

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
JUL 15 2010
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
) Petitioner,)
)
) v.) No. 10E027
)
RON COUNTS,)
)
) 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 Ron Counts violated §105.483(11), §105.485.4, §105.487, RSMo and Resolutions 2007-01 and 2009-01 of the Rock Township Ambulance District, 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 105 and Resolutions of the Rock Township Ambulance District
- b. It is the order of the Missouri Ethics Commission that a letter of concern be issued to Ron Counts pursuant to §105.961.4(4), RSMo.

SO ORDERED this 15 day of July 2010.

By: 

Jim Wright, Chairman

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.) No. 10E027
)
RON COUNTS,)
)
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 Ron Counts, 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 enters 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 agrees to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondent jointly stipulates to the following and requests 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 §§ 105.450 – 105.496 RSMo, and the provisions of the constitution or state statute or order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state or political subdivisions as provided in Section 105.957.1(6) RSMo.

2. Respondent, Ron Counts was a member of the Board of Directors of the Rock Township Ambulance District in the City of Arnold, in Jefferson County, Missouri in 2008 and 2009.

3. Respondent, Ron Counts was a candidate for the Board of Directors of the Rock Township Ambulance District in the April 6, 2010 election.

4. The Rock Township Ambulance District is a six member Ambulance District Board formed under §190.010 of the Missouri Revised Code, and is a political subdivision of the State of Missouri pursuant to §105.450(8), RSMo.

5. Respondent, Ron Counts, was also an owner of Counts Auto Body, 2060 Lonedell Rd, Arnold Mo., registered with the Missouri Secretary of State during the years of 2008 and 2009.

6. The Rock Township Ambulance District was a political subdivision with an annual operating budget in excess of one million dollars in 2008 and 2009.

7. On February 16, 2010, Petitioner received a complaint filed against Respondent, Ron Counts.

8. Pursuant to § 105.961.1, RSMo, following the receipt of the complaint, a special investigator has conducted an investigation and reported findings to the Commission.

JOINT CONCLUSIONS OF LAW

1. According to §105.483(11), RSMo:

Each elected official, candidate for elective office, the chief administrative officer, the chief purchasing officer and the general counsel, if employed full time, of each political subdivision with an annual operating budget in excess of one million dollars, and each official or employee of a political subdivision who is authorized by the governing body of the political subdivision to promulgate rules and regulations with the force of law or to vote on the adoption of rules and regulations with the force of law; unless the political subdivision adopts an ordinance, order or resolution pursuant to subsection 4 of section 105.485;

2. According to §105.485.4, RSMo, in pertinent part:

Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section... The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:

(1) Disclosure in writing of the following described transactions, if any such transactions were engaged in during the calendar year:

(a) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision;

(b) The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision;

3. The Rock Township Ambulance District was a political subdivision with an annual operating budget in excess of one million dollars in 2008 and 2009.

4. The Rock Township Ambulance District adopted Resolutions which established a procedure to disclose potential conflicts of interest and substantial interests of certain officials for report to be filed in 2009 and 2010.

Financial Interest Statements for Filing in 2009

5. Resolution 2007-01 of the Rock Township Ambulance District required all elected officials to file financial interest statements, by May 1, for transactions with the District in excess of \$500.00. Resolution 2007- 01 applied to filing of financial interest statement in 2009.

6. In 2008, the Rock Township Ambulance District made four payments in excess of \$500 to Counts Auto Body as follows:

02-19-08	\$1,700.47
02-29-08	\$ 941.47
04-04-08	\$1,251.22
05-05-08	\$1,196.50

7. As member of the Board of Directors, Respondent Ron Counts was required to file a Financial Statement for Political Subdivisions with Petitioner on or before May 1, 2009, for transactions with the political subdivision in excess of \$500.00 for the calendar year 2008.

8. Respondent Ron Counts failed to file a Financial Statement for Political Subdivisions, originally due with Petitioner, on or before May 1, 2009, until February 22, 2010.

Financial Interest Statements for Filing in 2010

9. Resolution 2009-01 of the Rock Township Ambulance District required all elected officials to file financial interest statements, by May 1, and candidates for elective office to file on or before the appropriate deadline in §105.487, RSMo for transactions with the District in excess of \$500.00. Resolution 2009- 01 applied to filing of financial interest statement in 2010.

10. According to §105.487, RSMo, in pertinent part:

The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

(1) Each candidate for elective office... who is required to file a personal financial disclosure statement shall file a financial interest statement no later than fourteen days after the close of filing at which the candidate seeks nomination or election, and the statement shall be for the twelve months prior to the closing date...

...

(3) Every other person required by sections 105.483 to 105.492 to file a financial interest statement shall file the statement annually not later than the first day of May and the statement shall cover the calendar year ending the immediately preceding December thirty-first; provided that the governor, lieutenant governor, any member of the general assembly or any member of the governing body of a political subdivision may supplement such person's financial interest statement to report additional interests acquired after December thirty-first of the covered year until the date of filing of the financial interest statement;

(4) The deadline for filing any statement required by sections 105.483 to 105.492 shall be 5:00 p.m. of the last day designated for filing the statement. When the last day of filing falls on a Saturday or Sunday or on an official state holiday, the deadline for filing is extended to 5:00 p.m. on the next day which is not a Saturday or Sunday or official holiday. Any statement required within a specified time shall be deemed to be timely filed if it is postmarked not later than midnight of the day previous to the last day designated for filing the statement.

11. In 2009, the Rock Township Ambulance District made five payments in excess of \$500 to Counts Auto Body as follows:

01-14-09	\$1,876.65
02-09-09	\$2634.96
08-31-09	\$ 976.40
11-07-09	\$3,721.25
12-16-09	\$ 800.41

12. As candidate and member of the Board of Directors, Respondent Ron Counts was required to file a Financial Statement for Political Subdivisions with Petitioner on or before February 2, 2010, for transactions with the political subdivision in excess of \$500.00 for the calendar year 2009.

13. Respondent Ron Counts failed to file a Financial Statement for Political Subdivisions, originally due with Petitioner, on or before February 2, 2010, until February 22, 2010.

14. There is probable cause to believe Respondent Ron Counts violated §105.483(11), §105.485.4, §105.487, RSMo and Resolutions 2007-01 and 2009-01 of the Rock Township Ambulance District by failing to file a Financial Statement for Political Subdivisions on or before May 1, 2009, and on or before February 2, 2010.

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, attached as Exhibit A in the form attached:
 - a. Respondent agrees that he will comply with all relevant sections of Chapter 105 and Resolutions of the Rock Township Ambulance District
 - b. It is the order of the Missouri Ethics Commission that a letter of concern be issued to Ron Counts 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: Ron Counts 7-6-10
Ron Counts Date

By: Dennis H. Tesreau 7-6-10
Dennis H. Tesreau Date
Attorney
Missouri Bar No. 25693

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PETITIONER

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Julie A. Allen Date
Executive Director

By: Elizabeth L. Ziegler 7/13/10
Elizabeth L. Ziegler Date
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