclose the payment to Universal Printing for the sheet of print jobs that included Mailer 1 and Mailer 2 on their campaign finance disclosure forms filed with the Missouri Ethics Commission.

20. All Mail invoiced Media Magic, "P.O. Number: R. Riddler" for the mailers on or about July 19, 2012.

21. Respondent Friends for Eileen McGeoghegan paid Media Magic $2,000 for the invoice issued by All Mail to Media Magic for the mailers.

22. The payments to Universal Printing and to All Mail by Friends for Eileen McGeoghegan were made before Mailer 1 and Mailer 2 were circulated and distributed to voters.

23. Media Magic paid All Mail $1,900 for the invoice issued by All Mail for the mailers.

24. 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.

25. Respondents made multiple false statements to the Missouri Ethics Commission's special investigator during the course of that investigation. By way of example and not limitation, these false statements include the following:

a. Respondent Riddler and White told the Ethics Commission's special investigator that Ms. White made a $600 advance payment to Respondent Riddler (doing business as "Media Magic") for the mailers. When the special investigator asked for documentation of this payment, Respondent Riddler and Ms. White told the special investigator that Ms. White had sent $600 in cash to Respondent Riddler in a plain white envelope via regular U.S. Mail. In truth, Ms. White never made a $600 advance payment to Respondent Riddler for the mailers.

b. Respondent Riddler stated that he would make a "sworn statement" that Respondent McGeoghegan had no part in the production or circulation of the

negative mailers. In truth, Respondent McGeoghegan knew of the negative mailers and paid for the negative mailers before they were mailed.

26. Respondents also provided multiple falsified and/or misleading documents to the Ethics Commission's special investigator. By way of example and not limitation, these false and/or misleading documents include the following:

a. Respondent Riddler provided to Ms. White, and Ms. White provided to the special investigator, an invoice from Media Magic to Ms. White purporting to show a $600 advance payment for the mailers. In truth, Ms. White never paid Respondent Riddler (or Media Magic) $600 for the mailers. Respondent Riddler generated this invoice for Ms. White after they were both aware of the investigation.

b. Ms. White provided to the special investigator a bank statement purporting to be documentation of the $600 paid to Respondent Riddler (doing business as Media Magic). In truth, the document is merely a bank statement showing a $600 transfer from Ms. White's savings account to Ms. White's checking account in May 2012.

c. Ms. White provided to the special investigator a "non-committee expenditure report," purporting to show a payment of $2,400 to Media Magic for an "educational mailer" in opposition to Mary Nichols in July 2012. Respondent's signature is directly below the statement "VERIFICATION: I CERTIFY THAT THIS REPORT IS TRUE AND COMPLETE," with the date "9/26/12." In truth, Ms. White never paid $2,400 to Media Magic for an educational mailer.

27. 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

Violation of Section 130.031.3, RSMo.

28. Respondents directly or indirectly incurred and/or made expenditures in the name of Ms. White, or by or through Ms. White, in such a manner as to conceal the identity of the actual source, recipient, and/or purpose of the payments for Mailer 1 and Mailer 2.

COUNT II

Violation of Section 130.031.11, RSMo.

29. Respondent Friends for Eileen McGeoghegan, Respondent McGeoghegan, individually and acting through Respondent Riddler, as well as Respondent Riddler acting individually provided false, misleading, and incomplete information about the proper "paid for by" disclosure statement to Universal Printing when ordering Mailer 1 and Mailer 2.

COUNT III

Violation of Section 130.031.8, RSMo

30. Respondent Riddler published, circulated, and distributed Mailer 1 and Mailer 2 by designing them, sending them to the printer, and arranging for their mailing.

31. Respondent Friends for Eileen McGeoghegan, acting through Respondent McGeoghegan, published, circulated, and distributed Mailer 1 and Mailer 2 by paying the printer and by paying for the costs of mailing before they were mailed.

32. The statement "Paid for by Mary White" was not a proper identification of the sponsor of Mailer 1 or Mailer 2, and it was insufficient because it lacked the mailing address of Ms. White.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Violation of Section 130.031.3, RSMo.

33. "No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure." §130.031.3, RSMo.

34. "Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee." § 130.031.3, RSMo.

35. "Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee." §130.031.3, RSMo.

