

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
) Petitioner,)
) Case No. 20-0104-I
)
v.)
)
ST. LOUIS PROGRESS,)
)
and)
)
MIKE TILLER,)
)
) 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, St. Louis Progress and Mike Tiller, 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. In June 2019, St. Louis Progress registered as a continuing committee by filing a Statement of Committee Organization with the Missouri Ethics Commission.

3. Mike Tiller 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. In or about January 2020, Respondents created and purchased a political ad in support of two candidates in the August 4, 2020 primary election for a cost of \$234.00.

7. Respondents did not report the \$234.00 expenditure on a finance disclosure report.

8. Respondents reported making eighteen expenditures for banners, ads, mailings, and canvassing for the August 4, 2020 primary election.

9. Respondents did not report the amount of expenditures made that were either for or against a candidate on a campaign finance report.

JOINT PROPOSED CONCLUSIONS OF LAW

10. All committees are required to report expenditures for each reporting period, including:

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category[.]

§ 130.041.1(4)(d), RSMo.

11. 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.”

12. There is probable cause to believe that Respondents violated Section 130.046.1(1)-(2), RSMo, by failing to timely report the amount of eighteen expenditures made that were in support or opposition of a candidate and by failing to report an expenditure.

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. Prior to finalizing settlement, Respondents will be required to file and amend reports and statements with the Commission.
3. 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 \$1,234.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$123.00 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 3.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.
4. 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 legal complaint filed by the Petitioner in the above action.

5. 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 MIKE TILLER

By: Mike Tiller 5/28/21
Mike Tiller Date

RESPONDENT ST. LOUIS PROGRESS

By: Mike Tiller 5/28/21
Mike Tiller Date

ATTORNEY FOR RESPONDENTS


By: [Signature] 5/28/21
Patrick E. Poston Date
The Law Office of
Patrick E. Poston

PETITIONER MISSOURI ETHICS
COMMISSION

By: [Signature] 6/11/21
Elizabeth L. Ziegler Date
Executive Director

By: [Signature] 6/11/21
Brian Hamilton Date
Attorney for Petitioner

SO ORDERED this 11th day of June, 2021

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