

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
FEB 06 2019
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
v.)
)
YOUNG AMERICANS FOR)
LIBERTY, INC.,)
)
 Respondent.)

Case No. 18-0085-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, Young Americans for Liberty, Inc., acknowledges that it has received and reviewed a copy of the Complaint filed by the Petitioner in this case, and it submits to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that it 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 Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.¹

2. Respondent Young Americans for Liberty, Inc. is a 501 (c)(4) nonprofit, formed in 2011, and its state of legal domicile is Virginia.

3. 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.

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

COUNT I

Failure to timely file non-committee expenditures reports

5. Respondent untimely filed twelve Non Committee Expenditure Reports totaling \$53,872.31 that were required to be filed within fourteen days. These expenditures were made in

¹ Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2018).

support of candidates for the Missouri House of Representatives in the August 2018 primary election and the November 2018 general election.

6. Respondent untimely filed eight Non Committee Expenditure Reports totaling \$19,951.53 that were required to be filed within forty-eight hours. These expenditures were made in support of candidates for the Missouri House of Representatives in the August 2018 primary election and the November 2018 general election.

COUNT II

Failure to include an accurate Paid for By Disclosure

7. Respondent created, paid for, and distributed door hangers in support of a candidate for the Missouri House of Representatives in the August 2018 primary election.

8. The door hangers contained a Paid for By Disclosure of "Paid for by Young Americans for Liberty, Inc., Kyle Royer, Treasurer. Not authorized by any candidate or candidate's committee."

9. The door hangers did not contain the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to timely file non-committee expenditures reports

10. Pursuant to Section 130.047.1, RSMo:

Any person who is not a defined committee who makes an expenditure or expenditures aggregating five hundred dollars or more in support of, or opposition to, one or more candidates or in support of, or in opposition to, the qualification or passage of one or more ballot measures, other than a contribution made directly to a candidate or committee, shall file a report signed by the person making the expenditures, or that person's authorized agent. The report shall include the name and address of the person making the expenditure, the date and amount of the

expenditure or expenditures, the name and address of the payee, and a description of the nature and purpose of each expenditure. Such report shall be filed with the appropriate officer having jurisdiction over the election of the candidate or ballot measure in question as set forth in section 130.026 no later than fourteen days after the date of making an expenditure which by itself or when added to all other such expenditures during the same campaign equals five hundred dollars or more. If, after filing such report, additional expenditures are made, a further report shall be filed no later than fourteen days after the date of making the additional expenditures; except that, if any such expenditure is made within fourteen days prior to an election, the report shall be filed no later than forty-eight hours after the date of such expenditure. The provisions of this subsection shall not apply to a person who uses only the person's funds or resources to make an expenditure or expenditures in support of or in coordination or consultation with a candidate or committee; provided that, any such expenditure is recorded as a contribution to such candidate or committee and so reported by the candidate or committee being supported by the expenditure or expenditures.

11. There is probable cause to believe that Respondent violated Section 130.047.1, RSMo, by failing to timely file twenty Non Committee Expenditure Reports, and that Respondent did so knowingly.

COUNT II

Failure to include an accurate Paid for By Disclosure

12. “Any person publishing, circulating, or distributing any printed matter relative to ... 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.

13. Printed matter includes “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.” § 130.031.8, RSMo.

14. “In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be

sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.” § 130.031.8(3), RSMo.

15. There is probable cause to believe that Respondent violated Section 130.031.8, RSMo, by publishing, circulating, and distributing door hangers with an inaccurate “paid for by” disclosure statement, 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 in the amount of \$1,100.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$200.00 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 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 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 its 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 YOUNG AMERICANS
FOR LIBERTY, INC.

PETITIONER MISSOURI ETHICS
COMMISSION

By: _____
Date

By: Elizabeth L. Ziegler 2/4/2019
Elizabeth L. Ziegler Date
Executive Director

ATTORNEY FOR RESPONDENT

By: Joseph H. Conley 1/28/2019
Date

By: Brian Hamilton 2/4/19
Brian Hamilton Date
Attorney for Petitioner

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 YOUNG AMERICANS
FOR LIBERTY, INC.

By:  1/16/19
Justin Greiss Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: _____
Elizabeth L. Ziegler Date
Executive Director

ATTORNEY FOR RESPONDENT

By: _____
Date

By: _____
Brian Hamilton Date
Attorney for Petitioner

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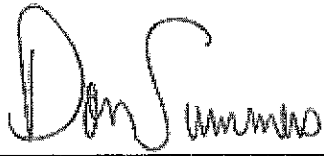
CONSENT ORDER

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 Sections 130.047.1 and 130.031.8, RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondent 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 in the amount of \$1,100.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$200.00 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. Regardless of the stay in paragraph 2 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 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.

SO ORDERED this 14th day of February, 2019

By: 

Don Summers, Chair
Missouri Ethics Commission