

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed

FEB 27 2025

Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	Case No. 24-0070-I(A)
KENNY BARKER,)	
Candidate,)	
)	
Respondent.)	

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

The Missouri Ethics Commission ("MEC"), together with Kenny Barker ("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. Respondent Kenny Barker was a candidate for Western District Commissioner in Butler County in the August 6, 2024, election.

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

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

4. Respondent ordered and paid for campaign business cards and signs in support of his candidacy. Respondent used personal funds to pay for the campaign materials. The paid for by disclosures read, "Paid for by Candidate."

5. An accurate paid for by disclosure should have read, "Paid for by Kenny Barker."

CONCLUSIONS OF LAW

6. "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.

7. "[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.

8. Section 130.031.8, RSMo, 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.

9. There is probable cause to believe that Respondents violated § 130.031.8, RSMo, by purchasing and circulating printed campaign materials in support of his candidacy which failed to include proper "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 Respondent violated § 130.031.8, and pursuant to § 105.961.4, hereby **ORDERS**:

1. Respondent 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 Respondent 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.

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. Respondent, together with his 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 KENNY BARKER

Kenny Barker 2-6-25
Kenny Barker Date

MISSOURI ETHICS COMMISSION

Stacey Heislen 2/27/25
Stacey Heislen Date
Executive Director

Brian Hamilton 2/27/25
Brian Hamilton Date
Attorney for Petitioner

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KENNY BARKER,)
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CONSENT ORDER

The Missouri Ethics Commission finds probable cause to believe Respondent violated § 130.031.8, and pursuant to § 105.961.4, hereby **ORDERS**:

1. Respondent 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 Respondent 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.

SO ORDERED this 3rd day of March, 2025

Robin Wheeler Sanders

Robin Wheeler Sanders, Chair
Missouri Ethics Commission