

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
FEB 23 2017
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.)
)
GARRY BUSH,)
)
and)
)
COMMITTEE TO ELECT GARRY)
BUSH SHERIFF,)
Candidate Committee)
)
Respondents.)

Case No. 16-0084-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, Garry Bush and Committee to Elect Garry Bush Sheriff, 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 (“the 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 Committee to Elect Garry Bush Sheriff is a candidate committee that is registered with the Commission. The committee’s Statement of Organization was filed May 6, 2016 to reflect that Respondent Bush would be seeking re-election in the August 2, 2016 primary.
3. Respondent Bush was successful in his primary election and also the November 2016 general election.
4. Respondent Committee to Elect Garry Bush Sheriff was at all relevant times the candidate committee formed by Respondent Bush to support his sheriff candidacy in the 2016 primary election and subsequent elections.
5. Pursuant to Section 105.961, RSMo, the Commission’s staff investigated a complaint filed with the Commission and reported the investigation’s findings to the Commission.

6. Based on the report of the Commission's staff, the Commission determined that there are 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 report in-kind contributions

7. In May 2016, Respondents began reusing signs from the previous campaign for the August 2, 2016 primary election. Additionally, more re-used signs were displayed in June 2016.

8. Respondents failed to accurately report the reuse of signs from the previous campaign cycle of 2012 as an in-kind contribution of \$220.00 on the committee's July Quarterly Report.

COUNT II

Failure to report incurred expenditures

9. Respondents failed to report \$975.00 in incurred expenses for new campaign signs and other campaign materials. The expenses should have been reported on the 2016 July Quarterly and 2016 8 Day Before Primary Reports:

FAILURE TO REPORT INCURRED EXPENDITURES			
Date Expense Incurred	Expense Details	Expense Amount	Report
May 2016	Decals, bumper stickers, and signs	\$418.00	2016 July Quarterly
June 2016	Signs	\$250.00	2016 July Quarterly
July 2016	Signs and Stakes	\$307.00	2016 8 Day Before Primary Election

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT 1

Failure to report in-kind contributions

10. Pursuant to § 130.041.1(3)(d), RSMo, Respondents were required to file campaign finance disclosure reports for the total dollar value of all in-kind contributions received.

11. There is probable cause to believe that Respondents violated Section 130.041.1(3)(d), RSMo, by failing to disclose \$220.00 in in-kind contributions and that Respondents did so knowingly.

COUNT II

Failure to report incurred expenditures

12. Pursuant to Section 130.041.1(4), RSMo, Respondents were required to file campaign finance disclosure reports that set forth expenditures for the period, including the:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

...

(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.

13. There is probable cause to believe that Respondents violated Section 130.041.1(4), RSMo, by failing to report expenditures totaling \$975 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:

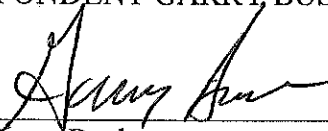
1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.
2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.
 - a. Respondents shall comply with all relevant sections of Chapter 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. Respondents must amend reports 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.

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.

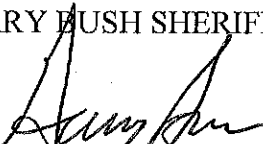
4. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited 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.

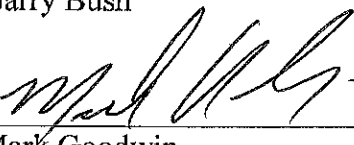
SO AGREED:

RESPONDENT GARRY BUSH

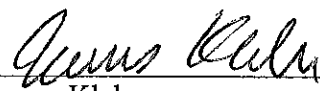
By:  1-24-17
Garry Bush Date


RESPONDENT COMMITTEE TO ELECT
GARRY BUSH SHERIFF

By:  1-24-17
Garry Bush Date

By:  2-8-17
Mark Goodwin Date
Attorney for Respondent

PETITIONER MISSOURI ETHICS
COMMISSION

By:  2/23/17
James Klahr Date
Executive Director

By:  2/23/17
Brian Hamilton Date
Attorney for Petitioner

3. Respondents must amend reports 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 shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 23rd day of February, 2017

By:

Nancy Hagan

Nancy Hagan, Chair
Missouri Ethics Commission