

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
MAR 14 2019
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
)
 v.)
)
 SHOW ME GROWTH PAC,) Case No. 18-0094-I
 Committee,)
)
 and)
)
 MIKE LEARA,)
 Treasurer,)
)
 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, Show Me Growth PAC and Mike Leara, 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 § 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.¹
2. Respondent Show Me Growth PAC is a continuing committee that registered with the Missouri Ethics Commission by filing a Statement of Committee Organization in July 2017.
3. Respondent Mike Leara was identified as the Treasurer on the Statement of Committee Organization.
4. 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.

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

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

6. Respondents filed an 8 Day Before General Election Report on November 10, 2018, for the November 6, 2018, general election. This report was later amended on November 15, 2018, and on November 19, 2018.

7. Respondents reported two expenditures, totaling \$2,413.75, on the 8 Day Before General Election Report.

Expenditures	Date	Amount
Clayton Times	10/1/2018	\$1,500.00
ARA Fraud & Forensic Services	10/3/2018	\$913.75
	Total	\$2,413.75

8. Respondents were required to file the 8 Day Before General Election Report because the \$913.75 expenditure was in opposition of a candidate running for state office in the November 6, 2018 general election.

9. Respondents failed to timely file the 8 Day Before General Election Report by the eighth day before the general election, October 29, 2018.

10. Respondents filed a 24 Hour Expenditure Report on November 12, 2018.

11. Respondents reported two expenditures, totaling \$5,822.40, on the 24 Hour Expenditure Report.

Expenditures	Date	Amount
Helen Fitzgerald	10/30/2018	\$1,000.00
Survey St. Louis	10/31/2018	\$4,822.40
	Total	\$5,822.40

12. Respondents were required to file the 24 Hour Expenditure Report because the \$4,822.40 expenditure was in opposition of a candidate for state office in the November 6, 2018 general election.

13. Respondents failed to timely file the 24 Hour Expenditure Report for the \$4,822.40 expenditure by November 1, 2018.

JOINT PROPOSED CONCLUSIONS OF LAW

14. Pursuant to Section 130.046.1(1), RSMo, Respondents were required to file campaign finance disclosure reports at the following time and for the following period: “not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure.”

15. Pursuant to Section 130.046.3(2), RSMo, a continuing committee shall submit additional reports if it makes aggregate expenditures, other than contributions to a committee, of five hundred dollars or more, within the reporting period at the following times for the following periods: not later than twenty-four hours after aggregate expenditures of two hundred fifty dollars or more are made after the twelfth day before the election.

16. There is probable cause to believe that Respondents violated Sections 130.046.1(1) and 130.046.3(2), RSMo, by failing to timely file the 8 Day Before General Election Report and a 24 Hour Expenditure Report for the November 6, 2018 general election, and that Respondents did so knowingly.

II.

Based on the foregoing, the parties 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 fee is imposed against Respondents in the amount of \$1,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents 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.

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 be 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, which Respondents or Respondents' attorney may now have or hereafter have, based upon or arising out of the this case.

SO AGREED:

RESPONDENT SHOW ME GROWTH PAC

By: Mike Leara 3/10/19
Mike Leara Date

PETITIONER MISSOURI ETHICS COMMISSION

By: Elizabeth L. Ziegler 3/14/19
Elizabeth L. Ziegler Date
Executive Director

RESPONDENT MIKE LEARA

By: Mike Leara 3/10/19
Mike Leara Date

By: Brian Hamilton 3/14/19
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 Respondents violated Sections 130.046.1(1) and 130.046.3(2), 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 \$1,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$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.
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 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 14th day of March, 2019

By: 
Don Summers, Chair
Missouri Ethics Commission