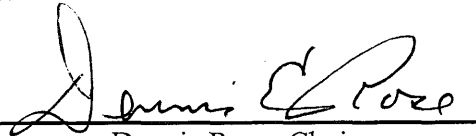




the Order, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

3. Regardless of the stay in paragraph 2.c. above, if any Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo, as amended, and such violation occurs within the two-year period from the date of this order, then Respondents will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that any Respondent has committed such a violation.
4. Respondents French and Friends of Antonio French shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 14 day of [Click here to enter a date.](#)

By:   
Dennis Rose, Chair  
Missouri Ethics Commission

Filed  
MAR 14 2014  
Missouri Ethics  
Commission

BEFORE THE  
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	Case No. 13E056
v.	)	
	)	
ANTONIO FRENCH,	)	
	)	
and	)	
	)	
FRIENDS OF ANTONIO FRENCH,	)	
Candidate Committee	)	
	)	
Respondents.	)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING  
BEFORE THE MISSOURI ETHICS COMMISSION, AND  
SETTLEMENT 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, French and Friends of Antonio French, 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 Settlement 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 Antonio French was a successful candidate for the position of alderman in the City of Saint Louis in the March 2013 primary and April 2013 general election.

3. Respondent Friends of Antonio French, formerly known as Committee to Elect Antonio French, was the candidate committee formed by Respondent French to support his candidacy in the primary and general elections in 2013.

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.

6. On February 21, 2013, Respondent French placed a rush order for two campaign signs, attached hereto and incorporated by reference as Exhibit 1 and Exhibit 2 with O.R. Pechman Sign Co.

7. The first sign, Exhibit 1, supports a mayoral candidate in the 2013 elections. It cost \$1,668.05. It stated "Paid for by Friends of Antonio French, Dr. Jasenka French, Treasurer." This was the name of Respondents' candidate committee at the time of the expenditure.

8. The second sign, Exhibit 2, supports Respondent French and a mayoral candidate in the 2013 elections. It cost \$954.72. It stated "Paid for by Committee to Elect Antonio French, Dr. Jasenka French, Treasurer." This was the name of Respondents' candidate committee prior to August 2010.

9. On or about February 22, 2013, O.R. Pechman issued to Respondent French an invoice for the two campaign signs for \$2,622.77.

10. Monday, February 25, 2013, was the deadline for filing an "8 Day Before" report for the March 2013 primary election, which was to include all expenditures through February 21, 2013.

11. On February 26, Respondents filed the "8 Day Before" report for the March 2013 primary, but this report did not include the expenditure of \$2,622.77 incurred for the two campaign signs referred to in paragraphs 7 and 8 above.

12. Monday, March 25, 2013, was the deadline for filing an "8 Day Before" report for the April 2013 general election, which was to include all expenditures through March 21, 2013.

13. On April 8, 2013, Respondents filed an "8 Day Before" report for the April general election, but this report did not include the expenditure of \$2,622.77 incurred for the two campaign signs referred to in paragraph 7 and 8 above.

14. On April 14, 2013, Respondents filed a “limited activity statement” for the “30 Day After” report for the April 2013 general election.

On July 13, 2013, Respondents amended the “8 Day Before” report for the April 2013 general election to disclose an incurred expenditure of \$2,622.77 to “O.R. Pechman Co” for “Printing,” and included a Direct Expenditure Report to show expenditures in support of a candidate for mayor.

## JOINT PROPOSED CONCLUSIONS OF LAW

### COUNT I

#### *Failure to timely report incurred expenditure*

15. Respondents were required to file campaign finance disclosure reports that set forth expenditures for the period, including the:

...

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, **contracted for or incurred**, together with the date, amount and purpose of each expenditure....

§ 130.041.1(4), RSMo (emphasis added).

16. For purposes of Chapter 130, RSMo, an “expenditure” means:

.... a payment, or an agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities or anything of value for the purpose of supporting or opposing the nomination

or election of any candidate for public office.... An expenditure of anything of value shall be deemed to have a money value equivalent to the fair market value.

§ 130.011(16), RSMo.

