

Filed
FEB 13 2014
Missouri Ethics
Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,)
)
) Petitioner,)
)
v.) Case No. 12E133A, 12E147, 12E147B
)
MISSOURI PROFESSIONALS MUTUAL,)
)
TIMOTHY TROUT,)
)
and)
)
GLENN JAMBORETZ,)
)
) 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, Missouri Professionals Mutual, Timothy Trout, and Glenn Jamboretz, 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.

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. 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 Trout is the President and Managing Director of Respondent Missouri Professionals Mutual.

3. Respondent Missouri Professionals Mutual is a mutual insurance company, organized under Chapter 383, RSMo.

4. Respondent Jamboretz, acting through his company, The Glennon Company, was an outside consultant to Respondent Missouri Professionals Mutual. Respondent Missouri

Professionals Mutual, during the times described herein, had an ongoing consulting relationship with Respondent Jamboretz for, *inter alia*, media relations, public relations, advertising and marketing.

5. In addition, Respondent Jamboretz had been the owner of the fictitious name “The Lafayette Partners” that expired in 2010.

6. In 2011, legislation affecting mutual insurance companies such as Missouri Professionals Mutual was filed in the Missouri Senate. Missouri Professionals Mutual supported this legislation.

7. On March 31, 2011, Respondent Jamboretz sent a letter to the chair of the Senate Committee considering that legislation; the letter was sent under letterhead, reading (emphasis original):

The Lafayette Partners
Consultants in Public Policy
Government Relations
Public Relations

8. The letter emphasizes the importance of the legislation as it relates to mutual insurance companies and requests a hearing on the legislation.

9. At no point in 2011 did Respondent Jamboretz register with the Missouri Ethics Commission as a lobbyist.

10. In 2011, the legislation did not pass, and in 2012, similar legislation was again filed in the Missouri Senate.

11. On May 11, 2012, members of the Missouri General Assembly received a postcard depicting a Missouri Senator who opposed the legislation as the Alice in Wonderland character the Mad Hatter.

12. In May 2012, other members of the public, including constituents of the Senator, received the same postcard.

13. On May 14, 2012, members of the Missouri General Assembly and some members of the public, including constituents of the Senator, received a four-page mailer depicting in prose various allegations against that Senator, again depicting him as the Mad Hatter character and also referencing the legislation.

14. The second mailer referred to the Senator and his activity as a Missouri Senator.

15. Both mailers contained, on their face and in italics, the phrase “Citizens for Common Sense.”

16. Respondent Jamboretz inserted the name “Citizens for Common Sense” on the postcard and mailer. Respondents did not register a committee under that name with the Missouri Ethics Commission.

17. The Missouri Ethics Commission investigation indicates that Respondents Missouri Professionals Mutual and Trout had been tracking the source of campaign contributions to the Senator and communicated with other Senators about not contributing to the Senator, who had an active candidate committee registered with the Missouri Ethics Commission.

18. The Missouri Ethics Commission investigation indicates that Respondent Jamboretz published and circulated both mailers.

19. The Missouri Ethics Commission investigation indicates that Respondents Trout and Missouri Professionals Mutual paid for both mailers.

JOINT PROPOSED CONCLUSIONS OF LAW

20. Section 130.031.8, RSMo provides that:

Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office ... 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.

21. Printed matter includes “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.” § 130.031.8, RSMo.

22. Section 130.031.11, RSMo, provides:

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.

23. Respondents Missouri Professionals Mutual and Trout agree that there is probable cause to believe that there is a violation of Sections 130.031.8 and 130.031.11, RSMo, but assert that they reasonably believed that they were not required to be identified as paying for the postcards and mailers under Sections 130.031.8 and 130.031.11; and assert that they neither refused to provide information nor did they provide false, misleading, or incomplete paid for by information, but agree that paying to circulate the postcards and mailers was a violation of law.

24. Respondent Jamboretz agrees that there is probable cause to believe that there is a violation of Sections 130.031.8 and 130.031.11, RSMo, and asserts that he reasonably believed that he was not required to identify who paid for the postcards and mailers under Sections 130.031.8 and 130.031.11; but agrees that circulating the postcards and mailers with the phrase “Citizens for Common Sense” was false and misleading information.

25. There is probable cause to believe that Respondent Trout, Missouri Professionals Mutual, and Jamboretz violated Sections 130.031.8 and 130.031.11, RSMo, by publishing, circulating, and distributing postcards and mailers that both related to a Missouri Senator and that both provided false and misleading paid for by information.

26. To the extent that Glenn Jamboretz engaged in activities as a “legislative lobbyist” as defined in Section 105.470(5), RSMo, on behalf of Missouri Professionals Mutual, whether or not he was aware of the lobbyist registration requirements, Respondent Jamboretz acknowledges that he acted for the purpose of influencing the passage of legislation and therefore should have considered whether his activities subjected him to the lobbyist registration requirements.

