

BEFORE THE  
MISSOURI ETHICS COMMISSION

**Filed**  
JAN 05 2017  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION, )  
)  
Petitioner, )  
)  
v. )  
)  
ROBIN SMITH, ) Case No. 16-0097-I  
)  
and )  
)  
WITH ROBIN SMITH IN 2016 )  
COMMITTEE, )  
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, Robin Smith and With Robin Smith in 2016 Committee, 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 Smith was a successful candidate in the August 2016 primary election for Missouri Secretary of State and will appear on the November 8, 2016 general election ballot.
3. Respondent With Robin Smith in 2016 Committee is a candidate committee that has been registered with the Commission since August 2015 to support Respondent Smith's candidacy.
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. Respondents disclosed receipt of the following five (5) contributions on their 30 Day After Primary Report, which was timely filed. However, Respondents failed to file 24 hour notices for the contributions, totaling \$4,700, as detailed below:

<b>Contributor</b>	<b>Date</b>	<b>Amount</b>
Washington University Chancellor Emeritus William Danforth	07/26/2016	\$2,500
Don Musick III	07/26/2016	1,000
Aerospace Lodge 837 Steve McDerman	07/26/2016	\$300
Asbestos Workers Local 27 Donald Freund	07/31/2016	\$500
Teamsters Local 823 Political Ed Etherton	07/31/2016	\$400
	<b>TOTAL</b>	<b>\$4,700</b>

#### **JOINT PROPOSED CONCLUSIONS OF LAW**

7. According to Section 130.050.3, RSMo:

The receipt of any late contribution or loan of more than two hundred fifty dollars by a candidate committee supporting a candidate for statewide office by any other committee shall be reported to the appropriate office no later than twenty-four hours after receipt. For purposes of this subsection the term "late contribution or loan" means a contribution or loan received after the closing date of the last disclosure report required to be filed before an election but received prior to the date of the election itself.

8. For the August 2, 2016 election, a 24 hour notice of contribution was required to be filed for any late contributions or loans of more than \$250 received from July 22, 2016 through August 1, 2016.

9. There is probable cause to believe that Respondents violated Section 130.050.3, RSMo, by failing to timely file two 24 hour notices of contributions for five (5) contributions, totaling \$4,700 received on July 26, 2016 and July 31, 2016, 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 \$1,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$100 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. It is the Order of the Missouri Ethics Commission that Respondents must file all necessary notices with the Commission at the time of the execution of the consent order.

d. 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..

e. Respondents Robin Smith and With Robin Smith in 2016 Committee shall be jointly and severally liable for all fees imposed under this order.

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 ROBIN SMITH

PETITIONER MISSOURI ETHICS  
COMMISSION

By: Robin Smith December 8, 2016  
Robin Smith Date

By: James Klahr 1/5/17  
James Klahr Date  
Executive Director

RESPONDENT WITH ROBIN SMITH IN  
2016 COMMITTEE

By: Robin Smith December 6, 2016  
Robin Smith Date

By: Elizabeth L. Ziegler 1/5/17  
Elizabeth L. Ziegler Date  
Attorney for Petitioner

By: [Signature]  
Joe Bednar Date  
Attorney for Respondent

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**  
**JAN 05 2017**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
ROBIN SMITH,	)	Case No. 16-0097-I
	)	
AND	)	
	)	
WITH ROBIN SMITH IN 2016	)	
COMMITTEE,	)	
	)	
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 Respondent Smith and With Robin Smith in 2016 Committee violated Section 130.050.3, 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, if either Respondent pays \$100 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. It is the Order of the Missouri Ethics Commission that Respondents must file all necessary notices with the Commission at the time of the execution of the consent order.
4. If Respondents commit 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 Respondents committed such a violation.
5. Respondents Robin Smith and With Robin Smith in 2016 Committee shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 5th day of January, 2017

By:

*Nancy Hagan*

---

Nancy Hagan, Chair  
Missouri Ethics Commission