

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
JUN 13 2016
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
LEN PAGANO,)	Case No. 16-0004-I
)	
AND)	
)	
COMMITTEE TO ELECT LEN)	
PAGANO,)	
)	
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 violated Sections 130.041.1(2)–(5), 130.046.1–3, 130.041.1(3), 130.041.1(9), 130.031.6(4), 130.041.1(4), 130.041.1(7), 130.046.1(1) and 130.046.1(2),, RSMo.

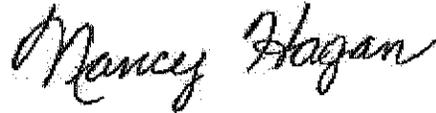
The Commission directs that the Joint Stipulation be adopted.

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 \$2,000 pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$200 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 Respondents commit 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 Respondents committed such a violation.
4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 13th day of June, 2016

By:



Nancy Hagan, Chair
Missouri Ethics Commission

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Petitioner,)
) Case No. 16-0004-I
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LEN PAGANO,)
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and)
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COMMITTEE TO ELECT LEN PAGANO,)
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, Pagano and Committee to Elect Len Pagano, 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 Pagano was a successful candidate for mayor of St. Peters, Missouri, in the April 2016 municipal election.
3. Respondent Committee to Elect Len Pagano is the candidate committee registered with the St. Charles County Board of Elections and formed by Respondent Pagano to support his candidacy for mayor of St. Peters, Missouri.
4. 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.
5. 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.

COUNT I

Failure to accurately report money on hand on campaign finance reports

6. On two (2) campaign finance disclosure reports, the October 2014 Quarterly report and the January 2015 Quarterly report, Respondents disclosed inaccurate money on hand because Respondents reported improper reporting periods.

7. Respondents inaccurately reported the time period covered on all of campaign finance disclosure reports from January 2, 2014, through December 31, 2015. This includes eight (8) quarterly reports, all of which were limited activity except for one (1) full disclosure report.

8. Respondents have since amended these reports to include accurate money on hand and reporting periods.

COUNT II

Failure to timely and accurately report contributions received

9. Respondents failed to accurately report the contributor for a contribution of \$4,023.49 received on October 14, 2014. Respondents reported the contributor as "Carpenters Political Acct.," but the contributor was actually Citizens for Michael Swyers.

10. Respondents failed to identify eight (8) contributors as committees on the January 2016 quarterly report.

11. Respondents failed to include employer information for two (2) contributors, each in excess of \$100, totaling \$1,750 as follows:

Date	Contributor Name	Amount
11/03/2015	Steven and Jill Miles	\$1500.00
11/03/2015	Robert Rives	\$250.00
	TOTAL	\$1,750.00

12. Respondents failed to report the aggregate of all contributions received from fourteen (14) contributors, each giving in excess of \$100, totaling \$12,423.49.

13. Respondents failed to file a Fundraising Statement with the January 2016 quarterly report disclosing a fundraiser held on October 29, 2015.

14. Respondents have since amended these reports to accurately report contributions received.

COUNT III

Failure to timely and accurately report expenditures

15. Respondents made expenditures in support of a candidate, Matt Judkins, in the November 2014 general election.

16. Respondents failed to file a Direct Expenditure report disclosing two (2) expenditures to support Matt Judkins in the election for State Representative in the November 2014 general election.

17. Respondents filed the 8 Day Before November 2014 General Election report on February 9, 2016, which was four hundred and seventy (470) days after the deadline of October 27, 2014.

18. Respondents filed the 30 Day After November 2014 General Election report on February 9, 2016, which was four hundred and thirty-seven (437) days after the deadline of December 4, 2014.

19. Respondents failed to report bank fees totaling \$12.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to accurately report money on hand on campaign finance reports

20. Candidates and candidate committees "shall file a legibly printed or typed disclosure report of receipts and expenditures." §130.041.1, RSMo.

21. Committees must file regular quarterly disclosure reports § 130.046.1, RSMo.

22. "The reporting dates and periods covered for the quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September." § 130.046.3, RSMo.

23. Each report must include the amount of money, including cash on hand at the beginning of the reporting period, and the total amount of cash on hand as of the closing date of the reporting period covered. §130.041.1(2), (5), RSMo.

