

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.)
)
RYAN DERKS,)
)
and)
)
LEE'S SUMMIT REPUBLICANS,)
)
Respondents.)

AUG 29 2022

Missouri Ethics
Commission

Case No. 22-0022-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 Respondents, Ryan Derks and Lee's Summit Republicans, 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. Lee's Summit Republicans is a continuing committee that registered with the MEC on February 3, 2022.
2. Respondent Ryan Derks is listed as treasurer of Lee's Summit Republicans.
3. 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.
4. 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 timely file a direct expenditure report

5. Respondents created and paid for door hangers in support of candidates running for Lee's Summit City Council in the April 5, 2022 election.
6. Respondents did not timely report the amounts of expenditures made that were in support of candidates for the April 5, 2022 election on a financial disclosure report.

COUNT II

Failure to include an accurate "Paid for by" disclosure

7. Respondents created door hangers in support of three candidates in the April 5, 2022 election.
8. Each candidate and their candidate committee paid for their own respective door hangers.
9. The paid for by disclosure on the door hangers listed John Smith as the treasurer and Lee's Summit Republicans instead of the respective candidate committee's information.

JOINT PROPOSED CONCLUSIONS OF LAW

Count I

Failure to timely file a direct expenditure report

10. Pursuant to Section 130.041.1(7), RSMo, "every committee... shall file a legibly printed or typed disclosure report of receipts and expenditures... each report shall set forth... the amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought."
11. There is probable cause to believe that Respondents violated Section 130.041.1(7), RSMo, by failing to timely report the amounts of expenditures made that were in support of candidates for the April 5, 2022 election, in the form of a Direct Expenditure Report.

Count II

Failure to include an accurate "Paid for by" disclosure

12. "Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office of 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.

13. "[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.

14. Section 130.031.8, RSMo, further states the following:

(2) In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.

15. There is probable cause to believe that Respondents violated § 130.031.8, RSMo, by failing to include an accurate “Paid for by” disclosure statement on door hangers they created.

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 \$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 fees. 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 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.

RESPONDENT RYAN DERKS

By: Ryan Derks 8/23/22
Ryan Derks Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: Elizabeth L. Ziegler 8/29/22
Elizabeth L. Ziegler Date
Executive Director

RESPONDENT LEE'S SUMMIT
REPUBLICANS

By: Ryan Derks 8/23/22
Ryan Derks Date

By: Noel DeJarnette 8/29/22
Noel DeJarnette Date
Attorney for Petitioner

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
SEP 7 2022

MISSOURI ETHICS COMMISSION,)
)
) Case No. 22-0022-I
)
v.)
)
-----RYAN DERKS and LEE'S SUMMIT-----)
REPUBLICANS,)
)
) Respondents.)

Missouri Ethics
Commission

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(7) and 130.031.8, 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 \$1,100.00, 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.
3. Regardless of the stay in paragraph 2, 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. 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.
4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 17TH day of September, 2022

By:



Robert Cook, Chair
Missouri Ethics Commission