

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
JEAN L GARDNER CAMPAIGN)	Case No. 22-0062-I
ACCOUNT, Candidate Committee,)	
)	
and)	
)	
JEAN GARDNER, Candidate,)	
)	
Respondents.)	

Filed
NOV 10 2022
Missouri Ethics
Commission

**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, Jean Gardner and Jean Gardner Campaign Account, acknowledge 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 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 Respondents jointly stipulates to the following and requests 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 Jean L Gardner Campaign Account is a candidate committee that that registered with the Missouri Ethics Commission on June 21, 2022.

3. Respondent Jean Gardner was a candidate for Caldwell County Clerk in the August 2, 2022, election.

4. 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.

5. 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.

¹ Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2020).

6. Respondent Jean Gardner purchased and distributed flyers and business cards prior to forming and registering a committee with a disclosure statement of “Paid for by Candidate” when they should have stated “Paid for by Jean Gardner.”

7. Respondents failed to include a paid for by disclosure on window decals made by Respondent Gardner prior to forming and registering a committee. The window decals should have included a paid for by disclosure stating, “Paid for by Jean Gardner.”

8. After registering a committee, Respondents distributed banners, campaign yard signs, and note pads with a disclosure “Paid for by Candidate” when they should have stated “Paid for by Jean L Gardner Campaign Account, Jean Gardner, Treasurer.”

JOINT PROPOSED CONCLUSIONS OF LAW

9. “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.

10. “[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.

11. “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.

12. “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.” § 130.031.8(2), RSMo.

13. There is probable cause to believe that Respondents violated Section 130.031.8, RSMo, by failing to include a “paid for by” disclosure statement on window decals and by failing to include accurate “paid for by” disclosure statements on campaign materials in support of her candidacy for the August 2, 2022, election.

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. 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 \$100.00, 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.

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

SO AGREED:

RESPONDENT JEAN GARDNER

By: Jean Gardner 10-25-22
Jean Gardner Date

RESPONDENT JEAN GARDNER
CAMPAIGN ACCOUNT

By: Jean Gardner 10-25-22
Jean Gardner Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: Elizabeth L. Ziegler 11/10/22
Elizabeth L. Ziegler Date
Executive Director

By: Brian Hamilton 11/10/22
Brian Hamilton 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 Respondents violated Section 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 \$100.00, 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.
3. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 10TH day of November, 2022

By:



Robert Cook, Chair
Missouri Ethics Commission