



SO ORDERED this 2nd day of September,  
2014

By:



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Charles Weedman, Chair  
Missouri Ethics Commission

**Filed**  
**SEP 02 2014**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION, )  
)  
Petitioner, )  
)  
v. ) Case No. 14E122  
)  
KAZEN FOR CITY COUNCIL, )  
Candidate Committee, )  
)  
and )  
)  
ANDY KAZEN, )  
Candidate )  
)  
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, Kazen and Kazen for City Council, 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 witnesses 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 Respondents 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 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 Kazen for City Council is a candidate committee which has been registered with the St. Louis County Board of Elections since March 31, 2014.
3. Respondent Kazen was an unsuccessful candidate for Chesterfield City Council in the April 8, 2014 election.
4. Pursuant to Section 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.
5. Based on the report of the Commission's staff, the Commission determined that there were 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.

6. Respondent Kazen published, circulated, and/or distributed the campaign mailers, attached hereto as Exhibit A, by mailing them to voters in the Chesterfield area.

7. Respondent Kazen paid for the printed matter attached hereto as Exhibit A.

8. The printed matter attached hereto as Exhibit A relates to a candidate in the April 2014 election.

9. The campaign mailer attached hereto as Exhibit A should have contained a clear and conspicuous statement “Paid for by Andy Kazen” but did not.

### **JOINT PROPOSED CONCLUSIONS OF LAW**

10. “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.” § 130.031.8, RSMo.

11. “[P]rinted matter’ shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material . . . .” § 130.031.8, RSMo.

12. 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. §130.031.8(1), RSMo.

13. There is probable cause to believe that Respondent Kazen violated Section 130.031.8(1), RSMo, by publishing, circulating and distributing a campaign mailer regarding his candidacy in the April 2014 election, without including the proper “paid for by” disclosure.

## 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 shall 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 Kazen and Kazen for City Council Kazen And Kazen For City Councilin the amount of \$100.00, pursuant to Section 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 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.

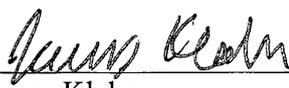
4. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondents or

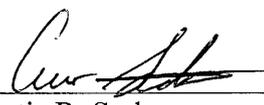
Respondents' attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

RESPONDENT ANDY KAZEN

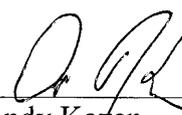
By:  8/20/2013  
Andy Kazen Date

PETITIONER MISSOURI ETHICS COMMISSION

By:  8/25/14  
James Klahr Date  
Executive Director

By:  8/25/14  
Curtis R. Stokes Date  
Attorney for Petitioner

RESPONDENT KAZEN FOR CITY COUNCIL

By:  8/20/2013  
Andy Kazen Date  
Candidate

APR 18 2014



# New Perspective

To the voters of Chesterfield - Ward 3

My name is Andy Kazen and  
I'm running for City Council  
for your district - Ward 3

Don't forget to vote April 8th!

EXHIBIT

A

tabbles

To the Voters in Chesterfield Ward 3:

- My name is Andy Kazen and I'm running for City Council for your district: Ward 3.
- I am new to the political process and decided to get more involved in our community.
- I believe in changing the guard periodically to get new ideas and fresh perspectives.
- I currently serve as a trustee in my local Homeowner's Association Claymont Lake Estates.
- One issue that has caught my attention: Chesterfield retains a very small percentage of its sales tax. Our share is actually 57% of what it should be. We lose a lot of the sales tax to other surrounding communities.
- This is because St. Louis County is a pooled County, the only one in Missouri!
- Think how those hundreds of thousands of dollars annually could come back to help us! I fully support the mayor on this issue and will work to change this.
- I've lived in Chesterfield for nearly 15 years and I'm proud to call it home.
- I'm married to Leslie for 25 years and our daughter Rachel is a freshman at Missouri.

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE  
PAID  
MID-FL, FL  
PERMIT NO. 209

Thanks for your consideration,

*Andy Kazen*

PS Don't forget to  
vote on April 8<sup>th</sup>!



\*\*\*AUTO\*\*SCH 5-DIGIT 63017

Chesterfield, MO 63017-7808

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