

**Filed**  
**AUG 19 2021**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,     )  
  )  
  Petitioner,     )  
  )  
v.    )  
  )  
JAN FISK,                                        )  
  )  
  Respondent.     )

Case No. 20-0043-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, Jan Fisk, acknowledges that she received and reviewed a copy of the Legal Complaint filed by the Petitioner in this case, and submits to the jurisdiction of the Missouri Ethics Commission.

Respondent further acknowledges that she 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, 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 105, RSMo.<sup>1</sup>

2. Respondent was first appointed to the City Council for the City of Springfield, Missouri in June 2012, then elected for the same seat in 2013 and again in 2017.

3. Respondent term on the Springfield City Council expired in 2021.

4. During all relevant times, Respondent was a Council Member for the City of Springfield, Missouri.

5. The City of Springfield, Missouri is a political subdivision with an annual operating budget over one million dollars.

6. In 2011, 2013, 2015 and 2017, the City of Springfield, Missouri passed conflict-of-interest ordinances that regulated the personal financial information that Council Members were required to disclose on their financial disclosure statements.

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

7. Between 2016 and 2018, Respondent Fisk filed three Financial Disclosure Statements for Political Subdivisions, commonly known as “short forms.”

8. The City of Springfield’s conflict-of-interest ordinance expired in 2019, which then changed the personal financial information that Council Members were required to disclose on their financial disclosure statements and required Council Members to file a full Financial Interest Statement, commonly known as a “long form.”

9. Respondent timely filed a Financial Interest Statement (long form) with the Missouri Ethics Commission on April 29, 2020, for the calendar year 2019.

10. As she had done in previous financial disclosure statements filed with the Missouri Ethics Commission, prior to the City of Springfield’s conflict-of-interest ordinance expiration, on Respondent’s 2019 Financial Interest Statement, Respondent answered “N/A” for each of the following sections: employment, sole proprietorships, general partnerships and joint ventures, stocks, bonds and other holdings, miscellaneous income, real property, corporations, associations, organizations, unions and not-for-profit organizations, gifts and honoraria, lodging and travel, trust assets, relatives, committees, and state tax credits.

11. 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.

12. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that violations of the law had occurred, because Respondent’s 2019 Financial Interest Statement did not disclose all information that was required to be disclosed, and the Commission therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

13. Respondent received Social Security benefits of \$1,000.00 or more during the year 2019.

14. Respondent's 2019 Financial Interest Statement did not disclose any Social Security income.

15. During 2019, Respondent served on the Board of Directors for The Springfield Sister Cities Association, a not-for-profit organization located in the City of Springfield, MO.

16. Respondent's 2019 Financial Interest Statement did not disclose her position on the Board of Directors of the Springfield Sister Cities Association.

17. During 2019, Respondent served on the Board of Directors for History Museum on the Square, Inc., a not-for-profit organization located in the City of Springfield, MO.

18. Respondent's 2019 Financial Interest Statement did not disclose her position on the Board of Directors of History Museum on the Square, Inc.

19. In 2019, Respondent's spouse was a board-member of the Ozarks Technical Community College Board of Trustees.

20. In 2018, Ozarks Technical Community College adopted its own conflict of interest ordinance, valid for two years. This ordinance permits the filing of a Financial Disclosure Statement for Political Subdivisions (short form) in lieu of a Financial Interest Statement (long form).

21. Respondent's spouse filed a Financial Disclosure Statement for Political Subdivisions on January 15, 2020. He did not file a Financial Interest Statement.

22. Respondent's 2019 Financial Interest Statement did not disclose the financial interests of her spouse.

## JOINT PROPOSED CONCLUSIONS OF LAW

23. Pursuant to Section 105.450(9), RSMo, a “political subdivision shall include any political subdivision of the state, and any special district or subdistrict.”

24. Pursuant to Section 105.483.1(11), RSMo.; “Each of the following persons shall be required to file a financial interest statement:

Each elected official, candidate for elective office, the chief administrative officer, the chief purchasing officer and the general counsel, if employed full time, of each political subdivision with an annual operating budget in excess of one million dollars, and each official or employee of a political subdivision who is authorized by the governing body of the political subdivision to promulgate rules and regulations with the force of law or to vote on the adoption of rules and regulations with the force of law; unless the political subdivision adopts an ordinance, order or resolution pursuant to subsection 4 of section 105.485[.]