36. There is probable cause to believe that Respondents violated Section 130.031.3, RSMo, by directly or indirectly incurring and/or making expenditures in such a manner as to conceal the actual source, recipient, and/or purpose of the payments for Mailer 1 and Mailer 2, and that Respondents did so knowingly.

COUNT II

Violation of Section 130.031.11, RSMo.

37. "It shall be a violation of this chapter for any person required to be identified as paying for printed matter pursuant to subsection 8 of this section ... to refuse to provide the information required or to purposely provide false, misleading, or incomplete information."

38. There is probable cause to believe that Respondents violated Section 130.031.11, RSMo, by providing false, misleading, and incomplete information regarding the proper "paid for by" disclosure to Universal Printing for Mailer 1 and Mailer 2, and that Respondents did so knowingly.

COUNT III

Violation of Section 130.031.8, RSMo

39. "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. For the purposes of this section, 'printed matter' shall be defined to include any pamphlet, circular, handbill...or other imprinted or lettered material." § 130.031.8, RSMo.

40. "In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for." § 130.031.8(2), RSMo.

41. "In regard to any printed matter paid for by an individual or individuals, it shall be sufficient identification to print the name of the individual or individuals and the respective mailing address or addresses." § 130.031.8(4), RSMo.

42. There is probable cause to believe that Respondents violated Section 130.031.3, RSMo, by publishing, circulating, and/or distributing Mailer 1 and Mailer 2 without proper identification of the sponsor of those mailers, 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. In regards to Counts 1 and 2, it is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of $6,600, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay $2,300 of that fee within sixty (60) 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 any Respondent commits any further violations of the campaign finance laws under Chapter 130, RSMo, within the two year period from the date of this order, then the Respondent who committed the violation will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that such Respondent has committed such a violation.

d. Respondents shall be jointly and severally liable for all fees imposed in regards to Counts 1 and 2, subject to the terms in subparagraph c above.

e. In regards to Count 3, it is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents McGeoghegan and Friends for Eileen McGeoghegan in the amount of $100. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

f. In regards to Count 3, it is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent Riddler in the amount of $100. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

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 EILEEN MCGEOGHEGAN AND FRIENDS FOR EILEEN MCGEOGHEGAN

By: Eileen M. McGeoghegan 10-18-13
Eileen McGeoghegan, Date

By: 10/18/13
Will Goldstein, Date
Attorney for
Respondent Eileen McGeoghegan and
Friends of Eileen McGeoghegan

PETITIONER MISSOURI ETHICS COMMISSION

By: 10/30/13
James Klahr Date
Executive Director

By: 10/30/13
Curtis R. Stokes, Date
Attorney for Petitioner

RESPONDENT RORY RIDDLER

By:_____
Rory Riddler Date

By:_____
Ronald Brockmeyer, Date
Attorney for
Respondent Riddler

SO AGREED:

RESPONDENT EILEEN MCGEOGHEGAN AND FRIENDS FOR EILEEN MCGEOGHEGAN

By:_____
Eileen McGeoghegan Date

By:_____
Will Goldstein, Date
Attorney for
Respondent Eileen McGeoghegan and
Friends of Eileen McGeoghegan

PETITIONER MISSOURI ETHICS COMMISSION

By: James Klahr 10/30/13
James Klahr Date
Executive Director

By: Curtis Stokes 10/30/13
Curtis R. Stokes, Date
Attorney for Petitioner

RESPONDENT RORY RIDDLER

By: Rory Riddler 10/16/13
Rory Riddler Date

By: Bert Fulk 60480 10-16-13
Ronald Brockmeyer, Date
Attorney for
Respondent Riddler
by Bert Fulk

Nichols Sold Out Constituents To Pay Day Loan Sharks

THAT REALLY BITES!

"They should all be ashamed."

