

\BEFORE THE  
MISSOURI ETHICS COMMISSION

**Filed**  
**JAN 22 2016**  
Missouri Ethics  
Commission

|                             |   |                    |
|-----------------------------|---|--------------------|
| MISSOURI ETHICS COMMISSION, | ) |                    |
|                             | ) |                    |
| Petitioner,                 | ) |                    |
|                             | ) |                    |
| v.                          | ) |                    |
|                             | ) |                    |
| JASON TILLEY                | ) | Case No. 15-0002-A |
|                             | ) |                    |
| and                         | ) |                    |
|                             | ) |                    |
| CITIZENS FOR TILLEY,        | ) |                    |
|                             | ) |                    |
| 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 Tilley and Citizens for Tilley violated Sections 130.031.1, 130.110, 130.041.1(3), 130.021.2, 130.031.3, 130.110(3), 130.041.1(2), 130.041.1(4)(d), and 130.036.1 , 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 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$4,340 pursuant to Section 105.961.4(6), RSMo. However, if either Respondent pays \$520 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 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 22<sup>nd</sup> day of January, 2016

By:



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

BEFORE THE  
MISSOURI ETHICS COMMISSION

**Filed**  
**JAN 22 2016**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION,            )  
  )  
  Petitioner,    )  
  )  
v.    )  
  )  
JASON TILLEY, CANDIDATE                )    Case No. 15-0002-A  
  )  
and   )  
  )  
CITIZENS FOR TILLEY,                    )  
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, Jason Tilley and Citizens for Tilley, 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 Tilley was unsuccessful in the November 2014 general election for Associate Circuit Judge in Perry County, Missouri.
3. Respondent Citizens for Tilley is the candidate committee formed by Respondent Tilley to support his candidacy in the November 2014 general election.
4. Pursuant to Sections 105.959 and 105.961, RSMo, the Commission's staff investigated the reports and statements filed with the Commission and reported the investigation findings to the Commission.
5. 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

### *Receiving cash contributions exceeding allowable limits*

6. On July 29, 2014, Respondents deposited \$1,340 in cash into the committee's official depository account.

7. On the 30 Day After Primary Election report Respondents reported two cash contributions, each over \$100, totaling \$1,240.

## COUNT II

### *Failure to accurately report contributions*

8. Respondents inaccurately reported the names for two monetary contributions, totaling \$350 on their October 2014 quarterly report. Specifically, Respondents reported a contribution of \$100 as coming from Erich Stief individually, but should have reported the contribution as coming from Stief Landscaping, and reported a contribution of \$250 as coming from Thomas Burcham individually, but should have reported the contribution as coming from Thomas R. Burcham III, LLC.

9. Respondents failed to show the aggregate amount, \$120, contributed by Little L Farm.

10. Respondents reported a contribution of \$100 as anonymous. Respondents had the name of the anonymous contributor in their committee records, and could have reported the contribution together with other non-itemized contributions of \$100 or less on the 8 Day Before General Election report.

11. Respondents reported receiving a loan in the amount of \$13,000 from Jason Tilley, but Respondents deposited only \$12,900 in the committee's official depository account.

12. Respondents' Supplemental Loan Information reported "unknown" for the time period and the repayment schedule of the loan, and therefore failed to disclose the terms of the loan.

**COUNT III**

*Incorrect money on hand*

13. As a result of the discrepancy in the amounts reported loaned (\$13,000) and the amount of the loan actually deposited into the committee's official depository account (\$12,900), Respondents' reported money on hand on three reports was incorrect by an amount of \$100.

**COUNT IV**

*Failure to timely and accurately report expenditures*

14. Respondents reported paying two expenditures totaling \$11,518.59 on the 8 Day Before and the amended 30 Day After November 2014 General Election report, but those expenditures were incurred in September 2014, and should have been reported as incurred expenditures on the October 2014 quarterly report.

15. Respondents failed to timely report eleven (11) incurred expenditures totaling \$33,690.02 as follows:

| <b>Date Incurred</b> | <b>Expenditure Name</b>   | <b>Amount</b>      |
|----------------------|---------------------------|--------------------|
| 07/08/2014           | Victory Enterprises, Inc. | \$885.91           |
| 08/28/2014           | Victory Enterprises, Inc. | \$2,993.94         |
| 10/09/2014           | Victory Enterprises, Inc. | \$3,869.98         |
| 10/14/2014           | Victory Enterprises, Inc. | \$3,379.82         |
| 10/16/2014           | Victory Enterprises, Inc. | \$3,203.36         |
| 10/21/2014           | Victory Enterprises, Inc. | \$3,869.98         |
| 10/23/2014           | Victory Enterprises, Inc. | \$4,500.35         |
| 10/24/2014           | Victory Enterprises, Inc. | \$3,203.36         |
| 10/28/2014           | Victory Enterprises, Inc. | \$3,869.98         |
| 11/03/2014           | Victory Enterprises, Inc. | \$313.20           |
| 11/07/2014           | Victory Enterprises, Inc. | \$3,600.14         |
|                      | <b>TOTAL</b>              | <b>\$33,690.02</b> |

