

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
JAN 26 2021
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.)
) Case No. 20-0052-I
MICHAEL PERSON,)
)
and)
)
CITIZENS TO ELECT MIKE)
PERSON,)
)
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, Michael Person and his candidate committee Citizens to Elect Mike Person, acknowledge that they have received and reviewed a copy of the legal complaint filed by the Petitioner in this case, and they 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.¹

2. Respondent Person was a successful incumbent candidate for the Missouri House of Representatives District 74 in the August 4, 2020 primary election.

3. On August 26, 2019, Respondent Person registered his candidate committee, Citizens to Elect Mike Person, with the Missouri Ethics Commission.

4. 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.

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

5. 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.

6. On July 23, 2020, Respondents purchased campaign fliers.

7. The campaign fliers were in support of Respondent Person and another candidate who was also in the August 4, 2020 election. The other candidate did not have a candidate committee.

8. On July 27, 2020, Respondents filed the 8 Day Before Primary Election Report for the August 4, 2020 primary election and reported an expenditure of \$256.61 for the printing of the campaign fliers.

9. Respondents' 8 Day Before Primary Election Report did not include a direct expenditure report for the campaign fliers, which would have satisfied the statutory requirement of reporting the amount of expenditures made in support of another candidate.

JOINT PROPOSED CONCLUSIONS OF LAW

10. Pursuant to Section 130.041.1(7), RSMo, all committees are required to report "the amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought."

11. There is probable cause to believe that Respondents violated Section 130.041.1(7), RSMo, by failing to include a direct expenditure report with the 8 Day Before Primary Election Report for campaign fliers disclosing support of another candidate.

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 that Respondent will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that there was probable cause to believe such Respondent has committed such a violation.

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 this case.

SO AGREED:

RESPONDENT MICHAEL PERSON

By: Michael Person 11/20/2020
Michael Person Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: _____
Elizabeth L. Ziegler Date
Executive Director

RESPONDENT CITIZENS TO ELECT
MIKE PERSON

By: Michael Person 11/20/2020
Michael Person Date

By: _____
Brian Hamilton Date
Attorney for Petitioner

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.

SO AGREED:

RESPONDENT MICHAEL PERSON

By: _____
Michael Person Date

RESPONDENT CITIZENS TO ELECT
MIKE PERSON

By: _____
Michael Person Date

PETITIONER MISSOURI ETHICS
COMMISSION

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

By: Brian Hamilton
Brian Hamilton Date
Attorney for Petitioner

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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 130.041.1(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 this 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.
3. Regardless of the stay in paragraph 2 above, if there is probable cause to believe that any Respondent commits 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 was probable cause to believe such Respondent has committed such a violation.

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

SO ORDERED this 27th day of January, 2021

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