

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**  
**MAR 18 2019**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 18-0086-I
	)	
BARNEY W. SHELTON,	)	
	)	
Respondent.	)	

**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, Barney W. Shelton, 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.<sup>1</sup>

2. Respondent Shelton is the Village Board Chairman for the Village of Uplands Park in St. Louis County, MO.

3. The Village of Uplands Park is a Home Rule Charter City governed under Chapter 82, RSMo.

4. The Village of Uplands Park has five Trustees, including the Chairman of the Board.

5. Respondent has served as a Trustee in the Village of Uplands Park for three years having been re-elected in the April 2017 election.

6. Respondent was elected by the Trustees to the position of Chairman of the Board after the April 2018 election.

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

7. 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.

8. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that a violation of Chapter 105 RSMo had occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

9. Ownership of a property located at 3635 Pine Grove in the Village of Uplands Park reverted to St. Louis County through tax foreclosure.

10. In 2016, St. Louis County ceded ownership of that property to the Village of Uplands Park.

11. In 2017, the property located at 3635 Pine Grove was offered for sale through a bid solicitation. The property did not sell during this bidding process.

12. On or about October 24, 2017, Respondent registered a limited liability company named VSSS Group, LLC. Respondent is identified as an organizer and he is the registered agent.

13. On or about October 25, 2017, Respondent called a special meeting that included himself, and two other Trustees. At this meeting, Respondent informed the other Trustees that he made contact with a potential buyer interested in buying the property at 3635 Pine Grove.

14. There was some discussion regarding the price of the property at the special meeting. The prices discussed were between \$1,500.00 and \$500.00.

15. On the insistence of Respondent, Respondent and the other Trustees ultimately voted to sell the property for \$500.00 to VSSS Group, LLC.

#### **JOINT PROPOSED CONCLUSIONS OF LAW**

16. Pursuant to Section 105.452.1, RSMo, no elected or appointed official or employee of the state or any political subdivision thereof shall:

- (1) Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to himself or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the state or political subdivision; or
- (2) Use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business with which he is associated;
- (3) Disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person;
- (4) Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official or his spouse or dependent children, including but not limited to increases in retirement benefits, whether received from the state of Missouri or any third party by reason of such act. For the purposes of this subdivision, "special monetary benefit" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting, except that such official may act on increases in compensation subject to the restrictions of Section 13 of Article VII of the Missouri Constitution; or
- (5) Use his decision-making authority for the purpose of obtaining a financial gain which materially enriches himself, his spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value.

17. There is probable cause to believe that Respondent violated Section 105.452.1, RSMo, by participating in a vote to set the price of the property at 3635 Pine Grove and voting to sell the property to VSSS Group, LLC, 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 \$1,500.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pay \$500.00 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 conflict of interest 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 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,

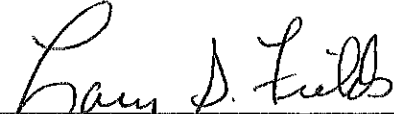
including but not limited to, a claim for attorney's fee, which Respondent or Respondent's attorney may now have or which they may hereafter have, based upon or arising out of this case.

SO AGREED:

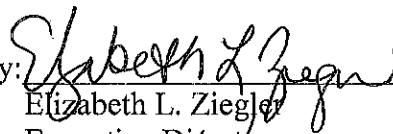
RESPONDENT BARNEY W. SHELTON

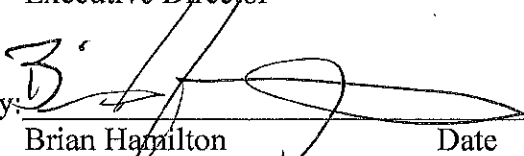
By:  3-5-19  
Barney Shelton Date

ATTORNEY FOR RESPONDENT

By:  3-5-19  
Larry Fields Date

PETITIONER MISSOURI ETHICS COMMISSION

By:  3-18-19  
Elizabeth L. Ziegler Date  
Executive Director

By:  3/18/19  
Brian Hamilton Date  
Attorney for Petitioner

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 Respondent. )

**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 105.452.1, RSMo.

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 \$1,500.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pay \$500.00 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 Respondent commits any further violation of the conflict of interest laws under Chapter 105, 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 Respondent has committed a violation.

SO ORDERED this 18<sup>th</sup> day of March, 2019



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Don Summers, Chair  
Missouri Ethics Commission