25. The Financial Interest Statement shall include, “The name and address of any other source... from which such person received one thousand dollars or more of income during the year covered by the statement, including, but not limited to, any income otherwise required to be reported on any tax return such person is required by law to file[.]” § 105.485.2(3), RSMo.

26. “An individual shall be deemed to have received a salary from his employer or income from any source at the time when he shall receive a negotiable instrument whether or not payable at a later date... The term income as used in this section shall have the same meaning as provided in the Internal Revenue Code of 1986, and amendments thereto[.]” § 105.485.3, RSMo.

27. The Financial Interest Statement shall include, “The name and address of each not-for-profit corporation and each association, organization, or union, whether incorporated or not, except not-for-profit corporations formed to provide church services, fraternal organizations or service clubs from which the officer or employee draws no remuneration, in which such person was an officer, director, employee or trustee at any time during the year covered by the statement,

and for each such organization, a general description of the nature and purpose of the organization[.]” § 105.485.2(7), RSMo.

28. “Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself, his spouse and dependent children at any time during the period covered by the statement, whether singularly or collectively[.]” § 105.485.2, RSMo

29. “If the spouse of any person required to file a financial interest statement is also required by section 105.483 to file a financial interest statement, the financial interest statement filed by each need not disclose the financial interest of the other, provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed[.]” § 105.485.2, RSMo

30. There is probable cause to believe that Respondent violated Section 105.485.2, RSMo, because her 2019 Financial Disclosure Statement did not disclose her Social Security income, her position on the Board of Directors of one or more non-profit organizations, and the financial interests of her spouse.

## 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. Prior to finalizing settlement, Respondent will be required to amend her 2019 Financial Interest Statement with the Commission.

3. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.

a. Respondent shall comply with all relevant Sections of Chapter 105, RSMo.

b. It is the order of the Missouri Ethics Commission that fee is imposed against Respondent in the amount of \$1,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$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 3.b above, if there is probable cause to believe that Respondent committed any further violation of the laws under Chapter 105, RSMo, within the two-year period from the date of this order, then 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 that Respondent has committed such a violation.

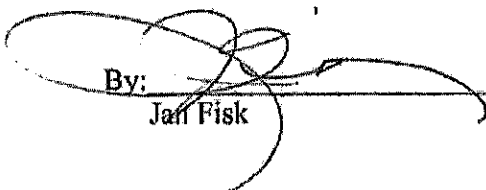
4. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Legal Complaint filed by the Petitioner in this action.

5. Respondent, together with her 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 fees, which Respondent or Respondent's attorney may now have or hereafter have, based upon or arising out of this case.

SO AGREED:

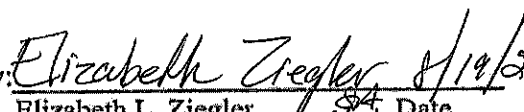
RESPONDENT JAN FISK


By:  8.16.21  
Jan Fisk Date

ATTORNEY FOR RESPONDENT

By:  \_\_\_\_\_  
Bryan Fisher Date  
Neale & Newman, LLP

PETITIONER MISSOURI ETHICS  
COMMISSION

By:  8/19/2021  
Elizabeth L. Ziegler <sup>8/19/2021</sup> Date  
Executive Director

By:  8/19/21  
Brian Hamilton Date  
Attorney for Petitioner



**Filed**

**AUG 19 2021**

Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
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v.	)	
	)	Case No. 20-0043-I
JAN FISK,	)	
	)	
Respondent.	)	


**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 Respondent violated Section 105.485.2, RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondent shall comply with all relevant sections of Chapter 105, RSMo.
2. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent in the amount of \$1,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$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 Respondent committed any further violation or violations of the conflict of interest laws under Chapter 105, RSMo, within the two year period from the date of this Order, then 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 Respondent has committed such a violation.

SO ORDERED this 19th day of August, 2021

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