

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
DEC 28 2018
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.)
)
LEWIS REED,)
)
COMMITTEE TO ELECT REED,)
)
and)
)
ERIN ZIELINSKI,)
)
Respondents.)

Case No. 18-0048-I, 18-0057-I

**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, Lewis Reed, Committee to Elect Reed, and Erin Zielinski, 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 Reed was a candidate for President of the St. Louis Board of Aldermen for the March 3, 2015 election.
3. Respondent Reed registered a candidate committee, Committee to Elect Reed, by filing a Statement of Committee Organization on April 29, 2013.
4. Respondent Zielinski was listed as committee Treasurer on the Statement of Committee Organization.
5. The Statement of Committee Organization was amended on August 4, 2015 to change the election date to March 5, 2019.

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

6. The Statement of Committee Organization was amended on October 11, 2016 to change the office sought to Mayor of St. Louis with an election date of March 7, 2017 and to update the official fund depository.

7. The Statement of Committee Organization was amended on May 5, 2017 to change the office sought back to President of the St. Louis Board of Aldermen with an election date of March 5, 2019.

8. 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.

9. 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.

10. Respondents failed to report eight itemized contributions totaling \$10,950.00.

Contribution	Amount	Date
Health Education & Learning PAC	\$500	6/23/16
Stagehand Union Local #6 PAC	\$250	1/30/17
AT&T Missouri Employee PAC	\$1,500	1/30/17
Kirk Mills	\$1,000	1/30/17
Spire PAC	\$2,500	1/30/17
Plasterers & Cement Masons Local #3 PAC	\$200	2/2/17
Regional Progress PAC	\$4,000	3/20/17
Regency Enterprises	\$1,000	3/21/17
Total	\$10,950	

JOINT PROPOSED CONCLUSIONS OF LAW

11. 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.

12. There is probable cause to believe that Respondents violated Section 130.041.1(3), RSMo, by failing to report eight itemized contributions totaling \$10,950.00.

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 \$10,950, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$1,095 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 the Respondent who committed the violation will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that such Respondent has committed such a violation.

d. Respondents shall be jointly and severally liable for all fees imposed under this order.

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 LEWIS REED

By: [Signature] 12/27/18
Lewis Reed Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: [Signature] 12/28/2018
Elizabeth L. Ziegler Date
Executive Director 12/28/2018

RESPONDENT COMMITTEE TO ELECT
REED

By: [Signature] 12/27/18
Lewis Reed Date

By: [Signature] by Lee
Brian Hamilton Date
Attorney for Petitioner Dec 28, 2018

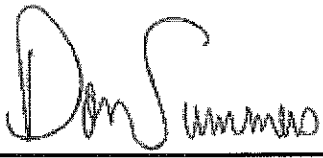
RESPONDENT ERIN ZIELINSKI

By: [Signature] 12/27/2018
Erin Zielinski Date

By: [Signature] 12/28/18
Brad Ketcher Date
Attorney for Respondent

3. If any Respondent commits 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 the Respondent who committed the violation will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that such Respondent has committed such a violation.
4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 28th day of December, 2018

By: 

Don Summers, Chair
Missouri Ethics Commission