

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
MAR 15 2010
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION)
)
Petitioner,)
)
v.) No. 09E103
)
JANET M. STEINBRENNER, Candidate)
)
and)
)
JANET M. STEINBRENNER, Committee)
)
Respondents.)

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 Janet M. Steinbrenner, Candidate, and Janet M. Steinbrenner, Committee, violated §130.046.1 and §130.031.1(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 she 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 Respondents Janet M. Steinbrenner Candidate and Committee in the amount of \$4,000.00 pursuant to §105.961.4(6), RSMo. However, if Respondents pay \$100.00 of that fee upon execution of this agreement, and an additional \$300.00

within sixty (60) days after the date of the Order, 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.

c. If Respondents Janet M. Steinbrenner Candidate and Committee 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 2000, 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 Respondents guilty of such a violation.

SO ORDERED this 15th day of March, 2010.

By: 
Michael Kilgore

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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, Janet M. Steinbrenner Candidate and Committee, acknowledges 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 Janet M. Steinbrenner Candidate and Committee 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:

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, Janet M. Steinbrenner was an unsuccessful candidate for Alderman, Ward 1 for the City of Manchester in the April 7, 2009 election.
3. On March 13, 2009, Respondent filed a Statement of Committee Organization for “Janet M. Steinbrenner” with the St. Louis County Board of Elections. The statement identified the committee as a “campaign committee” in support of Respondent Janet M. Steinbrenner.

4. Pursuant to § 130.026.2 (4), RSMo, the local election authority is the appropriate officer designated to receive a statement of committee of organization and campaign finance reports for Committee.

5. No other reports have been filed on behalf of this committee.

6. A complaint was filed with Petitioner on March 2, 2009.

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

JOINT CONCLUSIONS OF LAW

Count I – Failure to File Campaign Finance Disclosure Reports and to Terminate Committee

1. §130.021.2, RSMo provides:

Every candidate for offices listed in subsection 1 of section 130.016 who has not filed a statement of exemption pursuant to that subsection and every candidate for offices listed in subsection 6 of section 130.016 who is not excluded from filing a statement of organization and disclosure reports pursuant to subsection 6 shall form a candidate committee and appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by such candidate and any of the candidate's own funds to be used in support of the person's candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made through the candidate, treasurer or deputy treasurer of the person's candidate committee.

2. §130.021.5, RSMo provides:

... any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046.

3. § 130.011(8), RSMo defines a "Campaign committee", as a committee, other than a candidate committee, which shall be formed by an individual or group of individuals to receive contributions or make expenditures and whose sole purpose is to support or oppose the qualification and passage of one or more particular ballot measures in an election or the retention of judges under the nonpartisan court plan..."

4. § 130.011(9), RSMo defines a "Candidate committee" as "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. According to § 130.046.1, RSMo,

The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office; and

(3) Not later than the fifteenth day following the close of each calendar quarter.

6. Respondent Committee constituted a "candidate committee" under the definition of § 130.011(9), RSMo.

7. Having registered as a committee on March 13, 2009, Respondent was required to file campaign finance committee reports, including an 8 Day Before Election Report if the committee made any contribution or expenditure either in support or opposition to any candidate; an April 2009 Quarterly Disclosure Report, originally due April 15, 2009; a 30- Day After Election Report, originally due May 7, 2009 if the Committee made any contribution or expenditure either in support or opposition to any candidate.

8. Respondent was required to terminate committee no later than May 7, 2009, thirty days after the election, or upon completion of all committee debt.

9. Having failed to terminate, Respondent failed to file a July 2009 Quarterly Disclosure Report, due no later than July 15, 2009.

10. There is probable cause to believe Respondents violated § 130.046. 1, RSMo, by failing to file campaign finance disclosure reports as provided in paragraphs 7, 8 or 9 of these findings.

Count II - Failure to Properly Identify Campaign Materials

11. §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) 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.

12. Prior to the April 7, 2009 Election, Respondent published, circulated and distributed printed matter relative to her candidacy for Alderman.

13. The printed matter stated "Paid for by Committee to re-elect Janet Steinbrenner, George Steinbrenner, Treasurer."

14. There is no committee named "Committee to re-elect Janet Steinbrenner."

15. Respondent have filed no campaign finance disclosure reports which report the expenditure of printed matter relative to Respondent Steinbrenner as candidate.

16. There is probable cause to believe that Respondents violated §130.031.8, RSMo by publishing, circulating and distributing printed matter without properly identifying the sponsor on the printed matter relating to Respondent Steinbrenner's candidacy for Alderman for the City of Manchester in the April 7, 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 she 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 Respondents Janet M. Steinbrenner Candidate and Committee in the amount of \$4,000.00 pursuant to §105.961.4(6), RSMo. However, if Respondents pay \$100.00 of that fee upon execution of this agreement, and an additional \$300.00 within sixty (60) days after the date of the Order, 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.

c. If Respondents Respondents Janet M. Steinbrenner Candidate and Committee 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 2000, 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 Respondents guilty 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 action.

4. Respondents, together with their heirs, successors and assigns, 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 Respondents and their attorney now have or which they may hereafter have, which is based upon or arises out of the above case.

RESPONDENT

By: Janet M. Steinbrenner 3-5-10
Janet M. Steinbrenner Date

PETITIONER

By: Julie A. Allen 3/11/10
Julie A. Allen Date
By: Elizabeth L. Ziegler 3/11/10
Elizabeth L. Ziegler Date
General Counsel
Missouri Ethics Commission
Missouri Bar No. 35493

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