

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
)
 v.)
)
 BRIAN PLATT,)
)
 Respondent.)
)
)

AUG 8 2022

**Missouri Ethics
Commission**

Case No. 22-0002-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, Brian Platt, acknowledges that he has 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 Respondent further acknowledge 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 Respondents 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 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 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. During all relevant times, Respondent Brain Platt was the City Manager of the City of Kansas, Missouri.

2. Kansas City is a Charter City govern under the Missouri Constitution Article VI Section 19.

3. Pursuant to Article 2 Division 2 Part 3 Section 218 of the Code of Ordinances City of Kansas City, “The City Manager shall be the chief administrative officer of the City.”

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.

5. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that a violation of law had occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

6. During all relevant times, the City of Kansas City official website included links to various social media pages of elected officials which supported and/or solicited contributions for candidates for public office.

JOINT PROPOSED CONCLUSIONS OF LAW

7. Pursuant to Section 115.646, RSMo: “No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision . . . to advocate, support, or oppose the passage or defeat of any ballot measure or the nomination or election of any candidate for public office[.]”

8. A “contribution” is: “a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office[.]”

9. There is probable cause to believe that Respondent violated Section 115.646, RSMo, by permitting the use of the Kansas City official website to display links to social media pages which supported and/or solicited contributions for candidates for public office; thereby, utilizing public funds in support of the election of candidates.

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. Respondent shall comply with all relevant sections of Chapter 115, RSMo.

b. 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 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 the Respondent committed any further violation of the campaign finance laws under Chapter 115, RSMo, within the two-year period from the date of this order, then the 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 legal complaint filed by the Petitioner in this action.

4. Respondent, together with his 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 Respondent or Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of this case.

RESPONDENT BRIAN PLATT

By: [Signature] 8/1/2022
Brian Platt Date

PETITIONER MISSOURI ETHICS COMMISSION

By: [Signature]
Elizabeth L. Ziegler Date
Executive Director

ATTORNEY FOR BRIAN PLATT

By: [Signature] 8/1/2022
Katherine Chandler Date

By: [Signature] 8/5/2022
Noel DeJarnette Date
Attorney for Petitioner

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CONSENT ORDER

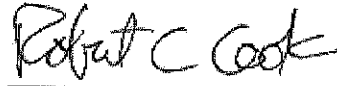
The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that there is probable cause to believe that Respondent violated Section 115.646, RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondent shall comply with all relevant sections of Chapter 115, 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. The fee will be paid by check or money order made payable to the Missouri Ethics Commission. However, if Respondent pays \$100.00 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.
3. Regardless of the stay in paragraph 2 above, if there is probable cause to believe that Respondent committed any further violation of the laws under Chapter 115, RSMo, within the two-year period from the date of this order, then the 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.

SO ORDERED this ____ day of August, 2022

By:

Handwritten signature of Robert C. Cook in black ink.

Robert Cook, Chair
Missouri Ethics Commission