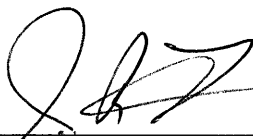


pay \$700.00 of that fee within 45 days after the date of the Order, the remainder of the fee will be stayed for two years, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission.

c. If Respondents Terry Stone and Committee for Progressive Clay County Gov't have not committed any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo., during the two year stay, then the Respondents will not be required to pay the remainder of the fee. If, however, either Respondent is found to have violated the campaign finance laws pursuant to Chapter 130, RSMo. 2000, during this two year stay, Respondents will be required to pay the remainder of the fee as originally imposed by the Commission. The fee will be due immediately upon final adjudication finding probable cause of such a violation.

SO ORDERED this 24th day of June, 2011.

By: 

Jim Wright

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
JUN 24 2011
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION)
)
Petitioner,)
)
v.) No. 10A023
)
TERRY STONE, Treasurer)
)
and)
)
COMMITTEE FOR PROGRESSIVE)
CLAY COUNTY GOV'T, Committee)
)
Respondents.)

JOINT STIPULATION OF FACTS AND LAW AND ORDER

COMES NOW Petitioner Missouri Ethics Commission, by and through Counsel, and Respondents Terry Stone and Committee for Progressive Clay County Gov't, by and through Counsel, and stipulate to the following facts:

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. Respondent, Committee for Progressive Clay County Gov't is a Political Action Committee registered with Petitioner on July 27, 2009 and was in existence at all relevant times.
3. Respondent Terry Stone is the Treasurer of Respondent Committee.
4. The Statement of Committee Organization reported an official fund depository at Northland National Bank, Gladstone Missouri.
5. The official fund depository was opened on May 11, 2009.
6. Respondent Stone was the sole signator on the official fund depository.

7. Respondents received a contribution from People for Terry Stone on May 11, 2009 in the amount of \$5,733.75.

8. People for Terry Stone was a candidate committee in Support of Respondent Terry Stone as candidate for State Representative. That Committee terminated on July 14, 2009.

9. Pursuant to §130.026, RSMo, the Missouri Ethics is the appropriate officer designated to receive campaign finance reports under Chapter 130 for political action committees.

10. Respondent Stone, as Treasurer, was ultimately responsible for filing campaign finance reports for Respondent Committee, pursuant to §130.041.1 and §130.058, RSMo.

11. Pursuant to §105.959, RSMo, the Commission's staff has investigated the files of the Commission and reported its findings to the Commission.

COUNT I—Failure to File Timely a Statement of Committee Organization

12. According to §130.011 (9), RSMo, a "committee" is:

a person or any combination of persons, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for the purpose of contributing funds to another committee:

13. According to §130.011(12), RSMo, a contribution includes:

“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... "Contribution" includes, but is not limited to:

(a) A candidate's own money or property used in support of the person's candidacy other than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office...

14. According to §130.021.5, RSMo “The treasurer ... acting on behalf of any person or organization or group of persons which is a committee by virtue of the definitions of committee in section 130.011 ... shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046..”

15. According to §130.021.5, RSMo, the statement of committee organization shall contain “the name and mailing address of its depository, and the name and account number of each account the committee has in the depository.”

16. Respondents opened an official fund depository in the committee’s name with Northland National Bank on May 11, 2009.

17. Respondents received a contribution on May 11, 2009, and reported receiving this contribution on that date on the July 2009 Quarterly Disclosure Report.

18. Respondents failed to file a Statement of Committee Organization until July 27, 2009 which was more than 20 days after becoming a committee.

19. There is probable cause that Respondents violated §130.021.5, RSMo and 130.026, RSMo by failing to file a statement of committee organization until July 27, 2009 which was more than 20 days after Respondents became a committee on May 11, 2009, and that Respondents did so knowingly.

COUNT II–Campaign Finance Disclosure Reports

20. According to §130.046. 1, RSMo:

The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

...

(3) Not later than the fifteenth day following the close of each calendar quarter.

21. Respondents filed untimely the following campaign finance disclosure reports on July 22, 2010: July and October 2009; and January, April and July 2010.

22. Respondents failed to file an October 2010 Quarterly Disclosure Report.

23. There is probable cause that Respondents have violated §130.046.1, RSMo by failing to file timely the July and October 2009; and January, April and July 2010 Quarterly Disclosure Reports, and by failing to file an October 2010 Quarterly Disclosure Report, 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 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. Respondents agree that they will 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 the Respondents Terry Stone and Committee for Progressive Clay County Gov't in the amount of \$7,000.00 pursuant to §105.961.4(6) RSMo. However, if Respondents pay \$700.00 of that fee within 45 days after the date of the Order, the remainder of the

fee will be stayed for two years, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission.

c. If Respondents Terry Stone and Committee for Progressive Clay County Gov't have not committed any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo., during the two year stay, then the Respondents will not be required to pay the remainder of the fee. If, however, either Respondent is found to have violated the campaign finance laws pursuant to Chapter 130, RSMo. 2000, during this two year stay, Respondents will be required to pay the remainder of the fee as originally imposed by the Commission. The fee will be due immediately upon final adjudication finding probable cause of 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 attorney 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 and their attorney now have or which they may hereafter have, which is based upon or arises out of the above case.

RESPONDENT

PETITIONER

By: Terry Stone 6/21/11
Terry Stone Date

By: Julie A. Allen 6/24/11
Julie A. Allen Date
Executive Director

ATTORNEY FOR RESPONDENT

ATTORNEY FOR PETITIONER

By: Philip O. Willoughby 6/21/11
Philip O. Willoughby Date
Mo. Bar No. 44948

By: Elizabeth L. Ziegler 6/24/11
Elizabeth L. Ziegler Date
General Counsel

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Kansas City, MO 64153

Missouri Ethics Commission
Missouri Bar No. 35493

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Attorney for Respondent

Attorney for Petitioner