

Filed
SEP 25 2015
Missouri Ethics
Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
)
 v.) Case No. 14E145
)
 BREMAN ANDERSON,)
 Candidate)
)
 and)
)
 COMMITTEE TO ELECT BREMAN)
 ANDERSON,)
 Candidate 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 accepts as true the facts stipulated and finds that Respondents Anderson and Committee to Elect Breman Anderson violated Sections 130.031.8, 130.041.1(4)(d), and 130.041.1(3)(d), RSMo.

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

- 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 \$2,700, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$670 of that fee within forty-five days after the date of this 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 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 the Respondent who committed the violation will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that such Respondent has committed such a violation.

d. Respondents Anderson and Committee to Elect Breman Anderson shall be jointly and severally liable for all fees imposed under this order, subject to the terms in paragraph c above.

SO ORDERED this 25th day of September,
2015

By:



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

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COMMITTEE TO ELECT BREMAN)
ANDERSON,)
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, Anderson and Committee to Elect Breman Anderson, 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 Anderson was one of ten candidates running for three at-large seats on the Hickman Mills School Board in the April 8, 2014, election.
3. Other at-large candidates included Bonnaye Mims, Dan Osman, and Karry Palmer.
4. Respondent Anderson's campaign committee and with Respondent Anderson's knowledge requested assistance from Clinton Adams, Jr., for a mailer that opposed Anderson's opponents for the at-large seat.
5. At Respondent Anderson's campaign committee's direction and with his knowledge, Mr. Adams worked with Print Media Design to prepare two negative mailers opposing Anderson's opponents.
6. Mr. Adams was not a member of Respondent Anderson's candidate committee.
7. The first mailer opposed Mims, Osman, and Palmer.

8. The second mailer opposed Mims and Palmer.
9. The mailers were sent between April 3 and April 7, 2014, prior to the April 8 election.
10. Print Media Design requested "paid for by" disclosure information for the mailers.
11. Clinton Adams assisted with the ads in question at the request and direction of Respondent Anderson.
12. The first mailer identified "Citizens United to Protect Our Children," but did not provide any address, and the second mailer did not identify any organization.
13. "Citizens United to Protect Our Children" is not registered as a committee with the Missouri Ethics Commission, nor is it registered as an entity with the Missouri Secretary of State or any other agency of the State of Missouri.
14. The invoice for the first mailer included printing and postage, totaling \$1,795.61.
15. The invoice for the second mailer included printing but not postage, totaling \$570.
16. Postage for the second mailers was paid via U.S. postage stamps, and would have been approximately \$300.
17. Respondents Anderson and Committee to Elect Breman Anderson issued a check to Print Media Design for \$1,481.74 for the mailers.
18. Respondent Anderson's candidate committee filed a statement of committee termination on May 9, 2014, with no reported debts and no money on hand.
19. Respondents Anderson and Committee to Elect Breman Anderson originally reported the recipient of the \$1,481.74 expenditure to Service Printing; Respondents have since amended their campaign finance disclosure reports to show the recipient as Print Media Design.

20. Pursuant to Section 105.961, RSMo, the Commission's staff investigated complaints filed with the Commission and reported the investigation findings to the Commission.

21. 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.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

"Paid for by" disclosure

22. Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office . . . 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.

23. Printed matter includes "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." § 130.031.8, RSMo.

24. "In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for." § 130.031.8(2), RSMo.

25. "It shall be a violation of this chapter for any person required to be identified as paying for printed matter pursuant to subsection 8 of this section . . . to refuse to provide the information required or to purposely provide false, misleading, or incomplete information." § 130.031.11, RSMo.

26. "No person shall accept for publication or printing nor shall such work be completed until the printed matter is properly identified as required by this subsection." § 130.031.8(4), RSMo.

27. There is probable cause to believe that Respondents Anderson and Committee to Elect Breman Anderson, violated Section 130.031.8, RSMo, by publishing, circulating, and distributing a mailer relating to his opponents' candidacies, without including a proper "paid for by" disclosure.

28. Respondents agree that there is probable cause to believe that there is a violation of Sections 130.031.8, RSMo, but assert that they believed that they were not required to be identified as paying for the mailers under Section 130.031.8, but agree that circulating the mailers was a violation of Section 130.031.8, RSMo.

COUNT II

Reporting expenditures

29. Candidates and candidate committees are required to file campaign finance disclosure reports that set forth expenditures for the period, including the:

(d) 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.

§ 130.041.1(4), RSMo.

30. Candidates and candidate committees are also required to report all contributions received during the reporting period, including the "Total dollar value of all in-kind contributions received." § 130.041.1(3)(d), RSMo.

31. There is probable cause to believe that Respondents Anderson and Committee to Elect Breman Anderson violated Sections 130.041.1(4)(d) and 130.041.1(3)(d), RSMo, by failing to timely and accurately report Print Media Design as the recipient of a \$1,481.74 check from Respondents' official depository account, failing to timely and accurately adjust the amount of the incurred expense and/or failing to timely and accurately identify the contributor(s) making payments to Print Media Design for the mailers, and failing to timely and accurately identify the contributor(s) making in-kind contributions of approximately \$300 in postage stamps.

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 \$2,700, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$670 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 the Respondent who committed the violation will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that such Respondent has committed such a violation.

d. Respondents Anderson and Committee to Elect Breman Anderson 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.

SO AGREED:

RESPONDENT BREMAN ANDERSON

PETITIONER MISSOURI ETHICS
COMMISSION

By: [Signature] 9-22-15
Breman Anderson Date

By: [Signature] 9-25-15
James Klahr Date
Executive Director

By: _____
John P. O'Connor Date
Attorney for Respondent
Anderson

By: [Signature] 9/25/15
Curtis R. Stokes Date
Attorney for Petitioner

RESPONDENT COMMITTEE TO ELECT
BREMAN ANDERSON

By: [Signature] 9-22-2015
Breman Anderson Date
Candidate

By: [Signature] 9/23/2015
John P. O'Connor Date
Attorney for Respondent
Committee to Elect Breman
Anderson