

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
MAR 09 2017
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
P.O. Box 1370)
Jefferson City, MO 65102)
)
Petitioner,)
v.)
)
KEVIN CORLEW,)
CANDIDATE,)
)
AND)
)
CITIZENS FOR KEVIN CORLEW,)
CANDIDATE COMMITTEE,)
)
Respondents.)

Case No. 16-0111-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, Kevin Corlew and Citizens for Kevin Corlew, 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 Corlew registered his candidate committee, Citizens for Kevin Corlew, with the Commission on March 11, 2014.
3. Respondent Corlew was successful in the general election and retained his position as State Representative for District 14.
4. On or about November 2, 2016, an advertisement designed by Victory Enterprises, was placed in the Platte County Citizen newspaper asking voters to "Vote Kevin Corlew for State Representative".

5. The newspaper advertisement was based on the design of a mailer previously used by the Respondents. The paid for by disclosure on the mailers was on the opposite side and the image used for the newspaper advertisement was one-sided and did not include the paid for by disclosure statement.

6. The advertisement was provided to the newspaper staff through email by Respondent Corlew.

7. Pursuant to Section 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.

8. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that a violation of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

9. The advertisement provided by Respondent Corlew to the Platte County Citizen newspaper should have contained a clear and conspicuous statement: "Paid for By Citizens for Kevin Corlew, Angie Morrison-Mutti, Treasurer", but it did not.

JOINT PROPOSED CONCLUSIONS OF LAW

10. "Any person publishing, circulating, or distributing any printed matter relative to ... 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.

11. "In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.21 and the name and title of the committee treasurer who was serving when the printed matter was paid for." § 130.031.8(2), RSMo.

12. Printed matter includes "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.

13. There is probable cause to believe that Respondents violated Section 130.031.8(2), RSMo, by publishing, circulating, and distributing an advertisement in the Platte County Citizen newspaper on behalf of Respondent Corlew without a correct "paid for by" disclosure statement of "Paid for By Citizens for Kevin Corlew, Angie Morrison-Mutti, Treasurer" 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 \$100. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

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 KEVIN CORLEW

PETITIONER MISSOURI ETHICS
COMMISSION

By: Kevin Corlew 03/03/2017
Kevin Corlew Date

By: James Klahr 3/9/17
James Klahr Date
Executive Director

RESPONDENT CITIZEN FOR KEVIN
CORLEW

By: Kevin Corlew 03/03/2017
Kevin Corlew Date

By: Brian Hamilton 3/9/17
Brian Hamilton Date
Attorney for Petitioner

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CITIZENS FOR KEVIN CORLEW,)
Candidate Committee,)
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Respondents.)

CONSENT ORDER

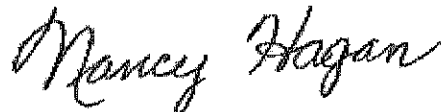
The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondents violated Section 130.031.8, RSMo.

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. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

SO ORDERED this 9th day of March, 2017

By:



Nancy Hagan, Chair
Missouri Ethics Commission