

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**  
**SEP 03 2014**  
Missouri Ethics  
Commission

|                             |   |                 |
|-----------------------------|---|-----------------|
| MISSOURI ETHICS COMMISSION, | ) |                 |
|                             | ) |                 |
| Petitioner,                 | ) |                 |
|                             | ) | Case No. 14E164 |
| v.                          | ) |                 |
|                             | ) |                 |
| DON MENKHUS,                | ) |                 |
|                             | ) |                 |
| 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 Menkhus 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 Don Menkhus 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 at the time of execution of this Joint Stipulation.

SO ORDERED this 3<sup>rd</sup> day of September, 2014

By:



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Charles Weedman, Chair  
Missouri Ethics Commission

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|                             | ) |                 |
| 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, Don Menkhus, 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 Menkhus was an unsuccessful candidate for Ward 3 Alderman for the City of Pevely, Missouri in the April 2014 election.

3. Pursuant to Section 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the investigation 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. Respondent Menkhus published, circulated, and/or distributed the door hangers, attached hereto as Exhibit A, by mailing them to voters in the Pevely, Missouri areas. Respondent Menkhus also distributed bags of candy at a local holiday parade.

5. Respondent Menkhus published, circulated, and/or distributed door hangers, an example of which is attached hereto as Exhibit A, by distributing them to voters in the Pevely, Missouri area.

6. Respondent Menkhus also distributed bags of candy at a local holiday parade, an example of which is attached hereto as Exhibit B, with the message “Compliments of Don Menkus [sic] Alderman Ward 3.” Respondent Menkhus paid for the printed matter attached hereto as Exhibit A.

7. Respondent Menkhus paid a portion of the invoice for the door hangers referred to as Exhibit A; and other candidates Steve Markus and Russ Schackelford paid for the remainder of the invoice.

8. Respondent Menkhus also paid a portion of the costs for the bags of candy referred to as Exhibit B, and other candidates Steve Markus and Russ Shackelford paid for the remainder.

9. The door hangers and bags of candy referred to as Exhibit A and Exhibit B related to candidates in the April 2014 election.

10. The door hanger attached referred to as Exhibit A should have contained a clear and conspicuous paid for by disclosure listing all three candidates who paid for the door hanger, but instead stated “Paid for by Citizens for Steven A. Markus, Klint Oldham, Treasurer.”

11. The bags of candy referred to as Exhibit B should have contained a clear and conspicuous statement “Paid for by Don Menkus,” but did not contain the words “Paid for by.”

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

12. “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.

13. “[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.

14. 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.

15. There is probable cause to believe that Respondent Menkhus violated Section 130.031.8, RSMo, by circulating and distributing door hangers and bags of candy relative to his candidacy in the April 8, 2014 election without including the proper “paid for by” disclosure on those printed materials.

## 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 Don Menkhus 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 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.

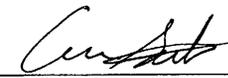
5. This joint stipulation does not settle, release, waive, or otherwise relieve Respondent from any late filing fees due to the appropriate filing authority, including Petitioner Missouri Ethics Commission. Respondent understands that late filing fees accrue automatically under Section 105.963, RSMo.

RESPONDENT DON MENKHUS

PETITIONER MISSOURI ETHICS  
COMMISSION

By:   
Don Menkhus Date

By:  8/31/14  
James Klahr Date  
Executive Director

By:  9/2/14  
Curtis R. Stokes Date  
Attorney for Petitioner

**VOTE Tuesday  
April 8**

## **KNOW THE FACTS**

- Federal "EPA" and state pollution regulations forced Pevely to raise sewer and water rates or face bankruptcy and fines.
- Road projects are 80% funded by federal and state grants.
- Pevely receives county road & bridge tax money to help fund Pevely's 20% match for road projects.

## **STATE LAW PROHIBITS:**

- Raising taxes without a vote of the people.
- Withholding money from elected officials for missing meetings.
- Any city from not having a balanced budget.

**~ Elect ~**

**Steve Markus - Ward 1**

**Russ Shackelford - Ward 2**

**Don Menkhus - Ward 3**



Compliments of  
**STEVE MARKUS**  
Alderman Ward 1

Compliments of **RUSS**  
**SCHAKLEFORD**  
Alderman Ward 2

Compliments of  
**DON MENKUS**  
Alderman Ward 3

EXHIBIT  
**B**