POST-DISPATCH EDITORIAL
Friday, March 25, 2012

EXHIBIT
1

POST-DISPATCH EDITORIAL

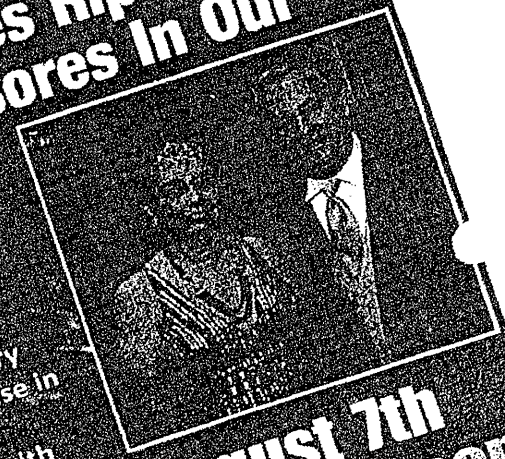
Friday, March 25, 2012

Under the guise of "reform," the Missouri House has advanced a bill that actually would loosen restrictions on the payday loan industry. That's pretty galling, given that Missouri already is one of the friendliest states in the union for short-term lending sharks.

In playing footsie with the payday lending industry — which contributes hundreds of thousands of dollars to their campaigns... the [House Financial Institutions Committee] vote in favor of the bill [Ellen Brandom's HB656] was 13-3. Among those voting aye... Jamilah Nasheed of St. Louis and **Mary Nichols of Maryland Heights.**

They should all be ashamed.

Pay Day Loan Stores Rip Off The Poor And Are Eyesores In Our Communities!



That doesn't stop Representative Mary Nichols from taking their money and voting to help her political donors. After all, Mary Nichols lives in a $350,000 house in an exclusive neighborhood of Maryland Heights complete with her own lake (SHARK FREE). She will never have to pay 400% for a loan. She can't be bothered worrying about working families that can't make ends meet.

August 7th Retire Queen Mary!

As Voters Of Conscience, It's Time To Break The Cycle Of Pay To Play Politics!

Why Is Mary Nichols Slinging So Much Mud?

Isn't That What She Did In 2010 To Two Other Opponents?

"If she can't run a positive campaign... Then maybe she doesn't need to be there at all."

Mayor Bob Moeller
Maryland Heights
October 2010

tabbies
EXHIBIT
2

Two years ago Mary Nichols ran two of the most negative campaigns ever seen for Representative. She put out negative smear attacks against both opponents. She spent OVER $100,000 for an office that pays only $28,000.

Two years ago the Mayor of Maryland Heights, wrote:

"Dan, I want to take this opportunity to tell you how disgusted I am about her (Nichols') mailer. It was uncalled for and totally unnecessary. If she can't run a positive campaign and talk about what she would like to get done in Jeff City, then maybe she does not need to be there at all."

Mayor Bob Moeller
Maryland Heights
October 2010

Now Nichols Is Slinging Mud Again!

SHAME ON HER!

Funny How Every Opponent Nichols Has Gets Targeted For The Same Attacks

Maybe it is because her husband, an ex-police officer, investigates her opponents looking to dig up dirt. When they can't find any they make it up. After spending over $100,000 two years ago, Nichols is desperate to make her investment pay-off.*

If Nichols Thinks She Can Fool Voters Again, She's Going To Need A Bigger Shovel!

** Nichols even sued the State of Missouri to try to get a more favorable district to run in. The Missouri Supreme Court ruled against her, but it cost taxpayers thousands!*

PAID FOR BY MARY WHITE

Filed
OCT 31 2013
Missouri Ethics Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
EILEEN MCGEOGHEGAN,	)	Case No. 12E175, 12E175A
	)	
FRIENDS FOR EILEEN MCGEOGHEGAN,	)	
	)	
and	)	
	)	
RORY RIDDLER, d/b/a MEDIA MAGIC,	)	
	)	
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 McGeoghegan, Friends for McGeoghegan and Riddler violated Sections 130.031.3, 130.031.11, 130.031.3, 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. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. In regards to Counts 1 and 2, it is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of $6,600, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay $2,300 of that fee within sixty

(60) 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 any Respondent commits any further violations of the campaign finance laws under Chapter 130, RSMo, within the two year period from the date of this order, then the Respondent who committed the violation will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that such Respondent has committed such a violation.
4. Respondents shall be jointly and severally liable for all fees imposed in regards to Counts 1 and 2, subject to the terms in subparagraph 3 above.
5. In regards to Count 3, it is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents McGeoghegan and Friends for Eileen McGeoghegan in the amount of $100. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
6. In regards to Count 3, it is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent Riddler in the amount of $100. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

SO ORDERED this 31st day of October, 2013

By: Dennis L. Rose

Dennis Rose, Chair
Missouri Ethics Commission