

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
AUG 25 2016
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
)
v.)
)
ASH GROVE NATIONAL EDUCATION)
ASSOCIATION,)
)
 Respondent.)

Case No. 16-0037-I

**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 Respondent, Ash Grove National Education Association, acknowledges that it 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 it 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 allegations against Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to 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

Hearing 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.

Kim Brown confirms and warrants that she is authorized by the Ash Grove National Education Association to execute this joint stipulation on behalf of Respondent Ash Grove National Education Association.

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 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. The Ash Grove School District is located in Greene County, Missouri. There were four (4) candidates for two (2) school board director positions on the April 5, 2016, ballot in Ash Grove.
3. The Ash Grove National Education Association is a voluntary unincorporated association of individuals, governed by its by-laws and an executive committee, that supported two (2) of the candidates in the April 2016 election.
4. Pursuant to Sections 105.957 and 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 investigation report, 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 Ash Grove National Education Association made an expenditure of \$511.33 on a banner supporting two candidates in the April 2016 Ash Grove School Board election.

7. Respondent Ash Grove National Education Association did not file a non-committee expenditure report with the Greene County Clerk disclosing the \$511.33 expenditure.

JOINT PROPOSED CONCLUSIONS OF LAW

8. Any person who is not a defined committee who makes an expenditure or expenditures aggregating five hundred dollars or more . . . in support of, or in opposition to, one or more candidates, . . . other than a contribution made directly to a candidate or committee, shall file a report signed by the person making the expenditures, or that person's authorized agent.”

§ 130.047, RSMo.

9. The non-committee expenditure report must include “the name and address of the person making the expenditure, the date and amount of the expenditure or expenditures, the name and address of the payee, and a description of the nature and purpose of each expenditure.”

§ 130.047, RSMo.

10. The non-committee expenditure report must be filed with the “appropriate officer having jurisdiction over the election of the candidate . . . in question as set forth in section 130.026.”

§ 130.047, RSMo.

11. The report is due “no later than fourteen days after the date of making an expenditure which by itself or when added to all other such expenditures during the same campaign equals five hundred dollars or more.” § 130.047, RSMo.

12. For purposes of Chapter 130, RSMo, a person is “an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity.” § 130.011(22), RSMo.

13. For purposes of Chapter 130, RSMo, an expenditure is “payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office.” § 130.011(16), RSMo.

14. Under Section 130.026, the “appropriate officer” for filing non-committee expenditure a candidate for school board in Greene County is the Greene County Clerk. § 130.026.2(4), RSMo.

15. There is probable cause to believe that Respondent Ash Grove National Education Association violated Section 130.047.1, RSMo, by making an expenditure of \$511.33 in support of two school board candidates, but failing to file a non-committee expenditure report with the Greene County Clerk to disclose the expenditure.

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 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 Respondent Ash Grove National Education Association in the amount of \$500, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$50 of that fee within forty-five days after the date of the Order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
 - c. Respondent must file a non-committee expenditure report with the Greene County Clerk's office.
 - d. If Respondent Ash Grove National Education Association commits any further violation or violations of the campaign finance laws under Chapter 130, RSMo, within the two-year period from the date of this order, then Respondent will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent has committed 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. Respondent, together with its heirs, successors, and assigns, does 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 Respondent or Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

SO AGREED:

RESPONDENT ASH GROVE NATIONAL
EDUCATION ASSOCIATION

PETITIONER MISSOURI ETHICS
COMMISSION

By: *Kim E. Brown* 8/18/16
Kim Brown Date
Treasurer

By: *James Klahr* 8/25/16
James Klahr Date
Executive Director

By: *Curtis R. Stokes* 8/25/16
Curtis R. Stokes Date
Attorney for Petitioner

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Respondent.)	

CONSENT ORDER

The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondent Ash Grove National Education Association violated Section 130.047.1, RSMo.

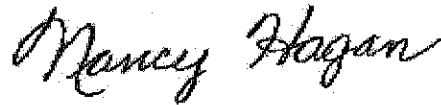
The Commission directs that the Joint Stipulation be adopted.

1. Respondent shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondent in the amount of \$500 pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$50 of that fee within forty-five (45) days after the date of this Order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to and sent to the Missouri Ethics Commission.
3. Respondent must file a non-committee expenditure report with the Greene County Clerk's office.

4. Regardless of the stay in paragraph 2 above, if Respondent commits any further violations of the campaign finance laws pursuant to Chapter 130, RSMo, as amended, within the two-year period from the date of this order, then Respondent will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent committed such a violation.

SO ORDERED this 25th day of August, 2016

By:



Nancy Hagan, Chair
Missouri Ethics Commission