

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 Citizens for Responsible Government is a continuing committee that has been registered with the Commission since 2013. Respondent Coffey originally registered the committee as Citizens for Responsible Government in May 2013, changed the name to Citizens for Responsible Missouri on April 15, 2016, and then changed the name back to Citizens for Responsible Government on May 20, 2016. In the rest of this complaint, Petitioner will refer to the committee as Citizens for Responsible Government regardless of the time period discussed.

3. Respondent Coffey has been the Treasurer for Respondent Citizens for Responsible Government since its formation.

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

Failure to timely and accurately report expenditures and indebtedness

6. Respondents incurred two expenditures, totaling \$25,375.08, in March 2016 but did not report them on Respondents' 8 Day Before April 2016 report. Respondents incurred both expenditures to Pelopidas for flyers opposing the earnings tax ballot measure in the April 2016 election.

7. Because Respondents failed to report \$25,375.08 of incurred expenditures, Respondents' total reported indebtedness on the 8 Day Before and 30 Day After April 2016 disclosure reports was incorrect.

COUNT II

Failure to file direct expenditure reports

8. In addition to the \$25,375.08 in expenditures to Pelopidas discussed in paragraphs 6 and 7 above, Respondents spent an additional \$1,475 with the Kansas City Globe, for ads, for a total of \$26,850.08 in expenditures opposing the earnings tax ballot measure in the April 2016 election.

9. Respondents should have filed direct expenditure reports reflecting \$26,850.08 in expenditures opposing the earnings tax ballot measure.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to timely and accurately report expenditures and indebtedness

10. Committees must file regular campaign finance reports disclosing the committee's expenditures for the reporting period, including:

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure....

§ 130.041.1(4), RSMo.

11. Committees must also report "the total amount of outstanding indebtedness as of the closing date of the reporting period covered." § 130.041.1 (6), RSMo.

12. There is probable cause to believe that Respondents Citizens for Responsible Missouri and Coffey violated Sections 130.041.1(4)(d) and 130.041.1(6), RSMo, by failing to timely report \$25,375.08 in incurred expenditures and incorrectly reporting the total amount of indebtedness on Respondents' 8 Day Before and 30 Day After April 2016 Election disclosure reports, and that Respondents did so knowingly.

COUNT II

Failure to file direct expenditure reports

13. Respondents were required to file campaign finance disclosure reports that set forth the "amount of expenditures for or against a candidate or ballot measure during the period covered

and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought.” § 130.041.1(7), RSMo.

14. “For the purpose of disclosure reports, expenditures made in support of more than one candidate or ballot measure or both shall be apportioned reasonably among the candidates or ballot measure or both. In apportioning expenditures to each candidate or ballot measure, political party committees and continuing committees need not include expenditures for maintaining a permanent office, such as expenditures for salaries of regular staff, office facilities and equipment or other expenditures not designed to support or oppose any particular candidates or ballot measures.” § 130.041.1(7), RSMo.

15. There is probable cause to believe that Respondents Citizens for Responsible Missouri and Coffey violated Section 130.041.1(7), RSMo, by failing to timely file direct expenditure reports reflecting \$26,850.08 in expenditures opposing the earnings tax ballot measure in the April 2016 ballot, and that Respondents did so knowingly.

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 \$2,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$200 of that fee within forty-five 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 Respondents have 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 CITIZENS FOR
RESPONSIBLE GOVERNMENT

PETITIONER MISSOURI ETHICS
COMMISSION

By: *Dan Coffey* 9/15/16
Dan Coffey Date
Treasurer

By: *James Klahr* 9/29/16
James Klahr Date
Executive Director

RESPONDENT DAN COFFEY

By: *Dan Coffey* 9/15/16
Dan Coffey Date
Treasurer

By: *Staborn & Zeger* 9/28/16
Curtis R. Stokes Date
Attorney for Petitioner *Zeger*

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
SEP 28 2016
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
CITIZENS FOR RESPONSIBLE)	Case No. 16-0036-I
GOVERNMENT)	
)	
AND)	
)	
DAN COFFEY, TREASURER)	
)	
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 Citizens for Responsible Government and Dan Coffey violated Sections 130.041.1(4)(d), 130.041.1(6), and 130.041.1(7), RSMo.

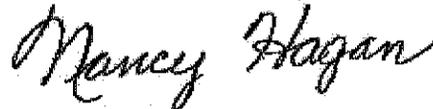
The Commission directs that the Joint Stipulation be adopted.

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 \$2,000 pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$200 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. Regardless of the stay in paragraph 2 above, if Respondents commit 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 Respondents will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondents committed such a violation.
4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 20th day of September, 2016

By:



Nancy Hagan, Chair
Missouri Ethics Commission