

**Filed**  
**JUL 02 2015**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 14-0004-I
	)	
JOE LOYD,	)	
Presiding Commissioner, Reynolds	)	
County,	)	
	)	
DOUG WARREN,	)	
Commissioner, Reynolds County,	)	
	)	
EDDIE WILLIAMS,	)	
Commissioner, Reynolds County,	)	
	)	
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, Loyd, Warren, and Williams, 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 and section 115.646, RSMo.

2. Respondent Loyd was at all times relevant to this complaint the Presiding Commissioner for Reynolds County, Missouri.

3. Respondent Warren was at all times relevant to this complaint a Commissioner for Reynolds County, Missouri.

4. Respondent Williams was at all times relevant to this complaint a Commissioner for Reynolds County, Missouri.

5. Reynolds County, Missouri, is a third-class county in southeast Missouri with a population of approximately 6,500 residents.

6. 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.

7. 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**

#### *Use of Public Funds*

8. Proposition 1 was a ballot measure regarding taxes on the November 4, 2014 ballot in Reynolds County, Missouri.

9. Respondents Loyd, Warren, and Williams, as Commissioners for Reynolds County, Missouri, approved the payment of approximately \$1,500 to distribute a mailing that opposed Proposition 1.

10. A true and accurately copy of the mailer approved by Respondents is attached hereto and incorporated by reference as Exhibit 1.

11. Both sides of the mailer contained the following statement:

Buying out-of-state hurts our economy!  
VOTE "NO"  
on Proposition #1 November 4, 2014

12. The mailer also contained the language of the proposal, with the "NO" choice filled in:

**Proposition #1**

**Shall the County of Reynolds discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer? Approval of this measure will result in a reduction of local revenue to provide for vital services for Reynolds County and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.**

YES  
 NO

**Exhibit 1**

**COUNT II**

*Non-committee expenditure report*

13. Reynolds County, acting through Respondents as County Commissioners, made a total of \$1,512.04 in expenditures for mailer discussed in Count 1, consisting of approximately \$500 in printing charges and approximately \$1,000 in postage.

14. Reynolds County, acting through Respondents, did not file with the Reynolds County Clerk a non-committee expenditure report disclosing the \$1,512.04 in expenditures.

**JOINT PROPOSED CONCLUSIONS OF LAW**

**COUNT I**

*Use of Public Funds*

15. "No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision to advocate, support, or oppose any ballot measure . . . ." § 115.646, RSMo.

16. There is probable cause to believe that Respondents Loyd, Warren, and Williams, in their official capacity as County Commissioners, violated Section 115.646, RSMo, by spending public funds of Reynolds County to oppose Proposition 1 on the November 4, 2014, ballot.

## COUNT II

### *Non-committee expenditure report*

17. Any person who is not a defined committee who makes an expenditure or expenditures aggregating five hundred dollars or more . . . in support of, or in opposition to, the qualification or passage of one or more ballot measures, other than a contribution made directly to a candidate or committee, shall file a report signed by the person making the expenditures, or that person's authorized agent." § 130.047, RSMo.

18. The non-committee expenditure report must include "the name and address of the person making the expenditure, the date and amount of the expenditure or expenditures, the name and address of the payee, and a description of the nature and purpose of each expenditure." § 130.047, RSMo.

19. The non-committee expenditure report must be filed with the "appropriate officer having jurisdiction over the election of the . . . ballot measure in question as set forth in section 130.026." § 130.047, RSMo.

20. The report is due "no later than fourteen days after the date of making an expenditure which by itself or when added to all other such expenditures during the same campaign equals five hundred dollars or more." § 130.047, RSMo.

21. "If, after filing such report, additional expenditures are made, a further report shall be filed no later than fourteen days after the date of making the additional expenditures;

except that, if any such expenditure is made within fourteen days prior to an election, the report shall be filed no later than forty-eight hours after the date of such expenditure.” § 130.047, RSMo.

22. For purposes of Chapter 130, RSMo, a person is “an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or *other entity of the state or any of its political subdivisions . . .*” § 130.011(22), RSMo (emphasis added).

23. For purposes of Chapter 130, RSMo, an expenditure is “a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing . . . the qualification or passage of any ballot measure . . . ; a payment, or an agreement or promise to pay, money or anything of value . . . for the purchase of goods, services, property, facilities or anything of value for the purpose of supporting or opposing . . . the qualification or passage of any ballot measure.” § 130.011(16), RSMo.

24. Under Section 130.026, the “appropriate officer” for a county ballot measure is the local election authority. § 130.026.2(5)(b), RSMo.

