

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
APR 01 2019
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,

Petitioner,

v.

FIREFIGHTERS FOR PROGRESS,
Committee,

HAROLD STERNE,
Treasurer,

SCOTT KOLLER,
Deputy Treasurer,

and

JAMES LIVENGOOD,
Former Deputy Treasurer,

Respondents.

Case No. 17-0022-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 Respondents, Firefighters for Progress, Harold Sterne, Scott Koller, and James Livengood, 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 Firefighters for Progress registered as a continuing committee by filing a Statement of Committee Organization on January 28, 2010, with the Missouri Ethics Commission.
3. Respondent Koller was listed as the Treasurer and Respondent Livengood was listed as the Deputy Treasurer on the Statement of Committee Organization.

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

4. The Statement of Committee Organization was amended on March 21, 2017, listing Respondent Sterne as the Treasurer and Respondent Koller as the Deputy Treasurer.

5. 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.

6. 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.

7. On March 21, 2015, Respondent Sterne was elected Treasurer for Firefighters for Progress.

JOINT PROPOSED CONCLUSIONS OF LAW

8. If there is any change to the treasurer and/or the committee's mailing address, "an amended statement of organization shall be filed within twenty days after the change occurs, but no later than the date of the filing of the next report required to be filed by that committee," § 130.021.7 RSMo.

9. There is probable cause to believe that Respondents violated Section 130.021.7, RSMo, by failing to amend the Statement of Committee Organization within twenty days of the change of Treasurer, and that Respondents 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. Respondents 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 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 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 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 FIREFIGHTERS FOR
PROGRESS

PETITIONER MISSOURI ETHICS
COMMISSION

By: [Signature] 3/29/19
Harold Sterne Date

By: [Signature] 4/1/19
Elizabeth L. Ziegler Date
Executive Director

RESPONDENT HAROLD STERNE

By: [Signature] 3/29/19
Harold Sterne Date

By: [Signature] 4/1/19
Brian Hamilton Date
Attorney for Petitioner

RESPONDENT SCOTT KOLLER

By: [Signature] 3/29/19
Scott Koller Date

RESPONDENT JAMES LIVENGOOD

By: [Signature] 03/27/19
James Livengood Date

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FIREFIGHTERS FOR PROGRESS,

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SCOTT KOLLER,

and

JAMES LIVENGOOD,

Respondents.

Case No. 17-0022-I

CONSENT ORDER

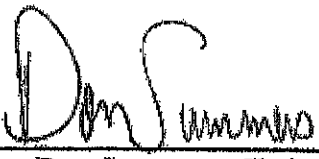
The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondents violated Section 130.021.7, RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondents 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 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 be due immediately upon final adjudication finding that such Respondent has committed a violation.

4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 1st day of April, 2019

By: 
Don Summers, Chair
Missouri Ethics Commission