

Filed
DEC 21 2018
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
)
v.)
)
PHIL THOMPSON,)
)
 Respondent.)

Case No. 18-0052-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 Respondent, Phil Thompson, acknowledges that he has received and reviewed a copy of the Complaint filed by the Petitioner in this case, and he submits 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 agree 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.¹
2. The City of Walker, Missouri is a 4th Class City governed by Chapter 79, RSMo, as well as by its own Charter.
3. The City of Walker has four Board of Aldermen members, a mayor, an elected marshal, and an appointed clerk.
4. The City of Walker's Board of Aldermen is a legislative body.
5. Respondent Thompson was first elected as an Alderman for the City of Walker in 2015 and reelected in 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.

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

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

8. In July 2016, The City of Walker publically posted an employment vacancy for the position of biller/collector, offering a salary of \$150.00 per month salary.

9. In August 2016, Respondent Thompson submitted a resume and applied for the biller/collector position. Respondent was the only applicant.

10. In August 2016, the City of Walker Aldermen voted to hire Respondent Thompson for the billing/collector position with a \$150.00 monthly salary. Respondent was asked to leave the room during hiring considerations and did not vote.

11. On or about September 30, 2016, Respondent started receiving his monthly gross salary of \$150.

12. On or about August 31, 2018, Respondent Thompson resigned from his City of Walker board member position.

13. Respondent receives a W2 form for his billing/collector position from the City of Walker at the end of the year for tax purposes.

JOINT PROPOSED CONCLUSIONS OF LAW

14. Pursuant to Section 105.458.1, RSMo, no member of any legislative or governing body of any political subdivision of the state shall:

(1) Perform any service for such political subdivision or any agency of the political subdivision for any consideration other than the compensation provided for the performance of his or her official duties, except as otherwise provided in this section[.]

15. Pursuant to Section 105.458.2, RSMo, no sole proprietorship, partnership, joint venture, or corporation in which any member of any legislative body of any political subdivision

is the sole proprietor, a partner having more than a ten percent partnership interest, or a co-participant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the political subdivision or any agency of the political subdivision for any consideration in excess of five hundred dollars per transaction or five thousand dollars per annum, or in the case of a school board five thousand dollars per annum, unless the transaction is made pursuant to an award on a contract let after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received[.]

16. There is probable cause to believe that Respondent violated Section 105.458.1(1), RSMo, by performing services for the City of Walker as a billing/collector and receiving payment for that position while also serving on the Board of Alderman, 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 105, RSMo.

b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent in the amount of \$3,600, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$360 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 Respondent commits any further violation of the campaign finance laws under Chapter 105, 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.

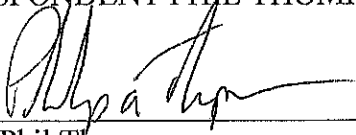
4. Respondent, together with his heirs, successors, and assigns, does hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited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

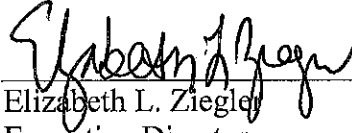
Respondent's attorney may now have or which he may hereafter have, which are based upon or arise out of the above cases.

SO AGREED:


RESPONDENT PHIL THOMPSON

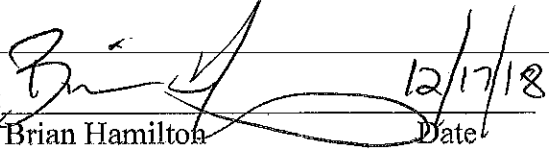
PETITIONER MISSOURI ETHICS
COMMISSION

By:  11/30/2018
Phil Thompson Date

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

ATTORNEY FOR RESPONDENT

By:  11/30/2018
William McCaffree Date

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

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
DEC 21 2018
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
)
v.)
)
PHIL THOMPSON,)
)
 Respondent.)

Case No. 18-0052-I

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 Respondent violated Section 105.458.1(1).

The Commission directs that the Joint Stipulation be adopted.

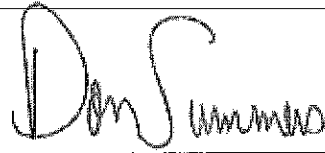
1. Respondent shall comply with all relevant sections of Chapter 105, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondent in the amount of \$3,600, pursuant to Section 105.961.4(6), RSMo. However, if either Respondent pays \$360 of that fee within forty-five (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. Regardless of the stay in paragraph 2 above, if Respondent commits any further violation of the campaign finance laws pursuant to Chapter 105, 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 committed such a violation.

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

SO ORDERED this 21st day of December, 2018

By:



Don Summers, Chair
Missouri Ethics Commission