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 providing the following:

a. Respondents shall comply with all relevant sections of Chapter 130, RSMo.

b. Respondent Jamboretz shall comply with all relevant sections of Section 105.470 *et seq.*, RSMo.

c. It is the Order of the Missouri Ethics Commission that a fee in the amount of \$3,000 is imposed jointly against Respondents Missouri Professionals Mutual and Trout pursuant to Section 105.961.4(6), RSMo. However, if Respondents Missouri Professionals Mutual and Trout pay \$2,100 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.

d. It is the Order of the Missouri Ethics Commission that a fee in the amount of \$3,000 is imposed against Respondent Jamboretz pursuant to Section 105.961.4(6), RSMo. However, if Respondent Jamboretz pays \$2,100 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.

e. If any Respondent commits a further violation 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.

f. If Respondent Jamboretz commits a violation of the lobbying laws under Section 105.470 *et seq.*, RSMo, within the two-year period from the date of this order, then Respondent Jamboretz will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent Jamboretz 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. 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 MISSOURI
PROFESSIONALS MUTUAL

PETITIONER MISSOURI ETHICS
COMMISSION

By:  02-04-2014
Timothy Trout Date
President

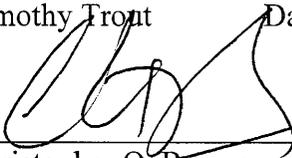
By: _____
James Klahr Date
Executive Director

By:  2/4/14
Christopher O. Bauman, Date
Attorney for Respondent
Missouri Professionals Mutual

By: _____
Curtis R. Stokes Date
Attorney for Petitioner

RESPONDENT TIMOTHY TROUT

By:  02-04-2014
Timothy Trout Date

By:  2/4/14
Christopher O. Bauman, Date
Attorney for Respondent
Timothy Trout

RESPONDENT GLENN JAMBORETZ

By: _____
Glenn Jamboretz Date

By: _____
Michael A. Dallmeyer, Date
Attorney for Respondent
Glenn Jamboretz

SO AGREED:

RESPONDENT MISSOURI
PROFESSIONALS MUTUAL

PETITIONER MISSOURI ETHICS
COMMISSION

By: _____
Timothy Trout Date
President

By: James Klahr 2/13/14
James Klahr Date
Executive Director

By: _____
Christopher O. Bauman, Date
Attorney for Respondent
Missouri Professionals Mutual

By: Curtis R. Stokes 2/13/14
Curtis R. Stokes Date
Attorney for Petitioner

RESPONDENT TIMOTHY TROUT

By: _____
Timothy Trout Date

By: _____
Christopher O. Bauman, Date
Attorney for Respondent
Timothy Trout

RESPONDENT GLENN JAMBORETZ

By: [Signature] Date
Glenn Jamboretz Date
FEB 4, 2014
JTB

By: Michael A. Dallmeyer 2/11/14
Michael A. Dallmeyer, Date
Attorney for Respondent
Glenn Jamboretz

Filed
FEB 13 2014
Missouri Ethics
Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,)	
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Petitioner,)	
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MISSOURI PROFESSIONALS MUTUAL,)	Case No. 12E133A,12E147, 12E147B
)	
TIMOTHY TROUT)	
)	
and)	
)	
GLENN JAMBORETZ,)	
)	
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 Missouri Professionals Mutual, Timothy Trout and Glenn Jamboretz violated Sections 130.031.8 and 130.031.11, RSMo, as stated in the Joint Stipulation.

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

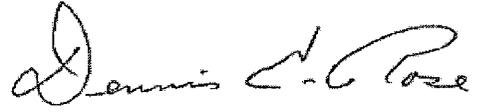
1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. Respondent Jamboretz shall comply with all relevant sections of Section 105.470 *et seq.*, RSMo.
3. It is the Order of the Missouri Ethics Commission that a fee in the amount of \$3,000 is imposed jointly against Respondents Missouri Professionals Mutual and Trout

pursuant to Section 105.961.4(6), RSMo. However, if Respondents Missouri Professionals Mutual and Trout pay \$2,100 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.

4. It is the Order of the Missouri Ethics Commission that a fee in the amount of \$3,000 is imposed against Respondent Jamboretz pursuant to Section 105.961.4(6), RSMo. However, if Respondent Jamboretz pays \$2,100 of that fee within forty-five days of 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.
5. If any Respondent commits a further violation 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. The fee will be due immediately upon final adjudication finding that Respondent has committed such a violation.
6. If Respondent Jamboretz commits a violation of the lobbying laws under Section 105.470 *et seq.*, RSMo, within the two-year period from the date of this order, then Respondent Jamboretz will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent Jamboretz has committed such a violation.

SO ORDERED this 13th day of February,
2014

By:

Handwritten signature of Dennis Rose in cursive script.

Dennis Rose, Chair
Missouri Ethics Commission