

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
JAN 13 2020
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
MISSOURIANS FOR PATIENT CARE, Committee,)	Case No. 18-0012-I (A)
)	
and)	
)	
MICHAEL COLONA, Former 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, Missourians for Patient Care and Michael Colona, acknowledge that they have received and reviewed a copy of the Legal Complaint filed by the Petitioner in this case, and 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. Missourians for Patient Care (MPC PAC) registered as a continuing committee with the Missouri Ethics Commission on July 27, 2017.
3. Respondent Michael Colona was listed as the Treasurer on the Statement of Committee Organization.
4. Missourians for Patient Care (MPC Inc.) registered as a non-profit corporation with the Missouri Secretary of State on July 26, 2017.
5. At all relevant times, Respondent Colona was also the Treasurer for MPC Inc.
6. From July 2017 until January 2018, MPC PAC and MPC Inc. shared the same bank account at Midwest Regional Bank.

¹ Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2017).

7. On or about January 22, 2018, MPC Inc. opened and began using a new account at Regions Bank.

8. 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.

9. 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.

COUNT I

Making expenditures by a party other than the treasurer

10. Between February 2018 and July 2018, MPC PAC reported making eleven expenditures to Nation Petition Management totaling \$1,057,185.00.

Date	Expenditure Name	Amount
2/22/18	National Petition Management	\$33,000.00
3/7/18	National Petition Management	\$280,000.00
3/12/18	National Petition Management	\$25,000.00
3/13/18	National Petition Management	\$20,000.00
3/22/18	National Petition Management	\$25,000.00
3/28/18	National Petition Management	\$175,000.00
4/5/18	National Petition Management	\$20,000.00
4/9/18	National Petition Management	\$60,000.00
4/24/18	National Petition Management	\$125,000.00
5/18/18	National Petition Management	\$97,185.00
6/11/18	National Petition Management	\$197,000.00
	Total	1,057,185.00

11. These expenditures were authorized by someone other than Respondent Colona.

COUNT II

Inaccurate reporting of contributions

12. MPC PAC reported receipt of a \$5,000.00 in-kind contribution from MPC Inc. on January 22, 2018; however, MPC PAC did not receive any services, items, or additional benefit from this transaction.

13. There was a \$5,000.00 transaction on January 22, 2018, when MPC Inc. withdrew \$5,000.00 of its own money from the shared bank account.

14. After the withdrawal, MPC Inc. left \$570.00 in the shared account, but MPC PAC failed to report this amount as a cash contribution.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Making expenditures by a party other than the treasurer

15. “[E]xpenditures shall not be made by a committee except through an official depository account and the committee treasurer, deputy treasurer or candidate.” § 130.031.2, RSMo.

16. Except for expenditures from a petty cash fund, “each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee’s depository and signed by the committee treasurer, deputy treasurer, or candidate.” § 130.031.2, RSMo.

17. There is probable cause to believe that Respondents violated Sections 130.021.4(1) and 130.031.2, RSMo, by making expenditures by and through a party other than the committee’s treasurer.

COUNT II

Inaccurate reporting of contributions

18. Committees are required to report receipts for each reporting period. § 130.041.1(3), RSMo.

19. There is probable cause to believe that Respondents violated Section 130.041.1(4), RSMo, by inaccurately reporting a \$5,000.00 in-kind contribution from MPC, Inc. and failing to report a \$570.00 cash contribution.

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 \$2,570.00. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
 - c. Respondents shall be jointly and severally liable for all fees imposed under the Consent 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 case.

RESPONDENT MISSOURIANS FOR
PATIENT CARE

By: _____
Mark Lyons Date

RESPONDENT MICHAEL COLONA

By: _____
Michael Colona Date

ATTORNEY FOR RESPONDENTS

By: Lowell Pearson 1/13/2020
Lowell Pearson Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: Elizabeth L. Ziegler 1/13/2020
Elizabeth L. Ziegler Date
Executive Director

By: Brian Hamilton 1/13/2020
Brian Hamilton Date
Staff Attorney
Attorney for Petitioner

By: Laura E. Elsbury 1/13/2020
Laura E. Elsbury Date
General Counsel
Attorney for Petitioner

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RESPONDENT MISSOURIANS FOR
PATIENT CARE

By: _____
Mark Lyons Date

RESPONDENT MICHAEL COLONA

By: Michael Colona 1/10/2020
Michael Colona Date

ATTORNEY FOR RESPONDENTS

By: _____
Lowell Pearson Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: Elizabeth L. Ziegler 1/13/20
Elizabeth L. Ziegler Date
Executive Director

By: Brian Hamilton 1/13/2020
Brian Hamilton Date
Staff Attorney
Attorney for Petitioner

By: Laura E. Elsbury 1/13/2020
Laura E. Elsbury Date
General Counsel
Attorney for Petitioner

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RESPONDENT MISSOURIANS FOR
PATIENT CARE

By: Mark Lyons 1-9-2020
Mark Lyons Date

RESPONDENT MICHAEL COLONA

By: _____
Michael Colona Date

ATTORNEY FOR RESPONDENTS

By: Lowell Pearson _____
Lowell Pearson Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: Elizabeth L. Ziegler 1/13/2020
Elizabeth L. Ziegler Date
Executive Director

By: Brian Hamilton 1/13/2020
Brian Hamilton Date
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Attorney for Petitioner

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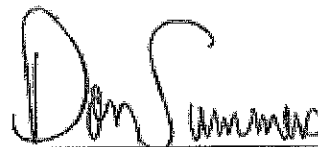
Case No. 18-0012-I (A)

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 to believe that Respondents violated Sections 130.021.4(1), 130.031.2, and 130.041.1(4), 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 \$2,570.00. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
3. Respondents shall be jointly and severally liable for all fees imposed under this Consent Order.

SO ORDERED this 13th day of January, 2020



By Don Summers, Chair