

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**  
**APR 11 2017**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	Case No. 16-0082-1
	)	
CITY OF FERGUSON,	)	
	)	
Respondent.	)	

**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 Respondent, City of Ferguson, acknowledges 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 Respondent further acknowledges 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 Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondent by operation of law, the undersigned Respondent 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 Respondent 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. On May 22, 2016, the Ferguson City Council passed Bill 7117 to place Proposition U on the August 2, 2016 ballot.
3. Proposition U was a local ballot initiative proposing a utility tax increase of 2% to raise funds to be used for the improvement of the city's police and fire services.
4. Proposition U was passed by a majority vote in the August 2016 election.
5. 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.
6. 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.

7. On or about July 27, 2016, City of Ferguson Mayor James Knowles placed and gave final approval for an order costing \$1,315.98 for mailers and \$1,422.12 for door hangers to be distributed with Mark's Quick Printing. The payment was paid by City of Ferguson.

8. On or about July 2016, Respondent published, circulated, and distributed mailers and door hangers on behalf of Respondent City of Ferguson.

9. The mailers and door hangers contained a Paid for By Disclosure of "Paid for By the City of Ferguson for public informational purposes."

10. The mailers and door hangers should have read "Paid for By the City of Ferguson, James Knowles, III, Mayor, 110 Church Street, Ferguson, MO 63135."

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

11. "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.

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. "In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer." § 130.031.8(3), RSMo.

14. There is probable cause to believe that Respondent violated Section 130.031.8(3), RSMo, by publishing, circulating, and distributing mailers and door hangers on behalf of the City of Ferguson with an incorrect "paid for by" disclosure statement, and that Respondent 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. Respondent 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 Respondent in the amount of \$100, pursuant to Section 105.961.4(6), RSMo. 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.

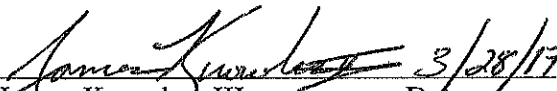
4. Respondent, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or


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 Respondent or Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

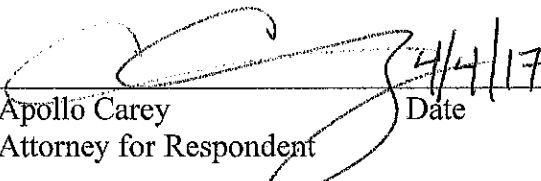
SO AGREED:

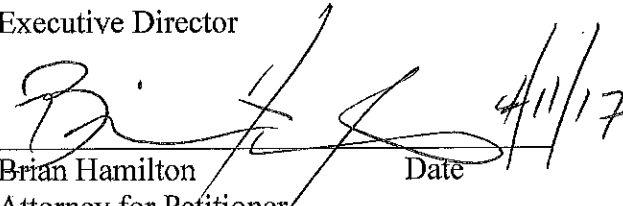
RESPONDENT CITY OF FERGUSON

PETITIONER MISSOURI ETHICS  
COMMISSION

By:  3/28/17  
James Knowles, III Date  
Mayor

By:  4/1/17  
James Klahr Date  
Executive Director

By:  4/4/17  
Apollo Carey Date  
Attorney for Respondent

By:  4/11/17  
Brian Hamilton Date  
Attorney for Petitioner

**Filed**  
**APR 11 2017**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,            )  
  )  
  Petitioner,    )  
  )  
v.    )  
  )  
CITY OF FERGUSON,                        )  
  )  
  Respondent.    )

Case No. 16-0082-I

**CONSENT ORDER**

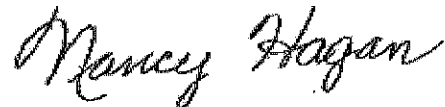
The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that the City of Ferguson violated Section 130.031.8, RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondent 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 Respondent in the amount of \$100, pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

SO ORDERED this 11<sup>th</sup> day of April, 2017

By:



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Nancy Hagan, Chair  
Missouri Ethics Commission