

BEFORE THE  
MISSOURI ETHICS COMMISSION

**Filed**  
JUL 25 2017  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION, )  
)  
Petitioner, )  
)  
v. )  
)  
STEVE CHILDERS, CITY ADMINISTRATOR ) Case No. 17-0019-I  
)  
and )  
)  
CITY OF OZARK, )  
)  
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, Steve Childers and City of Ozark, 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. On August 5, 2016 Respondent City of Ozark voted to place a 3/8 cent sales tax increase on the April 4, 2017 ballot.

3. On February 4, 2017 Respondent Childers approved and placed an order for 10,000 mailers regarding the sales tax increase from Marketplace Printing.

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 City of Ozark and Steve Childers published, circulated, and/or distributed the mailers, a true and accurate copy of which is attached hereto as Exhibit A, by including them in the water bills of city residents.

7. Respondent City of Ozark paid for the printed matter referred to in Exhibit A.

8. The printed matter referred to in Exhibit A relates to a ballot measure in the April 2017 election.

9. The mailers referred to in Exhibit A should have contained a clear and conspicuous statement: "Paid for by City of Ozark, Steve Childers, City Administrator, 205 N 1<sup>st</sup> Street, Ozark MO 65721", but they did not.

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

10. "Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or 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. "[P]rinted matter" shall be defined to include 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; but 'printed matter' is defined to exclude ... any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is

paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.” § 130.031.8, RSMo.

12. 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 (9) 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.

13. There is probable cause to believe that Respondents violated Section 130.031.8(3), RSMo, by publishing, circulating and distributing a mailer to local residents regarding a ballot measure in the April 2017 election without including a proper “paid for by” disclosure.

## 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 B.

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, 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. 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 STEVE CHILDERS

By: Steve Childers 7-18-17  
Steve Childers Date

PETITIONER MISSOURI ETHICS  
COMMISSION

By: James Klahr 7/25/17  
James Klahr <sup>7/25/2017</sup> Date  
Executive Director

RESPONDENT CITY OF OZARK

By: Steve Childers 7-18-17  
Steve Childers Date

By: Brian Hamilton 7/25/17  
Brian Hamilton Date  
Attorney for Petitioner

By: David V. Collignon 7/18/17  
David Collignon Date  
Attorney for Respondents



# Remember to **Vote** **April 4<sup>th</sup>**

**3/8 cent Sales Tax  
for  
Transportation**

The majority of intersection improvement projects are funded with state and federal funding. The city is tasked with matching a small portion of these funds to receive the larger funding. The city must match the funds or the monies will be awarded to another community.

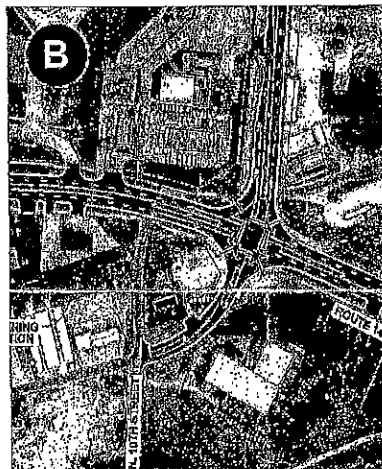
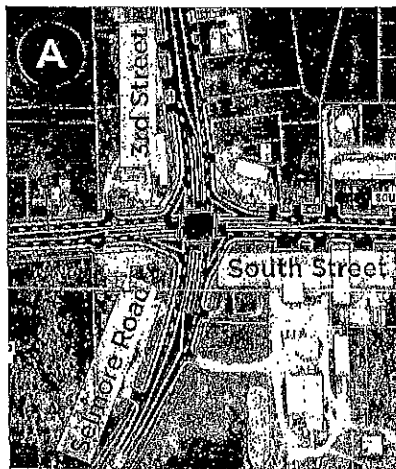
With the federal and state funding, the new tax is projected to provide over **\$19.6 million in community transportation improvements** over the next five years.

