

BEFORE THE  
MISSOURI ETHICS COMMISSION

**Filed**  
**DEC 17 2018**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
INVEST IN GREENE COUNTY PAC,	)	Case No. 18-0002-I
	)	18-0004-A
ROBERT CIRTIN,	)	
	)	
and	)	
	)	
DAVID PAVLIN,	)	
	)	
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, Invest in Greene County PAC, Robert Cirtin, and David Pavlin 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.<sup>1</sup>

2. Respondent Invest In Greene County PAC registered as a continuing committee by filing a Statement of Committee Organization with the Commission on September 21, 2017.

3. Respondent Pavlin was listed as Treasurer on the Statement of Committee Organization.

4. The Statement of Committee Organization listed State Bank of Southwest Missouri at 3310 E. Sunshine, Springfield, MO 65804 with account number ending in \*9874 as the official fund depository.

5. Respondent Pavlin was listed as Treasurer, and Respondent Cirtin was also listed as a signer on the official fund depository account.

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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 Sections 105.957 and 105.961, RSMo, the Commission's staff investigated a complaint filed, and 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 Section 105.961.3, RSMo.

**COUNT I**

*Making expenditures by a party other than the treasurer*

8. Respondent Cirtin signed twelve expenditure checks totaling \$20,614.84 since the date the committee was formed.

<b>Report Name</b>	<b>Expenditure Name</b>	<b>Amount</b>	<b>Date</b>
Amended 8 Day Before Election Report - 11/7/17	Pioneer Outdoor	\$3,500.00	10/31/17
24 Hour Late Expenditure Report	Meyer Communication	\$1,000.00	10/31/17
24 Hour Late Expenditure Report	Office of the Greene	\$150.00	11/30/17
24 Hour Late Expenditure Report	Ozark Mailing Service, LLC	\$4,563.50	11/30/17
24 Hour Late Expenditure Report	Springfield News Leader	\$4,166.40	11/30/17
24 Hour Late Expenditure Report	Largent Printing	\$2,136.94	11/30/17
24 Hour Late Expenditure Report	Opfer Communications	\$2,215.00	11/30/17
24 Hour Late Expenditure Report	The Victims Center	\$1,000.00	11/30/17
30 Day After Election Report - 11/7/17	Mike Copeland Accounting	\$1,000.00	11/30/17
24 Hour Late Expenditure Report	Obie Harry III(OB3)	\$233.00	11/30/17
Not Reported	PFI Western Store	\$250.00	11/30/17

24 Hour Late Expenditure Report	Vision Communication (Kick Radio)	\$400.00	12/31/17
<b>Total</b>		<b>\$20,614.84</b>	

9. Respondent Cirtin deposited three contribution checks totaling \$1,000.00 into the Committee's official fund depository account.

Report Name	Contributor Name	Amount	Date
Amended 8 Day Before Election Report - 11/7/17	Thelma Neff	\$200.00	10/31/17
Amended 8 Day Before Election Report - 11/7/17	Darlene Bengsch	\$500.00	10/31/17
Amended 8 Day Before Election Report - 11/7/17	Jose Dominguez	\$300.00	10/31/17
<b>Total</b>		<b>\$1,000.00</b>	

10. Respondent Cirtin is not currently nor has he ever served as the Treasurer for the Committee Invest in Greene County PAC.

### COUNT II

*Failure to timely and accurately file campaign finance disclosure reports with cumulative information from the date of the last report*

11. Respondents Invest in Greene County PAC and Pavlin inaccurately reported beginning and ending money on hand on two reports in 2017.

Report Name	From	To	Reported		Actual	
			MOH at Beginning of Period	MOH at End of Period	MOH at Beginning of Period	MOH at End of Period
24 Hour Late Expenditure Report	11/2/17	11/2/17	<b>\$36,501.09</b>	\$7,077.36	\$13,458.76	\$7,077.36
24 Hour Late Expenditure Report	11/3/17	11/6/17	\$7,077.36	<b>\$1,807.37</b>	\$7,077.36	\$1,795.29
30 Day After Election Report - 11/7/17	11/7/17	12/2/17	<b>\$1,807.37</b>	<b>\$5,541.53</b>	\$1,795.29	\$5,279.45

**COUNT III**

*Failure to timely and accurately file 24 Hour Late Contribution Notices and 24 Hour Late Expenditure Reports*

12. Respondents Invest in Greene County PAC and Pavlin failed to file three 24 Hour Late Expenditure Reports.

<b>Report Name</b>	<b>Start Date</b>	<b>End Date</b>	<b>Due Date</b>
24 Hour Late Expenditure Report	10/27/17	10/30/17	10/30/17
24 Hour Late Expenditure Report	10/31/17	10/31/17	11/01/17
24 Hour Late Expenditure Report	11/01/17	11/1/17	11/2/17

13. Respondents Invest in Greene County PAC and Pavlin failed to file eight 24 Hour Notices of Late Contribution.

<b>Report Name</b>	<b>Due Date</b>
24 Hour Notice of Late Contribution	11/1/17
24 Hour Notice of Late Contribution	11/1/17
24 Hour Notice of Late Contribution	11/1/17
24 Hour Notice of Late Contribution	11/1/17
24 Hour Notice of Late Contribution	11/1/17
24 Hour Notice of Late Contribution	11/3/17
24 Hour Notice of Late Contribution	11/4/17
24 Hour Notice of Late Contribution	11/4/17

14. Respondents Invest in Greene County PAC and Pavlin reported incorrect start and/or end dates on the cover of one report and failed to accurately report within the correct period.

