

BEFORE THE  
MISSOURI ETHICS COMMISSION

**Filed**  
**FEB 18 2014**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	Case No. 13E060
v.	)	
	)	
TAXPAYER PROTECTION PAC,	)	
Continuing Committee	)	
	)	
and	)	
	)	
EVAN MAXON,	)	
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, Taxpayer Protection PAC and Maxon, 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 Taxpayer Protection PAC, a continuing committee, received its first contribution on Friday, March 8, 2013 and opened a bank account that same day.
3. Respondent Taxpayer Protection PAC prepared a Statement of Committee Organization on Friday, March 8, 2013 and sent it to Petitioner Ethics Commission via Federal Express for delivery on Monday, March 10, 2013.
4. The Ethics Commission received the Statement of Committee Organization on March 13, 2013.
5. Respondent Taxpayer Protection PAC also sent a copy of the letter and Statement of Committee Organization to Petitioner via facsimile on Friday March 8, 2013, prior to

volunteers of Respondent Taxpayer Protection PAC beginning door to door efforts on Saturday, March 9, 2013.

6. Contemporaneous with the preparing, mailing and faxing of the Statement of Committee Organization, Respondent Taxpayer Protection PAC also prepared and mailed and faxed to Petitioner an Electronic Filing Agreement.

7. The statement of committee organization identified Respondent Maxon as the Treasurer of the committee.

8. 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.

9. 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.

10. Respondents did not file a statement of committee organization with the Clay County Board of Elections.

11. Respondents formed as a committee on or about March 8, 2013, which is later than sixty days prior to the April 2013 election, for which Respondents made expenditures.

#### **JOINT PROPOSED CONCLUSIONS OF LAW**

12. For purposes of filing campaign finance reports under Chapter 130, the "appropriate officer" for a continuing committee is "The Missouri ethics commission *and the election authority for the county in which the committee is domiciled,*" § 130.026.5, RSMo (emphasis added).

13. A committee is “domiciled” at the address listed on the committee’s statement of committee organization. § 130.026.6, RSMo.

14. Continuing committees “shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures.” § 130.011(10), RSMo.

15. Respondent Taxpayer Protection PAC was required to file a statement of committee organization with the Clay County Board of Elections because its original committee address was in Clay County, Missouri.

16. There is probable cause to believe that Respondents violated Sections 130.011(10) and 130.026.5, RSMo, by failing to timely file a statement of committee organization with the Board of Elections for Clay County, the county in which Respondent Taxpayer Protection PAC was domiciled, and by failing to form as a committee more than sixty days prior to the April 2013 election, an election for which Respondents made expenditures.

17. Respondents contend that they believed they were not required to form as a committee at least sixty (60) days prior to the first election day.

## 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 \$1,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$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.

c. If any Respondent commits any further violation 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 due immediately upon final adjudication finding that such Respondent has committed such a violation..

d. Respondents Taxpayer Protection PAC and Maxon shall be jointly and severally liable for all fees imposed under this order, subject to the terms in subparagraph c above.

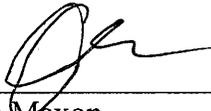
3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

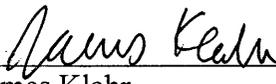
4. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited 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 TAXPAYER PROTECTION  
PAC

PETITIONER MISSOURI ETHICS  
COMMISSION

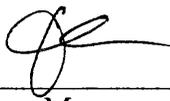
By:  2/12/2014  
Evan Maxon Date  
Treasurer

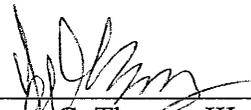
By:  2/18/14  
James Klahr Date  
Executive Director

By:  2/13/2014  
James C. Thomas III Date  
Attorney for Respondent  
Taxpayer Protection PAC

By:  2/18/14  
Curtis R. Stokes Date  
Attorney for Petitioner

RESPONDENT EVAN MAXON

By:  2/12/2014  
Evan Maxon Date

By:  2/13/2014  
James C. Thomas III Date  
Attorney for Respondent  
Maxon

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EVAN MAXON,	)	
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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 Taxpayer Protection PAC and Evan Maxon violated Sections 130.011(10) and 130.026.5, RSMo, as stated in the Joint Stipulation.

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

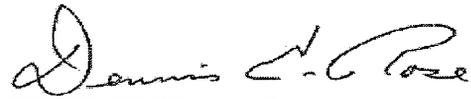
1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$1,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$100 of that fee within forty-five (45) days after 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 any Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo, as amended, 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 committed such a violation.
4. Respondents Taxpayer Protection PAC and Maxon shall be jointly and severally liable for all fees imposed under this order, subject to the terms in subparagraph 3 above.

SO ORDERED this 18<sup>th</sup> day of February,  
2014

By:



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Dennis Rose, Chair  
Missouri Ethics Commission