For a household spending \$100 a week on taxable goods in Ozark, the new tax **will be \$0.38 per week or \$19.50 per year.**

Intersection improvement on Business 65 at South Street near Selmore Rd

Intersection improvement on Business 65 at Jackson St and HWY NN

Riverside Bridge replacement in conjunction with Ozark Special Roads District and Christian County



Federal Funds: \$1.68 million  
State Funds: \$2.1 million  
City Matching Funds: \$420,000

Federal Funds: \$1.4 million  
State Funds: \$1.75 million  
City Matching Funds: \$350,000

Ozark Special Road District: \$1 million  
Christian County: \$1 million  
City of Ozark: \$1 million

With the new 3/8 cent Sales Tax, the city will be able to fund new community trails, improve sidewalks near the South Elementary School, expedite street maintenance schedule from a 17-year plan to a 5-year plan, and p with the Ozark Special Road District to build a new Riverside Bridg

EXHIBIT  
A

Visit [www.ozarkmissouri.com](http://www.ozarkmissouri.com) for more detailed project information



Remember to **Vote**  
**April 4<sup>th</sup>**

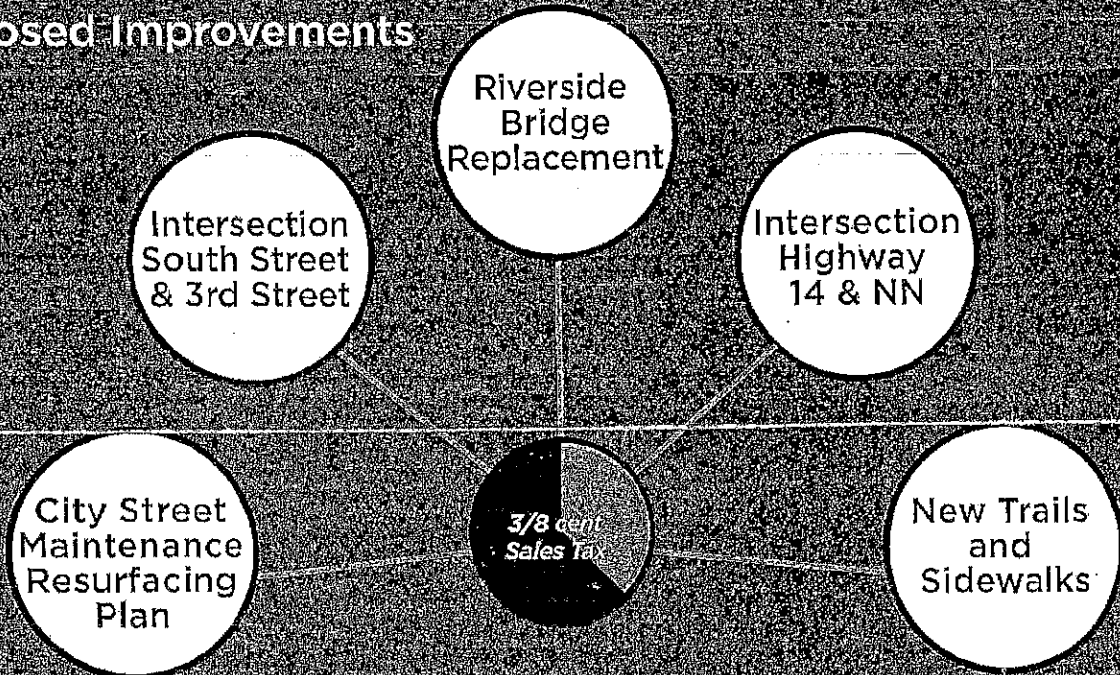
**3/8 cent Sales Tax  
for  
Transportation**

On April 4<sup>th</sup>, voters in the City of Ozark will be asked to decide on a 3/8 cent sales tax to fund transportation upgrades. Proposed improvements will provide traffic congestion relief, safety upgrades, bridge replacement, local street and pedestrian improvements.

**Proposed Projects Will:**

- Improve Traffic Flow *Two new Intersections In conjunction with MoDot*
- Decrease Drive Times *Improved flow means faster commutes*
- Enhance Safety *for Drivers and Pedestrians*
- Provide Expansion of Trails and Sidewalks
- Allow for Expedited Maintenance on Local Streets

**Proposed Improvements**



For a household spending \$100 a week on taxable goods in Ozark, the new tax equals

**\$0.38 per week or \$19.50 per year**

Visit [www.ozarkmissouri.com](http://www.ozarkmissouri.com) for more detailed project information



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**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 Steve Childers and City of Ozark violated Section 130.031.8(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 Steve Childers and City of Ozark 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 25<sup>th</sup> day of July, 2017

By: *Nancy Hagan*

Nancy Hagan, Chair  
Missouri Ethics Commission