

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
SEP 25 2017
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
) Case No. 17-0041-I
)
v.)
)
PAUL MOUTON,)
)
) 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, Paul Mouton, 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 allegations against Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses 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 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 105, RSMo.
2. Respondent Paul Mouton is a political consultant operating as a sole proprietor.
3. Pursuant to Section 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.
4. 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.
5. Twice per year, and no later than March 15 and May 30 of each year, lobbyists must provide to the Ethics Commission a "general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed. § 105.473.12, RSMo.
6. During the 98th General Assembly – 2nd Regular Session, and through 2017, the 99th General Assembly- 1st Regular Session, Respondent Mouton was retained and compensated by Mr. David Humphreys as a political consultant.—While Respondent Mouton was not designated

or engaged as a lobbyist by Mr. Humphreys or any other entity, during these sessions of the General Assembly, Mr. Mouton, in the course of his compensated duties, met at times with members of the General Assembly and their staff relating to the passage of and content of certain legislative matters pending in the General Assembly. Such meetings and communications were periodic and not constant but were more than just an occasional meeting.

7. During both sessions of the General Assembly, the actions included “right to work” and other labor related issues and on general pro-business related issues including tort reform. The List of Principals and Legislative Action are attached and incorporated into the complaint as Exhibit A.

8. Respondent Mouton failed to register as a legislative lobbyist representing a principal, Mr. David Humphreys, for the 2016 and 2017 sessions of the General Assembly and failed to file monthly reports of lobbyist activity, and failed to file four Lists of Principals and Legislative Action, due March 15, 2016, May 31, 2016, March 15, 2017 and May 30, 2017.

9. Respondent Mouton had no lobbyist expenditures during the periods alleged in this complaint.

JOINT PROPOSED CONCLUSIONS OF LAW

10. A Missouri lobbyist shall “not later than January fifth of each year or five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission.” § 105.473.1, RSMo.

11. The registration form “shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and

address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works.” § 105.473.1, RSMo.

12. Lobbyists must regularly file monthly reports which includes disclosing expenditures by the lobbyist or lobbyist principals made on behalf of all public officials. § 105.473.3, RSMo.

13. A “lobbyist” is “any natural person defined as an executive lobbyist, judicial lobbyist, elected local government official lobbyist, or a legislative lobbyist.” § 105.470(6), RSMo.

14. A “legislative lobbyist” is any natural person who acts for the purpose of attempting to influence the taking, passage, amendment, delay or defeat of any official action on any bill, resolution, amendment, nomination, appointment, report or any other action or any other matter pending or proposed in a legislative committee in either house of the general assembly, or in any matter which may be the subject of action by the general assembly and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment, which primary purpose is to influence legislation on a regular basis, on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the legislative branch of state government in connection with such activity.

...

§ 105.470(5), RSMo.

15. A lobbyist principal is defined as “any person, business entity, governmental entity, religious organization, nonprofit corporation or association who employs, contracts for pay or otherwise compensates a lobbyist.” § 105.470 (5), RSMo.

16. There is probable cause to believe that Respondent Mouton violated Section 105.473, RSMo, when during 2016 and 2017 he did not register as a lobbyist and did not file regular lobbyist disclosure reports, including the List of Principals and Legislative Action, with the Missouri Ethics Commission after he attempted to influence official action on matters pending before the Missouri General Assembly.

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 1.

a. Respondent shall comply with all relevant sections of Chapter 105, RSMo.

b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent Paul Mouton in the amount of \$2,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$200 of that fee within forty-five days after the date of the 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 the Missouri Ethics Commission.

c. If Respondent Mouton commits any further violation or violations of the lobbying laws under Chapter 105, RSMo, within the two year period from the date of this order, then Respondent will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent has committed such a violation.

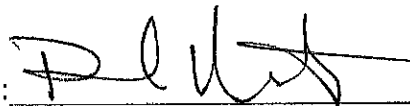
d. Respondent Mouton will file with the Commission, four Lists of Principals and Legislative Actions originally due March 15, 2016, May 30, 2016, March 15, 2017 and May 30, 2017.

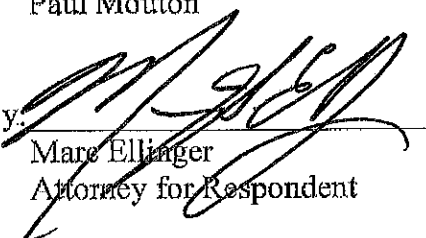
e. Respondent Mouton will register as a lobbyist and filed lobbyist reports and List of Principals and Legislative Action as required in Chapter 105, RSMo for any future periods in which Respondent Mouton becomes a lobbyist.

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.

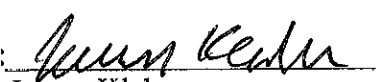
4. Respondent, together with his heirs, successors, and assigns, does hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondent or Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

RESPONDENT PAUL MOUTON

By:  9/22/17
Paul Mouton Date

By:  22 Sep 17
Marc Ellinger Date
Attorney for Respondent

PETITIONER MISSOURI ETHICS
COMMISSION

By:  9/25/17
James Klabr Date
Executive Director

By:  9/22/17
Elizabeth L. Ziegler Date
Attorney for Petitioner



Office Use:

List of Principals and Legislative Action

1. Lobbyist's Information

Paul Mouton

TBD

Print Lobbyist's name (as registered)

Lobbyist's ID

2. Principal Information (Include only one Principal per page)

David Humphreys

Print Principal's name

220 West 4th Street, Joplin, Missouri 64802

Print Principal's mailing address (Address, City, State, Zip)

DRAFT

3. Legislative Action

Each lobbyist or lobbyist principal is required to provide a general description of proposed legislative action or action by the executive branch or judicial branch of government or by any official agency, board or commission of state government, which the lobbyist or lobbyist principal supported or opposed to the Missouri Ethics Commission by March 15th and May 30th of each year (§105.473.12 RSMo.). Any portion of this form may be duplicated for reporting purposes.

Lobbying of General Assembly on right to work and other labor related issues and on general pro-business related issues including tort reform.

DRAFT

4. Signature

Signature (Required)

Date (mm/dd/yyyy)





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Lobbying of General Assembly on right to work and other labor related issues and on general pro-business related issues.

DRAFT

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Lobbying of General Assembly on right to work and other labor related issues and on general pro-business related issues.

DRAFT

4. **Signature**

Signature (Required)

Date (mm/dd/yyyy)

DRAFT



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Print Principal's name

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Print Principal's mailing address (Address, City, State, Zip)

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Lobbying of General Assembly on labor related issues and on general pro-business related issues.

4. Signature

Signature (Required)

Date (mm/dd/yyyy)

Filed
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MISSOURI ETHICS COMMISSION,)
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PAUL MOUTON,)
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) Respondent.

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 Respondent Mouton violated Section 105.473, RSMo.

The Commission directs that the Joint Stipulation be adopted.

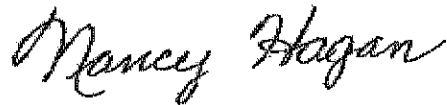
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5. Respondent Mouton will register as a lobbyist and file lobbyist reports and List of Principals and Legislative Actions as required in Chapter 105, RSMo for any future periods in which Respondent Mouton becomes a lobbyist.

SO ORDERED this 25th day of September, 2017

By:



Nancy Hagan, Chair
Missouri Ethics Commission