<b>Report Name</b>	<b>Reported Start Date</b>	<b>Reported End Date</b>	<b>Correct Start Date</b>	<b>Correct End Date</b>
24 Hour Late Expenditure Report	10/27/17	11/2/17	11/2/17	11/2/17

**COUNT IV**

*Failure to timely and accurately report contributions received*

15. Respondents Invest in Greene County PAC and Pavlin inaccurately reported receiving a \$2,500.00 contribution on October 27, 2017, from Sam Hamra when the contributor was actually from a business, Hamra Enterprises/Hamra Plaza.

**COUNT V**

*Failure to timely and accurately report expenditures made*

16. Respondents Invest in Greene County PAC and Pavlin failed to report one \$250.00 itemized expenditure.

<b>Expenditure Name</b>	<b>Amount</b>	<b>Date</b>	<b>Report Not Showing Expenditure</b>
PFI Western Store	\$250.00	11/17/17	30 Day After Election Report – 11/7/17

17. Respondents Invest in Greene County PAC and Pavlin failed to report a \$12.08 non-itemized expenditure.

<b>Expenditure Name</b>	<b>Amount</b>	<b>Date</b>	<b>Report Not Showing Expenditure</b>
Krispy Kreme	\$12.08	11/6/17	24 Hour Late Expenditure Report

18. Respondents Invest in Greene County PAC and Pavlin failed to accurately report four expenditures totaling \$6,113.50. These expenditures were listed on the 24 Hour Late Expenditure Report filed on November 3, 2017. However, two should have been listed on a 24 Hour Late Expenditure Report to be filed on October 31, 2017, one on a 24 Hour Late Expenditure Report to be filed November 1, 2017 and one on the next full disclosure report.

<b>Report Name</b>	<b>Date Filed</b>	<b>Expenditure Name</b>	<b>Amount</b>	<b>Date</b>
24 Hour Late Expenditure Report	11/3/17	Meyer Communication	\$1,000.00	10/27/17
24 Hour Late Expenditure Report	11/3/17	Office of the Greene County	\$150.00	10/30/17
24 Hour Late Expenditure Report	11/3/17	Ozark Mailing Service, LLC	\$4,563.50	10/31/17
24 Hour Late Expenditure Report	11/3/17	Vision Communication	\$400.00	12/9/17
<b>Total</b>			<b>\$6,113.50</b>	

**COUNT VI**

*Failure to report direct expenditures*

19. Respondents Invest in Greene County PAC and Pavlin failed to file a Direct Expenditure Report for a \$250.00 expenditure to PFI Western Store.

<b>Report Name</b>	<b>Expenditure Name</b>	<b>Purpose</b>	<b>Amount</b>	<b>Date</b>
30 Day After Election Report - 11/7/17	PFI Western Store	Facebook Advertising	\$250.00	11/27/17

**JOINT PROPOSED CONCLUSIONS OF LAW**

**COUNT I**

*Making expenditures by a party other than the treasurer*

20. “Contributions shall not be accepted and expenditures shall not be made by a committee except by or through an official depository account and the committee treasurer, deputy treasurer or candidate.” § 130.021.4(1), RSMo.

21. “No expenditure shall be made by a committee when the office of committee treasurer is vacant except that when the office of a candidate committee treasurer is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.” § 130.021.4(1), RSMo.

22. Except for expenditures from a petty cash fund, “each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee’s depository and signed by the committee treasurer, deputy treasurer, or candidate.” § 130.031.2, RSMo.

23. There is probable cause to believe that Respondents violated Sections 130.031.2 and 130.021.4(1), RSMo, by allowing a party other than the Committee’s Treasurer to deposit contributions and make expenditures from the Committee’s depository, and that Respondents did so knowingly.

### COUNT II

#### *Failure to timely and accurately file campaign finance disclosure reports with cumulative information from the date of the last report*

24. The disclosure reports must contain the total amount of money on hand at the beginning and end of the reporting period and the total amount of outstanding indebtedness as of the closing date of the reporting period. § 130.041.1, RSMo.

25. There is probable cause to believe that that Respondents Invest in Greene County PAC and Pavlin violated Section 130.041.1, RSMo, by failing to accurately report beginning and ending money on hand on two reports in 2017, and that Respondents did so knowingly.

