

Filed
FEB 08 2016
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

| | | |
|-------------------------------|---|--------------------|
| MISSOURI ETHICS COMMISSION, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | |
| |) | |
| PROFESSIONAL FIRE FIGHTERS OF |) | Case No. 15-0047-I |
| WEST ST. LOUIS COUNTY, |) | |
| |) | |
| CHRIS GELVEN, |) | |
| |) | |
| AND |) | |
| |) | |
| CRAIG CHARLEVILLE, |) | |
| |) | |
| 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 Professional Fire Fighters of West St. Louis County, Gelven and Charleville violated Section 130.031.8, 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 Professional Fire Fighters of West St. Louis County, Gelven and Charleville in the amount of \$100 each, pursuant to Section 105.961.4(6), RSMo. The fee imposed against Respondents Gelven and Charleville should be paid from their personal funds. The fee imposed against Respondent Professional Fire Fighters of

West St. Louis County should be paid from its funds. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

SO ORDERED this 24th day of February, 2016

By:



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

BEFORE THE
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MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.)
)
PROFESSIONAL FIRE FIGHTERS OF) Case No. 15-0047-I
WEST ST. LOUIS COUNTY,)
)
CHRIS GELVEN,)
)
and)
)
CRAIG CHARLEVILLE,)
)
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, Professional Fire Fighters of West St. Louis County, Chris Gelven and Craig Charleville, 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 Professional Fire Fighters of West St. Louis County is an unincorporated voluntary association and labor organization made up of firefighters within the Monarch Fire Protection District in West St. Louis County, Missouri.
3. Respondent Gelven is a member of the executive committee of the Professional Fire Fighters of West St. Louis County.
4. Respondent Charleville is a member of the executive committee of the Professional Fire Fighters of West St. Louis County.

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 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.

7. Respondents Gelven and Charleville are authorized to make expenditures of up to \$500 from the account of Respondent Professional Fire Fighters of West St. Louis County without a vote of the full membership of Respondent Professional Fire Fighters of West St. Louis County.

8. Respondents Gelven and Charleveille were responsible for spending \$150.99 to print and copy 1,700 copies of a flyer hand delivered throughout the Monarch Fire Protection District prior to the April 2015 election for Board of Directors for the Monarch Fire Protection District.

9. The flyers related to an incumbent candidate in the April 2015 election for Board of Directors for the Monarch Fire Protection District.

10. The flyers did not contain the words "paid for by" followed by a clear and conspicuous identification of Respondent Professional Fire Fighters of West St. Louis County as the labor organization sponsoring the flyer.

JOINT PROPOSED CONCLUSIONS OF LAW

11. "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.

12. “For the purposes of this section, ‘printed 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.” § 130.031.8, RSMo.

13. “In regard to any printed matter paid for by a corporation or other business entity, labor organization ... it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer. § 130.031.8(3), RSMo.

14. There is probable cause to believe that Respondents Professional Fire Fighters of West St. Louis County, Glevon, and Charleville violated Section 130.031.8, RSMo, by publishing, circulating, and distributing a flyer relating to a candidate in the April 2015 election for Board of Directors for the Monarch Fire Protection District, without including a clear and conspicuous “paid for by” disclosure on that flyer, and that Respondents did so knowingly.

II.

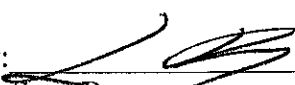
Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further 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 Professional Fire Fighters of West St. Louis County, Gelven and Charleville in the amount of \$100 each, pursuant to Section 105.961.4(6), RSMo. The fee imposed against Respondents Gelven and Charleville should be paid from their personal funds. The fee imposed against Respondent Professional Fire Fighters of West St. Louis County should be paid from its funds. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
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.

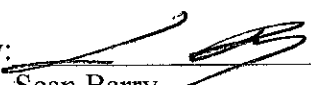
SO AGREED:

RESPONDENT PROFESSIONAL FIRE
FIGHTERS OF WEST ST. LOUIS COUNTY

By:  1/4/16
Sean Barry Date
Attorney for Respondent

RESPONDENT CHRIS GELVEN

By:  1/4/16
Chris Gelven Date


By:  1/4/2016
Sean Barry Date
Attorney for Respondent


RESPONDENT CRAIG CHARLEVILLE

By:  1-4-2016
Craig Charleville Date

By:  1/4/16
Sean Barry Date
Attorney for Respondent

PETITIONER MISSOURI ETHICS COMMISSION

By:  2/8/16
James Klahr Date
Executive Director

By:  2/8/16
Curtis R. Stokes Date
Attorney for Petitioner