

**Filed**  
DEC 17 2018  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
v.	)	
	)	Case No. 18-0076-I
FRESE FOR STATE REP,	)	
	)	
JOE FRESE,	)	
	)	
and	)	
	)	
JAMES MCCONNELL,	)	
	)	
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, Frese for State Rep, Joe Frese, and James McConnell, 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.
2. Respondent Joe Frese was a successful candidate for Missouri State Representative 5<sup>th</sup> District in Hannibal, Missouri in the August 7, 2018 primary election.
3. On July 2, 2018, Respondent Frese filed a Statement of Committee Organization with the Missouri Ethics Commission for his candidate committee, Frese for State Rep.
4. Respondent McConnell was listed as the committee's treasurer on the Statement of Committee Organization.
5. 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.
6. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that violations of the law had occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

7. On August 2, 2018, Respondents received and deposited two checks from the Marion County Democratic Campaign Committee totaling \$3,325.00, one check was for \$1,100.00 and the other was for \$2,225.00.

8. Respondents reported on their 2018 October Quarterly Report that they have issued a \$725.00 refund to the Marion County Democratic Campaign Committee.

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

9. Pursuant to the Missouri Constitution, Article VIII, Section 23.3(3)(a): “[T]he amount of contributions made by or accepted from any person other than the candidate in any one election shall not exceed the following: (a) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, office of state senator, office of state representative or any other state or judicial office, two thousand six hundred dollars.”

10. There is probable cause to believe that Respondents violated the Missouri Constitution, Article VIII, Section 23.3(3)(a), by accepting \$3,325.00 in the form of two checks from the Marion County Democratic Campaign Committee on August 2, 2018, for the August 7, 2018 primary election, 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. 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. It is the Order of the Missouri Ethics Commission that a letter be issued that no further action shall be taken.

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.

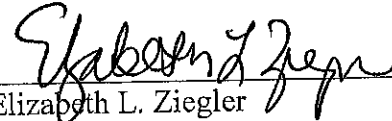
4. Respondent, together with his heirs, successors, and assigns, does hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited 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.

SO AGREED:

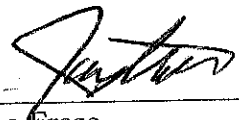
RESPONDENT FRESE FOR STATE REP

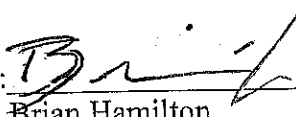
By:  12.6.18  
Joe Frese Date

PETITIONER MISSOURI ETHICS  
COMMISSION

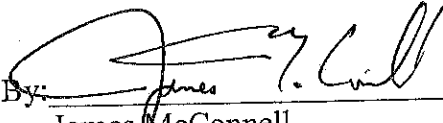
By:  12/17/18  
Elizabeth L. Ziegler Date  
Executive Director

RESPONDENT JOE FRESE

By:  12-6-18  
Joe Frese Date

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

RESPONDENT JAMES MCCONNELL

By:  12/6/18  
James McConnell Date

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JOE FRESE, )  
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JAMES MCCONNELL, )  
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 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 Missouri Constitutional Article VII Section 23.3(3)(a).

The Commission directs that the Joint Stipulation be adopted.

1. It is the order of the Missouri Ethics Commission that a letter be issued that no further action shall be taken.

SO ORDERED this 16th day of December, 2018

By: Don Summers  
Don Summers, Chair  
Missouri Ethics Commission



**MISSOURI ETHICS COMMISSION**

P.O. Box 1370  
Jefferson City, MO 65102  
[www.mec.mo.gov](http://www.mec.mo.gov)  
(573) 751-2020 / (800) 392-8660

Elizabeth L. Ziegler  
Executive Director

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December 18, 2018

Joe Frese,  
212 North 8<sup>th</sup> St.  
Hannibal, MO 63401

**RE: 18-0076-I**

To Whom It May Concern:

A Letter of No Further Action is issued to you pursuant to the authority granted to the Missouri Ethics Commission in Section 105.961.4(5).

The Commission has accepted the submission of the Joint Stipulation of Facts, Waiver of Hearings Before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law in this matter, a copy of which is marked as Exhibit A and incorporated herein by reference.

The Commission has found probable cause to believe that you violated the Missouri Constitution, Article VIII, Section 23.3(3)(a), by accepting \$3,325.00 in the form of two checks from the Marion County Democratic Campaign Committee on August 2, 2018, for the August 7, 2018 primary election.

Since you have remedied the error by issuing a refund in the amount of \$725.00 to the Marion County Democratic Campaign Committee, the Commission hereby issues this letter that it will take no further action for violation of the Missouri Constitution, Article VIII, Section 23.3(3)(a).

Sincerely,

A handwritten signature in black ink that reads "Don Summers".

Don Summers, Chair  
Missouri Ethics Commission



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Elizabeth L. Ziegler  
Executive Director

December 18, 2018

Frese for State Rep  
Committee  
Po Box 137  
Shelbina, MO 63468,

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Don Summers, Chair  
Missouri Ethics Commission





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Elizabeth L. Ziegler  
Executive Director

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December 18, 2018

James McConnell  
127 E. Walnut St.  
Jefferson City, MO 65102

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