

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)	
)	
Pétitioner,)	
)	
v.)	
)	
NAN JOHNSTON,)	Case No. 20-0106-I
Candidate,)	
)	
and)	
)	
COMMITTEE TO ELECT NAN)	
JOHNSTON,)	
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, Nan Johnston and Committee to Elect Nan Johnston, 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.

The undersigned parties jointly agree that Section 130.058, RSMo, requires Nan Johnston, as the candidate, to accept responsibility for all reporting violations by the Committee to Elect Nan Johnston. Ms. Johnston represents that she engaged a firm specializing in campaign finance to handle the filing of campaign finance disclosure reports for the committee.

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 § 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.¹
2. Respondent Johnston was a successful mayoral candidate for Parkville Missouri in the April 2, 2019 general election.

¹ Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2018).

3. Respondent Johnston registered her candidate committee, Committee to Elect Nan Johnston, by filing a Statement of Committee Organization with the Missouri Ethics Commission on January 18, 2019.
4. Pursuant to Sections 105.961, RSMo, the Commission's staff investigated a complaint that was filed with the Commission on December 10, 2020 and reported the investigation findings to the Commission.
5. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that violations of law had occurred due to incorrectly filed campaign finance reports, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.
6. In 2019 and 2020 Respondents were represented by legal counsel in MEC Case No. 19-0035-I.
7. In February 2020, Respondents and their attorney signed a joint stipulation of facts and a consent order was filed in MEC Case No. 19-0035-I pursuant to Sections 105.961.4, RSMo, based upon the Commission's conclusion that some action other than referral for criminal prosecution was appropriate.
8. On or about March 24, 2020, Respondents received an invoice reflecting a total amount to be paid in legal fees for the representation in MEC No. 19-0035-I.
9. The legal fees associated with MEC Case No. 19-0035-I were not initially reported on a campaign finance disclosure report.
10. On December 22, 2020, the April 2020 Quarterly Report was amended to include an incurred expenditure of \$7,500.00 as of March 24, 2020.

11. On December 30, 2020, the July 2020 and October 2020 Quarterly Reports were also amended to reflect the \$7,500.00 outstanding debt.

12. The April 2021 Quarterly Report indicates the expenditure has been paid.

JOINT PROPOSED CONCLUSIONS OF LAW

13. Pursuant to Section 130.046.(3), RSMo, all committees must file regular campaign finance disclosure reports not later than the fifteenth day following the close of each calendar quarter.

14. All committees are required to report expenditures at the times and for the periods prescribed in section 130.046, 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, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker[.]

§ 130.041.1(4)(d), RSMo.

15. There is probable cause to believe that Respondents violated Section 130.041.1(4)(d), RSMo, by failing to timely report an incurred 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. 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 \$1,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$100.00 of that fee within forty-five days after the date of the Order, the remainder of the fee (\$900.00) will be stayed, along with the remainder of the fee from Case No. 19-0035-I (\$4,718.00). The \$100.00 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 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 fees from Case No. 20-0106-I and Case No. 19-0035-I. The fees will be due immediately upon final adjudication finding that such Respondent has committed such a violation.
 - d. Respondents shall be jointly and severally liable for all fees imposed under this order.
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 legal complaint filed by the Petitioner in this action.

4. 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 COMMITTEE TO ELECT
NAN JOHNSTON

PETITIONER MISSOURI ETHICS
COMMISSION

By: *Nan Johnston* 9/23/21
Nan Johnston Date

By: *Elizabeth L. Ziegler*
Elizabeth L. Ziegler Date
Executive Director

RESPONDENT NAN JOHNSTON

By: *Nan Johnston* 9/23/21
Nan Johnston Date

By: *Laura E. Elsbury*
Laura Elsbury Date
Attorney for Petitioner

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and)
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COMMITTEE TO ELECT NAN)
JOHNSTON,)
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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 Section 130.041.1(4)(d), 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 \$1,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$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 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 fees from Case No. 20-0106-I and Case No. 19-0035-I. The fees 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 24th day of September, 2021

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