

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
AUG 12 2016
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	Case No. 16-0035-I
v.)	
)	
DARYL DUDLEY,)	
)	
and)	
)	
DARYL DUDLEY FOR CITY)	
COUNCIL,)	
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, Dudley and Daryl Dudley for City Council, 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 Dudley was an unsuccessful candidate for City Council, Ward 4, in the April 5, 2016, municipal election for the City of Columbia, Missouri.
3. The City of Columbia, Missouri, has a population over 100,000.
4. Respondent Daryl Dudley for City Council was the candidate committee formed by Respondent Dudley to support his candidacy in the April 2016 municipal election.
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. Respondents filed a statement of committee organization with the Boone County Clerk on January 15, 2016, but did not file a statement of committee organization with the Missouri Ethics Commission until March 17, 2016.

8. Respondents filed a 40 Day Before April 2016 election disclosure report with the Boone County Clerk on February 24, 2016, but did not file that report with the Missouri Ethics Commission until March 21, 2016.

9. Respondents received a \$50,000 contribution from Citizens for a Better Columbia on March 9, 2016, for which a 48-hour disclosure report was due by March 11, 2016, but Respondents did not file a 48-hour report until March 17, 2016.

10. Respondents received a \$10,000 contribution from Central Missouri Development Council on March 10, 2016, for which a 48-hour disclosure report was due by March 12, 2016, but Respondents did not file a 48-hour report until March 17, 2016.

JOINT PROPOSED CONCLUSIONS OF LAW

11. As a candidate for city council in a municipality with over 100,000 inhabitants, Respondent Dudley was required to file his candidate committee's statement of committee organization and campaign finance disclosure reports with both the Boone County Clerk and the Missouri Ethics Commission. § 130.026.2(3), RSMo.

12. A candidate committee must file a statement of committee organization within twenty (20) days of becoming a committee. § 130.021.5, RSMo.

13. For the April 5, 2016, municipal election, candidates were required to file a 40 Day Before April 2016 election disclosure report on or before February 25, 2016. § 130.046.1(3), RSMo.

14. Candidate committees “shall electronically report any contribution by any single contributor which exceeds five thousand dollars to the Missouri ethics commission within forty-eight hours of receiving the contribution.” § 130.044.1, RSMo.

15. There is probable cause to believe that Respondents Dudley and Daryl Dudley for City Council violated Sections 130.021.5, 130.026.2(3), 130.046.1(3), and 130.044.1, RSMo, by failing to timely file with the Missouri Ethics Commission a statement of committee organization, 40 Day Before April 2016 election disclosure report, and two (2) 48-hour disclosure reports.

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 any Respondent commits any further violation of the campaign finance laws under 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 due immediately upon final adjudication finding that any Respondent has committed such a violation.

d. Respondents 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 DARYL DUDLEY

By: Daryl Dudley 19 AUG '16
Daryl Dudley Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: James Klahr 8/12/16
James Klahr Date
Executive Director

RESPONDENT DARYL DUDLEY FOR
CITY COUNCIL

By: Daryl Dudley 10 AUG '16
Daryl Dudley Date

By: Curtis R. Stokes 8/12/16
Curtis R. Stokes Date
Attorney for Petitioner

By: Phebe La Mar 8-10-16
Phebe La Mar Date
Attorney for Respondents

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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 Dudley and Daryl Dudley for City Council violated Sections 130.021.5, 130.026.2(3), 130.046.1(3) and 130.044.1, RSMo.

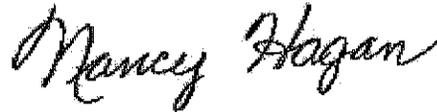
The Commission directs that the Joint Stipulation be adopted.

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 12th day of August, 2016

By:



Nancy Hagan, Chair
Missouri Ethics Commission