BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
MAR 31 2010
Missouri Ethics Commission

MISSOURI ETHICS COMMISSION	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 10C036
	)	
JOHN MCGEE	)	
	)	
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 John McGee 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 he will 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 the Respondent, John McGee, in the amount of $100.00 pursuant to §105.961.4(6), RSMo. The fee will be paid by check or money order made

payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission, and will be due at the time of execution of this Joint Stipulation.

SO ORDERED this 30 day of March, 2010.

By: _____
Jim Wright

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 10C036
	)	
JOHN MCGEE	)	
	)	
Respondent.	)	

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 Respondent, John McGee, 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 proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's 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 Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waives 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:

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, John McGee, was a candidate for Mayor in LaPlata MO in the April 6, 2010 election.

3. Respondent McGee published, circulated and distributed printed matter constituting handbills, attached hereto and incorporated herein as Exhibit A, in support of his candidacy for Mayor.

4. The handbills stated: "Please re-elect John McGee Mayor" on April 6. The handbills failed to include any "paid for by" information on the face of the printed matter and did not identify the sponsor who paid for the printed matter.

5. Respondent John McGee, as candidate, paid for all printed matter with personal funds.

6. On March 10, 2010, a complaint was filed with Petitioner alleging campaign finance violations against Respondent McGee.

7. 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.
>
> .....
>
> (1) 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.

2. The correct identification on all printed matter was "Paid for by John McGee".

3. 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 the printed matter in support of his candidacy for Mayor of LaPlata, MO in the April 6, 2010 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 he will 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 the Respondent John McGee in the amount of $100.00 pursuant to §105.961.4(6) RSMo. The fee will be paid by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission, and will be due 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 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 his attorney now have or which they may hereafter have, which is based upon or arises out of the above case.

RESPONDENT

By: _____ 3-26-10
John McGee Date

PETITONER

By: _____ 3/30/10
Julie A. Allen Date
Executive Director

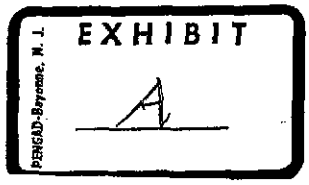
By: _____ 4/5/10
Elizabeth L. Ziegler Date
General Counsel
Missouri Ethics Commission
Missouri Bar No. 35493

3411-A Knipp Drive
P.O. Box 1370
Jefferson City, MO 65102
Telephone: (573) 751-2020
Telfax: (573) 526-4506

Attorney for Petitioner

PLEASE RE-ELECT

JOHN McGEE
MAYOR

ON APRIL 6
EXERCISE YOUR RIGHT TO VOTE

THANK YOU FOR YOUR SUPPORT