

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
NOV 28 2017
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
MARGOT MARTIN,)	Case No. 17-0034-I
)	
and)	
)	
COMMITTEE TO ELECT MARGOT)	
MARTIN,)	
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, Margot Martin and Committee to Elect Margot Martin, 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.¹
2. Respondent Martin was a successful candidate for Mayor of Frontenac, MO for the April 4, 2017 municipal election.
3. On March 31, 2017, Respondent Margot registered her candidate committee, Committee to Elect Margot Martin for Mayor, by filing a Statement of Committee Organization with the Missouri Ethics Commission for her mayoral candidacy for the City of Frontenac for the April 4, 2017 municipal election.
4. Respondents listed Reliance Bank at 10301 Clayton Rd., St. Louis, MO with an account number of *8349 as the official fund depository account on the Statement of Committee Organization.

¹ Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2016).

5. The City of Frontenac is a fourth class city under Chapter 79, RSMo, with a population of less than one hundred thousand.

6. Pursuant to §§ 105.959 and 105.961, RSMo, the Commission's staff investigated the reports and statements filed with the Commission and reported the investigation findings to the Commission.

7. 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 § 105.961.3, RSMo.

COUNT I

Failure to timely file a Statement of Committee Organization and failure to file a 40 Day Before Election Report

8. Respondents received four contributions totaling \$1,100.00 between February 6, 2017 and February 17, 2017 in support of her mayoral candidacy for the April 4, 2017 municipal election.

Contributor	Date	Amount
Tom Minogue	2/6/2017	\$100.00
Lynda Brotherton	2/16/2017	\$100.00
Keith Krieg	2/17/2017	\$500.00
Menlo Smith	2/17/2017	\$400.00
Total		\$1,100.00

9. Respondents met the requirement to register a Statement of Committee Organization when the committee received contributions which exceeded \$325.00 from a single contributor on February 17, 2017.

10. Respondents were required to file the Statement of Committee Organization on or before February 23, 2017, the due date of the 40 Day Before Election Report, but did not.

11. Respondents also failed to file a 40 Day Before Election Report for the period extending from February 6, 2017 through February 18, 2017.

Failure to report within proper periods

12. Respondents incorrectly reported activity starting on February 6, 2017 on the 8 Day Before Election Report; however, the activity from February 6, 2017 through February 18, 2017 should have been reported on a 40 Day Before Election Report.

Contributor	Date	Amount	Reported	Actual
Tom Minogue	2/6/2017	\$100.00	8 Day Before Election	40 Day Before Election
Lynda Brotherton	2/16/2017	\$100.00	8 Day Before Election	40 Day Before Election
Keith Krieg	2/17/2017	\$500.00	8 Day Before Election	40 Day Before Election
Menlo Smith	2/17/2017	\$400.00	8 Day Before Election	40 Day Before Election
Total		\$1,100.00		

COUNT II

Failure to report in-kind contribution received

13. Respondents failed to report, on the 8 Day Before Election Report, an in-kind contribution valued at \$300.00 for its campaign website on March 3, 2017.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to timely file a Statement of Committee Organization and failure to file a 40 Day Before Election Report

14. Pursuant to § 130.016.6, RSMo, “no candidate for supreme court, circuit court, or associate circuit court, or candidate for political party office, or for county office or municipal office in a city of one hundred thousand or less, or for any special purpose district office shall be required to file an exemption statement pursuant to this section in order to be exempted from forming a committee and filing disclosure reports required of committees pursuant to this chapter if the aggregate of contributions received or expenditures made by the candidate and any other person with the candidate's knowledge and consent in support of the person's candidacy does not exceed one thousand dollars and the aggregate of contributions from any single contributor does not exceed three hundred twenty-five dollars. No candidate for any office listed in this subsection shall be excused from complying with the provisions of any section of this chapter, other than the filing of an exemption statement under the conditions specified in this subsection.”

15. Pursuant to § 130.011(12), RSMo, a contribution is 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...[.]

16. Section 130.021.5, RSMo specifies that a treasurer or candidate shall file a Statement of Committee 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, RSMo.

17. Pursuant to § 130.046.1, RSMo, “if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure

report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election.”

18. Pursuant to § 130.026.2(4), RSMo, the appropriate officer shall be the Missouri Ethics Commission.

Failure to report within proper period

19. Pursuant to § 130.046.1, RSMo, Respondents were required to file campaign finance disclosure 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;

...

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

Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election.

20. "Each report by such committee shall be cumulative from the date of the last report." § 130.046.3, RSMo.

21. There is probable cause to believe that Respondents violated §§ 130.016.6, 130.021.5, 130.046.1, and 130.046.3, RSMo, by failing to timely file a Statement of Committee Organization with the Missouri Ethics Commission, failing to file a 40 Day Before Election Report, and failing to properly report in the correct period.

COUNT II

Failure to report in-kind contribution received

22. Committees are required to report receipts for each reporting period, including:

(d) Total dollar value of all in-kind contributions received[.]

§ 130.041.1(3)(d), RSMo.

23. There is probable cause to believe that Respondents violated § 130.041.1(3)(d), RSMo, by failing to report a \$300.00 in-kind contribution.

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 \$2,300, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$230 of that fee within forty-five 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, 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 Margot Martin and Committee to Elect Margot Martin shall be jointly and severally liable for all fees imposed under this order, subject to the terms in subparagraph c above.

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 MARGOT MARTIN

PETITIONER MISSOURI ETHICS
COMMISSION

By: Margot Martin 11/22/17
Margot Martin Date

By: James Klahr 11/29/17
James Klahr Date
Executive Director

RESPONDENT COMMITTEE TO ELECT
MARGOT MARTIN

By: Margot Martin 11/22/17
Margot Martin Date

By: Brian Hamilton 11/28/17
Brian Hamilton Date
Attorney for Petitioner

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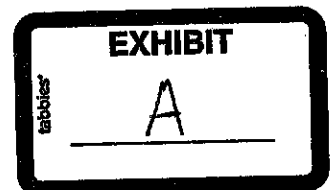
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CONSENT ORDER

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 Margot Martin and Committee to Elect Margot Martin violated Sections 130.016.6, 130.021.5, 130.046.1, 130.046.3 and 130.041.1(3)(d), RSMo.

The Commission directs that the Joint Stipulation be adopted.

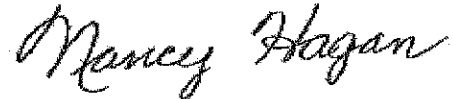
1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$2,300, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$230 of that fee within forty-five (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 the Missouri Ethics Commission.



3. If Respondents commit any further violation of the campaign finance laws pursuant to 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 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 20th day of November, 2017

By:



Nancy Hagan, Chair
Missouri Ethics Commission