



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 § 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.<sup>1</sup>
2. Respondent Missourians Against Unfair Taxes registered as a continuing committee by filing a Statement of Committee Organization with the Missouri Ethics Commission on July 16, 2008.
3. Respondent Harmon was listed as treasurer on the Statement of Committee Organization.
4. The Statement of Committee Organization listed US Bank at West Clay St, St. Charles, MO 63301 with account number ending in \*4710 as the official fund depository.
5. Proposition Learn also known as Prop L, was an unsuccessful local ballot measure for the Francis Howell School District in the April 3, 2018 election.

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<sup>1</sup> Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2017).

6. 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.

7. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that a violation of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

### COUNT I

#### *Failure to file a campaign disclosure report and failure to timely file expenditures*

8. On March 19, 2018, Respondents incurred a \$1,233.00 expense for the printing of yard signs purchased through Survey Saint Louis, LLC that opposed Prop L for the April 3, 2018 election.

9. On March 27, 2018, Respondents reported on a 24 Hour Expenditure Report that they paid Survey Saint Louis, LLC \$1,483.00 on March 27, 2018 for printing. This amount included the \$1,233.00 for the yard signs and \$250.00 for a website.

10. As the expense for the yard signs was incurred on March 19, 2018, Respondents were required to file an 8 Day Before Election Report due on or before March 26, 2018.

11. Respondents should have also reported a \$10 expenditure for bank fees on the 8 Day Before Election Report.

12. Respondents failed to file the 8 Day Before Election Report for the April 3, 2018 election.

### COUNT II

#### *Failure to file an Independent Contractor Form*

13. On April 3, 2018, Respondents reported on the Amended 24 Hour Expenditure Report that they paid Survey Saint Louis, LCC \$1,483.00 for printing on March 27, 2018.

14. Respondents failed to file an Independent Contractor form for Survey Saint Louis, LLC for printing and website services.

**JOINT PROPOSED CONCLUSIONS OF LAW**

**COUNT I**

*Failure to file campaign finance disclosure reports and failure to file expenditures*

15. All committees must file regular 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[.]

§130.046.1, RSMo.

16. All committees are required to report expenditures for each reporting period, including:

- (a) The total dollar amount of expenditures made by check drawn on the committee's depository;

...

- (d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be

grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker[.]

§ 130.041.1(4), RSMo.

17. There is probable cause to believe that that Respondents violated Sections 130.046.1 and 130.041.1(4), by failing to file the 8 Day Before Election Report and failing to timely report an incurred expense for the yard signs that were used to oppose Prop L for the April 3, 2018 election along with \$10.00 in bank fees, and that Respondents did so knowingly.

## COUNT II

### *Failure to file an Independent Contractor Form*

18. “The words "consulting or consulting services, fees, or expenses", or similar words, shall not be used to describe the purpose of a payment as required in this section. The reporting of any payment to such an independent contractor shall be on a form supplied by the appropriate officer, established by the ethics commission and shall include identification of the specific service or services provided including, but not limited to, public opinion polling, research on issues or opposition background, print or broadcast media production, print or broadcast media purchase, computer programming or data entry, direct mail production, postage, rent, utilities, phone solicitation, or fund raising, and the dollar amount prorated for each service.” § 130.041.4, RSMo.

19. There is probable cause to believe that Respondents violated Section 130.041.4, RSMo, by failing to file an Independent Contractor form for Survey Saint Louis, LLC for the printing and website services, 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. Respondents shall file and amend reports and statements with the Commission.
2. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.
3. 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 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.

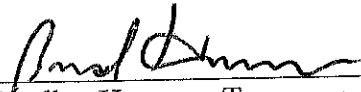
4. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

5. 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:

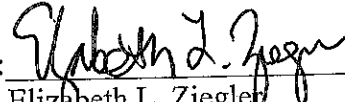
RESPONDENT MISSOURIANS AGAINST  
UNFAIR TAXES

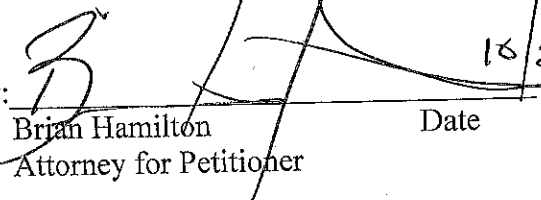
By:  10/18/18  
Bradley Harmon, Treasurer Date

RESPONDENT BRADLEY HARMON

By:  10/18/18  
Bradley Harmon Date

PETITIONER MISSOURI ETHICS  
COMMISSION

By:  \_\_\_\_\_  
Elizabeth L. Ziegler Date  
Executive Director

By:  10/24/18  
Brian Hamilton Date  
Attorney for Petitioner

**Filed**  
**OCT 24 2018**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION, )  
)  
Petitioner, )  
)  
v. )  
)  
MISSOURIANS AGAINST UNFAIR ) Case No. 18-0027-I  
TAXES, )  
)  
AND )  
)  
BRADLEY HARMON, TREASURER )  
)  
Respondents. )

**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 violated Sections 130.046.1, 130.041.1(4), and 130.041.4, 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 either Respondent pays \$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 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 24<sup>th</sup> day of October, 2018

By:



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Don Summers, Chair  
Missouri Ethics Commission