

**Filed**  
**JUL 01 2010**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION )  
)  
Petitioner, )  
)  
v. ) No. 09A118  
)  
PEOPLE FOR ETHICAL JUDGES and )  
JEFFREY LEE WALKER, )  
)  
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 Joint Findings of Facts and Conclusions of Law (“Joint Stipulation”) with the Missouri Ethics Commission in this matter, the Missouri Ethics Commission hereby accepts as true the proposed Findings of Fact, adopts the proposed Conclusions of Law, and finds that People for Ethical Judges and Jeffrey Lee Walker violated certain provisions of Chapter 130, RSMo, as stated in the Conclusions of Law.

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

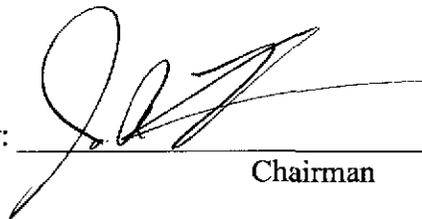
It is the order of the Commission that Respondents People for Ethical Judges and Jeffrey Lee Walker pay a fee of Ten Thousand Dollars (\$10,000.00) to the Missouri Ethics Commission pursuant to § 105.961.4(6), RSMo and § 130.072, RSMo. However, if Respondents pay One Thousand Dollars (\$1,000.00) of 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 People for Ethical Judges and Jeffrey Lee Walker 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 30<sup>th</sup> day of June, 2010.

By: \_\_\_\_\_



Chairman

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 09A118
	)	
PEOPLE FOR ETHICAL JUDGES and	)	
JEFFREY LEE WALKER,	)	
	)	
Respondents.	)	

**JOINT STIPULATION OF FACTS, WAIVER OF  
HEARINGS BEFORE THE MISSOURI ETHICS COMMISSION,  
AND CONSENT ORDER WITH JOINT PROPOSED  
FINDS 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, People for Ethical Judges and Jeffrey Lee Walker, 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 acknowledges that they are aware of the various rights and privileges afforded them 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 Respondents jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the proposed Joint Findings of Fact and the proposed Joint Conclusions of Law, as follows:

**JOINT FINDINGS OF FACT**

1. The Missouri Ethics Commission (the "Commission") is an agency of the State of Missouri created and established pursuant to Section 105.955, RSMo, in part for the purpose of executing and enforcing the provisions of Chapter 130, RSMo.

2. Respondent People for Ethical Judges (the "Committee") is a committee under Chapter 130, RSMo. The Committee accepted contributions and made expenditures for the purpose of influencing voters in the April 8, 2008 municipal election in Lee's Summit, Missouri.

3. Respondent Jeffrey Lee Walker was the treasurer for the Committee.

4. On March 5, 2008, Petitioner received a Statement of Committee Organization for "People for Ethical Judges." The statement listed a committee mailing address of 4901 S. Kendall Dr., Independence, Missouri 64055. The Treasurer's name was shown as Lee Walker, and the statement was signed "Jeff Walker," both of which are names used by Respondent Jeffrey Lee Walker. The statement declared the type of committee as a continuing committee, and it stated that the committee opposed Jim Tobin in the April 8, 2008 Lee's Summit, Missouri Municipal Election for Municipal Judge. No official fund depository information was listed on the statement, however.

5. On March 5, 2008, Petitioner sent a letter to Lee Walker notifying him that the statement of committee organization was incomplete and that Respondent was therefore unable to process the form. The letter stated that the form lacked that required depository information and also that Section 130.011(10), RSMo requires a continuing committee to be formed no later than 60 days prior to the election for which the committee receives contributions or makes expenditures.

6. Under § 130.026.5(1), RSMo, both Petitioner and the Jackson County Board of Election Commissioners are the appropriate officers designated to receive campaign finance reports from a continuing committee.

7. On March 27, 2008, Invoice No. 8320 was issued to People for Ethical Judges, Lee Walker from Mail & More, Independence, Missouri for the sum of \$2,694.34. The invoice referred to a "Tobin" Postcard, Quantity: 12,247. Handwritten on the Invoice was: "P-\$2,156.82 and L-537.52."

