

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
SEP 03 2014
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	Case No. 14C167
v.)	
)	
JOHN CORNELL,)	
)	
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 Cornell violated Sections 130.016.6, 130.021.5, and 130.046.3, 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 Cornell in the amount of \$2,000 pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$200 of that fee within forty-five (45) days of the date of this Order, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to and sent to the Missouri Ethics Commission.
3. Regardless of the stay in paragraph 2 above, if Respondent Cornell commits any further violations of the campaign finance laws pursuant to Chapter 130, RSMo, as amended, within the two year period from the date of this order, then Respondent will

be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent committed such a violation.

SO ORDERED this 3rd day of September, 2014

By:



Charles Weedman, Chair
Missouri Ethics Commission

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MISSOURI ETHICS COMMISSION,)
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) Case No. 14C167
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v.)
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JOHN CORNELL,)
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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, John Cornell, 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 Cornell is a candidate for Circuit Clerk of Warren County, Missouri in the August 8, 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.

COUNT I

Failure to timely file a Statement of Committee Organization

5. Respondent received a check in the amount of \$1,000 on March 6, 2014 for his campaign.

6. By accepting this check, Respondent fit the definition of a “committee” and therefore should have filed his Statement of Committee organization within twenty days of receiving the check.

7. As of the date of this complaint, Respondent has not filed his Statement of Committee Organization with the Missouri Ethics Commission.

COUNT II

Failure to timely file campaign finance reports

8. Respondent received a check for \$1,000 on March 6, 2014, which exceeded the \$500 threshold for filing a quarterly campaign finance disclosure report by April 15, 2014.

9. As of the date of this complaint, Respondent Cornell has not filed the quarterly campaign finance disclosure report that was due on April 15, 2014.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to timely file a Statement of Committee Organization

10. Under section 130.016.6, RSMo, a candidate for county office is exempt from forming a candidate committee only if the aggregate of contributions received does not exceed one thousand dollars (\$1,000) and the aggregate of contributions from any single contributor do not exceed three hundred twenty-five dollars (\$325).

11. Under section 130.021.5, RSMo, “a treasurer or candidate shall file a statement of committee organization with the appropriate officer within twenty days after the person or organization becomes a committee but not later than the date for filing the first report required.”

12. Under section 130.026, RSMo, the “appropriate officer” with whom a candidate for county clerk should file a statement of committee organization is the Missouri Ethics Commission.

13. Under section 130.036.2, RSMo, unless a contribution is rejected by the candidate or committee and returned to the donor or transmitted to the state treasurer within ten business day after its receipt, it shall be considered received and accepted on the date received, notwithstanding the fact that it was not deposited by the closing date of a reporting period.

14. There is probable cause to believe that Respondent Cornell violated Sections 130.016.6 and 130.021.5, RSMo, by failing to file with the Missouri Ethics Commission a Statement of Committee Organization within twenty (20) days of receiving a contribution of \$1,000 from a single contributor, and that Respondent did so knowingly.

COUNT II

Failure to timely file campaign finance reports

15. Under Section 130.046.3, RSMo, a committee shall file quarterly campaign finance disclosure reports except for any calendar quarter in which the contributions received by the committee or the expenditures or contributions made by the committee do not exceed five hundred dollars.

16. The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September, and each report by such committee shall be cumulative from the date of the last report. § 130.046.3, RSMo.

17. There is probable cause to believe that Respondent Cornell violated Section 130.046.3, RSMo, by failing to timely file a quarterly campaign finance disclosure report that was due on or before April 15, 2014, and that Respondent did so knowingly.

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. 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 John Cornell in the amount of \$2,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$200 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 Respondent John Cornell commits any further violation or violations of the campaign finance laws under Chapter 130, RSMo, within the two year period from the date of this order, then Respondent will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent has committed such a violation.

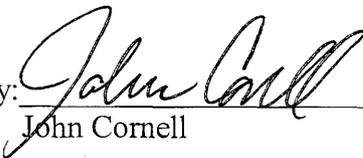
3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

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.

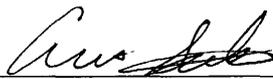
5. This joint stipulation does not settle, release, waive, or otherwise relieve Respondent from any late filing fees due to the appropriate filing authority, including Petitioner Missouri Ethics Commission. Respondent understands that late filing fees accrue automatically under Section 105.963, RSMo.

RESPONDENT JOHN CORNELL

PETITIONER MISSOURI ETHICS
COMMISSION

By:  9/27/14
John Cornell Date

By:  9/3/14
James Klahr Date
Executive Director

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