

Filed

FEB 7 2024

Missouri Ethics
Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS)	
COMMISSION,)	
)	
Petitioner,)	
)	
v.)	Case No. 22-0050-I
)	
TOMMIE PIERSON SR.,)	
Former Mayor, City Of)	
Bellefontaine Neighbors,)	
)	
Respondent.)	

JOINT FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER

The Missouri Ethics Commission ("MEC"), together with Tommie Pierson Sr. ("Respondent"), collectively the "parties" jointly stipulate and consent to action as set forth here (the "agreement").

Respondent acknowledges his right to have this agreement reviewed by counsel. Respondent further acknowledges he has 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.

Respondent further acknowledges 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 at a hearing before the MEC; the right to have all

allegations against Respondent 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, Respondent knowingly and voluntarily waives 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. Between April 2019 and April 2023, Respondent was mayor of Bellefontaine Neighbors, Missouri.

Count I - Improper Paid Services by Public Official

2. At the time of Respondent's swearing in on April 18, 2019, the position of City Administrator was unfilled, and Respondent immediately assumed the duties of city administrator, pursuant to a city ordinance assigning the duties to the mayor.

3. By way of local ordinance, Respondent was granted a \$20,000 a year salary for the performance of the duties of city administrator.

4. Respondent served in both roles and received the additional salary.

Count II – Improper Conduct by Public Official

5. On December 3, 2022, Respondent, in his capacity as mayor participated in an alderman meeting.

6. A motion was made to advertise the open city administrator job and the vote was tied 3-3.

7. Respondent, as mayor, pursuant to §79.120, broke the tie.

8. As the individual receiving \$ 20,000 to perform the duties of city administrator, Respondent had a clearly recognizable stake in the vote to seek out a full-time application for the position.

CONCLUSIONS OF LAW

Count I - Improper Paid Services by Public Official

9. Section 105.458 details restrictions on pay for additional duties by public officials, including mayors, stating, in relevant part:

1. No member of any legislative or governing body of any political subdivision of the state shall:

- (1) Perform any service for such political subdivision or any agency of the political subdivision for any consideration other than the compensation provided for the performance of his or her official duties, except as otherwise provided in this section.

10. Where Respondent is serving as city administrator, for pay, while being a member of the governing body of a political subdivision, there is

probable cause to believe he is in violation of § 105.458, empowering this Commission to act.

Count II - Improper Conduct by Public Official

11. Section 79.120 governs certain conduct of mayors of a fourth-class city, stating:

The mayor shall have a seat in and preside over the board of aldermen, but shall not vote on any question except in case of a tie, nor shall he preside or vote in cases when he is an interested party.

12. Where Respondent voted to break a tie on a vote in which he had a recognizable stake, there is probable cause to believe he violated the conflict-of-interest prohibitions in § 79.120.

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 Respondent violated §§ 79.120 and 105.458, and pursuant to § 105.961.4, hereby **ORDERS**:

1. Respondents shall comply with all relevant sections of Chapters 79 and 105.

2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$21,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$2,100.00 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 any Respondent commits any further violation of the campaign finance laws under Chapter 105 or 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.

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:

RESPONDENT TOMMIE PIERSON
SR.

MISSOURI ETHICS COMMISSION

Tommie Pierson 1-18-24
Tommie Pierson Sr. Date

Elizabeth L. Ziegler 2/6/24
Elizabeth L. Ziegler Executive Director Date

Brian Hamilton 2/6/24
Brian Hamilton Attorney for Petitioner Date

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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 Chapters 79 or 105, RSMo, within the two-year period from the date of this order, then 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 a violation.

SO ORDERED this 7th day of February, 2024



Robert Cook, Chair
Missouri Ethics Commission