

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**  
**SEP 28 2016**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 16-0051-I
	)	
STEVE PELTON,	)	
Candidate	)	
	)	
and	)	
	)	
CITIZENS FOR PELTON,	)	
Candidate Committee	)	
	)	
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, Pelton and Citizens for Pelton, 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 allegations 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 Pelton was a successful candidate in the August 2016 primary election for Sheriff of Franklin County, Missouri.
3. Respondent Citizens for Pelton is the candidate committee registered by Respondent Pelton with the Commission since 2014.
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.

**COUNT I**

*Accepting contributions and making expenditures not through the official fund depository*

6. Respondents held a fundraiser, including a raffle with a cash prize of \$300. Respondents paid in cash the \$300 prize from the proceeds of the raffle, and not by check or other expenditure from Respondents' official depository account.

**COUNT II**

*Failure to timely and accurately report contributions*

7. Respondents failed to timely report eight (8) in-kind contributions, totaling \$3,315.

**COUNT III**

*Failure to timely and accurately report expenditures*

8. Respondents failed to timely report the cash expenditure of \$300 used to pay a raffle prize, as discussed in paragraph 9 above, on the January 2016 Quarterly report.

9. Respondents have filed an amended January 2016 Quarterly report disclosing the \$300 expenditure.

**JOINT PROPOSED CONCLUSIONS OF LAW**

**COUNT I**

*Accepting contributions and making expenditures not through the official fund depository*

10. "Every committee shall have a single official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered saving and loan association, or a federally or state-chartered credit union in which the committee shall open and thereafter maintain at least one official depository account in its own name." § 130.021.4(1), RSMo.

11. "All contributions which the committee receives in money, checks and other negotiable instruments shall be deposited in a committee's official depository account. Contributions shall not be accepted and expenditures shall not be made by a committee except by

or through an official depository account and the committee treasurer, deputy treasurer or candidate.” § 130.021.4(1), RSMo.

12. There is probable cause to believe that Respondents Pelton and Citizens for Pelton violated Section 130.021.4(1), RSMo, by accepting contributions from a fundraiser and making an expenditure from the fundraising money without using their official fund depository.

### **COUNT II**

#### *Failure to timely and accurately report contributions*

13. Respondents are required to timely and accurately report in-kind contributions received. § 130.041.1(3)(d), RSMo.

14. There is probable cause to believe that Respondents Pelton and Citizens for Pelton violated Section 130.041.1(3), RSMo, by failing to timely report in-kind contributions.

### **COUNT III**

#### *Failure to timely and accurately report expenditures*

15. Respondents are required to report the total dollar amount of expenditures made in cash. § 130.041.1(4)(b), RSMo.

16. There is probable cause to believe that Respondents Pelton and Citizens for Pelton violated Section 130.041.1(4)(b), RSMo, by failing to timely report a cash expenditure exceeding \$100.

## 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. Respondents 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 in the amount of \$2,300, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$230 of that fee within forty-five (45) days after the date of the Order, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
  - c. Regardless of the stay in paragraph 2.b above, if any Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo, within the two-year period from the date of this order, then Respondents will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that any 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. 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.

SO AGREED:

RESPONDENT STEVE PELTON

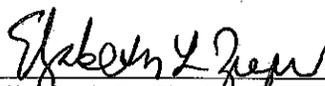
By:   
Steve Pelton Date

RESPONDENT CITIZENS FOR PELTON

By:   
Steve Pelton Date  
Candidate

PETITIONER MISSOURI ETHICS  
COMMISSION

By:  9/28/16  
James Klahr Date  
Executive Director

By:  9/28/16  
Elizabeth L. Ziegler Date  
Attorney for Petitioner

**Filed**  
**SEP 28 2016**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,                    )  
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v.    )  
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STEVE PELTON,                                    )                    Case No. 16-0051-I  
  )  
AND    )  
  )  
CITIZENS FOR PELTON,                         )  
  )  
  )                    Respondents.                )

**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 Respondents Steve Pelton and Citizens for Pelton violated Sections 130.021.4(1), 13.041.1(3) and 130.041.1(4)(b), RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondents 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 Respondents in the amount of \$2,300, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$230 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 the Missouri Ethics Commission.
3. If any Respondent commits any further violation of the campaign finance laws pursuant to Chapter 130, RSMo, within the two-year period from the date of this order, then

Respondents will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that any Respondent committed such a violation.

4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 20<sup>th</sup> day of September, 2016

By:



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Nancy Hagan, Chair  
Missouri Ethics Commission