8. On March 28, 2008, Bank of America Personal Money Order 656404 for \$1,000, and Bank of America Personal Money Order 656405 for \$1,000, were paid to Mail & More on Invoice No. 8320. Written on the money orders was "People for Ethical Judges, Lee Walker."

9. On March 28, 2008, Mail & More received a total of \$2,694.34 on Invoice No. 8320. The receipt was itemized with \$2,156.82 for postage and \$537.52 for mailing; Check: \$1,000, Check: \$1,000, Cash: \$700.00, and Change: \$5.66.

10. During the municipal election campaign, printed matter identified as the "Tobin" Postcard was published, circulated and distributed. The printed matter stated, "Paid for By People for Ethical Judges, Lee Walker, Treasurer."

11. On April 3, 2008, Invoice No. 8333 was issued by Mail & More for "Change & Integrity Mailer," showing \$1,948.32 for Postage and \$100.00 for Processing. The total of the Invoice was in the amount of \$2,048.32 and the Invoice stated: "Bill To: Citizens for LeVota, PO Box 3314, Independence, MO 64055." The invoice was paid.

12. During the municipal election campaign, printed matter identified as the "Change & Integrity Mailer" was published, circulated and distributed. The printed matter stated, "Paid for By People for Ethical Judges, Lee Walker, Treasurer."

13. During the municipal election campaign, printed matter identified as the "Tobin" Postcard was published, circulated and distributed. The printed matter stated, "Paid for By People for Ethical Judges, Lee Walker, Treasurer."

14. On May 4, 2008, the Jackson County Board of Election Commissioners received an April 2008 Quarterly Report from People for Ethical Judges signed by Lee Walker as treasurer. The report listed an in-kind donation from Citizens for LeVota on April 8, 2008 for \$1,000.00, payable to Mail & More, for printing and postage. The report also listed an in-kind donation from Citizens for LeVota for \$414.00, Payable to Print USA, for printing. The report also showed \$1,414.00 in in-kind expenditures made but detailed no other information about them. Also filed at the same time was a termination statement from the Committee with a date of dissolution of May 4, 2008.

15. Pursuant to § 105.959, RSMo, the Commission's staff has audited the statements and reports of the Committee and reported its findings to the Commission, and the Commission found that reasonable grounds existed to believe that violations had occurred and referred the case to counsel for a hearing before the Commission under § 105.961.3, RSMo.

16. Respondent Committee was not formed as a continuing committee sixty days prior to the April 8, 2008 municipal election.

17. Respondent Committee had neither an official fund depository nor an official depository account in its own name.

18. Respondent Committee received monetary contributions which it used to purchase the Bank of America money orders and to pay Mail & More Invoice No. 8320.

19. Respondent Committee failed to deposit those contributions into an official depository account.

20. By paying Mail & More with two Bank of America money orders in the amount of \$1,000.00 each, and with \$694.34 in cash, Respondent Committee made expenditures which were not made through an official depository account.

21. The two Bank of America money orders of \$1,000.00 each described in paragraph 8 above were expenditures which were made by Respondent Committee to Mail & More in opposition to the candidacy of Jim Tobin in the April 8, 2008 municipal election.

22. The \$694.34 paid in cash to Mail & More as described in paragraph 9 above was an expenditure which was made by Respondent Committee in opposition to the candidacy of Jim Tobin in the April 8, 2008 municipal election.

23. Respondents failed to include any of the above expenditures on any disclosure report filed by the Committee.

24. On its April, 2008 quarterly report, Respondent Committee reported total in-kind expenditures of \$1,414.00, but it failed to include the name and mailing address of the persons to whom the expenditures were made, together with the date, amount and purpose of each expenditure.

25. Respondent Committee failed to file any disclosure report on which it disclosed the monetary contributions which it received and then used in purchasing the Bank of America money orders for \$2,000.00 or in making the payment of \$694.34 in cash to Mail & More.

