

**Filed**  
**APR 22 2010**  
Missouri Ethics  
Commission

BEFORE THE  
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION )  
)  
Petitioner, )  
v. )  
)  
PATRICK LEWIS, Candidate )  
)  
and )  
)  
ELECT PATRICK LEWIS STATE REPRESENTATIVE, )  
Committee )  
)  
Respondents. )

No. 09A273

**CONSENT ORDER**

The parties having filed a Joint Stipulation of Facts, Waiver of Hearings before the Missouri Ethics Commission, 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 the Respondents Patrick Lewis and Elect Patrick Lewis State Representative, violated §130.041.1(8), RSMo, §130.011(9), RSMo and §130.046.7, RSMo, as stated in the Joint Stipulation.

The Commission directs that all terms and orders of the Joint Stipulation be adopted herein and implemented.

- a. Respondents agree that they will comply with all relevant sections of Chapter 130, RSMo.
- b. It is order of the Missouri Ethics Commission that a fee is imposed against the Respondents Patrick Lewis and Elect Patrick Lewis State Representative in the amount of \$1,000.00 pursuant to §105.961.4(6) RSMo.

However, if Respondents Patrick Lewis and Elect Patrick Lewis State Representative pay \$100.00 of that fee upon execution of this document, the remainder of the fee will be stayed for two years, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission.

If Respondents Patrick Lewis and Elect Patrick Lewis State Representative have not committed any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo, during the two year stay, then the Respondents will not be required to pay the remainder of the fee. If, however, either Respondent is found to have violated the campaign finance laws pursuant to Chapter 130, RSMo, during this two year stay, Respondents will be required to pay the remainder of the fee as originally imposed by the Commission. The fee will be due immediately upon final adjudication finding probable cause of such a violation.

SO ORDERED this 22 day of April, 2010.

By:   
Jim Wright, Chair

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**JOINT STIPULATION OF FACTS, WAIVER OF HEARINGS 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, Patrick Lewis and Elect Patrick Lewis State Representative, 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 proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondents; the right to present evidence on Respondents' own behalf at the hearing; and the right to a decision upon the record of

the hearing. Being aware of these rights provided to the 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 Hearings 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 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:

1. The Missouri Ethics Commission (“the Commission”) is an agency of the State of Missouri established pursuant to §105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.
2. On April 1, 2008, a Statement of Committee Organization was filed for Respondent, Elect Patrick Lewis State Representative (“Committee”), as a Candidate Committee.
3. Respondent Committee was formed in support of Patrick Lewis for State Representative in the 99<sup>th</sup> District in the August 5, 2008 election.
4. Respondent Patrick Lewis was an unsuccessful candidate in the November 4, 2008 General Election.
5. On the Statement of Committee Organization, Respondents disclosed official fund depository, No. 152308594356, at the U.S. Bank, 220 N. Sturgeon, Montgomery City, MO 63361.

6. Pursuant to §130.026, RSMo, Petitioner is the appropriate officer designated to receive the statement of committee organization and campaign finance reports for Committee.

7. Pursuant to §130.058, RSMo, the candidate is ultimately responsible for all reporting requirements pursuant to this chapter.

8. Pursuant to §105.959, RSMo, the Commission's staff has audited the files of the Commission and reported its findings to the Commission.

### **JOINT CONCLUSIONS OF LAW**

1. According to §130.041.1(8), RSMo:

Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

(8) A separate listing by full name and address of any committee including a candidate committee controlled by the same candidate for which a transfer of funds or a contribution in any amount has been made during the reporting period, together with the date and amount of each such transfer or contribution;

2. Respondents reported a non-itemized contribution of \$100.00 on the October 15, 2008 Quarterly Report. Respondents failed to report this contribution as an itemized contribution of \$100.00, on September 10, 2008, from the House Capitol Demos Inner Circle.

3. There is probable cause that Respondents have violated §130.041.1(8), RSMo by failing to accurately report a contribution of \$100.00 by stating the contribution was from the House Capitol Demos Inner Circle, and that Respondents did so knowingly.

4. §130.011(9), RSMo defines a candidate committee and requires termination of a candidate committee of an unsuccessful candidate as follows:

a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election...
5. §130.046.7, RSMo provides:

In the case of a committee which disbands and is required to file a termination statement pursuant to the provisions of section 130.021 with the appropriate officer not later than the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy treasurer shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the reporting requirements of subsection 6 or 7 of this section.
6. Having shown no committee debt, Respondents were required to terminate thirty days after the General Election, on or before December 4, 2008.
7. Respondents failed to terminate until December 8, 2009.
8. There is probable cause the Respondents violated §130.011(9), RSMo and §130.046.7, RSMo by failing to timely file campaign finance disclosure reports, and by failing to terminate timely, and that Respondents 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. Respondents agree that they will comply with all relevant sections of Chapter 130, RSMo.

b. It is order of the Missouri Ethics Commission that a fee is imposed against the Respondents Patrick Lewis and Elect Patrick Lewis State Representative in the amount of \$1,000.00 pursuant to §105.961.4(6) RSMo.

However, if Respondents Patrick Lewis and Elect Patrick Lewis State Representative pay \$100.00 of that fee upon execution of this document, the remainder of the fee will be stayed for two years, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission.

If Respondents Patrick Lewis and Elect Patrick Lewis State Representative have not committed any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo, during the two year stay, then the Respondents will not be required to pay the remainder of the fee. If, however, either Respondent is found to have violated the campaign finance laws pursuant to Chapter 130, RSMo, during this two year stay, Respondents will be required to

pay the remainder of the fee as originally imposed by the Commission. The fee will be due immediately upon final adjudication finding probable cause of 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-styled action.

4. Respondent, together with its heirs and assigns, and his attorney, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorney 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 and their attorneys now have or which they may hereafter have, which is based upon or arises out of the above-styled case.

RESPONDENT

By: Patrick Lewis

Patrick Lewis

Date

PETITIONER

By: Julie A. Allen

Julie A. Allen

Executive Director

Date

By: Elizabeth L. Ziegler

Elizabeth L. Ziegler

General Counsel

Missouri Ethics Commission

Missouri Bar No. 35493

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