

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION, )  
 )  
 ) Petitioner, )  
 ) Case No. 18-0035-I  
v. )  
 )  
 ) TONY MENDONSA, )  
 )  
 ) 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, Tony Mendonsa, 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 § 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.<sup>1</sup>
2. Respondent Mendonsa was a successful candidate for the Board of Directors of the Lincoln County Fire Protection District in the April 3, 2018 election.
3. Pursuant to Sections 105.957 and 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 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 Section 105.961.3, RSMo.

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

**COUNT I**

*Failure to timely file a Statement of Committee Organization*

5. Respondent expended and incurred a total of \$1,246.51 for the April 3, 2018 election thus meeting the monetary threshold to form a committee and file a Statement of Committee Organization, he but failed to do so.

<b>Name</b>	<b>Date</b>	<b>Amount</b>
Hersehl & Jules-Signs	3/8/18	\$390.51
Facebook Ads	3/26/18	\$25.00
Facebook Ads	3/30/18	\$50.00
Facebook Ads	4/2/18	\$250.00
Lincoln County Journal -- newspaper ad	4/3/18	\$531.00
<b>Total</b>		<b>\$1,246.51</b>

6. Respondent failed to file a Statement of Committee Organization on or before March 4, 2018.

**COUNT II**

*Failure to file a campaign finance disclosure report*

7. Respondent expended and incurred a total of \$1,246.51 for the April 3, 2018 election that should have been reported on the 2018 April Quarterly Report.

8. Respondent failed to file the 2018 April Quarterly Report.

**COUNT III**

*Failure to timely and accurately report contributions received*

9. Respondent utilized only his personal funds to pay the \$1,246.51 expended for his campaign during the April 3, 2018 election.

10. All contributions and expenditures should have been reported as in-kind contributions as the committee did not have an official fund depository account to deposit monetary contributions or make expenditures.

11. Respondent failed to report five in-kind contributions totaling \$1,246.51.

#### COUNT IV

##### *Improper "paid for by" disclosure statement*

12. On March 8, 2018, Respondent ordered and paid \$390.51 for twenty yard signs from Hersehl & Jules Custom Signs & Graphics.

13. On or before April 3, 2018, Respondent ordered and incurred a \$531.00 expense for a campaign ad in the Lincoln County Journal. The amount was paid on April 16, 2018.

14. Respondent failed to include a paid for by disclosure statement on the yard signs and the newspaper ad.

15. The printed materials should have contained a clear and conspicuous statement: "Paid for By Tony Mendonsa."

#### **JOINT PROPOSED CONCLUSIONS OF LAW**

#### COUNT I

##### *Failure to timely file a Statement of Committee Organization*

1. "The treasurer or deputy 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 and any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 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." § 130.021.5, RSMo.

2. A candidate committee, as defined for the purposes of Chapter 130, RSMo, is “a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate... A candidate committee is presumed to be under the control and direction of the candidate[.]” § 130.011(9), RSMo.

3. “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.” § 130.016.6, RSMo.

4. “If any candidate for office listed in subsection 6 of this section exceeds the limits specified in subsection 6 of this section, the candidate shall form a committee no later than thirty days prior to the election for which the contributions were received or expended which shall comply with all provisions of this chapter for committees.” § 130.016.7, RSMo.

5. Pursuant to Section 130.026, RSMo, the appropriate officer for filing shall be the Missouri Ethics Commission.

6. There is probable cause to believe that Respondent violated Sections 130.021.5, 130.016.6, 130.016.7, and 130.026, RSMo, by failing to file a Statement of Committee Organization on or before March 4, 2018, and that Respondent did so knowingly.

## COUNT II

### *Failure to file a campaign finance disclosure report*

7. All committees must file regular campaign finance disclosure reports not later than the fifteenth day following the close of each calendar quarter. §130.046.1(3), RSMo.

8. “The candidate, if applicable, treasurer or deputy treasurer of a committee shall file disclosure reports pursuant to this section, except for any calendar quarter in which the contributions received by the committee or the expenditures or contributions made by the committee do not exceed five hundred dollars.” §130.046.3, RSMo.

9. “The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September.” §130.046.3, RSMo.

10. There is probable cause to believe that Respondent violated Sections 130.046.3, and 130.046.1(3), RSMo, by failing to file the 2018 April Quarterly Report, and that Respondent did so knowingly.

## COUNT III

### *Failure to timely and accurately report contributions received*

11. All committees are required to report receipts for each reporting period, including the total dollar value of all in-kind contributions received. § 130.041.1(3)(d), RSMo.

12. “Records shall indicate which transactions, either contributions received or expenditures made, were cash transactions or in-kind transactions.” § 130.041.6, RSMo.

13. All committees are required to report expenditures for each reporting period, including the total dollar amount of expenditures made by check drawn on the committee's depository. § 130.041.1(4)(a), RSMo.

14. There is probable cause to believe that Respondent violated Sections 130.041.1(3)(d), 130.041.6, and 130.041.1(4)(a), RSMo, by failing to report five in-kind contributions totaling \$1,246.51, and that Respondent did so knowingly.

#### COUNT IV

##### *Improper "paid for by" disclosure statement*

15. "Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section." § 130.031.8, RSMo.

16. "[P]rinted matter" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but "printed matter" is defined to exclude ... any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a

regularly published newspaper or other periodical without charge to a candidate, committee or any other person.” § 130.031.8, RSMo.

17. “In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.” § 130.031.8(1), RSMo.

18. There is probable cause to believe that Respondent violated Section 130.031.8, RSMo, by failing to include a “paid for by” disclosure statement on yard signs and a newspaper ad for his candidacy during the April 3, 2018 election, and that Respondent 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 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 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 Respondent Tony Mendonsa in the amount of \$2,346, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$324 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 Mendonsa commits any further violation or violations of the campaign finance laws under Chapter 130, 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.

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.

5. This joint stipulation does not settle, release, waive, or otherwise relieve Respondent from any late filing fees due to the appropriate filing authority, including Petitioner Missouri Ethics Commission. Respondent understands that late filing fees accrue automatically under Section 105.963, RSMo.

RESPONDENT TONY MENDONSA

By: Charles Mendonsa Nov. 20, 2018  
Tony Mendonsa Date

PETITIONER MISSOURI ETHICS COMMISSION

By: Elizabeth L. Ziegler 11/26/18  
Elizabeth L. Ziegler Date  
Executive Director


By: Brian Hamilton 11/26/18  
Brian Hamilton Date  
Attorney for Petitioner



Respondent will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent committed such a violation.

4. Respondent shall be liable for all fees imposed under this order.

SO ORDERED this 26 day of November,  
2018

By:   
\_\_\_\_\_  
Don Summers, Chair  
Missouri Ethics Commission