

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
THEODORE HOSKINS,)	Case No. 18-0030-I
)	18-0042-I
EMMALENE MITCHELL,)	
)	
BRENDA WILLIAMS,)	
)	
and)	
)	
LEE ETTA HOSKINS,)	
)	
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, Theodore Hoskins, Emmalene Mitchell, Brenda Williams, and Lee Etta Hoskins, 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

7. Respondent Lee Etta Hoskins is councilwoman for Berkeley Ward 3.
8. The councilmembers and the mayor are City Officials for the City of Berkeley.
9. 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.
10. 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.
11. In 2016, the City of Berkeley implemented Ordinance 4248, the Berkeley Exterior Housing Neighborhood Stabilization Grant. Residents of the City of Berkeley are eligible to apply for the Grant and, if awarded, can receive up to \$1,000.00.
12. The Berkeley Exterior Housing Neighborhood Stabilization Grant states, in part: "City Officials and Employees are not eligible to participate in the Neighborhood Stabilization Grant."
13. On or about January 8, 2018, the Berkeley City Council had a meeting at which the City Council voted in support of changing the eligibility criteria for the Berkeley Exterior Housing Neighborhood Stabilization Grant for 2018.
14. Pursuant to the Berkeley Charter, Section 8, Legislative Procedure:

In the transaction of legislative business, whenever the Council shall act by ordinance, the following procedure shall be used: every ordinance shall be by bill, which shall be in written or printed form, and the enacting clause shall be "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BERKELEY"... All bills shall be read three (3) times before final passage, which readings may be by title only... Not more than two (2) readings shall be at the same legislative session. At least six (6) calendar days shall elapse between the introduction and final passage of any bill, except in the case of an emergency bill, such bill shall be read in its entirety at least one (1) time.

An ordinance may be passed as an emergency measure on the day the bill is introduced, provided that it contains the statement that an emergency exists and specifies distinctly the facts and reasons constituting the emergency... The

emergency procedure shall be restricted to bills concerning the immediate preservation of public peace, health, property, safety, or morals.

15. The Berkeley Exterior Housing Neighborhood Stabilization Grant was not amended on January 8, 2018, and remains in effect as originally enacted.

16. Sometime between January 8, 2018 and March 19, 2018, each Respondent submitted an application for the Berkeley Exterior Housing Neighborhood Stabilization Grant.

17. On or about March 19, 2018, the City Council announced the recipients of the Berkeley Exterior Housing Neighborhood Stabilization Grant. Included in these were Respondents Theodore Hoskins, Lee Etta Hoskins, Emmalene Mitchell, and Brenda Williams.

JOINT PROPOSED CONCLUSIONS OF LAW

18. Pursuant to Ordinance 4248, the Berkeley Exterior Housing Neighborhood Stabilization Grant, "City Officials and Employees are not eligible to participate in the Neighborhood Stabilization Grant."

19. There is probable cause to believe that Respondents violated the City of Berkeley Ordinance 4248, by submitting an application for and receiving the Berkeley Exterior Housing Neighborhood Stabilization Grant.

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 the City of Berkeley Charter and Ordinances.
 - b. The parties agree that each Respondent will not apply for or receive the Berkeley Exterior Housing Neighborhood Stabilization Grant again.
 - c. It is the Order of the Missouri Ethics Commission that a fee is imposed against each Respondent in the amount of \$1,000.00, pursuant to Section 105.961.4(6), RSMo. However, if each Respondent pays \$100.00 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.
 - d. Regardless of the stay in paragraph 2.c above, if a Respondent commits any further violation of the City of Berkeley Charter and/or Ordinances, within the two-year period from the date of this order, then that Respondent will be required to pay the remainder of the \$1,000 fee. The balance will be due immediately upon final adjudication finding that such Respondent has committed 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 THEODORE HOSKINS

By: Theodore Hoskins 3/11/19
Theodore Hoskins Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: Elizabeth L. Ziegler 3/12/19
Elizabeth L. Ziegler Date
Executive Director

RESPONDENT EMMALENE MITCHELL

By: Emmalene Mitchell 03/11/19
Emmalene Mitchell Date

By: Brian Hamilton 3/12/19
Brian Hamilton Date
Attorney for Petitioner

RESPONDENT BRENDA WILLIAMS

By: Brenda Williams 3/11/19
Brenda Williams Date

RESPONDENT LEE ETTA HOSKINS

By: Lee Etta Hoskins 3/11/19
Lee Etta Hoskins Date

ATTORNEY FOR RESPONDENTS

By: Donnell Smith 3/11/19
Donnell Smith Date

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MISSOURI ETHICS COMMISSION,)

Petitioner,)

v.)

THEODORE HOSKINS,)

Case No. 18-0030-I

EMMALENE MITCHELL,)

18-0042-I

BRENDA WILLIAMS,)

and)

LEE ETTA HOSKINS,)

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 the City of Berkeley Ordinance 4248.

The Commission directs that the Joint Stipulation be adopted.


1. Respondents shall comply with the City of Berkeley Charter and Ordinances.
2. The parties agree that each Respondent will not apply for or receive the Berkeley Exterior Housing Neighborhood Stabilization Grant again.
3. It is the Order of the Missouri Ethics Commission that a fee is imposed against each Respondent in the amount of \$1,000.00, pursuant to Section 105.961.4(6), RSMo. However, if each Respondent pays \$100.00 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.

4. Regardless of the stay in paragraph 3 above, if any Respondent commits any further violation of the City of Berkeley Charter and/or Ordinances, 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 \$1,000 fee. The balance will be due immediately upon final adjudication finding that such Respondent has committed a violation.

SO ORDERED this 12th day of March, 2019

By:



Don Summers, Chair
Missouri Ethics Commission