

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS)	
COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	Case No. 22-0076-I
NORTH KANSAS CITY SCHOOL)	
DISTRICT #74, et al.,)	
)	
Respondents.)	
)	
)	
)	

**JOINT FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER**

The Missouri Ethics Commission (“MEC”), together with North Kansas City School District #74, Daniel Clemens, Terry Ward, Jan Kauk, Terry Stone, Paul Harrell, Daniel Wartick, Karee Gleason-Miller, and Jane Rinehart (“Respondents”), collectively the “parties” jointly stipulate and consent to action as set forth here (the “agreement”).

Respondents acknowledge their right to have this agreement reviewed by counsel. Respondents further acknowledge they have received actual notice of the legal complaint filed by the MEC in this case, have reviewed the contents of the Complaint, and submit to the jurisdiction of the Missouri Ethics Commission.

Respondents further acknowledge 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 at a hearing before the MEC; the right to have all allegations against Respondents 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, Respondents knowingly and voluntarily waive each one of these rights and freely enters into this agreement and agrees to abide by its terms.

I.

The parties mutually agree and stipulate, subject to adoption by the Missouri Ethics Commission, the following shall constitute the Findings of Fact and Conclusions of Law in this matter:

FINDINGS OF FACT

1. Respondent North Kansas City School District #74 is a school district located in Kansas City, Missouri.
2. At all relevant times, Respondent Daniel Clemens was Superintendent of North Kansas City School District #74.

3. At all relevant times, Respondent Terry Ward was Board President of North Kansas City School District #74.

4. At all relevant times, Respondent Jan Kauk was Board Vice President of North Kansas City School District #74.

5. At all relevant times, Respondent Terry Stone was Board Treasurer of North Kansas City School District #74.

6. At all relevant times, Respondent Paul Harrell was Board Member of North Kansas City School District #74.

7. At all relevant times, Respondent Daniel Wartick was Board Member of North Kansas City School District #74.

8. At all relevant times, Respondent Karee Gleason-Miller was Board Member of North Kansas City School District #74.

9. At all relevant times, Respondent Jane Rinehart was Board Member of North Kansas City School District #74.

10. Pursuant to § 105.961, RSMo, the MEC's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.

11. Based upon the investigation report, the Commission determined there were reasonable grounds to believe violations of the law occurred and authorized a hearing pursuant to § 105.961.3, RSMo.

12. Respondents created and distributed flyers relative to a measure on the ballot in the November 8, 2022 election.

13. The flyers should have contained the clear and conspicuous statement: "Paid for by North Kansas City School District #74, Dr. Daniel Clemens, Superintendent," followed by the mailing address of North Kansas City School District #74 but did not.

CONCLUSIONS OF LAW

14. "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.

15. "[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.

16. Excluded from the paid for by disclosure is, "any news story, commentary, or editorial printed by a regularly published newspaper or other

periodical without charge to a candidate, committee or any other person.”

§ 130.031.8, RSMo.

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

(3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

18. There is probable cause to believe that Respondents violated § 130.031.8, RSMo, by creating, printing, and distributing flyers related to a ballot measure which failed to include an accurate “Paid for by” disclosure.

II.

Based on the foregoing, the parties mutually agree and stipulate, subject to adoption by the Missouri Ethics Commission, the following shall constitute the Order issued by the Missouri Ethics Commission in this matter:

CONSENT ORDER

The Missouri Ethics Commission finds probable cause to believe Respondents violated § 130.031.8, and pursuant to § 105.961.4, hereby

ORDERS:

1. Respondents shall comply with all relevant sections of Chapter 130;
2. Respondents are assessed a fee in the amount of \$100, pursuant to Section 105.961.4(6), due by check or money order and payable to the Missouri Ethics Commission within sixty (60) days of the issuance of this Consent Order.
3. Respondents shall be jointly and severally liable for all fees imposed under this order.

III.

1. The parties understand the Missouri Ethics Commission will maintain this agreement as an open record of the Commission.

2. This agreement does not bind the Missouri Ethics Commission or restrict the remedies available concerning any violations not expressly detailed here, including any future violations.

3. Each party agrees to pay all of their own fees and expenses incurred as a result of this case, its litigation, and/or its disposition.

4. Respondents, together with their heirs, assigns, agents, representatives and attorneys, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission, the Commission's respective

members, employees, agents and attorneys including former members, employees, agents and attorneys, of, or from any liability, claim, actions, causes of action, fees, costs, expenses and compensation, including, but not limited to, any claim for attorney's fees and expenses, whether or not now known or contemplated, including, but not limited to, any claims pursuant to Section 536.087, RSMo, as amended, or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case or its litigation or from the negotiation or execution of this Joint Stipulation. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court or administrative tribunal deems this agreement or any portion thereof void or unenforceable.

5. This agreement shall become effective immediately upon (1) the signature of all parties; (2) adoption of the Joint Proposed Findings of Fact, Conclusions of Law by the Missouri Ethics Commission; and (3) issuance of a Final Order by the Commission, without any further action of the parties.

SO AGREED:

RESPONDENTS

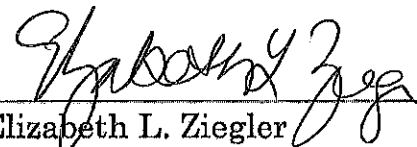
MISSOURI ETHICS COMMISSION



Daniel Clemens

9-27-23

Date



Elizabeth L. Ziegler
Executive Director

11/10/24

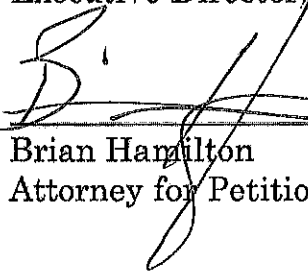
Date



Terry Ward

9-26-23

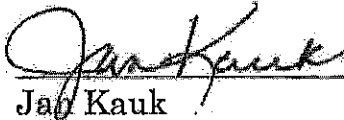
Date



Brian Hamilton
Attorney for Petitioner

11/10/24

Date



Jan Kauk

9/26/23


Date



Terry Stone

1/8/24

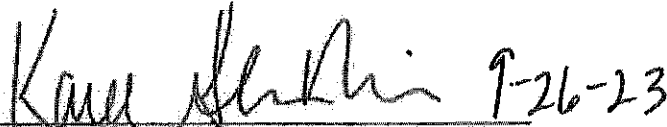
Date



Paul Harrell

9/26/2023

Date



Karee Gleason-Miller

9-26-23

Date



Jane Rinehart

9-26-23

Date

ATTORNEY FOR RESPONDENTS



Steven J. Book

9/27/23

Date

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Filed
JAN 10 2024
Missouri Ethics
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3. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 10th day of January, 2024



Robert Cook, Chair
Missouri Ethics Commission