16. Respondents failed to timely report four monetary expenditures totaling \$11,597.22 as follows:

| <b>Date</b> | <b>Expenditure Name</b>   | <b>Amount</b>      |
|-------------|---------------------------|--------------------|
| 10/29/2014  | Republic Monitor          | \$2,878.71         |
| 10/29/2014  | USPS                      | \$343.00           |
| 11/04/2014  | Republic Monitor          | \$356.92           |
| 11/18/2014  | Public Opinion Strategies | \$8,018.59         |
|             | <b>TOTAL</b>              | <b>\$11,597.22</b> |

**COUNT V**

*Failure to properly maintain committee records*

17. On June 2, 2015 the Commission issued a subpoena for committee records to Respondents.

18. Respondents did not provide all invoices for expenditures that Respondents made.

**JOINT PROPOSED CONCLUSIONS OF LAW**

**COUNT I**

*Receiving cash contributions exceeding allowable limits*

19. "No contributions of cash in any amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by...a candidate committee." § 130.031.1, RSMo.

20. "No contribution in cash in any amount in excess of one hundred dollars shall be made or accepted from any single contributor for any election:" § 130.110, RSMo.

21. There is probable cause to believe that Respondents violated Sections 130.031.1 and 130.110, RSMo, by receiving two cash contributions each exceeding \$100, and that Respondents did so knowingly.

## COUNT II

### *Failure to accurately report contributions*

22. Committees are required to file campaign finance disclosure reports that set forth receipts for the period, including the:

(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;

(b) Total amount of all anonymous contributions accepted;

...

(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;

(f) A listing of each loan received by name and address of the lender and date and amount of the loan. For each loan of more than one hundred dollars, a separate statement shall be attached setting forth the name and address of the lender and each person liable directly, indirectly or contingently, and the date, amount and terms of the loan;

§ 130.041.1(3), RSMo.

23. All contributions, including loans, "shall be deposited in a candidate committee depository account." § 130.021.2, RSMo.

24. No anonymous contribution in excess of twenty-five dollars shall be made by any person, and no anonymous contributions in excess of twenty-five dollars shall be accepted by any candidate or committee. §§ 130.031.3; 130.110(3), RSMo.

25. There is probable cause to believe that Respondents violated Sections 130.041.1(3), 130.021.2, 130.031.3, and 130.110(3), RSMo, by failing to accurately report the names of two contributors, failing to report the aggregate amount for another contributor, reporting a contribution as anonymous, and incorrectly and incompletely reporting loan information, and that Respondents did so knowingly.

### COUNT III

#### *Incorrect money on hand*

26. Respondents are required to report the amount of money on hand, including cash on hand at the beginning of each reporting period. § 130.041.1(2), RSMo.

27. There is probable cause to believe that Respondents violated Section 130.041.1(2), RSMo, by incorrectly reporting money on hand on three reports.

#### COUNT IV

##### *Failure to timely and accurately report expenditures*

28. 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. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker;

§ 130.041.1(4)(d), RSMo.

29. There is probable cause to believe that Respondents violated Section 130.041.1(4)(d), RSMo, by failing to accurately report eleven incurred expenditures totaling \$33,690.02 and failing to timely report four monetary expenditures totaling \$11,597.22, and that Respondents did so knowingly.

COUNT V

*Failure to properly maintain committee records*

30. “The candidate, treasurer or deputy treasurer of a committee shall maintain accurate records and accounts on a current basis. The records and accounts shall be maintained in accordance with accepted normal bookkeeping procedures and shall contain the bills, receipts, deposit records, cancelled checks and other detailed information necessary to prepare and substantiate any statement or report required to be filed pursuant to this chapter.” § 130.036.1, RSMo.

31. There is probable cause to believe that Respondents violated Section 130.036.1, RSMo, by failing to properly maintain and provide committee records, 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:

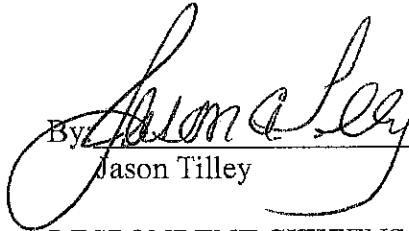
1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.
2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.
  - a. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
  - b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$4,340, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$520 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:

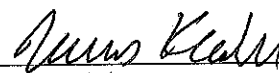
RESPONDENT JASON TILLEY

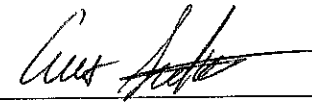
By:  10/30/15  
Jason Tilley Date

RESPONDENT CITIZENS FOR TILLEY

By:  10/30/15  
Jason Tilley Date

PETITIONER MISSOURI ETHICS  
COMMISSION

By:  4/22/16  
James Klahr Date  
Executive Director

By:  1/15/16  
Curtis R. Stokes Date  
Attorney for Petitioner