

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
APR 21 2015
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.)
)
KELLEY MILLER,) Case No. 15-0009-I
)
AND)
)
TAXPAYERS FOR KELLEY MILLER,)
)
Respondents.)

CONSENT ORDER

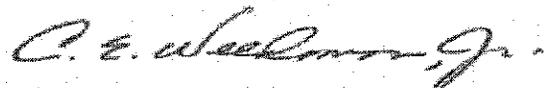
The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission in this matter. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondents Kelley Miller and Taxpayers for Kelley Miller violated Section 130.046.1(3), 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 \$60 pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable to and sent to the Missouri Ethics Commission.

SO ORDERED this 21st day of April, 2015

By:



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

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MISSOURI ETHICS COMMISSION,)
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Petitioner,)
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v.)
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Kelley Miller, Candidate,) Case No. 15-0009-I
)
and)
)
Taxpayers for Kelley Miller,)
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, Kelley Miller and Taxpayers for Kelley Miller, 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 Kelley Miller is a candidate for the Board of Directors Election of the Monarch Fire Protection District on April 7, 2015.

3. Respondent Taxpayers for Kelley Miller is a candidate committee registered with the St. Louis County Board of Elections to support Respondent Miller's candidacy.

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. Based on the report of the Commission's staff, 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.

5. Respondents were required to file a "40 Day Before Election Report" on or before February 26, 2015, for the April 7, 2015, election.

6. Respondents were sent reminders via email reminding them of the requirements to file the 40 Day Before Election report.

7. Respondents electronically filed a 40 Day Before Election Report on March 4, 2015, which was 6 days after the deadline of February 26.

JOINT PROPOSED CONCLUSIONS OF LAW

8. According to Section 130.046.1(3), RSMo Respondents are required to file reports at the following times and for the following periods:

(3) . . . [I]f any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth date before the election for the period closing on the forty-fifth day before the election.

9. There is probable cause to believe that Respondents Miller and Taxpayers for Kelley Miller violated Section 130.046.1(3), RSMo, by failing to timely file their 40 Day Before Election 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 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 \$60, 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 KELLEY MILLER

By: Kelley Miller 4/14/2015
Kelley Miller Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: James Klahr 4/21/15
James Klahr Date
Executive Director

RESPONDENT TAXPAYERS FOR KELLEY
MILLER

By: Kelley Miller 4/14/2015
Kelley Miller Date

By: Curtis R. Stokes 4/20/15
Curtis R. Stokes Date
Attorney for Petitioner