

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
FEB 09 2021
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.) Case No. 20-0099-I
)
SIX COUNTY PAC, Continuing)
Committee,)
)
and)
)
HARVEY FAIRCLOTH, 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, Six County PAC and Harvey Faircloth, 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 Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.¹

2. On May 11, 2020, Six County PAC registered as a continuing committee by filing a Statement of Committee Organization with the Missouri Ethics Commission.

3. Respondent Harvey Faircloth was listed as the committee's Treasurer on the Statement of Committee Organization.

4. Pursuant to Section 105.961, RSMo, the Commission's staff received and investigated a complaint filed with the Commission and reported the findings to the Commission.

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.

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

6. Respondents reported four expenditures, totaling \$138,811. These expenditures were for advertisements related to the August 4, 2020 primary election.

Company	Purpose	Date	Amount	Report
Creative Direct	Advertising	07/23/20	\$66,331.00	8 Day Before Primary Election-8/4/2020
Creative Direct	Advertising	07/30/20	\$39,309.00	24 Hour Expenditure Report-8/4/2020
Creative Direct	Advertising	08/02/20	\$20,000.00	24 Hour Expenditure Report-8/4/2020
Creative Direct	Advertising	08/03/20	\$13,171.00	24 Hour Expenditure Report-8/4/2020
Total			\$138,811	

7. Respondents did not initially report the amount of expenditures made that were either for or against a candidate or ballot measure.

8. On October 29, 2020, Respondents amended the 8 Day Before August 4, 2020 Primary Election Report and three 24 Hour Expenditure Reports to include expenditure apportionment to a candidate the advertising supported.

JOINT PROPOSED CONCLUSIONS OF LAW

9. Pursuant to Section 130.041.1(7), RSMo, “every committee... shall file a legibly printed or typed disclosure report of receipts and expenditures... each report shall set forth... 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.”

10. There is probable cause to believe that Respondents violated Section 130.041.1(7), RSMo, by failing to timely report the amount of four expenditures made that were either for or against a candidate or ballot measure in the form of a Direct Expenditure Report.

II.

Based on the foregoing, the parties 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 Consent 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.
 - c. Regardless of the stay in paragraph 2.b above, if there is probable cause to believe that any Respondent commits any further violation 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 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, which Respondents or Respondents' attorney may now have or hereafter have, based upon or arising out of this case.

SO AGREED:

RESPONDENT SIX COUNTY PAC

By: Harvey Faircloth 2-1-21
Harvey Faircloth Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: _____
Elizabeth L. Ziegler Date
Executive Director

RESPONDENT HARVEY FAIRCLOTH

By: Harvey Faircloth
Harvey Faircloth Date

By: _____
Brian Hamilton Date
Attorney for Petitioner

ATTORNEY FOR RESPONDENTS

By: Mark Milton 1/27/2021
Mark Milton Date

~~Mark Milton Law Group~~
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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, which Respondents or Respondents' attorney may now have or hereafter have, based upon or arising out of this case.

SO AGREED:

RESPONDENT SIX COUNTY PAC

By: _____
Harvey Faircloth Date

RESPONDENT HARVEY FAIRCLOTH

By: _____
Harvey Faircloth 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: _____
Mark Milton Date
Mark Milton Law Group

**BEFORE THE
MISSOURI ETHICS COMMISSION**

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 Petitioner,)
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 v.) Case No. 20-0099-I
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 SIX COUNTY PAC,)
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 HARVEY FAIRCLOTH,)
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 Respondents.)

CONSENT ORDER

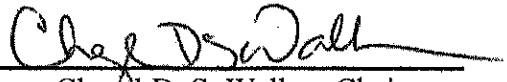
The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that there is probable cause to believe that Respondents violated Section 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 10th day of February, 2021

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