24. There is probable cause to believe that Respondents Pagano and Committee to Elect Len Pagano violated Sections 130.041.1(2)-(5) and 130.046.1-3, RSMo, by inaccurately reporting time periods and money on hand on eight (8) quarterly reports they filed.

COUNT II

Failure to timely and accurately report contributions received

25. Respondents were 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;

...

(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.

26. Respondents must report "A separate listing by full name and address of any committee, including a candidate committee controlled by the same candidate from which a transfer of funds or a contribution in any amount has been received during the reporting period, together with the date and amount of each such transfer or contributions" § 130.041.1(9), RSMo.

27. “[C]ontributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

(4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:

- (a) The name and mailing address of the person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;
- (b) The date on which the event occurred;
- (c) The name and address of the location where the event occurred and the approximate number of participants in the event;
- (d) A brief description of the type of event and the fund-raising methods used;
- (e) The gross receipts from the event and a listing of the expenditures incident to the event;

(f) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions and an explanation of why it was not possible to obtain the names and addresses of such participants;

(g) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained pursuant to section 130.036.

§130.031.6, RSMo.

28. There is probable cause to believe that Respondents Pagano and Committee to Elect Len Pagano violated Sections 130.041.1(3), 130.041.1(9), and 130.031.6(4), RSMo, by failing to accurately report the contributor of a \$4,023.49 contribution, by failing to identify eight (8) contributors as committees, by failing to report employer information for two (2) contributions, totaling \$1,750, by failing to report the aggregate of contributions received from fourteen (14) contributors, and by failing to file a fundraising statement disclosing a fundraiser Respondents held on October 29, 2015.

COUNT III

Failure to timely and accurately report expenditures

29. Committees must file regular campaign finance disclosure reports including the reports 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

§ 130.046.1, RSMo.

30. Respondents were 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), RSMo.'

31. All campaign finance reports shall indicate "the amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of

expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought.” § 130.041.1(7), RSMo.

32. There is probable cause to believe that Respondents Pagano and Committee to Elect Len Pagano violated Sections 130.041.1(4) and 130.041.1(7), RSMo, by failing to report the amount of bank fees and by failing to file a Direct Expenditure report disclosing two (2) expenditures to support Matt Judkins in the State Representative race in the November 2014 general election.

33. There is probable cause to believe that Respondents Pagano and Committee to Elect Len Pagano violated Sections 130.046.1(1) and 130.046.1(2), RSMo, by failing to timely file an 8 Day Before November 2014 General Election report and a 30 Day After November 2014 General Election report.

II.

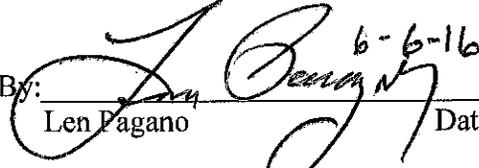
Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further 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 \$2,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$200 of that fee within forty-five (45) 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 either 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 either 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.

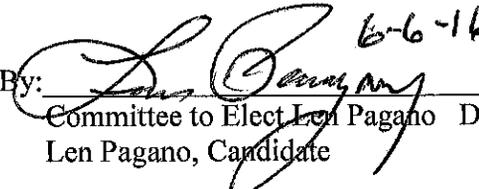
4. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited 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:

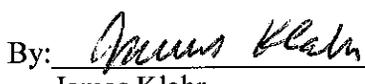
RESPONDENT LEN PAGANO

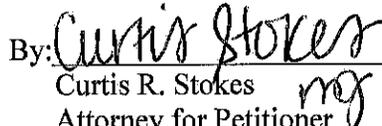
By:  ⁶⁻⁶⁻¹⁶
Len Pagano Date

RESPONDENT COMMITTEE TO ELECT
LEN PAGANO

By:  ⁶⁻⁶⁻¹⁶
Committee to Elect Len Pagano Date
Len Pagano, Candidate

PETITIONER MISSOURI ETHICS COMMISSION

By:  ^{6/24/16}
James Klahr Date
Executive Director

By:  ^{6/15/16}
Curtis R. Stokes Date
Attorney for Petitioner