

BEFORE THE  
MISSOURI ETHICS COMMISSION

**Filed**  
**JUL 10 2019**  
Missouri Ethics  
Commission

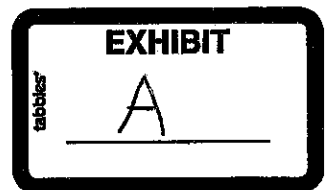
MISSOURI ETHICS COMMISSION, )  
)  
Petitioner, )  
)  
v. )  
) Case No. 19-0016-I  
FRIENDS OF CHRIS KELLY, )  
Candidate Committee )  
)  
CHRIS KELLY, Candidate )  
)  
and )  
)  
NIKKI KRAWITZ, Treasurer )  
)  
Respondents. )

**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, Chris Kelly, Friends of Chris Kelly, and Nikki Krawitz, 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 Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.
2. Respondent Kelly was an unsuccessful mayoral candidate for Columbia, MO for the April 2, 2019 municipal election.
3. Respondent Kelly registered a candidate committee, Friends of Chris Kelly, by filing a Statement of Committee Organization on October 30, 2018.
4. Respondent Krawitz was listed as Treasurer on the Statement of Committee Organization.
5. Respondents filed a Termination Statement on April 29, 2019.
6. 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.

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

### COUNT I

#### *Respondents untimely filed the 40 Day Before Municipal Election Report*

8. The due date for the 40 Day Before Municipal Election Report for the April 2, 2019 municipal election was February 21, 2019.

9. Respondents filed the 40 Day Before Municipal Election Report on February 22, 2019.

### COUNT II

#### *Respondents erroneously accepted an in-kind contribution from a corporation*

10. On or about February 16, 2019, Respondents received services from Columbia Marketing Group and reported a \$950.00 in-kind contribution on the 40 Day Before Municipal Election Report for the services.

11. Respondents accepted a \$950.00 in-kind contribution from Columbia Marketing Group, a subsidiary of Columbia Business Times. The Columbia Business Times was a corporation.

12. Respondents later amended the 40 Day Before Municipal Election Report on March 12, 2019, removing the in-kind contribution from Columbia Marketing Group and reported the services as two expenditures made to Columbia Marketing Group, totaling \$3,150.00, on the 8 Day Before General Municipal Election Report.

## JOINT PROPOSED CONCLUSIONS OF LAW

### COUNT I

#### *Respondents untimely filed the 40 Day Before Municipal Election Report*

13. Pursuant to Section 130.046.1, RSMo; "If any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election."

14. There is probable cause to believe that Respondents violated Section 130.046.1, RSMo, by failing to timely file the 40 Day Before Municipal Election Report for the April 2, 2019 municipal election, and that Respondents did so knowingly.

### COUNT II

#### *Respondents erroneously accepted an in-kind contribution from a corporation*

15. Pursuant to the Missouri Constitution Article VII, Section 23.3(3)(a); "It shall be unlawful for a corporation or labor organization to make contributions to a campaign committee, candidate committee, exploratory committee, political party committee or a political party; except that a corporation or labor organization may establish a continuing committee which may accept contributions or dues from members, officers, directors, employees or security holders."

16. There is probable cause to believe that Respondents violated the Missouri Const. Art VII, Section 23.3(3)(a), by accepting an in-kind contribution from a corporation.

## 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. It is the Order of the Missouri Ethics Commission that a letter be issued that no further action shall be taken.
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 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 CHRIS KELLY

By: Chris Kelly 6/22/19  
Chris Kelly Date

PETITIONER MISSOURI ETHICS  
COMMISSION

By: Elizabeth L. Ziegler 2/10/19  
Elizabeth L. Ziegler Date  
Executive Director

RESPONDENT FRIENDS OF CHRIS  
KELLY

By: Chris Kelly 6/22/19  
Chris Kelly Date

By: Brian Hamilton 7/10/19  
Brian Hamilton Date  
Attorney for Petitioner

RESPONDENT NIKKI KRAWITZ

By: Nikki Krawitz 6/22/19  
Nikki Krawitz Date

BEFORE THE  
MISSOURI ETHICS COMMISSION

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Case No. 19-0016-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 there is probable cause that Respondents violated Section 130.046.1, RSMo, and the Missouri Constitution Article VIII, Section 23.3(3)(a).

The Commission directs that the Joint Stipulation be adopted.

1. Respondents shall comply with all relevant sections of Chapter 130, RSMo, and the Missouri Constitution.
2. It is the Order of the Missouri Ethics Commission that a letter be issued that no further action shall be taken.

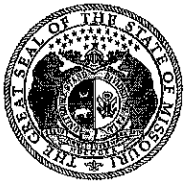
SO ORDERED this 10<sup>th</sup> day of July, 2019

By:



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Don Summers, Chair  
Missouri Ethics Commission



**MISSOURI ETHICS COMMISSION**

P.O. Box 1370  
Jefferson City, MO 65102  
[www.mec.mo.gov](http://www.mec.mo.gov)  
(573) 751-2020 / (800) 392-8660

Elizabeth L. Ziegler  
Executive Director

July 10, 2019

Chris Kelly  
FRIENDS OF CHRIS KELLY  
2706 Briston Lake  
Columbia, MO 65201

**RE: Case Number 19-0016-I**

Dear Mr. Kelly:

A Letter of No Further Action is issued to you pursuant to the authority granted to the Missouri Ethics Commission in Section 105.961.4(5), RSMo.

The Commission has accepted the submission of the 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 in this matter, a copy of which is marked as Exhibit A and incorporated herein by reference.

The Commission has found probable cause to believe that you violated Section 130.046.1, RSMo, by failing to timely file the 40 Day Before Election Report for the April 2, 2019 municipal election. Our records show that the 40 Day Before Election Report was due on February 21, 2019, and was filed on February 22, 2019. You also paid a late fee of \$10.00 on March 8, 2019.

Additionally, you erroneously accepted an in-kind contribution for services rendered from a corporation in violation of the Missouri Constitution. The services in question were paid for on March 12, 2019.

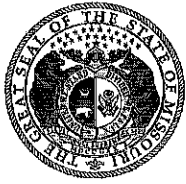
The Commission hereby issues this letter that it will take no further action for violation of Section 130.046.1, RSMo, and the Missouri Constitution

Sincerely,

A handwritten signature in black ink that reads "Don Summers".

Don Summers, Chair  
Missouri Ethics Commission





**MISSOURI ETHICS COMMISSION**

P.O. Box 1370

Jefferson City, MO 65102

[www.mec.mo.gov](http://www.mec.mo.gov)

(573) 751-2020 / (800) 392-8660

Elizabeth L. Ziegler  
Executive Director

---

July 10, 2019

Nikki Krawitz  
901 Edgewood Ave.  
Columbia, MO 65203

**RE: Case Number 19-0016-I**

Dear Ms. Krawitz:

A Letter of No Further Action is issued to you pursuant to the authority granted to the Missouri Ethics Commission in Section 105.961.4(5), RSMo.

The Commission has accepted the submission of the 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 in this matter, a copy of which is marked as Exhibit A and incorporated herein by reference.

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Sincerely,

A handwritten signature in black ink that reads "Don Summers".

Don Summers, Chair  
Missouri Ethics Commission