

Filed
JUN 19 2014
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
) Petitioner,)
) Case No. 14E070
v.)
)
MIKE PUGH,)
)
) 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, Mike Pugh, 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 Mike Pugh was a successful candidate for Alderperson for the City of Bowling Green 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 Pugh published, circulated, and/or distributed the letter, attached hereto as Exhibit A, by mailing it to voters in the Bowling Green area.
6. Respondent Pugh 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 letter attached hereto as Exhibit A should have contained a clear and conspicuous statement: "Paid for by Mike Pugh", 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 a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known. § 130.031.8(1), RSMo.

12. There is probable cause to believe that Respondent Pugh violated Section 130.031.8(1), RSMo, by distributing a letter relative to his candidacy without including the 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 Mike Pugh 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 MIKE PUGH

PETITIONER MISSOURI ETHICS
COMMISSION

By: Mike Pugh 6/15/14
Mike Pugh Date

By: James Klahr 6/19/14
James Klahr Date
Executive Director

By: Curtis R. Stokes 6/19/14
Curtis R. Stokes Date
Attorney for Petitioner

*TO: Kemi Baker
Tel # 573-522-2226
From: Janice Robinson*

Dear Ward 1 Resident(s):

My name is Mike Pugh and I am currently your Ward 1 Alderman. I have been your Ward 1 Alderman since June 2006, when I was appointed by then Mayor Dana Portwood. My family and I have lived at 316 West Church for the past 24 years. I work for the United States Department of Agriculture and have worked in the Bowling Green office for the last 26 and a half years. I am a graduate of Bowling Green High School (1979) and the University of Missouri-Columbia (1984). My wife and I have 3 boys and two have graduated from Bowling Green High School. The youngest is a junior and will graduate in 2015.

When I was appointed to the city council I thought initially I would only finish out the 10 months of the term I was ask to complete. However in those 10 months I became fascinated with the city government and how it runs and works. I have run for the council position three times, twice unopposed. When I did have an opponent neither he or I campaigned very hard. I took out some advertisements in the local newspapers and that was all. This time however I have had to campaign more because my opponent has been aggressively campaigning.

Two issues that seem to be on everyone's mind are streets and water and sewer rates. As the incumbent alderman I can assure you of two things about the streets. The streets in town are not good and without Proposition S passing, the streets will remain the same. This is not politics it is simply economics. Without a dedicated tax there is not enough money in the general revenue fund to repair streets and do overlays. This tax money can only be used for streets, not salaries or other expenditures. The city is audited every year and auditors are duty bound to expose any misuses of city funds. All small towns are suffering from reduced tax revenues and increasing expenses. If there is adequate funding available the street conditions will be better.

Water and sewer rates are high and will remain that way. Water and Sewer rates are determined by a formula from the Missouri Department of Natural Resources (DNR). This formula figures depreciation or a maintenance fee that will help with the cost of replacing equipment as it wears out. Once the water and sewer rates are set they are then gone over by an accounting firm to ensure that no mistakes were made and that income will exceed expenses. Again this is not politics, it is economic. The city's water system was inadequate. It is now in good shape and the users are paying for the upgrades. I have the same feeling as you; I hate to see my water bill come in the mail. However we have good quality water and an updated sewer system and no problems or fines from Missouri DNR.

As for the city's finances, they are in pretty good shape. Recent audit findings said the reserve fund is about where it should be. During the last two years of budget meetings, discussions have been on what funds will get cut and not on frivolous spending. There really is no money to spend frivolously. Over the last two years employees have not had raises and also have had to pick up a sizable portion of their health insurance cost. Two years ago the city council cut out the janitorial service and the employees are cleaning City Hall.

Bowling Green has been very lucky over the last several years with Wal-Mart coming to town and the REX pipeline coming through the area which helped the local economy tremendously. Bowling Green was able to connect to the Clarence Cannon Wholesale Water Commission and solve the water shortage problem. The city was able to secure a federal grant and build new sidewalks and connect them to the park on Court Street and the Bowling Green Schools. In an economic downturn where a lot of small towns have lost jobs and tax revenues Bowling Green has been able to hold its own which is quite a feat in today's economic times. Overall Bowling Green is in good shape and our future is brighter than many similar sized communities.

In closing I would like to ask for your vote for Ward 1 Councilman on April 8th.

Respectfully,
Mike Pugh
Mike Pugh

