

Filed
MAY 22 2012
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
) Petitioner,)
)
v.)
)
Roger B. Wilson) Case No. 12A107
)
) Respondent.)
)

**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 Respondent, Roger B. Wilson (“Respondent”), acknowledges that he has 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 Respondent further acknowledges that he is 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 charges against Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waives each and every one of these rights and freely enters 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 agrees to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondent 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 (“the Commission”) is an agency of the State of Missouri established pursuant to §105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.

2. Missouri Employers Mutual (hereinafter referred to as “MEM”) was a provider of workers compensation insurance, created in 1994 by the Missouri legislature with offices in Columbia, St. Louis, Kansas City, and Springfield, Missouri.

3. Respondent served as chief executive officer of MEM during the period of this complaint.

4. Herzog Crebs was a law firm in St. Louis, Missouri which provided legal services to MEM through Edward J. Griesedieck, III (“Griesedieck”), a partner at Herzog Crebs and member of the law firm’s management committee.

5. The Missouri Democratic State Committee (“Committee”) is a continuing committee with its office located in Jefferson City, Missouri. The Committee is the funding arm of the Missouri Democratic Party (“Party”).

6. Pursuant to §105.959 RSMo, the Commission's staff has investigated the reports and statements filed with the Commission by the Committee regarding the two contributions at issue in this complaint and reported the investigation's findings to the Commission.

7. Based on the report of the Commission's staff, the Commission determined that there are reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to §105.961.3 RSMo.

Concealment of the Identity and Source of Campaign Contributions and Failure to Disclose the Source of the Campaign Contributions

8. In or about July, 2009, Douglas Morgan ("Morgan"), a member of the MEM Board of Directors, requested that Griesedieck make a \$5,000 contribution out of the bank account of Herzog Crebs to the Party and to bill the \$5,000 to MEM on the next Herzog Crebs legal bill as "cost advanced". Griesedieck had other discussions with Morgan about the contribution and billing as well as one or more discussions with Respondent about the contribution and billing.

9. On or about August 27, 2009, Griesedieck requested a Herzog Crebs check for \$5,000 payable to the Party, signed by Griesedieck which was given to the Party and deposited into the Committee's bank account on or about August 28, 2009.

10. On or about September 29, 2009, Griesedieck directed the monthly legal bill from Herzog Crebs to MEM to falsely include a "cost advanced" of \$5,000, with no detail that the money had been a contribution to the Party.

11. Respondent approved this Herzog Crebs bill for payment.

12. On or about October 8, 2009 MEM issued its check to Herzog Crebs for legal services, including \$5,000 for the "cost advanced" as approved by Respondent.

13. On October 14, 2009, the Committee reported on their 2009 October Quarterly Report receiving a contribution on August 27, 2009 for \$5,000 from Herzog Crebs when, in fact, the funds came from MEM.

14. During December, 2009, Morgan again requested that Griesedieck make a \$3,000 contribution out of the bank account of Herzog Crebs to the Party, but bill the \$3,000 in two parts to Morgan personally, and Morgan would then get reimbursed for the \$3,000 from MEM. Griesedieck had multiple discussions with Morgan and one or more discussions with Respondent about this contribution and billing.

15. On or about December 21, 2009, Griesedieck requested a Herzog Crebs check for \$3,000 payable to the Party, which was deposited in their bank account on or about December 22, 2009.

16. On or about January 28, 2010 and February 24, 2010, at the direction of Griesedieck, each of the monthly legal bills from Herzog Crebs to Morgan included "cost advanced" of \$1,500, with no detail that the money had been a contribution to the Party.

17. During August, 2010, Morgan directed Griesedieck to change the billing of the \$3,000 contribution from December, 2009, from Morgan's personal billing to MEM, as Morgan had not yet paid the bill.

18. At the direction of Griesedieck each of the monthly bills from Herzog Crebs to MEM for July and August, 2010 falsely included a separate "cost advanced" of \$1,500, each for a total of \$3,000 with no details of the contribution to the Party.

19. In or about August, 2010, an MEM employee reviewed the August, 2010, Herzog Crebs bill and in following up learned for the first time from the Herzog Crebs billing department that the "cost advanced" related to December 21, 2009, was a \$3,000 contribution to

the Party. The employee brought this to the attention of Respondent who denied any knowledge of the contribution and agreement to bill it to MEM as “cost advanced”.

20. During September and October, 2010, Griesedieck had discussions with Morgan and Respondent about the \$3,000 contribution and unpaid Herzog Crebs bill. On or about November 3, 2010 Respondent issued a personal check to Herzog Crebs in the amount of \$3,000 to reimburse Herzog Crebs for the December 21, 2009 contribution of \$3,000 to the Party.

21. On January 13, 2010, the Committee reported on their 2010 January Quarterly Report receiving a contribution on December 21, 2009 for \$3,000 from Herzog Crebs when, in fact, the funds came from Respondent.

22. Respondent did not disclose the true nature of the \$5,000 contributions to the MEM Board of Directors. The MEM Board of Directors was unaware of the Herzog Crebs “bills” and the \$5,000 contribution to the Party. The source of the \$5,000 contribution to the Party also remained falsely attributed to Herzog Crebs when, in fact, it was billed to MEM and ultimately paid by MEM.

