

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
SEP 30 2014
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
STEVE MARKUS,)	Case No. 14E111, 14E155
)	
and)	
)	
CITIZENS FOR STEVE MARKUS,)	
)	
Respondents.)	

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 Respondents Steve Markus and Citizens for Steve Markus violated Sections 130.041.1(4)(d) and 130.031.8(2), 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. Respondents 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 Respondents in the amount of \$700, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$160 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.

3. Regardless of the stay in paragraph 2 above, if any Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo, 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.

SO ORDERED this 30th day of September,
2014

By:



Charles Weedman, Chair
Missouri Ethics Commission

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) Petitioner,)
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v.)
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STEVE MARKUS,) Case No. 14E111, 14E155
)
and)
)
CITIZENS FOR STEVE MARKUS,)
Candidate Committee)
)
) Respondents.)

**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 Respondents, Markus and Citizens for Steve Markus, 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 Consent Order 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 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 Markus was an unsuccessful candidate for Ward 1 Alderman for the City of Pevely, Missouri in the April 2014 election.

3. Respondent Citizens for Steve Markus was a candidate committee registered with the Jefferson County Clerk's office since January 25, 2012.

4. 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. 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 report an incurred expenditure

5. Respondents placed an order for door hangers with A Printing on or about March 10, 2014.

6. Respondents filed their 8 Day Before Election report on March 28, 2014 but failed to disclose the expenditure incurred with A Printing identified in paragraph 8 above.

7. Respondents amended the 8 Day Before Election report on June 5, 2014 to include the expenditure to A Printing identified in paragraph 5 above.

COUNT II

"Paid for by" violation

8. Respondents Markus and Citizens for Steve Markus published, circulated, and distributed door hangers, an example of which is attached hereto as Exhibit A, by distributing them to voters in the Pevely, Missouri area.

9. Respondent Markus also distributed bags of candy at a local holiday party, an example of which is attached hereto as Exhibit B, with the message "Compliments of Steve Markus, Alderman Ward 1."

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

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

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

13. The door hanger referred to as Exhibit A should have contained 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.”

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

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to timely report an incurred expenditure

15. According to §130.041.1(4)(d), RSMo, Respondents are required to file campaign finance disclosure reports that set forth expenditures for the period, including:

(d) The full name and mailing address of each person to whom an expenditure of money or any other things 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.

16. There is probable cause to believe that Respondents Markus and Citizens for Steve Markus violated Section 130.041.1(4)(d), RSMo, by failing to timely report an incurred expenditure, and that Respondents did so knowingly.

COUNT II

“Paid for by” violation

17. “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.

18. “[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.

19. 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 subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for. §130.031.8(2), RSMo.

20. There is probable cause to believe that Respondent Markus and Citizens for Steve Markus violated Section 130.031.8(2), 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.

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 C.

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 \$700, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$160 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, 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.

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. Respondents, together with their heirs, successors, and assigns, do 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 Respondents or Respondents' attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

SO AGREED:

RESPONDENT STEVE MARKUS

By: Steve Markus 9-12-14
Steve Markus Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: James Klahr 9/29/14
James Klahr Date
Executive Director

RESPONDENT CITIZENS FOR STEVE
MARKUS

By: Steve Markus 9-12-14
Steve Markus Date
Candidate

By: Curtis R. Stokes 9/29/14
Curtis R. Stokes Date
Attorney for Petitioner

**VOTE Tuesday
April 8**

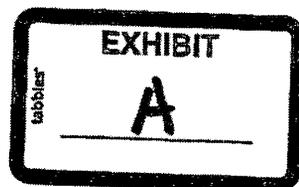
KNOW THE FACTS

- 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**



Paid for by Citizens for Steven A. Markus • Klirt Oldham, Treasurer



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Compliments of
STEVE MARKUS
Alderman Ward 1

Compliments of **RUSS**
SCHAKLEFORD
Alderman Ward 2

Compliments of
DON MENKUS
Alderman Ward 3

EXHIBIT
B