

Filed
APR 09 2015
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
)
 v.)
)
 KEITH ENGLISH,) Case No. 14-0009-I
)
 AND)
)
 CITIZENS FOR KEITH ENGLISH,)
)
 Respondents.)

CONSENT ORDER

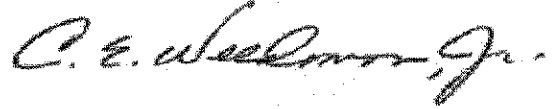
The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission in this matter. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondents English and Citizens for Keith English violated Sections 130.033 and 130.034.2, 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 the \$5,000 in attorney's fees there were paid out of Respondents' official depository account be reimbursed to the candidate committee with proof of that reimbursement to the Commission. If Respondent does not reimburse the fees and provide proof of such reimbursement within 90 days of the date of the Order the parties agree that a fee be imposed against Respondents in the amount of \$5,000, pursuant to Section 105.961.4(6), RSMo.

SO ORDERED this 9th day of April, 2015

By:



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

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) Case No. 14-0009-I
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KEITH ENGLISH,)
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and)
)
CITIZENS FOR KEITH ENGLISH,)
Candidate 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, English and Citizens for Keith English, 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 English was a successful candidate for State Representative in the November 2014 election.
3. Respondent Citizens for Keith English is the candidate committee formed by Respondent English to support his candidacy for State Representative in the November 2014 election.
4. 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.
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.

6. Respondent used campaign funds to hire an attorney to file a lawsuit in Saint Louis County Circuit Court against his opponent in the November 2014 election.

7. In the lawsuit, Respondent sought damages of \$25,000 for each of two counts in addition to other relief.

8. Respondent reported an expenditure of \$5,000 for attorney's fees on his 30 day after general election report filed on December 2, 2014.

9. The defendant in Respondent's lawsuit filed a counterclaim (also for \$25,000 in damages) against Respondent English, and the case is still pending in Saint Louis County Circuit Court.

JOINT PROPOSED CONCLUSIONS OF LAW

10. "Any reasonable attorney's fees accrued by a person who is the subject of a complaint which are used in defending such person in any matter resulting in an investigation arising from holding or running for public office may be paid out of such person's committee, as defined in section 130.011, RSMo." §130.033, RSMo.

11. Contributions to a committee "may be used for any purpose allowed by law including, but not limited to [] any ordinary expenses incurred relating to a campaign." §130.034.2, RSMo.

12. There is probable cause to believe that Respondent English violated Sections 130.033 and 130.034.2, RSMo, by using campaign funds to hire an attorney to file a lawsuit on his behalf, which was not an ordinary or necessary expenditure of funds relating to a candidate's campaign, 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. Respondents shall comply with all relevant sections of Chapter 130, RSMo.

b. It is the Order of the Missouri Ethics Commission that the \$5,000 in attorney's fees that were paid out of Respondents' official depository account be reimbursed to the candidate committee with proof of that reimbursement to the Commission. If Respondent does not reimburse the fees and provide proof of such reimbursement within 90 days of the date of Order the parties agree that a fee be imposed against Respondents in the amount of \$5,000, pursuant to Section 105.961.4(6), RSMo.


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

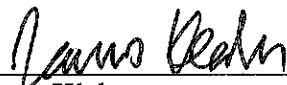
from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondents or Respondents' attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

SO AGREED:


RESPONDENT KEITH ENGLISH

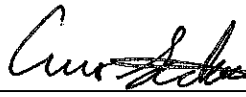
By:  Apr 6 - 2015
Keith English Date

PETITIONER MISSOURI ETHICS
COMMISSION

By:  4/8/15
James Klahr Date
Executive Director

RESPONDENT CITIZENS FOR KEITH
ENGLISH

By:  Apr 6 - 2015
Keith English Date
Candidate

By:  4/9/15
Curtis R. Stokes Date
Attorney for Petitioner