

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
APR 20 2010
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION)
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 Petitioner,)
 v.) No. 09E231
)
)
 CITY OF UNIVERSITY CITY)
)
)
 Respondent.)

CONSENT ORDER

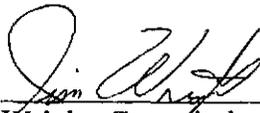
The parties having filed a Joint Stipulation of Facts, Waiver of Hearings before the Missouri Ethics Commission, and Consent Order with Proposed Findings of Fact and Conclusions of Law ("Joint Stipulation") with the Missouri Ethics Commission in this matter, the Missouri Ethics Commission hereby accepts as true the facts stipulated and finds that the Respondent City of University City violated §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.

a. Respondent agrees that it will comply with all relevant sections of Chapter 130, RSMo.

b. It is the order of the Missouri Ethics Commission that a letter of concern be issued to the City of University City pursuant to §105.961.4(4), RSMo.

SO ORDERED this 20 day of April, 2010.

By: 
Jim Wright, Commissioner

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:

JOINT FINDINGS OF FACT

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. Respondent, City of University City, is a municipal body politic under the laws of the State of Missouri with a Council manager form of government, with the powers of local self-government and home rule.

3. Respondent, City of University City as a municipal corporation in the State of Missouri, is a person as defined by Section 130.011(22), RSMo.

4. According to Article III, Section 8 of the Charter of the City of University City, in pertinent part:

The council shall appoint an officer who shall have the title of "city manager" and who shall have the powers and perform the duties provided in this Charter...

5. According to Article III Section 19 of the Charter of the City of University City, the city manager shall be the chief administrative officer of the city and shall be responsible to the council for the proper administration of all the city's affairs.

6. The City Manager is the principal officer of the City for purposes of Chapter 130.

7. In 2009, Julie Feier was the City Manager of the City of University City.

8. Proposition S was a ballot issue in the August 4, 2009 election which proposed a one-fourth of one percent sales tax on goods sold in the City of University City.

9. Prior to the August 4, 2009 election, Respondent, City of University City, published, circulated and distributed printed matter relative to Proposition S. The printed matter is attached and incorporated into this complaint as Exhibit A.

10. Respondent paid to Traci Moore Graphics ("tmg") \$5,996.94, which included \$825.00 for layout and design costs on July 22, 2009, and \$1,392.86 in printing costs, and \$3,778.08 in mailing costs on July 31, 2009.

11. Respondents paid Allmail USA, Inc. \$3,778.06 on July 15, 2009.

12. On July 31, 2009, a complaint was filed with Petitioner alleging campaign finance violations against Respondent City of University City.

13. Pursuant to §105.961.1, RSMo, a special investigator has conducted an investigation and reported findings to the Commission.

JOINT CONCLUSIONS OF LAW

1. §130.031.8 RSMo states:

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.

.....

(3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

2. The printed matter identified as Exhibit A did not include any "Paid for by" language as required by Section 130.031.8, RSMo.

3. The correct identification on all printed matter relative to Proposition S which was paid for by Respondent was "Paid for by the City of University City, Julie Feier, City Manager, 6801 Delmar Blvd, University City, MO 63130 "

4. There is probable cause to believe that Respondent violated §130.031.8, RSMo, by publishing, circulating and distributing printed matter without properly identifying "Paid for by" on printed relative to Proposition S in the the August 4, 2009 election.

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 agrees that it will comply with all relevant sections of Chapter 130, RSMo.

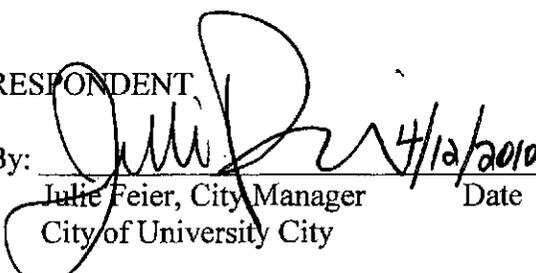
b. It is the order of the Missouri Ethics Commission that a letter of concern be issued to the City of University City pursuant to §105.961.4(4), RSMo.

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:


Julie Feier, City Manager
City of University City

Date

PETITIONER

By:


Julie A. Allen
Executive Director

Date