26. On its April, 2008 quarterly report, Respondent Committee reported that it had made in-kind expenditures of \$1,414.00 as set out in paragraph 14 above, but it failed to report the candidate for or against whom it made those expenditures.

27. Respondent Committee also failed to report the candidate for or against whom it had made an expenditure of \$2,694.34 to Mail & More for a "Tobin post card."

28. The cash payment by Respondent Committee to Mail & More on March 28, 2008 was in the amount of \$694.34.

29. The Committee's quarterly disclosure report covering that period was not filed with the Jackson County Board of Election Commissioners until May 9, 2008.

30. Respondent Committee made an expenditure in opposition to Jim Tobin on or before the twelfth day prior to the April 8, 2008 municipal election.

31. Respondent Committee did not file an 8-day before election report for the April 8, 2008 municipal election.

32. Respondent Committee made aggregate expenditures of more than \$500.00 against Jim Tobin after the twelfth day before the election but did not file any 24-hour disclosure report.

33. Respondent Committee failed to file a 30-day after election disclosure report for the April 8, 2008 municipal election.

**JOINT CONCLUSIONS OF LAW**

1. Under § 130.011(10), RSMo, a continuing committee “shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures.”

2. There is probable cause to believe that Respondents have violated § 130.011(10), RSMo by forming a continuing committee after the close of the period during which a continuing committee could be formed and still participate in the April 8, 2008 municipal election.

3. Section 130.021.4(1), RSMo requires every committee to “have a single official fund depository within this state . . . in which the committee shall open and thereafter maintain at least one official depository account in its name.”

4. There is probable cause to believe that Respondents have violated § 130.021.4(1), RSMo by failing to have an official fund depository and an official depository account.

5. Section 130.021.4(1), RSMo requires that all contributions which a committee receives in money, checks and other negotiable instruments be deposited in the committee’s official depository account.

6. There is probable cause to believe that Respondents have violated § 130.021.4(1), RSMo by failing to deposit all contributions which it received in money or negotiable instruments into an official depository account.

7. Section 130.021.4(1), RSMo requires that expenditures “not be made by a committee except by or through an official depository account.”

8. Section 130.031.2, RSMo requires that each expenditure of more than fifty dollars, except for in-kind expenditures, be made by check drawn on the committee’s depository account.

9. Given the payments made to Mail & More as set out in Paragraph 9 of the Findings of Fact, there is probable cause to believe that Respondents have violated § 130.021.4(1), RSMo and § 130.031.2, RSMo by making monetary expenditures of more than fifty dollars other than by or through an official depository account.

10. Section 130.041.1(4), RSMo reads in pertinent part as follows:

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:

.....  
(4) Expenditures for the period, including:

.....  
(b) The total dollar amount of expenditures made in cash;

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

11. There is probable cause to believe that Respondents have violated § 130.041.1(4), RSMo by failing to disclose the expenditures it made to Mail & More on or about March 28, 2008 through the two Bank of America money orders of One Thousand Dollars (\$1,000.00) each and through the payment of \$694.34 in cash.

12. There is probable cause to believe that Respondents have violated § 130.041.1(4)(d), RSMo by failing to disclose required information about the \$1,414.00 in expenditures that it made as listed in paragraph 14 of the Findings of Fact, and that they knowingly did so.

13. Section 130.041.1(3), RSMo reads in pertinent part as follows:

1. 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:

.....

(3) Receipts for the period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor;

.....

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution.

14. There is probable cause to believe that Respondents have violated § 130.041.1(3), RSMo by failing to disclose any of the monetary contributions that it received which it then used to make expenditures on behalf of the Committee.

15. Under § 130.041.1(7), RSMo, campaign finance disclosure reports must include the following information through what is known as a Direct Expenditure Report:

(7) The amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought.

16. There is probable cause to believe that Respondents have violated § 130.041.1(7), RSMo by failing to file a Direct Expenditure Report as part of any campaign finance report.