25. For Reynolds County, Missouri, the local election authority is the county clerk. § 130.026.1, RSMo.

26. There is probable cause to believe that Respondent Loyd, Warren, and Williams, in their official capacity as County Commissioners, violated Section 130.047, RSMo, by failure to file with the Reynolds County Clerk a non-committee expenditure report disclosing expenditures of \$1,512.04 in opposition to Proposition 1.

## 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 2.

a. Respondents shall comply with all relevant sections of Section 115.646, and Chapter 130, RSMo.

b. The parties agree that in lieu of a fee pursuant to Section 105.961.4(6), that \$1,512.04 shall be repaid to Reynolds County. Respondents shall provide to the Ethics Commission documentation that confirms the repayment.

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.

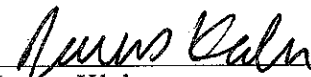
5. Petitioner, together with its heirs, successors and assigns, does hereby waive, release, acquit and forever discharge the Respondents individually, collectively and Commissioners of Reynolds County, and the County of Reynolds, and its attorneys, of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Petitioner or Petitioner's attorney may now have or which it may hereafter have, which are based upon or arise out of the above cases.

SO AGREED:

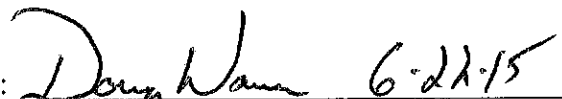
RESPONDENT JOE LOYD

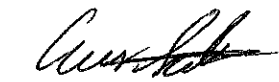
By:   
Joe Loyd Date 6-22-15

PETITIONER MISSOURI ETHICS COMMISSION


By:  7/1/15  
James Klahr Date  
Executive Director

RESPONDENT DOUG WARREN

By:   
Doug Warren Date 6-22-15

By:  6/30/15  
Curtis R. Stokes Date  
Attorney for Petitioner

RESPONDENT EDDIE WILLIAMS

By:   
Eddie Williams Date 6-22-15



Buying out-of-state hurts our economy!

**VOTE "NO"**

on Proposition #1 November 4, 2014

What Happens If I Vote "NO"?

By voting "NO" on Proposition #1 nothing will change from the current tax rate or collections. A vote "NO" will allow the county to continue maintaining current county services & 911 services.

Question: Why is the county placing Proposition #1 on the ballot?

Answer: To close a loophole that was created by the State of Missouri. Each county will have to place this issue on their ballot if they do not have a current use tax in place.

By voting "NO" on Proposition #1 will allow Reynolds County to close this loophole & continue collecting one half cent sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer. The County currently has the countywide sales tax of one half cent in place and reducing its total property tax levy annually by fifty percent of the total amount of sales tax revenue collected in the same tax year.

Proposition #1

Shall the County of Reynolds discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer? Approval of this measure will result in a reduction of local revenue to provide for vital services for Reynolds County and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

YES  
 NO



Buying out-of-state hurts our economy!  
**VOTE "NO"**  
on Proposition #1 November 4, 2014

What Happens If I Vote "YES"?

By Voting "Yes" on Proposition #1 will cause an increase in real estate and personal property taxes due to a loss of revenue in sales tax that we are currently collecting from sources other than Missouri dealers. A vote "YES" will also reflect on 911 services by cutting their operating funding by 20% or more. This would cause services to be limited or even discontinued.

\*If a taxing jurisdiction does not hold such a vote on or after the general election in November 2014, but no later than the general election in November 2016, the taxing jurisdiction must cease collecting the sales tax. Taxing jurisdictions may at any time hold a vote to repeal the tax. Language repealing the tax must also be put to a vote of the people any time 15 percent of the registered voters in a taxing jurisdiction sign a petition requesting such.

FRSHT STD  
ECPWSS  
U.S. POSTAGE  
PAID  
EDM RETAIL

573 751 2000

Local  
Postal Customer

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DOUG WARREN, )  
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EDDIE WILLIAMS, )  
)  
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 Loyd, Warren and Williams violated Sections 115.646 and 130.047, 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 115.646 and Chapter 130, RSMo.
2. The parties agree that in lieu of a fee pursuant to Section 105.961.4(6), that \$1,512.04 shall be repaid to Reynolds County. Confirmation of the repayment shall be made to the Missouri Ethics Commission.

SO ORDERED this 2nd day of July, 2015

By: *C. E. Weedman, Jr.*  
Charles E. Weedman, Jr., Chair  
Missouri Ethics Commission