

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
OCT 04 2016
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.)
)
RICK SULLIVAN,)
)
MELANIE ADAMS,)
)
RICHARD GAINES,)
)
AND)
)
DR. KELVIN ADAMS,)
)
Respondents.)

Case No. 16-0010-I, 16-0014-I, 16-0015-I, 16-0018-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 Respondents, Rick Sullivan, Melanie Adams, Richard Gaines and Dr. Kelvin Adams, acknowledges 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 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 Respondents by operation of law, the undersigned Respondents knowingly and voluntarily waive 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 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. The Special Administrative Board for the St. Louis City Public School District was established in 2007.
3. Respondent Sullivan was at all times relevant to this complaint the President of the Special Administrative Board.
4. Respondent Melanie Adams was at all times relevant to this complaint the Vice President of the Special Administrative Board.
5. Respondent Gaines was at all times relevant to this complaint a board member of the Special Administrative Board.

6. Respondent Dr. Kelvin Adams was at all times relevant to this complaint the Superintendent of the St. Louis City Public School District.

7. In January 2016, the Special Administrative Board voted to place a ballot measure regarding a local tax levy on the April 2016 ballot.

8. 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.

9. 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.

10. Respondents published, circulated, and/or distributed letters, a true and accurate copy of which is attached hereto as Exhibit A, by mailing it to various people in the community.

11. The letters referred to in Exhibit A related to the ballot measure in the April 2016 election.

12. The letters referred to in Exhibit A did not include a "paid for by" disclosure.

JOINT PROPOSED CONCLUSIONS OF LAW

13. "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.

14. “[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.

15. There is probable cause to believe that Respondents violated Section 130.031.8(2), RSMo, by publishing, circulating and distributing a letter 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 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 1.

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 Rick Sullivan, Melanie Adams, Richard Gaines And Dr. Kelvin Adams in 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 and sent to the Missouri Ethics Commission at the time of execution of this Joint Stipulation.

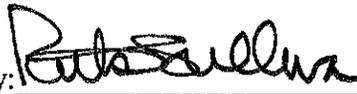
3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

4. Respondents, together with their heirs, successors, and assigns, 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

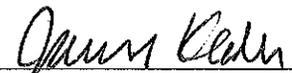
Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

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 RICK SULLIVAN

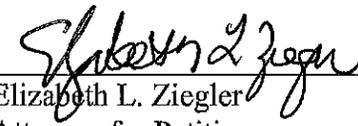
By:  9.26.16
Rick Sullivan Date

PETITIONER MISSOURI ETHICS COMMISSION

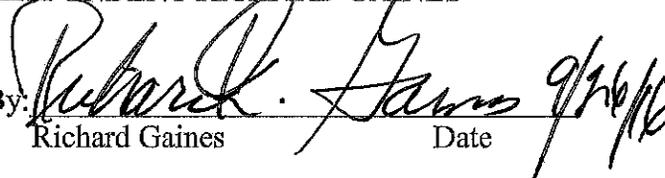
By:  10/5/16
James Klahr Date
Executive Director

RESPONDENT MELANIE ADAMS

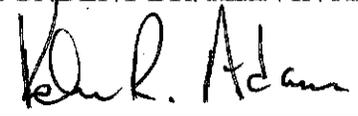
By:  9/29/16
Melanie Adams Date

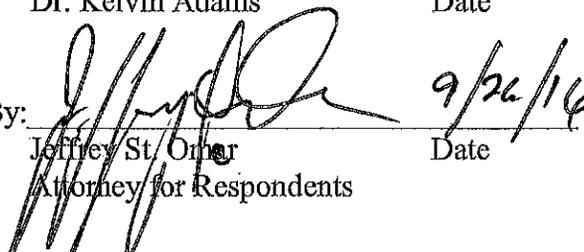
By:  10/4/16
Elizabeth L. Ziegler Date
Attorney for Petitioner

RESPONDENT RICHARD GAINES

By:  9/16/16
Richard Gaines Date

RESPONDENT DR. KELVIN ADAMS

By:  9/26/2016
Dr. Kelvin Adams Date

By:  9/26/16
Jeffrey St. Omar Date
Attorney for Respondents



SPECIAL ADMINISTRATIVE BOARD

MR. RICK SULLIVAN
PRESIDENT/CEO
DR. MELANIE ADAMS
VICE PRESIDENT
MR. RICHARD K. GAINES
SAB MEMBER
CHAIRMAN OF THE PROPOSITION 1 CAMPAIGN
CHAIRMAN OF THE PROPOSITION 9 CAMPAIGN

February 5, 2016



Dear Committeewoman Pinkerton-McDaniel,

As you are probably aware, the Saint Louis Public School District is pursuing an operating tax levy increase on the April 5, 2016 ballot, known as Proposition 1.

Proposition 1 is a \$0.75 per \$100 of assessed valuation increase to the current operating tax levy of \$3.75, which would bring the total operating tax levy to \$4.50. The additional revenue would support the continuation of the district's Early Childhood Education program, expanded character and alternative education, improved safety and security equipment and personnel, and competitive salaries for teachers and staff.

I sincerely hope I can count on your endorsement for this important campaign. The district has not asked voters to approve an increase to the operating tax levy since 1992. For the past eight years under the Special Administrative Board's leadership, the district has seen steady, continuous improvement in all areas: finance, governance, and academic achievement. By the end of the 2014-2015 school year, the district had earned enough points on the state performance report to qualify for full accreditation. The time is now to do what is right for the students and staff in our district.

Will you support our efforts? If so, please complete and return the attached endorsement form by February 19, 2016.

If you have any questions, please do not hesitate to call me or another member of the Special Administrative Board, the Superintendent, or the Deputy Superintendent of Institutional Advancement:

Special Administrative Board: 314-345-2304
Dr. Kelvin Adams, Superintendent: 314-345-2296
Rachel Seward, Deputy Superintendent of Institutional Advancement: 314-345-2353

On behalf of the students and staff of the Saint Louis Public Schools, thank you for your time, and I hope that I can count on your support.

Sincerely,

Richard K. Gaines
Proposition 1 Campaign Chairman
Saint Louis Public Schools Special Administrative Board



**Saint Louis Public Schools
Proposition 1 Endorsement Form**

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I hereby endorse the efforts of Saint Louis Public Schools to increase its operating tax levy by \$0.75 per \$100 of assessed valuation on the April 5, 2016 ballot.

Signature

Date

Please return this form by February 19, 2016

By mail:

Ms. Ruth Lewis, Board Secretary
Saint Louis Public Schools
801 N. 11th Street
Saint Louis, MO 63101

By fax:

314-231-9221

By email:

Ruth.Lewis@slps.org

THANK YOU!

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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 violated Section 130.031.8(2), 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 \$100 pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable to and sent to the Missouri Ethics Commission.

SO ORDERED this 4th day of October, 2016

By:

Nancy Hagan

Nancy Hagan, Chair
Missouri Ethics Commission