

Filed
SEP 22 2020
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
) Petitioner,)
)
)
 v.)
)
) MISSOURIANS FOR HEALTHCARE,) Case No. 20-0019-I
) Campaign Committee,)
)
) and)
)
)
) JOE PIERLE,)
) 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 Healthcare and Joe Pierle, acknowledge that they have 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 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. On July 26, 2019, Respondent Missourians for Healthcare registered with the Missouri Ethics Commission as a campaign committee, listing Medicaid Expansion as a supported ballot measure for the November 3, 2020 election.
3. Respondent Pierle was listed as Treasurer on the Statement of Committee Organization.
4. On June 3, 2020, Respondents amended the Statement of Organization, listing support of Medicaid Expansion for the August 4, 2020 election.
5. The Medicaid Expansion ballot measure passed on the August 4, 2020 election.

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

6. Pursuant to Section 105.961, RSMo, the Commission's staff received a complaint filed with the Commission. The Commission's staff investigated the complaint 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 a violation of the law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

8. For 2020 ballot measures, the deadline for submitting an initiative petition to the Missouri Secretary of State was May 3, 2020. Accordingly, a 15 Day After Petition Deadline Report was due on or before May 18, 2020.

9. Respondents filed their 15 Day After Petition Deadline Report on June 2, 2020.

JOINT PROPOSED CONCLUSIONS OF LAW

10. Pursuant to Section 130.046.2(1), RSMo, "in the case of a ballot measure to be qualified to be on the ballot by initiative petition or referendum petition, or a recall petition seeking to remove an incumbent from office, disclosure reports relating to the time for filing such petitions shall be made as follows:

- (1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of this section the treasurer of a committee, other than a continuing committee, supporting or opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent from office shall file an initial disclosure report fifteen days after the committee begins the process of raising or spending money. After such initial report, the committee shall file quarterly disclosure reports as required by subdivision (3) of subsection 1 of this section until such time as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed. *In addition the committee shall file a second disclosure report no later than the fifteenth day after the deadline date for submitting such petition.* The period covered in the initial report shall begin on the day the committee first accepted contributions or made expenditures to support or oppose the petition effort for qualification of the measure and shall close on the fifth day prior to the date of the report[.]

(emphasis added)

11. There is probable cause to believe that Respondents violated Section 130.046.2(1), RSMo, by failing to timely file the 15 Day After Petition Deadline Report.

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 of the fee will be stayed, subject to the provisions below. 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 there is probable cause to believe that any Respondent committed any further violation or violations 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 there is probable cause to believe 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 this 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 this case.

RESPONDENT MISSOURIANS FOR
HEALTHCARE

PETITIONER MISSOURI ETHICS
COMMISSION

By: Joseph Pierle 9.18.2020
Joe Pierle Date

By: _____
Elizabeth L. Ziegler Date
Executive Director

RESPONDENT JOE PIERLE

By: Joseph Pierle 9.18.2020
Joe Pierle Date

By: _____
Brian Hamilton Date
Attorney for Petitioner

ATTORNEY FOR RESPONDENTS

By: Lowell Pearson 9-21-2020
Lowell Pearson Date
Husch Blackwell

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 this case.

RESPONDENT MISSOURIANS FOR
HEALTHCARE

By: _____
Joe Pierle Date

RESPONDENT JOE PIERLE

By: _____
Joe Pierle Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: Elizabeth L. Ziegler
Elizabeth L. Ziegler Date
Executive Director

By: Brian Hamilton
Brian Hamilton Date
Attorney for Petitioner

ATTORNEY FOR RESPONDENTS

By: _____
Lowell Pearson Date
Husch Blackwell

**BEFORE THE
MISSOURI ETHICS COMMISSION**

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MISSOURI ETHICS COMMISSION,)	
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Petitioner,)	
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v.)	Case No. 20-0019-I
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MISSOURIANS FOR HEALTHCARE,)	
)	
and)	
)	
JOE PIERLE,)	
)	
Respondents.)	


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 Section 130.046.2(1), RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondents shall comply with all relevant sections of Chapters 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 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 the Commission finds that there is probable cause to believe that any Respondent committed any further violation of the public use 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 a final probable cause 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 22nd day of September, 2020

By: 
Cheryl D. S. Walker, Chair
Missouri Ethics Commission