### COUNT III

#### *Failure to timely and accurately file 24 Hour Late Contribution Notices and 24 Hour Late Expenditure Reports*

26. “The receipt of any late contribution or loan of more than two hundred fifty dollars by a candidate committee supporting a candidate for statewide office or by any other committee shall be reported to the appropriate officer no later than twenty-four hours after receipt. For purposes of this subsection the term “late contribution or loan” means a contribution or loan



received after the closing date of the last disclosure report required to be filed before an election but received prior to the date of the election itself.” § 130.050.3, RSMo.

27. Pursuant to Section 130.046.3(2), RSMo, a continuing committee shall submit additional reports if it makes aggregate expenditures not later than twenty-four hours after aggregate expenditures of two hundred fifty dollars or more are made after the twelfth day before the election. Each report by such committee shall be cumulative from the date of the last report.

28. There is probable cause to believe that Respondents Invest in Greene County PAC and Pavlin violated Sections 130.050.3 and 130.046.3(2), RSMo, by failing to file three 24 Hour Late Expenditure Reports and eight 24 Hour Notices of Late Contribution, by reporting incorrect start and/or end dates on the cover of one report, and by failing to accurately report within the correct period, and that Respondents did so knowingly.

#### COUNT IV

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

29. All committees are required to report receipts for each reporting period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received one or more contributions which in the aggregate total in excess of one hundred dollars and shall make a reasonable effort to obtain and report a description of any contractual relationship over five hundred dollars between the contributor and the state if the candidate is seeking election to a state office or between the contributor and any political subdivision of the state if the candidate is seeking election to another political subdivision of the state;

...

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution;

§ 130.041.1(3), RSMo.

30. There is probable cause to believe that Respondents Invest in Greene County PAC and Pavlin violated Section 130.041.1(3), RSMo, by failing to accurately report the name of a contributor, and that Respondents did so knowingly.

**COUNT V**

*Failure to timely and accurately report expenditures made*

31. 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;

(b) The total dollar amount of expenditures made in cash;

...

(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.

32. There is probable cause to believe that Respondents Invest in Greene County PAC and Pavlin violated Section 130.041.1(4), RSMo, by failing to report two expenditures totaling \$262.08 and by failing to accurately report four expenditures, and that Respondents did so knowingly.

**COUNT VI**

*Failure to report direct expenditures*

33. Pursuant to Section 130.041.1(7), RSMo, committees are required to report "the amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each

candidate being listed by name, mailing address and office sought. For the purpose of disclosure reports, expenditures made in support of more than one candidate or ballot measure or both shall be apportioned reasonably among the candidates or ballot measure or both. In apportioning expenditures to each candidate or ballot measure, political party committees and continuing committees need not include expenditures for maintaining a permanent office, such as expenditures for salaries of regular staff, office facilities and equipment or other expenditures not designed to support or oppose any particular candidates or ballot measures[.]”

34. There is probable cause to believe that Respondents Invest in Greene County PAC and Pavlin violated Section 130.041.1(7), RSMo, by failing to file a Direct Expenditure Report for a \$250.00 expenditure, 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 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 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 Invest in Greene County PAC and Pavlin in the amount of \$3,262, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$326 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. It is the Order of the Missouri Ethics Commission that a fee is imposed against all Respondents in the amount of \$1,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$100 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.

d. Regardless of the stay in paragraph 2.b and 2. c 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 that Respondent will be required to pay the remainder of the fee. The fee will 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. 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 INVEST IN GREENE  
COUNTY PAC

PETITIONER MISSOURI ETHICS  
COMMISSION

By: David Pavlin 12/7/2018  
Date

By: Elizabeth L. Ziegler 12/17/18  
Date  
Elizabeth L. Ziegler  
Executive Director

RESPONDENT ROBERT CIRTIN

By: Robert Cirtin 12-7-18  
Date

By: Brian Hamilton 12/17/18  
Date  
Brian Hamilton  
Attorney for Petitioner

By: Lowell Pearson 12/7/2018  
Date  
Lowell Pearson  
Attorney for Respondent

RESPONDENT DAVID PAVLIN

By: David Pavlin 12/7/2018  
Date

By: Paul Sherman 12/7/18  
Date  
Paul Sherman  
Attorney for Respondent

**Filed**  
**DEC 17 2018**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,            )  
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  Petitioner,    )  
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INVEST IN GREENE COUNTY PAC,        )    Case No. 18-0002-I  
  )                    18-0004-A  
ROBERT CIRTIN,                            )  
  )  
and    )  
  )  
DAVID PAVLIN,                            )  
  )  
  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 Invest in Greene County Pac and Pavlin violated Sections 130.021.4(1), 130.031.2, 130.041.1, 130.041.1(3), 130.041.1(4), 130.041.1(7), 130.046.3(2), and 130.050.3, RSMo; and that Respondent Cirtin violated Sections 130.031.2 and 130.021.4(1), 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 Invest in Greene County PAC and Pavlin in the amount of \$3,262, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$326 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.

3. It is the Order of the Missouri Ethics Commission that a fee is imposed against all Respondents in the amount of \$1,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$100 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.
4. Regardless of the stays in paragraphs 2 and 3 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 that 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.
5. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 17 day of December,  
2018

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