

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
AUG 26 2021
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	Case No. 20-0074-I
DENNIS TURNER, Candidate,)	
)	
and)	
)	
FRIENDS OF DENNIS TURNER FOR)	
CORONER, Candidate Committee,)	
)	
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, Dennis Turner and Friends of Dennis Turner for Coroner, 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. Respondent Turner was an unsuccessful candidate for Cape Girardeau County Coroner in the August 4, 2020 primary election.

3. Respondent Turner registered his candidate committee, Friends of Dennis Turner for Coroner, by filing a Statement of Committee Organization with the Missouri Ethics Commission on June 24, 2020.

4. Respondents terminated the candidate committee by filing a Termination Statement on October 14, 2020.

5. 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.

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

6. 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 report expenditures made

7. Respondent Turner made seventeen purchases, totaling \$7,410.40, in support of his candidacy using his own personal funds. Respondents reported these purchases as in-kind contributions from Dennis Turner on his campaign finance reports.

8. Respondents did not report what exactly was purchased on any campaign finance disclosure reports.

Report Expenditure should have been report on	Expenditure/Purpose	Date	Amount
July 2020 Quarterly Report	Semco Specialty Sports-T-shirts	06/29/20	\$187.87
July 2020 Quarterly Report	Car Magnets	06/29/20	\$157.82
July 2020 Quarterly Report	Business Cards	06/29/20	\$194.99
July 2020 Quarterly Report	Capitol Promotions Inc./Yard Signs	06/29/20	\$882.00
July 2020 Quarterly Report	Capitol Promotions Inc./Banners	06/29/20	\$216.00
July 2020 Quarterly Report	Rack Cards	06/29/20	\$158.38
July 2020 Quarterly Report	Capitol Promotions Inc./ Signs	06/29/20	\$764.00
July 2020 Quarterly Report	Capitol Promotions Inc./Payment, signs	06/29/20	\$284.00
July 2020 Quarterly Report	4 Car Magnets	06/29/20	\$86.62
July 2020 Quarterly Report	6 Car Magnets	06/29/20	\$125.39
July 2020 Quarterly Report	Cards, Door hangers, Rack cards	06/29/20	\$320.22
July 2020 Quarterly Report	Identity Links/Key chains	06/30/20	\$836.14
July 2020 Quarterly Report	US Bank Transfer to self	06/29/20	\$200.00
30 Day After Primary Election	Merchant/KWKZ/Political Ads	07/24/20	\$1,425.00
30 Day After Primary Election	River Radio/Political Ads	07/25/20	\$1,125.00
30 Day After Primary Election	Staples and Postage	07/25/20	\$156.20
30 Day After Primary Election	Facebook Ads	08/05/20	\$290.77
Total			\$7,410.40

9. Respondents contend that they filled out the campaign finance reports using the online forms and those forms do not ask what was purchased, but only ask for the identification of the contributor.

10. Respondents contend that they were unaware that they should have identified what was purchased by the contributor.

COUNT II

Failure to include a proper "Paid for by" disclosure statement

11. Before Respondent Turner registered his candidate committee, he purchased campaign-related flyers in support of his candidacy in the August 4, 2020 primary election with personal funds.

12. The "Paid for by" disclosure statement on the flyers stated, "Paid for by the Candidate."

13. The "Paid for by" disclosure statement on the flyers did not include the first and last name of the candidate.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to report expenditures made

14. 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.

15. "[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.

16. Pursuant to Section 130.041.1(4)(d), RSMo, 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[.]

17. There is probable cause to believe that Respondents violated Section 130.041.1(4)(d), RSMo, by failing report what exactly was purchased on a campaign finance disclosure report.

COUNT II

Failure to include a proper "Paid for by" disclosure statement

18. "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.

19. "[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.

20. "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.

21. There is probable cause to believe that Respondent Turner violated Section 130.031.8, RSMo, by failing to include a proper "Paid for by" disclosure statement on campaign related flyers.

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, 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 \$1,100.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$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 3.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.

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. 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 DENNIS TURNER

By:  05/19/2021
Dennis Turner Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: _____
Elizabeth L. Ziegler Date
Executive Director

RESPONDENT FRIENDS OF DENNIS
TURNER FOR CORONER

By:  05/19/2021
Dennis Turner Date

By: _____
Brian Hamilton Date
Attorney for Petitioner

ATTORNEY FOR RESPONDENTS

By:  5-20-2021
Jeffrey Hine Date
Osborn, Hine & Yates, LLC

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, which Respondents or Respondents' attorney may now have or hereafter have, based upon or arising out of this case.

SO AGREED:

RESPONDENT DENNIS TURNER

By: _____
Dennis Turner Date

RESPONDENT FRIENDS OF DENNIS
TURNER FOR CORONER

By: _____
Dennis Turner 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: _____
Jeffrey Hine Date
Osburn, Hine & Yates, LLC

SO ORDERED this 27th day of August, 2021

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