

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
JUL 24 2020
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
v.)
)
STATE FAIR COMMUNITY)
COLLEGE,)
)
 Respondent.)

Case No. 20-0004-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 Respondent, State Fair Community College, acknowledges that it has received and reviewed a copy of the Legal Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that it 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 agrees 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 Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.¹

2. Respondent State Fair Community College (SFCC) was established on April 10, 1968, and officially opened in September of 1968. SFCC was organized under the authority of the Missouri State Legislature.

3. In July 2019, a billboard was placed on Osage Beach Parkway, Osage Beach, Missouri, next to SFCC's Lake of the Ozarks campus, stating "You Have a Dream, We Have a Plan – Ozarks Technical Community College."

4. This billboard was a reference to Ozark Technical College's (OTC) interest in building a Lake of the Ozarks campus in order to offer reduced tuition to in-district students. The proposal would be supported by a property tax increase.

¹ Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2019).

5. On August 29, 2019, SFCC entered into a contract with Lamar Advertising Company, leasing a billboard for a thirteen-month period beginning September 30, 2019, and ending September 27, 2020.

6. SFCC placed a billboard stating “You Have a Dream, We Have a Plan, Without Raising Your Taxes – State Fair Community College” on Business Highway 5, Camdenton, MO. This billboard did not include a “paid for by” disclosure.

7. SFCC also created a frequently asked questions (FAQ) page on their website providing information regarding the proposed ballot measure. The FAQ page was also printed in a newsletter format for internal use.

8. Copies of the printed FAQ page were made available at a meeting attended by individuals not associated with SFCC. The newsletter did not include a “paid for by” disclosure.

9. On October 14, 2019, the Board of Education of Camdenton Reorganized School District No. R-3 adopted a resolution calling for a special election to be held on April 7, 2020, to answer the question whether the school district shall become a part of and be annexed to OTC. That resolution was filed with the Camden County Clerk and the measure was placed on the ballot for April 7, 2020, though the election date was later changed to June 2, 2020.

10. The ballot measure was unsuccessful at the June 2, 2020 general election.

JOINT PROPOSED CONCLUSIONS OF LAW

11. Section 130.011(22), RSMo, defines “person” as “an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political party or any

executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity.”

12. Section 130.011(2), RSMo, defines “ballot measure” as any proposal submitted or intended to be submitted to qualified voters for their approval or rejection

13. “Any person publishing, circulating, or distributing any printed matter relative to ... any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words ‘Paid for by’ followed by the proper identification of the sponsor pursuant to this section.” § 130.031.8, RSMo.

14. Printed matter includes “any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material.” § 130.031.8, RSMo.

15. “In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.” § 130.031.8(3), RSMo.

16. There is probable cause to believe that Respondents violated Section 130.031.8(3), RSMo, by publishing a billboard and circulating a printed FAQ document without “Paid for by” disclosure statements.

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 130, RSMo.
 - b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent in the amount of \$100.00, pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
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 its 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 fees whatsoever which Respondent or Respondent's attorney may now have or which it may hereafter have, which are based upon or arise out of this case.

SO AGREED:

RESPONDENT STATE FAIR COMMUNITY
COLLEGE

PETITIONER MISSOURI ETHICS
COMMISSION

By: Joanna Anderson
Title: President

Date 7/23/2020

By: _____
Elizabeth L. Ziegler
Executive Director
Date _____

ATTORNEY FOR RESPONDENT

By: [Signature]
James Layton
Tueth Keeney Cooper
Mohan & Jackstadt P.C.
Date 7/24/2020

By: _____
Brian Hamilton
Attorney for Petitioner
Date _____

SO AGREED:

RESPONDENT STATE FAIR COMMUNITY
COLLEGE

PETITIONER MISSOURI ETHICS
COMMISSION

By: _____
Title: _____ Date

By: Elizabeth L. Ziegler 7/24/20
Elizabeth L. Ziegler Date
Executive Director

ATTORNEY FOR RESPONDENT

By: _____
James Layton Date
Tueth Keeney Cooper
Mohan & Jackstadt P.C.

By: Brian Hamilton
Brian Hamilton Date
Attorney for Petitioner

**BEFORE THE
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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 there is probable cause to believe that Respondent violated Section 130.031.8(3), 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 Respondent in the amount of \$100.00, pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable to the Missouri Ethics Commission

SO ORDERED this 24th day of July, 2020

By: 
Cheryl D S Walker, Chair
Missouri Ethics Commission