

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
JAN 27 2017
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.)
)
MISSOURI PETROLEUM MARKETERS) Case No. 16-0054-I
& CONVENIENCE STORE)
ASSOCIATION PAC,)
)
and)
)
RON LEONE, Treasurer)
)
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, Missouri Petroleum Marketers & Convenience Store Association PAC and Ron Leone, 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 Missouri Petroleum Marketers & Convenience Store Association PAC is a continuing committee registered with the Missouri Ethics Commission.

3. Respondent Leone is the treasurer for Respondent Missouri Petroleum Marketers & Convenience Store Association PAC.

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. In September 2015, Respondents caused the drafting and filing of two (2) sample sheets with the Missouri Secretary of State.

7. The Secretary of State designated the sample sheets as initiative petition numbers 2016-079 and 2016-080.

8. Respondents fully reported the cost of gathering petition signatures for one of the sample sheets on an April 2016 Quarterly disclosure report (form CD3), but did not file a direct expenditure report section (form CD4) as part of the April 2016 filing.

JOINT PROPOSED CONCLUSIONS OF LAW

9. Committees supporting or opposing ballot measures are required to file direct expenditure reports, including:

The amount of expenditures for or against a [] ballot measure during the period covered and the cumulative amount of expenditures for or against that [] ballot measure.... For the purpose of disclosure reports, expenditures made in support of more than one candidate or ballot measure or both shall be apportioned reasonable [sic] among the candidates or ballot measure or both.

§130.041.1(7), RSMo.

10. For purposes of Chapter 130, RSMo, a “ballot measure” is “any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition....” § 130.011(2), RSMo.

11. For purposes of Chapter 130, RSMo, an “expenditure” is “a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing ... the qualification or passage of any ballot measure.” § 130.011(16), RSMo.

12. Missouri’s initiative petition process is governed by Article III, Sections 49 through 53, and Chapter 116, RSMo.

13. Generally, under Section 116.332.1, RSMo, three steps are necessary to qualify an initiative petition for the ballot: 1) filing a petition “sample sheet” with the Secretary of State in the form in which the petitions will be circulated; 2) gathering signatures of qualified voters; and 3) submitting the signed petitions to the Secretary of State.

14. There is probable cause to believe that Respondents violated Section 130.041.1(7), RSMo, by failing to file a direct expenditure report showing the aggregate amount of expenditures made to support qualification of an initiative petition.

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 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 be due immediately upon final adjudication finding that Respondents have committed such a violation.

d. It is further ordered that a Letter of Concern be issued to Respondents, pursuant to Section 105.961.4(4), RSMo.

e. Respondents must amend their April 2016 Quarterly report with the Commission at the time of the execution of the consent 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.

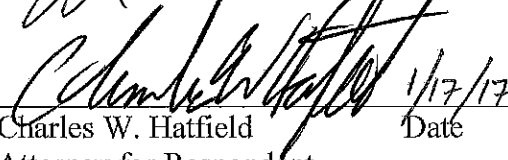
SO AGREED:

RESPONDENT MISSOURI PETROLEUM
MARKETERS & CONVENIENCE STORE
ASSOCIATION PAC

PETITIONER MISSOURI ETHICS
COMMISSION

By:  1/17/17
Ron Leone, Treasurer Date

By:  1/22/17
James Klahr Date
Executive Director

By:  1/17/17
Charles W. Hatfield Date
Attorney for Respondent

By:  1/27/17
Elizabeth L. Ziegler Date
Attorney for Petitioner

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MISSOURI PETROLEUM MARKETERS) Case No. 16-0054-I
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AND)
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RON LEONE, 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 Missouri Petroleum Marketers & Convenience Store Association PAC and Ron Leone violated Section 130.041.1(7), RSMo.

The Commission directs that the Joint Stipulation be adopted.

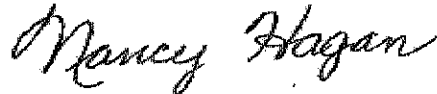
1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$1,000, pursuant to Section 105.961.4(6), RSMo. However, the fee is stayed subject to paragraph 3 of this order.
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 Respondents committed such a violation.

4. It is further ordered that a Letter of Concern be issued to Respondents, pursuant to Section 105.961.4(4), RSMo.
5. Respondents must amend their April 2016 Quarterly report with the Commission at the time of the execution of the consent order.

SO ORDERED this 27th day of January, 2017

By:



Nancy Hagan, Chair
Missouri Ethics Commission



MISSOURI ETHICS COMMISSION

P.O. Box 1370
Jefferson City, MO 65102
www.mec.mo.gov
(573) 751-2020 / (800) 392-8660

James Klahr
Executive Director

January 27, 2017

Ron Leone, Treasurer
Missouri Petroleum Marketers & Convenience Store Association PAC
205 East Capitol Avenue
Jefferson City MO 65101

RE: MEC Case 16-0054-I

Dear Mr. Leone:

This Letter of Concern is being issued to you pursuant to the authority granted to the Missouri Ethics Commission in Section 105.961.4(4), RSMo.

The Commission has accepted the proposed Joint Stipulation of Facts, and reached its Conclusions of Law and Order in this matter, a copy of which submission is marked as Exhibit A, attached hereto and incorporated by reference.

The Commission has found that you violated Section 130.041.1(7), RSMo, by failing to file a direct expenditure report showing the aggregate amount of expenditures made to support qualification of an initiative petition. One of the proposed initiative petitions ultimately appeared before voters as Proposition A in the November 8, 2016 general election.

The Commission hereby issues this Letter of Concern for failing to file a direct expenditure report.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Hagan".

Nancy Hagan, Chair
Missouri Ethics Commission