

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
NOV 25 2015
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
KEITH ENGLISH,)	Case No. 15-0040-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. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondents English and Citizens for Keith English violated Sections 130.041.1(3) and 130.046, RSMo.

The Commission directs that the Joint Stipulation be adopted.

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 \$3,800 pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$380 of that fee within forty-five (45) days after the 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.

4. Respondents English and Citizens for Keith English shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 25th day of November, 2015

By:



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

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
NOV 25 2015
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
) Case No. 15-0040-I
v.)
)
KEITH ENGLISH,)
)
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 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 English is an incumbent candidate for the Missouri House of Representatives in the August 2016 primary election.

3. Pursuant to Sections 105.957 and 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.

4. 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.

Timely and accurate report of contributions

5. Respondents did not report as a contribution or miscellaneous receipt a \$2,500 reimbursement check dated May 6, 2015 from Respondent English's personal funds.

6. Respondents did not timely report the following eight contributions totaling \$1,830:

Name	Amount	Deposit Date
Phillip and Joan Barry	\$50.00	10/7/2013
Empire District Electrical Co. PAC	\$400.00	1/21/2014
MBA Gateway Region PAC	\$250.00	7/11/2014
Patrick Click	\$100.00	10/1/2014
Rally/Piryx	\$238.75	10/15/2014
Rally/Piryx	\$238.75	10/29/2014
Rally/Piryx	\$477.50	11/13/2014
Thomas and Lori Freesmeier	\$75.00	11/12/2014

7. Respondents reported a monetary contribution of \$1,500, with a reported receipt date of January 9, 2015, from Chuck Gatschenberger that was not deposited into Respondents' official depository account.

8. Respondents reported a \$200 contribution from the Government Affairs Committee St. Louis NECA (National Electrical Contractors Association) as a contribution of \$500.

9. Respondents reported a \$250 contribution from MBA River Heritage PAC as a contribution of \$1,000, and did not identify the contribution as a contribution from a committee.

10. Respondents reported a \$250 contribution from the National Association of Mutual Insurance Companies PAC on a 24 Hour Notice of Late Contributions/Loans, but did not report that contribution on the cumulative 30 Day After General Election Report for the November 2014 general election.

11. Respondents should have reported the \$500 contribution from the Professional Firefighters of Eastern MO, Local 2665 PAC, deposited in Respondents' official depository account on September 26, 2013, on the October 2013 quarterly report, but Respondents reported them on the April 2014 quarterly report, listing a receipt date of January 1, 2014.

12. Respondents should have reported the following contributions on the January 2014 quarterly report, but Respondents reported them on the April 2014 quarterly report:

Contributor	Amount	Deposit Date	Reported Receipt Date
CWA District 6 PAC (Communication Workers Association)	\$200.00	10/17/2013	1/1/2014
International Union of Elevator Constructors PAC	\$350.00	10/20/2014	1/1/2014
Kay-Bee Electrical Contractor	\$100.00	10/17/2013	1/1/2014
Kay Drey	\$250.00	10/17/2013	1/1/2014
Missouri Beer Wholesalers PAC	\$200.00	10/17/2013	1/1/2014
RGA Reinsurance Company	\$250.00	10/17/2013	1/1/2014

JOINT PROPOSED CONCLUSIONS OF LAW

13. The candidate of every candidate committee “shall file a ... disclosure report of receipts and expenditures ... with the appropriate officer,” and each report shall set forth receipts for the period, including:

- (a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received one or more contributions which in the aggregate total in excess of one hundred dollars and shall make a reasonable effort to obtain and report a description of any contractual relationship over five hundred dollars between the contributor and the state if the candidate is seeking election to a state office or between the contributor and any political

subdivision of the state if the candidate is seeking election to another political subdivision of the state;

...

(c) Total amount of all monetary contributions received through fund-raising events or activities from participants whose names and addresses were not obtained with such contributions, with an attached statement or copy of the statement describing each fund-raising event as required in subsection 6 of section 130.031;

(d) Total dollar value of all in-kind contributions received;

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution;

...

§ 130.041.1(3), RSMo.

14. “The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure ...; and

(3) Not later than the fifteenth day following the close of each calendar quarter.

§ 130.046.1, RSMo.

15. "Each candidate for the office of state representative ... shall file all disclosure reports described in section 130.041 electronically with the Missouri ethics commission.

§ 130.046.9, RSMo.

16. There is probable cause to believe that Respondents English and Citizens for Keith English violated Sections 130.041.1(3) and 130.046, RSMo, by failing to timely and accurately report contributions and miscellaneous receipts, 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 \$3,830, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$380 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.
 - d. Respondents English and Citizens for Keith English shall be jointly and severally liable for all fees imposed under this order.

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: Keith English 11-17-2015
Keith English Date

RESPONDENT CITIZENS FOR KEITH ENGLISH

By: Keith English 11-17-2015
Keith English Date
Candidate

PETITIONER MISSOURI ETHICS COMMISSION

By: James Klahr 11/24/15
James Klahr Date
Executive Director

By: Curtis R. Stokes 11/24/15
Curtis R. Stokes Date
Attorney for Petitioner