

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
NOV 23 2016
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
RANDY ALBERHASKY,)	Case No. 16-0096-I
)	
and)	
)	
FRIENDS FOR ALBERHASKY,)	
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, Randy Alberhasky and Friends for Alberhasky, 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 Alberhasky was a successful candidate in the August 2, 2016 primary election for District 135 State Representative and will appear on the November 8, 2016 General Election Ballot.
3. Respondent Friends of Alberhasky is a candidate committee registered with the Commission since March, 2016.
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. The 8 Day Before Primary Election Report was due on July 25, 2016 and covered the period from July 1, 2016 through July 21, 2016.

7. Respondent Alberhasky received a reminder email from the Commission about filing the 8 Day Before Primary Election Report on July 20, 2016.

8. The reminder email states a committee must file the 8 Day Before Primary Election Report if they made any expenditures to support or opposed a candidate, even if unopposed for the August 2, 2016 election.

9. On August 31, 2016 Respondent filed a 30 Day After Primary Election Report listing two expenditures, one on July 13, 2016 for \$841.38 for push cards and business cards and one on July 18, 2016 for \$115.50 for envelopes, totaling \$956.88.

10. These expenditures were in support of Respondent Alberhasky's candidacy in the August 2, 2016 primary election.

11. Respondent Alberhasky filed the 8 Day Before Primary Election Report disclosing the two expenditures on September 16, 2016.

JOINT PROPOSED CONCLUSIONS OF LAW

12. Committees are required to file disclosure reports “[n]ot later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;” § 130.046.1(1), RSMo.

13. There is probable cause to believe that Respondent Alberhasky and Friends of Alberhasky violated Section 130.046.1(1), RSMo, by failing to timely file the 8 Day Before Primary Election Report, on or before July 25, 2016.

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 \$1,000, pursuant to Section 105.961.4(6), RSMo. However, the fee is stayed subject to paragraph 2c of this order.

c. 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 \$1,000 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 RANDY ALBERHASKY

By: *Randy Alberhasky* 11-15-16
Randy Alberhasky Date

RESPONDENT FRIENDS FOR ALBERHASKY

By: *Randy Alberhasky* 11-15-16
Randy Alberhasky Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: *James Klahr* 11/23/16
James Klahr Date
Executive Director

By: *Elizabeth L. Ziegler* 11/22/16
Elizabeth L. Ziegler Date
Attorney for Petitioner

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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 Randy Alberhasky and Friends for Alberhasky violated Sections 130.046.1(1), 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 \$1,000, pursuant to Section 105.961.4(6), RSMo. However, the fee is stayed subject to paragraph 3 of this order.
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 \$1,000 fee. The fee will be due immediately upon final adjudication finding that any Respondent committed such a violation.

SO ORDERED this 22nd day of November, 2016

By:

Nancy Hagan

Nancy Hagan, Chair
Missouri Ethics Commission