

**Filed**  
**JAN 28 2015**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,                    )  
  )  
  )                                    Petitioner,                                    )  
  )  
v.    )  
  )  
BRADLEY HARMON,                                    )                                    Case No. 14E056  
  )  
and    )  
  )  
MISSOURIANS AGAINST UNFAIR                    )  
TAXES,    )  
Continuing Committee                            )  
  )  
  )                                    Respondents.                                )

**CONSENT ORDER**

The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission in this matter. Accordingly, the Missouri Ethics Commission hereby accepts as true the facts stipulated and finds that Respondents Bradley Harmon and Missourians Against Unfair Taxes violated Sections 130.046.1(1), 130.041.1(4)(d) and 130.041.4, RSMo.

The Commission directs that all terms and orders of the Joint Stipulation be adopted herein and implemented.

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 \$41,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$4,100 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.

3. Regardless of the stay in paragraph 2 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.
4. Respondents Harmon and Missourians Against Unfair Taxes shall be jointly and severally liable for all fees imposed under this order, subject to the terms in subparagraph 3 above.

SO ORDERED this 28<sup>th</sup> day of January, 2015

By:



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Charles E. Weedman, Jr., Chair  
Missouri Ethics Commission

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MISSOURIANS AGAINST UNFAIR                )  
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Continuing Committee                         )  
  )  
  )  
  )     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, Bradley Harmon and Missourians Against Unfair Taxes, 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 charges 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 Missourians Against Unfair Taxes is a continuing committee which has been registered with the Commission since July, 2008.
3. Respondent Harmon is the treasurer of the committee.
4. Pursuant to Section 105.957, RSMo, the Commission's staff has investigated a complaint filed with the Commission and reported the investigation's findings to the Commission.
5. Based on the report of the Commission's staff, 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.

## COUNT I

### *Failure to timely file an 8 Day Before Election Report*

6. On or about March 13, 2014, Respondent Harmon contacted Survey Saint Louis regarding mailers, robo-calls and a flyer related to Propositions A, B, C and D, in the April 2014 municipal election in Clayton, Missouri, and he asked Survey Saint Louis to do mailers, calls, and help with the campaign within a budget of \$50,000.

7. On or about March 18, 2014, the first flyer was distributed to voters.

8. Respondents did not file on March 31, 2014, an "8 Day Before" report for the April 2014 election.

9. On April 7, 2014, Respondent Harmon picked up two invoices from Survey Saint Louis. The committee paid one of the invoices and filed a 24-hour campaign finance disclosure report showing payments and incurred expenses to Survey Saint Louis.

10. Respondents did not report flyers or campaign workers as an incurred expenditure or as an in-kind contribution received, either on an 8 Day Before report, 24-hour disclosure report, or any other report within thirty (30) days after the election.

11. Respondent Harmon did not originally file with the 24-hour campaign finance disclosure report a Direct Expenditure Report showing the ballot measures that were opposed.

12. On April 14, 2014, Respondents amended the 24-hour campaign finance disclosure report to include a Direct Expenditure Report for the expenditure to Survey Saint Louis.

## JOINT PROPOSED CONCLUSIONS OF LAW

### COUNT I

#### *Failure to file an 8 Day Before Election Report*

13. §130.046.1(1), RSMo specifies that a campaign finance report shall be filed not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support of opposition to any candidate or ballot measure.

14. §130.041.1(4)(d), RSMo specifies that 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 shall be included on campaign finance reports.

15. There is probable cause to believe that Respondents violated § 130.046.1(1), RSMo, by failing to include incurred expenditures or in-kind contributions received for mailers, robo-calls, flyers, and campaign workers on their 8 Day Before Election Report and § 130.041.1(4)(d), RSMo, by failing to timely file a Direct Expenditure Report showing the ballot measures opposed with the 24-hour disclosure report, 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 to this Joint Stipulation 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 \$41,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$4,100 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. 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..

d. Respondents Harmon and Missourians Against Unfair Taxes shall be jointly and severally liable for all fees imposed under this order, subject to the terms in subparagraph c above.

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.

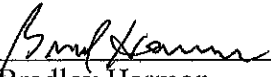
4. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited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


5. This joint stipulation does not settle, release, waive, or otherwise relieve Respondents from any late filing fees due to the appropriate filing authority, including Petitioner Missouri Ethics Commission. Respondents understand that late filing fees accrue automatically under Section 105.963, RSMo.



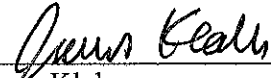
SO AGREED:

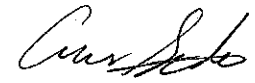
RESPONDENT BRADLEY HARMON

By:  1/21/15  
Bradley Harmon Date

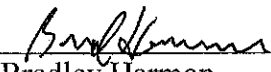
By:  1/21/15  
Andrew Drazen Date  
Attorney for Respondent  
Harmon

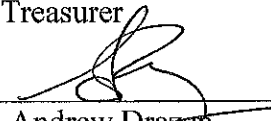
PETITIONER MISSOURI ETHICS  
COMMISSION

By:  1/21/15  
James Klahr Date  
Executive Director

By:  1/21/15  
Curtis R. Stokes Date  
Attorney for Petitioner

RESPONDENT MISSOURIANS AGAINST  
UNFAIR TAXES

By:  1/21/15  
Bradley Harmon Date  
Treasurer

By:  1/21/15  
Andrew Drazen Date  
Attorney for Respondent  
Harmon