

**Filed**  
**JUL 06 2021**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,            )  
  )  
  )            Petitioner,            )  
  )  
v.    )            Case No. 20-0076-I  
  )  
MICHAEL YOUNGHANZ,                    )  
  )  
~~and~~    )  
  )  
MO4 MICKEY YOUNGHANZ,                )  
  )  
  )            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 Younghanz and his candidate committee, MO4 Mickey Younghanz, 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.<sup>1</sup>

2. Respondent Younghanz was an unsuccessful candidate for Missouri State Senator, District 17 in the November 3, 2020 general election.

3. Respondent Younghanz registered his candidate committee, MO4 Mickey Younghanz, by filing a Statement of Committee Organization with the Missouri Ethics Commission on April 24, 2020.

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

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<sup>1</sup> 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.

**COUNT I**

*Failure to file campaign finance disclosure reports*

6. On July 16, 2020, Respondents received a \$477.31 contribution and made a \$477.31 expenditure.

7. Respondents did not file an 8 Day Before Primary Election Report for the August 4, 2020 primary election disclosing the receipt of that contribution and the making of that expenditure.

8. Between July 24, 2020 and August 14, 2020, Respondents received contributions totaling \$6,336.95, and made expenditures totaling \$2,636.95.

9. Respondents did not file a 30 Day After Primary Election Report for the August 4, 2020 primary election disclosing the receipt of those contributions and the making of those expenditures.

**COUNT II**

*Failure to timely report contributions received*

10. Respondents did not timely report eight contributions totaling \$6,814.26. These contributions should have been reported on an 8 Day Before Primary Election Report and a 30 Day After Primary Election Report. However, these contributions were not reported until October 14, 2020 on the October 2020 Quarterly Report.

| <b>Contributor</b>          | <b>Date</b> | <b>Amount</b>     |
|-----------------------------|-------------|-------------------|
| Michael Younghanz           | 7/16/20     | \$477.31          |
| Michael Younghanz           | 7/24/20     | \$1,467.40        |
| Gary Sirna                  | 8/03/20     | \$200.00          |
| Michael Younghanz           | 8/10/20     | \$126.56          |
| Michael Younghanz           | 8/11/20     | \$563.39          |
| Michael Younghanz           | 8/14/20     | \$479.60          |
| Gregory and Danielle Wilcox | 8/17/20     | \$2,500.00        |
| Carl Guastello              | 8/19/20     | \$1,000.00        |
| <b>Total</b>                |             | <b>\$6,814.26</b> |

**COUNT III**

*Failure to report expenditures*

11. Respondents failed to report five expenditures, totaling \$3,114.26.

| <b>Expenditure</b> | <b>Date</b> | <b>Amount</b>     |
|--------------------|-------------|-------------------|
| PostcardMania      | 07/16/20    | \$477.31          |
| Largeprinting.com  | 07/24/20    | \$1,467.40        |
| Largeprinting.com  | 08/10/20    | \$126.56          |
| Largeprinting.com  | 08/11/20    | \$563.39          |
| Largeprinting.com  | 08/14/20    | \$479.60          |
| <b>Total</b>       |             | <b>\$3,114.26</b> |

**JOINT PROPOSED CONCLUSIONS OF LAW**

**COUNT I**

*Failure to file campaign finance disclosure reports*

12. Pursuant to Section 130.046.1(1)-(2), RSMo, all committees must file regular campaign finance disclosure reports at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report

requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office[.]

13. There is probable cause to believe that Respondents violated Section 130.046.1(1)-(2), RSMo, by failing to file an 8 Day Before Primary Election Report and a 30 Day After Primary Election Report for the August 4, 2020 primary election.

## COUNT II

### *Failure to timely report contributions received*

14. All committees are required to report receipts for each reporting period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received one or more contributions which in the aggregate total in excess of one hundred dollars and shall make a reasonable effort to obtain and report a description of any contractual relationship over five hundred dollars between the contributor and the state if the candidate is seeking election to a state office or between the contributor and any political subdivision of the state if the candidate is seeking election to another political subdivision of the state;

...

(d) Total dollar value of all in-kind contributions received;

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution[.]

§ 130.041.1(3), RSMo.

15. There is probable cause to believe that Respondents violated Section 130.041.1(3), RSMo, by failing to timely report eight contributions.

### COUNT III

#### *Failure to report expenditures*

16. An expenditure is “a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting... [the] election of any candidate for public office[.]” § 130.011(16), RSMo.

17. “[A]ny of the candidate's own funds to be used in support of the person's candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made through the candidate, treasurer or deputy treasurer of the person's candidate committee.” § 130.021.2, RSMo.

18. Pursuant to Section 130.041.1(4)(d), RSMo, all committees are required to report expenditures for each reporting period, including:

19. (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[.]

20. There is probable cause to believe that Respondents violated Section 130.041.1(4)(d), RSMo, by failing to report five expenditures.

## 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 \$3,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$300.00 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.

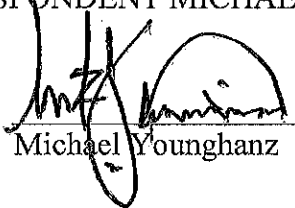
c. Regardless of the stay in paragraph 3.b above, if there is probable cause to believe that any Respondent committed any further violation or violations of the campaign finance laws under Chapter 130, RSMo, within the two year period from the date of this order, then that Respondent will be required 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.

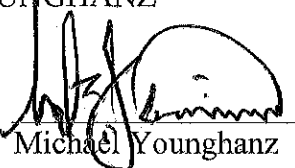
5. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited 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:

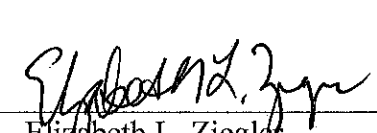
RESPONDENT MICHAEL YOUNGHANZ

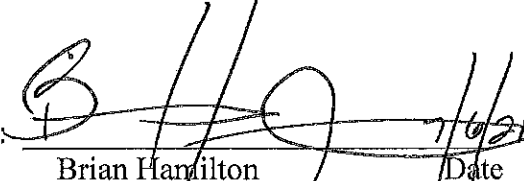
By:  6/15/21  
Michael Younghanz Date

RESPONDENT MO4 MICKEY  
YOUNGHANZ

By:  6/15/21  
Michael Younghanz Date

PETITIONER MISSOURI ETHICS  
COMMISSION

By:  7/6/21  
Elizabeth L. Ziegler Date  
Executive Director

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



**Filed**  
**JUL 07 2021**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

|                             |   |                    |
|-----------------------------|---|--------------------|
| MISSOURI ETHICS COMMISSION, | ) |                    |
|                             | ) |                    |
| Petitioner,                 | ) |                    |
|                             | ) |                    |
| v.                          | ) |                    |
|                             | ) | Case No. 20-0076-I |
| MICHAEL YOUNGHANZ,          | ) |                    |
|                             | ) |                    |
| and                         | ) |                    |
|                             | ) |                    |
| MO4 MICKEY YOUNGHANZ,       | ) |                    |
|                             | ) |                    |
| 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 Sections 130.041.1(3), 130.041.1(4)(d) and 130.046.1(1)-(2), 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 \$3,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$300.00 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 7th day of July, 2021

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