

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,            )  
  )  
  Petitioner,            )  
  )  
v.    )  
  )  
  )  
CHARLES VEST BAKER,                    )  
Candidate,                                )  
  )  
  Respondent.            )

Case No. 21-0008-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, Charles Vest Baker, acknowledges that he has received and reviewed a copy of the Legal Complaint filed by the Petitioner in this case, and he submits to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that he 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.<sup>1</sup>

2. Respondent Baker was a successful candidate for Ward 2 Sikeston City Council in the February 2, 2021 primary election and the April 6, 2021 general election.

3. 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.

4. 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.

**COUNT I**

*Failure to file a Statement of Committee Organization*

5. Respondent used his own money to purchase printed campaign-material in support of his candidacy for the primary and general elections.

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

6. Respondent's expenditures totaled \$1,072.64 for the primary election and \$954.87 for the general election.

**COUNT II**

*Failure to include an accurate "paid for by" disclosure*

7. Respondent purchased campaign-related printed material in support of his candidacy.

8. The "Paid for by" disclosure statement on the printed material did not include the first and last name by which the candidate is known.

**JOINT PROPOSED CONCLUSIONS OF LAW**

**COUNT I**

*Failure to file a Statement of Committee Organization*

9. Pursuant to Section 130.016.6, RSMo, "No candidate for... municipal office in a city of one hundred thousand or less... shall be required to file an exemption statement pursuant to this section in order to be exempted from forming a committee and filing disclosure reports required of committees pursuant to this chapter if the aggregate of contributions received or expenditures made by the candidate and any other person with the candidate's knowledge and consent in support of the person's candidacy does not exceed one thousand dollars and the aggregate of contributions from any single contributor does not exceed three hundred twenty-five dollars."

10. Pursuant to Section 130.016.7, RSMo, "If any candidate for an office listed in subsection 6 of this section exceeds the limits specified in subsection 6 of this section, the candidate shall form a committee no later than thirty days prior to the election for which the contributions were received or expended which shall comply with all provisions of this chapter for committees."

11. Section 130.021.5, RSMo, states “any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046.”

12. There is probable cause to believe that Respondent violated Section 130.021.5, RSMo, by failing to file a Statement of Committee Organization with the Missouri Ethics Commission after exceeding \$1,000.00 in expenditures for the primary election.

### COUNT II

#### *Failure to include an accurate “paid for by” disclosure*

13. “Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or 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. “[P]rinted matter’ shall be defined to include 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 candidate from the candidate’s personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.” § 130.031.8(1), RSMo.

16. There is probable cause to believe that Respondent violated Section 130.031.8, RSMo, by failing to include a proper "Paid for by" disclosure statement on campaign-related printed material.

## 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. All 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 all Respondent in the amount of \$1,100.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$200.00 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 Respondent committed any further violation of the campaign finance laws under Chapter 130, RSMo, within the two-year period from the date of this order, then Respondent will be required to pay the remainder of the fees. The fee will be due immediately upon final adjudication finding that there was probable cause to believe that 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. Respondent, together with his 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 fee, which Respondent or Respondent's attorney may now have or which they may hereafter have, based upon or arising out of this case.

SO AGREED:

RESPONDENT CHARLES VEST BAKER

PETITIONER MISSOURI ETHICS COMMISSION

By: Charles Vest Baker 6.30.21  
Charles Vest Baker Date

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

By: Brian Hamilton 7/6/21  
Brian Hamilton Date  
Attorney for Petitioner