17. There is probable cause to believe that Respondents violated Section 130.041.1(4), RSMo, by failing to timely file an “8 Day Before” report disclosing an incurred expenditure of \$2,622.77 for two campaign signs supporting candidates in the March 2013 primary election, and that Respondents did so knowingly.

## COUNT II

### *Failure to timely file direct expenditure report*

18. Under Section 130.041.1(7), RSMo committees must file “direct expenditure reports” setting forth “The amount of expenditures for or against a candidate ...during the period covered and the cumulative amount of expenditures for or against that candidate... with each candidate being listed by name, mailing address and office sought.”

19. “For the purpose of disclosure reports, expenditures made in support of more than one candidate or ballot measure or both shall be apportioned reasonably among the candidates or ballot measure or both.” § 130.041.1(7), RSMo.

20. For the second campaign sign mentioned above, Exhibit 2, a reasonable apportionment on a direct expenditure report would have been \$477.36 per candidate because the sign supported both a mayoral candidate and Respondent French and the total expenditure of the sign was \$954.72.

21. There is probable cause to believe that Respondents violated Section 130.041.1(7), RSMo, by failing to file a direct expenditure report setting forth the amount of

expenditures used to support a mayoral candidate in the March 2013 election, and that Respondents did so knowingly.

### **Count III**

#### *Improper "paid for by" disclosure*

22. "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." § 130.031.8, RSMo.

23. "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 [section 130.021.5, RSMo] and the name and title of the committee treasurer who was serving when the printed matter was paid for." § 130.031.8(2), RSMo.

24. Under Section 130.021, RSMo, candidate committees must place on a statement of committee organization the "name of the committee," and "the name of the candidate shall be a party of the committee's name." § 130.021.5(1).

25. Any changes to the committee's name must be filed an amended statement of committee organization within twenty days of such a change. § 130.021.7, RSMo.

26. There is probable cause to believe that Respondents violated Section 130.031.8, RSMo, by failing to include a "paid for by" disclosure with the name of the committee at the time the campaign sign was paid for.



## II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the consent order entered by the Missouri Ethics Commission in this matter. This consent 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 \$3,700, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$460 of that fee within forty-five days after the date of the Order, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

c. Regardless of the stay in paragraph 2.b. above, if any Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo, as amended, and such violation occurs within the two-year period from the date of this order, then Respondents will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that any Respondent has committed such a violation.

d. Respondents French and Friends of Antonio French 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.

SO AGREED:

RESPONDENT ANTONIO FRENCH

PETITIONER MISSOURI ETHICS  
COMMISSION

By: Antonio French 3-14-14  
Antonio French Date

By: James Klahr 3/14/14  
James Klahr Date  
Executive Director

By: Alan S. Mandel 3-14-14  
Alan S. Mandel Date  
Attorney for Respondent

By: Curtis R. Stokes 3/14/14  
Curtis R. Stokes Date  
Attorney for Petitioner

RESPONDENT FRIENDS OF ANTONIO  
FRENCH

By: Antonio French  
Antonio French Date  
Candidate

By: Alan S. Mandel 3-14-14  
Alan S. Mandel Date  
Attorney for Respondent

**We Need**

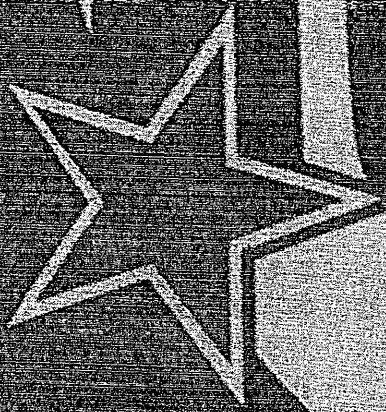
**REED**

*Joe Meyer*

[www.LewisReed.com](http://www.LewisReed.com)

**I'm voting on Tuesday, March 5th!**

Paid for by Friends of Antonio French • Dr. Jaszka French, Treasurer



**EXHIBIT**

1

tabbles

**PREP**

*For Mergers*

Antonio

**FRINCH**

**ANDERMAN**

EXHIBIT

2

tabbles