

Filed
MAY 31 2012
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
) Case No. 12E019
v.)
)
MISSOURIANS FOR RESPONSIBLE)
LENDING,)
Campaign Committee,)
)
and)
)
REV. JAMES BRYAN,)
Treasurer)
)
Respondents.)

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING
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, Missourians for Responsible Lending and Bryan, 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 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 be 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' behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to 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 Hearing 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 PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission (“the Commission”) is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.
2. Respondent Missourians for Responsible Lending is a campaign committee formed for the purpose of qualifying and supporting a statewide ballot measure related to “payday lending.”
3. Respondent Bryan is and was the treasurer of the committee at all relevant times.
4. Pursuant to Section 105.957, RSMo, the Commission’s staff has investigated a complaint filed with the Commission and reported the investigation’s findings to the Commission.

5. Based on the report of the Commission's staff, the Commission determined that there are reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

Count I

Failure to timely file statement of committee organization

6. Respondents began the process of raising money on May 26, 2011, when they accepted their first contribution of \$100.

7. In calendar year 2011, Respondents' aggregate of contributions exceeded \$500 and a single contributor contributed more than \$250; Respondents accepted a contribution of \$5,000 on May 31, 2011.

8. Respondents' initial fifteen day report was due on June 10, 2011 for the reporting period May 26, 2011, through June 5, 2011. This was also the deadline for filing a statement of committee organization.

9. Respondents' statement of committee organization was not received until June 28, 2011.

Count II

Failure to timely file initial fifteen day campaign finance disclosure report

10. Respondents' initial fifteen day report was due on June 10, 2011, for the reporting period May 26, 2011, through June 5, 2011.

11. Respondents did not file an initial fifteen day report until March 5, 2012.

12. Respondents filed a quarterly report on June 29, 2011, showing the contributions Missourians for Responsible Lending received on May 26, 2011 and May 31, 2011. These contributions are the same contributions that would be in the initial 15 day report.

JOINT PROPOSED CONCLUSIONS OF LAW

13. A campaign committee must file an initial campaign finance disclosure report “fifteen days after the committee begins the process of raising or spending money.”

§ 130.046.2(1), RSMo.

14. The reporting period for this initial fifteen day report begins “the day the committee first accepted contributions or made expenditures” and closes “the fifth day prior to the date of the report.” § 130.0346.2(1), RSMo.

15. On that same day (fifteen days after beginning the process of raising or spending money), the campaign committee must file a statement of committee organization with the appropriate officer. § 130.021.5, RSMo (committee must “file statement of committee organization ... 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.”).

16. For a campaign committee supporting or opposing a statewide ballot measure, the appropriate officer for filing statements and reports is the Missouri Ethics Commission. § 130.026.2(5); § 130.026.3, RSMo.

17. A campaign committee is:

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....

§ 130.011(8), RSMo.

18. A committee does not include “a person or combination of persons, if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds **five hundred dollars** and if no single contributor has contributed more than **two hundred fifty dollars** of such aggregate contributions.” § 130.011(7)(a), RSMo (emphasis added). If a person or combination of persons exceeds those thresholds “during a calendar year,” they are a committee “during” that entire “calendar year.”

19. A campaign committee’s initial campaign finance disclosure report is due “fifteen days after the committee begins the process of raising or spending money” regardless of when the committee reaches the \$500 or \$250 threshold. A committee that uses a later date on which it exceeds the threshold as the beginning of the fifteen day deadline will file a report later than “fifteen days after the committee begins the process of raising or spending money;” it will have failed to file a report within “fifteen days after the committee begins the process of raising or spending money.” § 130.046.2, RSMo.

Count I

Failure to timely file statement of committee organization

20. There is probable cause to believe that Respondents Missourians for Responsible Lending and Bryan violated Section 130.021.5, RSMo, by beginning the process of accepting contributions as a campaign committee on May 26, 2011, and failing to file a statement of committee organization until June 28, 2011.

Count II

Failure to timely file initial fifteen day campaign finance disclosure report

21. There is probable cause to believe that Respondents Missourians for Responsible Lending and Bryan violated Section 130.046.2, RSMo, by failing to timely file an initial fifteen day campaign finance disclosure report.

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. Respondents agree that they 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 Respondents Missouriians for Responsible Lending and Bryan, in the amount of \$1,000, pursuant to Section 105.961.4(6), RSMo. However, if either Respondent pays \$100 of that fee within forty-five 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 at the time of execution of this Joint Stipulation.
 - c. If either Respondent Missouriians for Responsible Lending or Bryan commits any further violations of the campaign finance laws under Chapter 130, RSMo, during the two year stay from the date of execution of this stipulation, then both Respondents will be required to pay the remainder of the fee. The

fee will be due immediately upon final adjudication finding either Respondent has committed such a violation.

d. Respondents Missourians for Responsible Lending and Bryan shall be jointly and severally liable for all fees imposed under this order.

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 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/or Respondents' attorney now have or which they may hereafter have, which are based upon or arise out of the above cases.

5. This joint stipulation does not settle, release, waive, or otherwise relieve Respondents from any late filing fees due to the appropriate filing authority, including Petitioner Missouri Ethics Commission. Respondents understand that late filing fees accrue automatically under Section 105.963, RSMo.

RESPONDENT MISSOURIANS FOR
RESPONSIBLE LENDING

PETITIONER

By: James J. Bryan 5/21/2012
Rev. James Bryan, Treasurer Date

By: Julie A. Allen 5/31/12
Julie A. Allen Date
Executive Director

By: Christopher Grant 5/9/12
Christopher Grant Date
Attorney for Respondent Missourians for
Responsible Lending

By: Curtis R. Stokes 5/31/12
Curtis R. Stokes Date
Attorney for Petitioner

RESPONDENT REV. JAMES BRYAN

By: James J. Bryan 5/21/2012
Rev. James Bryan Date

By: Christopher Grant 5/9/12
Christopher Grant Date
Attorney for Respondent Bryan

\$1,000, pursuant to Section 105.961.4(6), RSMo. However, if either Respondent pays \$100 of that fee within forty-five 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 at the time of execution of this Joint Stipulation.

3. If either Respondent Missourians for Responsible Lending or Bryan commits any further violations of the campaign finance laws under Chapter 130, RSMo, during the two year stay from the date of execution of this stipulation, then both Respondents will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding either Respondent has committed such a violation.
4. Respondents Missourians for Responsible Lending and Bryan shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 31st day of May, 2012

By: *Dennis Rose*
Dennis Rose
Signed by Executive Director