

date of this Order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to and sent to the Missouri Ethics Commission.

3. Regardless of the stay in paragraph 2 above, if any Respondent commits any further violations of the campaign finance laws pursuant to Chapter 130, RSMo, as amended, 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 be due immediately upon final adjudication finding that any Respondent committed such a violation.

SO ORDERED this 7th day of August,
2015

By:



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

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
AUG 07 2015
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
FRIENDS OF WEBSTER SCHOOLS,)	Case No. 15-0034-I
)	
DR. DIANE MOORE, TREASURER)	
FRIENDS OF WEBSTER SCHOOLS,)	
)	
AND)	
)	
TODD FISK, DEPUTY TREASURER)	
FRIENDS OF WEBSTER SCHOOLS,)	
)	
)	
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, Friends of Webster Schools, Dr. Diane Moore and Todd Fisk, 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. Respondent Friends of Webster Schools has been registered with the Commission as a continuing committee since 2001, under various names, including "Friends of Webster Schools/Citizens for Schools First."
3. In November 2007 Respondent Friends of Webster Schools filed an amended Statement of Committee Organization changing the name from "Friends of Webster Schools/Citizens for Schools First" to "Friends of Webster Schools" and naming Diane Moore as its treasurer.

4. In September 2014 Respondent Friends of Webster Schools filed an amended Statement of Committee Organization naming Todd Fisk as its deputy treasurer.

5. 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 violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

COUNT I

Improper "paid for by" disclosure

6. Respondents published, circulated and distributed campaign materials, a representative and accurate copy of which is attached hereto and marked as Exhibit A.

7. Respondents Friends of Webster Schools paid for the printed materials.

8. The printed materials related to two local ballot measures.

9. The printed materials contained a paid for by disclosure of "Citizens Supporting Webster Schools". There is not a committee named "Citizens Supporting Webster Schools" registered with the Petitioner or the local election authority.

10. The printed materials should have contained a clear and conspicuous statement "Paid for by Friends of Webster Schools, Diane Moore, Treasurer" but they did not.

COUNT II

Failure to timely file direct expenditure reports

11. Respondents timely filed four reports that disclosed expenditures for printed campaign materials which supported two local ballot measures. At the time of filing Respondents did not file direct expenditure reports for any of the reported expenditures.

12. On May 5, 2015, Respondents filed an Amended January 2015 Quarterly Report; an Amended 40 Day Before Election Report; an Amended 8 Day Before Election Report; and an Amended April 2015 Quarterly Reports.

13. All amended reports and the 30 Day After Election Report stated: "All filings related to the April 7, 2015 election are meant to disclose all expenses and receipts for Citizens Supporting Webster Schools (aka Friends of Webster Schools). The name was unintentionally left off as a result of committee members changing."

14. On July 6, 2015, Respondents amended four reports by including direct expenditure reports for the expenditures in support of the local ballot measures as follows: Amended 40 Day Before Election Report; an Amended 8 Day Before Election Report; an Amended April 2015 Quarterly Report; and an Amended 30 Day After Election Report

15. Respondents terminated the committee on July 6, 2015.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Improper "paid for by" disclosure

16. "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.

17. "[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.

18. Section 130.031.8(2), RSMo states that for printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee and the name and title of the committee treasurer who was serving when the printed matter was paid for.

19. There is probable cause to believe that Respondents violated Section 130.031.8, RSMo, by publishing, circulating and distributing campaign materials with an incorrect paid for by disclosure, and that Respondents did so knowingly.

COUNT II

Failure to timely file direct expenditure reports

20. Committees supporting ballot measures are required to file direct expenditure reports, including:

(7) The amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with

each candidate being listed by name, mailing address and office sought. For the purpose of disclosure reports, expenditures made in support of more than one candidate or ballot measure or both shall be apportioned reasonable among the candidates or ballot measure or both. In apportioning expenditures to each candidate or ballot measure, political party committees and continuing committees need not include expenditures for maintaining a permanent office, such as expenditures for salaries of regular staff, office facilities and equipment or other expenditures not designed to support or oppose any particular candidates or ballot measures; however, all such expenditures shall be listed pursuant to subdivision (4) of this subsection;

§130.041.1(7), RSMo.

21. There is probable cause to believe that Respondents violated Section 130.041.1(7), RSMo, by failing to timely file direct expenditure reports on four campaign finance disclosure reports, 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 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 \$1,100, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$200 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..

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 FRIENDS OF WEBSTER SCHOOLS

PETITIONER MISSOURI ETHICS COMMISSION

By: Dr. Diane Moore 8/6/2015
Friends of Webster Schools Date

By: James Klahr 8/7/2015
James Klahr Date
Executive Director

RESPONDENT DR. DIANE MOORE

By: Dr. Diane Moore 8/6/2015
Dr. Diane Moore Date
Treasurer, Friends of Webster Schools

By: Elizabeth L. Ziegler 8/7/2015
Elizabeth L. Ziegler Date
Attorney for Petitioner
M. Johnson

RESPONDENT TODD FISK

By: Todd Fisk AUGUST 6, 2015
Todd Fisk Date
Deputy Treasurer, Friends of Webster Schools

By: Andrew Leonard 8/6/2015
Andrew Leonard Date
Attorney for Respondents

I support
Webster
Schools

YES

APRIL 7

S

AND

W

Thank you for your commitment
to vote YES for S and W on April 7.

We are anticipating a large voter turnout, which means we'll need every single vote – including yours – to renew our support for Webster schools:

- preserve existing staff levels, keep small class sizes, sustain our teacher and staff salaries, increase technology in our schools and provide full-day kindergarten for all students; and
- alleviate current and future overcrowding and bring four schools up to federal ADA standards. Bond issues require four-sevenths (57.14%) to pass.

Need a ride to the polls? Call 399.8486.

SupportingWebsterschools.org

Supporting Webster Schools

PAID FOR BY CITIZENS SUPPORTING WEBSTER SCHOOLS | TODD FISK, TREASURER



EXHIBIT

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