17. Under § 130.031.2, RSMo, no expenditure made in cash can exceed fifty dollars.

18. There is probable cause to believe that Respondents have violated § 130.031.2, RSMo by making an expenditure of more than fifty dollars in cash through the payment to Mail & More of \$694.34 in cash, and that they knowingly did so.

19. Quarterly disclosure reports are due no later than the fifteenth day following the close of each calendar quarter under § 130.046.1(3), RSMo.

20. The quarterly disclosure report from the Committee covering the period from March 5, 2008 through March 31, 2008 was required to be filed by April 15, 2008 under § 130.046, RSMo.

21. There is probable cause to believe that Respondents have violated § 130.046.1(3), RSMo by filing the Committee's quarterly disclosure report covering the period ending on March 31, 2008 in an untimely manner because it was not filed until May 4, 2008.

22. Under § 130.046.1(1), RSMo a committee must file disclosure reports required by § 130.041, RSMo by not later than the eighth day before the election closing on the twelfth day before the election if it has made any contribution or expenditure in opposition to a candidate.

23. Under § 130.046.3(2), RSMo a committee must file a 24-hour disclosure report if it makes aggregate expenditures of \$500.00 or more after the twelfth day before the election.

24. Under § 130.046.1(2), RSMo, a committee must file disclosure reports required by § 130.041, RSMo by not later than the thirtieth day after an election for the period closing on the twenty-fifth day after the election if it has made any contribution or expenditure in opposition to a candidate in that election.

25. There is probable cause to believe that Respondents violated § 130.046.1(1), RSMo, § 130.046.3(2), RSMo and § 130.046.1(2), RSMo by failing to file required the 8-day before election, 24-hour, and 30-day after disclosure reports on its activities in the April 8, 2008 municipal election.

26. Section 130.036.1, RSMo requires the candidate or treasurer of a committee to maintain accurate records and accounts.

27. Subsection 8 of § 130.036, RSMo reads as follows:

8. All records and accounts of receipts and expenditures shall be preserved for at least three years after the date of the election to which the records pertain. Records and accounts regarding supplemental disclosure reports or reports not required pursuant to an election shall be preserved for at least three years after the date of the report to which the records pertain. Such records shall be available for inspection by the campaign finance review board and its duly authorized representatives.

28. There is probable cause to find that Respondents have violated §§ 130.036.1 and 130.036.8, RSMo, by failing to maintain accurate and complete records and accounts for the April 8, 2008 municipal election and by failing to make the records required to be maintained available to Petitioner for inspection.

## 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 in this matter.

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. Respondents agree that they shall file the required missing and amended reports for People for Ethical Judges with the Jackson County Board of Election Commissioners accurately reflecting the receipts and expenditures of the committee by close of business on Friday, June 25, 2010.

c. It is order of the Missouri Ethics Commission that a fee is imposed against the Respondents People for Ethical Judges and Jeffrey Lee Walker in the amount of \$10,000.00 pursuant to § 105.961.(6), RSMo.

However, if Respondents People for Ethical Judges and Jeffrey Lee Walker pay \$1,000.00 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.

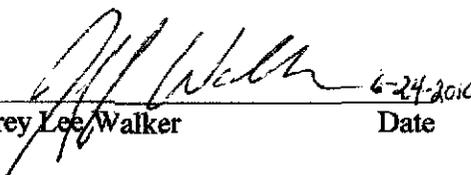
If Respondents People for Ethical Judges and Jeffrey Lee Walker have not committed any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo, during the two-year stay, then the Respondents will not be required to pay the remainder of the fee. If, however, either Respondent 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. Respondents, together with their heirs and assigns, and their attorney, 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 and their attorneys now have or which they may hereafter have, which is based upon or arises out of the above-styled case.

RESPONDENTS

PETITIONER

  
Jeffrey Lee Walker  
Date

By:   
Julie A. Allen  
Executive Director  
Date

People for Ethical Judges

By:

  
Jeffrey Lee Walker, Treasurer Date

  
Phil LeVota

Attorney at Law

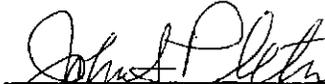
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