

Filed
MAY 22 2014
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
) Petitioner,)
) Case No. 14C032
v.)
)
DAVID YOUNG,)
)
) Respondent.)

CONSENT ORDER

The parties having filed a Joint Stipulation of Facts, Waiver of Hearing 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 Respondent David Young violated Section 130.031.8, 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. Respondent 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 Respondent David Young in the amount of \$100.00 pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable and sent to the Missouri Ethics Commission.

SO ORDERED this 22nd day of May, 2014

By: 

Charles Weedman, Chair
Missouri Ethics Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
) Petitioner,)
) Case No. 14C032
v.)
)
DAVID YOUNG,)
)
) Respondent.)

**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 Respondent, David Young, acknowledges that he has 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 Respondent further acknowledges that he is 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 Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waives each and every one of these rights and freely enters 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 agrees to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondent 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 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 Young was a successful candidate for Alderman for the City of Pevely, Missouri in the April 8, 2014 election.

3. 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.

4. 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.

5. Respondent Young published, circulated, and distributed the flyer, attached hereto as Exhibit A, by handing it out to voters in the area.

6. Carol Shelley paid for the printed matter attached hereto as Exhibit A.

7. The printed matter attached hereto as Exhibit A relates to a candidate in the April 2014 election.

8. The flyer attached hereto as Exhibit A should have contained a clear and conspicuous statement: "Paid for by Carol Shelley, [Carol Shelley's address]", but it did not.

JOINT PROPOSED CONCLUSIONS OF LAW

9. "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.

10. "[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.

11. 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, except that if more than five individuals join in paying for printed matter it shall be sufficient identification to print the words "For a list of other sponsors contact:" followed by the name and address of one such individual responsible for causing the matter to be printed, and the individual identified shall maintain a record of the names and amounts paid by other individuals and shall make such record available for review upon the request of any person.

§ 130.031.8(4), RSMo.

12. There is probable cause to believe that Respondent Young violated Section 130.031.8, RSMo, by circulating and distributing a flyer relating to a candidate in the April 8, 2014 election without including a proper "paid for by" disclosure.

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 1.

a. Respondent 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 Respondent David Young in the amount of \$100.00, pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission at the time of execution of this Joint Stipulation.

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. Respondent, together with his heirs, successors, and assigns, does 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 Respondent or

Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

5. This joint stipulation does not settle, release, waive, or otherwise relieve Respondent from any late filing fees due to the appropriate filing authority, including Petitioner Missouri Ethics Commission. Respondent understands that late filing fees accrue automatically under Section 105.963, RSMo.

RESPONDENT DAVID YOUNG

PETITIONER MISSOURI ETHICS
COMMISSION

By: David A. Young 5/14/14 By: James Klahr 5/22/14
David Young Date James Klahr Date
Executive Director

By: Curtis R. Stokes 5/22/14
Curtis R. Stokes Date
Attorney for Petitioner

MAR 17 2014

I strongly support NO SHOW NO PAY !!

I would NOT have voted for the Herky-Horine road improvements.

This is a road that leads to the city limits of Herculaneum, to which a development is planned to move forward. Why should the residents of Pevely pay for something that is going to only benefit Herculaneum?

If we cannot meet our city's bills, I will NOT raise taxes to do so.

I believe residents and businesses are paying too much in taxes now. Residents pay a gross receipt tax, a city hall tax, a county road tax, and sales tax. Business and industry pay all of the above taxes, PLUS a Merchant Tax PLUS a new higher Business License fee. WE MUST STOP THE OVER-SPENDING OF YOUR TAX \$\$!!

I will NOT vote for anything that I do not have a say-so in.

I will NOT raise taxes for any purpose until we are fiscally responsible and sound.

Unless improvements were made to our city's water supply, I would NOT have voted to increase your water rate. This was done so dollars could be put into that department and then moved to the General Revenue to pay our bills.

If only 6% are involved in this, I feel we should get out of our contract with the Teamster's. This can be done by a simple written letter giving them 30 days notice.

The attorney should be required to provide a breakdown of their bills.

The closed-door meetings need to stop unless it is CRITICAL to operate city business.

Cars should have been purchased rather than Tahoes.

CURRENT COUNCIL VOTING RECORD			
	Ward 1 Steve Markus	Ward 2 Russ Shackelford	Ward 3 Don Menkhus
Water/Sewer Increase to Citizens (Dec, 2012)	✓	✳	✳
Herky/Horine Road Improvement (Feb, 2013)	✓	✳	✓
5% Gross Receipt Tax Increase (June, 2013)	✓	✳	✓
1/2 Cent Utility Tax Increase (June, 2013)	✓	✳	✓
1/2 Cent Utility Tax Increase (June, 2013)	✓	✳	✓
State Highway 2 Project (Aug, 2013)	✓	✓	✓
Salary Increases to Employees (Jan, 2014)	✓	✓	✓
Hire More Employees (Jan, 2014)	✓	✓	✓

✳ Not in office at time of voting

Don Menkhus appointed to the board in February, 2013.

Russ Shackelford appointed to the board in July, 2013.

Spending without board approval has to stop
and your tax dollars need to be accounted for!

YOUR VOTE IS GREATLY APPRECIATED

