

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed

NOV 14 2024

Missouri Ethics
Commission

MISSOURI ETHICS)	
COMMISSION,)	
)	
Petitioner,)	
)	Case No. 23-0045-I & 23-0048-I
v.)	
)	
KERRI VANMEVEREN, and)	
)	
DARVIN SCHILDKNECHT,)	
)	
Respondents.)	

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

The Missouri Ethics Commission (“MEC”), together with Kerri VanMeveren and Darvin Schildknecht (“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. At all relevant times, Kerri VanMeveren was a member of the Board of Directors for the Western Cass Fire Protection District.

2. At all relevant times, Darvin Schildknecht was a member of the Board of Directors for the Western Cass Fire Protection District.

3. Western Cass Fire Question 1 asking, "Shall Darvin Schildknecht be recalled (removed) from the office of Director of the Western Cass Fire Protection District, term ending 2027?" and Western Cass Fire Question 3 asking, "Shall Kerri VanMeveren be recalled (removed) from the office of Director of the Western Cass Fire Protection District, term ending 2026?" were placed on the August 8, 2023 ballot after successful circulation of a recall petition. Both Question 1 and Question 3 were successful.

4. Pursuant to § 105.961, the MEC's staff received complaints against Respondents. Upon investigation of the allegations, a report was presented to the Commission.

5. The Commission determined there were reasonable grounds to believe violations of Missouri statutes had occurred and authorized a hearing pursuant to § 105.961.3.

6. Respondent VanMeveren and Respondent Schildknecht used personal funds to purchase and distribute two (2) separate postcards opposing Western Cass Fire Question 1 and Question 3 on the August 8, 2023 ballot.

7. The postcards included a disclosure which read, "Paid for by Kerri & Darwin."

8. The postcards should have contained the clear and conspicuous statement: "Paid for by Kerri VanMeveren and Darwin Schildknecht".

9. Respondent VanMeveren used personal funds to pay for the printing and distribution of two (2) separate newsletters relative to candidates.

10. The newsletters did not contain a paid for by disclosure.

11. The newsletters should have contained the clear and conspicuous statement, "Paid for by Kerri VanMeveren".

12. Respondent Schildknecht used personal funds to purchase campaign yard signs relative to candidates.

13. The signs included a disclosure which read, "Paid for by Kerri & Darwin."

14. The signs should have contained the clear and conspicuous statement, "Paid for by Darwin Schildknecht".

CONCLUSIONS OF LAW

15. "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.

16. "[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.

17. Section 130.031.8 further states the following:

(1) 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.

18. There is probable cause to believe that Respondents violated § 130.031.8, by purchasing and distributing postcards, newsletters, and yard signs which failed to include accurate "Paid for by" disclosures.

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, RSMo, and pursuant to § 105.961.4, hereby **ORDERS**:

1. Respondents shall comply with all relevant sections of Chapter 130.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$200.00, 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.

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 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.

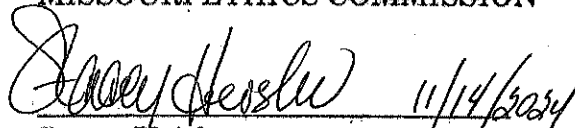
5. This agreement shall become effective immediately upon (1) the signature of all parties; (2) adoption of the Joint Proposed Findings of Fact, Conclusions of Law by the Missouri Ethics Commission; and (3) issuance of a Final Order by the Commission, without any further action of the parties.

SO AGREED:

RESPONDENT KERRI
VANMEVEREN

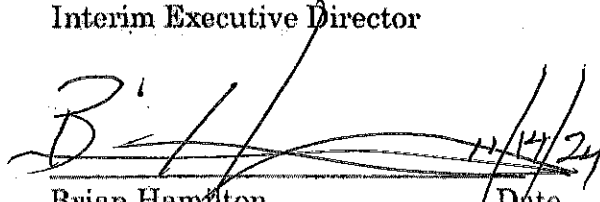

Kerri VanMeveren 11-4-24
Date

MISSOURI ETHICS COMMISSION

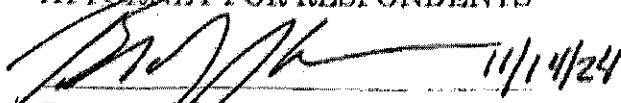

Stacey Heislen 11/14/2024
Interim Executive Director Date

RESPONDENT DARVIN
SCHILDKNECHT


Darvin Schildknecht 11-4-24
Date


Brian Hamilton 11/14/24
Attorney for Petitioner Date

ATTORNEY FOR RESPONDENTS


Bradley S. Ketcher 11/14/24
Date

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3. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 18th day of November, 2024

Robin Wheeler Sanders

Robin Wheeler Sanders, Chair
Missouri Ethics Commission