

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
JAN 13 2016
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
THEODORE HOSKINS,)	Case No. 15-0051-I
)	
AND)	
)	
LEE ETTA HOSKINS,)	
)	
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 Theodore Hoskins and Lee Etta Hoskins violated City of Berkeley Code Section 125.030.B.5, RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondents shall comply with City of Berkeley Code Section 125.030.B.5.
2. The parties agree that in lieu of a fee pursuant to Section 105.961.4(6), RSMo, that Respondents will repay the full amount of \$3,363.75 to the City of Berkeley, Missouri, within sixty (60) days of the date of final entry of the Consent Order, and Respondents shall provide to the Ethics Commission documentation that confirms the repayment.

SO ORDERED this 13th day of January, 2016

By:

C. E. Weedman, Jr.

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

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LEE ETTA HOSKINS,)
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 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, Theodore Hoskins and Lee Etta Hoskins, 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 105, RSMo, including Section 105.957.1(6), RSMo, regarding the provision any “ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions.”
2. Respondent Theodore Hoskins is the Mayor of the City of Berkeley, Missouri, and the spouse of Respondent Lee Etta Hoskins.
3. Respondent Lee Etta Hoskins is a member of the City Council, Third Ward, for the City of Berkeley, Missouri, and the spouse of Respondent Theodore Hoskins.
4. The City of Berkeley, Missouri, is a constitutional charter city governed by Chapter 82, RSMo, and a political subdivision of the State of Missouri.
5. 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.

6. Based on the investigation report, 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.

7. In 2014, the City of Berkeley, Missouri, investigated Respondent Theodore Hoskins for violation of the city's councilmanic interference ordinance.

8. In April 2015, the city held municipal elections, and new council members were elected.

9. After the election, the City of Berkeley reached no final decision on its investigation of Respondent Theodore Hoskins.

10. In a closed meeting of the Berkeley City Council on July 20, 2015, Respondent Theodore Hoskins requested a refund of \$3,400 in attorney fees that he incurred during the City's investigation.

11. Still in closed session, Respondent Theodore Hoskins made a motion to approve his own request for reimbursement.

12. Respondent Theodore Hoskins voted "aye" to approve his own motion to approve reimbursement.

13. Respondent Lee Etta Hoskins also voted "aye" to approve the motion to approve reimbursement.

14. The City Council passed Respondent Theodore Hoskins' motion in closed session on July 20.

15. On July 24, Respondent Theodore Hoskins submitted a "Voucher Requisition" seeking a "Refund for Attorney Fees, Approved by Council during 7/20/15 meeting" in the

amount of \$3,363.75.

16. Along with the voucher requisition, Respondent Theodore Hoskins submitted a fax with instructions to "Charge to contingency Fund ... \$3363.75 approved by council on 7/20/15 see minutes attached," and signed the attachment, "Approval for payment, Theodore Hoskins 7/24/15."

17. On August 4, 2015, the City of Berkeley, Missouri, issued check number 44453 to Respondent Theodore Hoskins in the amount of \$3,363.75.

18. On August 7, 2015, the check was deposited with the signature, "Theodore Hoskins, Deposit Only."

19. Respondents Theodore Hoskins and Lee Etta Hoskins had a direct financial interest in the outcome of Respondent Theodore Hoskins' request for reimbursement.

20. If not for Respondent Theodore Hoskins' request for reimbursement, Respondents Theodore and Lee Etta Hoskins would have personally owed approximately \$3,400 in attorney fees.

JOINT PROPOSED CONCLUSIONS OF LAW

21. Section 125.030.B.5 of the Municipal Code for the City of Berkeley, Missouri, states in relevant part:

No City Official or employee shall vote on or participate in any decision making process if the official or employee has a direct financial interest in the outcome of the matter under consideration.

22. There is probable cause to believe that Respondents Theodore Hoskins and Lee Etta Hoskins violated City of Berkeley Code Section 125.030.B.5, when Respondent Theodore

Hoskins made a motion to approve his own request for reimbursement of attorney fees, and when Respondents Theodore Hoskins and Lee Etta Hoskins voted "aye" to approve Respondent Theodore Hoskins' request for reimbursement of attorney fees, 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 City of Berkeley Code Section 125.030.B.5.
 - b. The parties agree that in lieu of a fee pursuant to Section 105.961.4(6), RSMo, that Respondents will repay the full amount of \$3,363.75 to the City of Berkeley, Missouri, within sixty (60) days of the date of final entry of the Consent Order, and Respondents shall provide to the Ethics 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.

SO AGREED:

RESPONDENT THEODORE HOSKINS

PETITIONER MISSOURI ETHICS COMMISSION

By: Theodore Hoskins 1/7/16
Theodore Hoskins Date

By: James Klahr 4/13/16
James Klahr Date
Executive Director

RESPONDENT LEE ETTA HOSKINS

By: Curtis R. Stokes 4/12/16
Curtis R. Stokes Date
Attorney for Petitioner

By: Lee Etta Hoskins 1/7/16
Lee Etta Hoskins Date