23. Respondent did not disclose the true nature of the \$3,000 contribution and the Herzog Crebs “bills” to the MEM Board of Directors. The source of the \$3,000 contribution to the Party also remained falsely attributed to Herzog Crebs when, in fact, it was billed to MEM and ultimately paid by Respondent.

24. Respondent did not disclose the true nature of the \$5,000 and \$3,000 contributions to the Party.

25. On April 20, 2012, the Committee amended its campaign finance disclosure reports to show the \$5,000 contribution made on August 28, 2009 from MEM, and to show the \$3,000 contribution made on December 22, 2009 from Respondent.

26. On April 12, 2012, Respondent pled guilty in Federal District Court for the Eastern District of Missouri to violating the misdemeanor provisions of Title 18, United States Code, Section 1033(b)(1), Misappropriation of Insurance Funds belonging to Missouri Employee Mutual, and that he acted willfully.

27. As a part of the plea agreement, Respondent agreed to provide full restitution to all victims of all charges in Case No. 4:12 CR 156 CEJ-MLM in the Federal District Court for the Eastern District of Missouri.

JOINT PROPOSED CONCLUSIONS OF LAW

28. Contributions are defined in section §130.011, RSMo as a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification, passage or defeat of any ballot measure, or for the support of any committee supporting or opposing candidates or ballot measures. §130.011 RSMo.

29. No contribution shall be made, directly or indirectly, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution. §130.031.3 RSMo.

30. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. §130.031.3 RSMo.

31. There is probable cause to believe that Respondent Wilson committed two violations of § 130.031.3, RSMo, by knowingly concealing the identity of the actual source of a \$5,000.00 contribution made to the Missouri Democratic Party through the Missouri Democratic

State Committee on August 28, 2009, and a \$3,000.00 contribution made to the Missouri Democratic Party through the Missouri Democratic State Committee on December 21, 2009, by approving MEM's payment of \$5,000 as a cost advanced when he knew it was actually a contribution, by paying \$3,000 as a cost advanced when he knew it was a contribution; and by knowingly failing to inform the Missouri Democratic Party of the true source of the contributions, with the result that the Missouri Democratic State Committee reported the \$5,000 contribution from Herzog Crebs when the contribution was from MEM, and reported the \$3,000 contribution from Herzog Crebs when the contribution was from Respondent Wilson.

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 to this Joint Stipulation 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. Respondent agrees that he will comply with all relevant sections of Chapter 130, RSMo.
 - b. Respondent acknowledges that he has agreed to make full restitution to all victims of all charges pursuant to the guilty plea agreement in Case No. 4:12 CR 156 CEJ-MLM in the Federal District Court for the Eastern District of Missouri.

c. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondent Roger B Wilson, in the amount of \$2,000.00, pursuant to Section 105.961.4(6), RSMo for two violations of § 130.031.3, RSMo. The fee will be paid by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission at the time of execution of this Joint Stipulation.

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. Respondent, together with his heirs, successors and assigns, does 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 Respondent and/or Respondent's attorney now have or which they may hereafter have, which are based upon or arise out of the above cases.

RESPONDENT ROGER B. WILSON

By: Roger B. Wilson 5-18-12
Roger B. Wilson Date

By: [Signature]
Joseph P. Bednar, Jr.
Mo. Bar No. 33921
308 East High Street
Suite 222
Jefferson City, MO 65101-3237
Tel: (573) 634-8116
Fax: (573) 634-8140

PETITIONER

By: Julie A. Allen 5/18/12
Julie A. Allen Date
Executive Director

By: Elizabeth L. Ziegler 5/18/12
Elizabeth L. Ziegler Date
Mo. Bar No. 35493
Attorney for Petitioner

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	Case No. 12A107
v.)	
)	
ROGER B. WILSON)	
)	
Respondents.)	

CONSENT ORDER

The parties having filed a Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Proposed Findings of Fact and Conclusions of Law (“Joint Stipulation”) with the Missouri Ethics Commission in this matter, the Missouri Ethics Commission hereby accepts as true the facts stipulated and finds that Roger B. Wilson violated Sections 130.031.3, RSMo, as stated in the Joint Stipulation.

The Commission directs that all terms and orders of the Joint Stipulation be adopted herein and implemented.

1. Respondent agrees that he will comply with all relevant sections of Chapter 130, RSMo.
2. Respondent acknowledges that he has agreed to make full restitution to all victims of all charges pursuant to the guilty plea agreement in Case No. 4:12 CR 156 CEJ-MLM in the Federal District Court for the Eastern District of Missouri.
3. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondent Roger B Wilson, in the amount of \$2,000.00, pursuant to Section 105.961.4(6), RSMo for two violations of § 130.031.3, RSMo. The fee will be paid

by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission at the time of execution of this Joint Stipulation.

SO ORDERED this 22nd day of May, 2012

By: *Dennis Rose*
Dennis Rose
Signed by Executive Director