Filed

OCT 1 2 2026

Missouri Ethics Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 26-0056-I
	)	
SCHOOL DISTRICT OF CLAYTON,	)	
	)	
Respondent.	)	

JOINT PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND CONSENT ORDER

The Missouri Ethics Commission ("MEC"), together with Respondent, the School District of Clayton, collectively the "parties," jointly stipulate and consent to action as set forth here (the "agreement").

Respondent acknowledges their right to have this agreement reviewed by counsel. Respondent further acknowledges they have received actual notice of the legal complaint filed by the MEC in this case, have reviewed the contents of the legal complaint, and submits themselves to the jurisdiction of the Missouri Ethics Commission.

Respondent further acknowledges 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 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. The Missouri Ethics Commission (MEC) is an agency of the State of Missouri established pursuant to § 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo, as well as any "constitution or state statute or order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions." Section 105.957.1(6), RSMo.

2. The MEC is therefore authorized to enforce the provisions of § 115.646, RSMo. *City of Maryland Heights, et al. v. State of Missouri*, 638 S.W.3d 895, 898 (Mo. banc 2022).

3. Respondent School District of Clayton is organized under the laws of Missouri and exercises the powers delegated to it by the Missouri Legislature to provide educational services to the students in its district.

4. Pursuant to §§ 105.957 and 105.961, RSMo, the Commission's staff investigated a complaint that was filed with the Commission and reported the findings to the Commission.

5. The Commission determined there were reasonable grounds to believe violations of the law had occurred and authorized a hearing. Section 105.961.3, RSMo.

COUNT I

Improper use of public funds

6. Proposition O was presented to voters in the April 7, 2026 general municipal election.

> Shall the School District of Clayton, St. Louis County, Missouri, borrow money in the amount of One Hundred Thirty-Five Million Dollars ($135,000,000) for the purpose of constructing, improving, renovating, acquiring, furnishing and equipping school sites, buildings and related facilities, including but not limited to constructing new and/or renovating or equipping existing classrooms, libraries, fine and performing arts spaces, gymnasiums, storm shelters, building operational components, safety, security, and technology infrastructure, and outdoor play spaces and athletic facilities, and issue general obligation bonds for the payment thereof? If this proposition is approved, the adjusted debt service levy of the school district is estimated to remain unchanged at the current levy of $0.5110 per one hundred dollars of assessed valuation of real and personal property.

7. On March 29, 2026, the Principal of Wydown Middle School sent an email newsletter from her official Clayton Schools email account.

8. The March 29, 2026 email newsletter contained the following statement regarding Proposition O: "Don't forget to vote YES for Prop O on Tuesday, April 7, 2026."

9. The computer equipment and email network used by the employees of the School District of Clayton are paid for and maintained with public funds.

10. The salaries of the School District of Clayton employees are paid for with public funds.

COUNT II

Failure to include a "Paid for by" disclosure

11. Respondent created and distributed a mailer containing information relevant to Proposition O.

12. The mailer did not include a "Paid for by" disclosure.

CONCLUSIONS OF LAW

COUNT I

Improper use of public funds

13. State law prohibits the use of public funds to support or oppose candidates and ballot measures: "No contribution or expenditure of public funds shall be made directly by any officer, employee or agency of any political subdivision . . . to advocate, support, or oppose the passage or defeat of any ballot measure or the nomination or election of any candidate for public office.[.]" Section 115.646, RSMo.

14. In *Maryland Heights*, the Supreme Court of Missouri noted that § 115.646, RSMo, prohibits the use of public funds for "express advocacy" as well as its "functional equivalent," which "occurs when the communication 'is susceptible of no reasonable

interpretation other than as an appeal to vote for or against a specific candidate.'" *Id.* at FN6 (citing *Fed. Election Comm'n v. Wisconsin Right to Life, Inc.*, 551 U.S. 449, 470 (2007)).

15. There is probable cause to believe Respondent violated § 115.646, RSMo, by using school district resources that were paid for with public funds to advocate for the passage of Proposition O.

COUNT II

Failure to include a "Paid for by" disclosure

16. Pursuant to § 130.031.8, RSMo, "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."

17. The specifics regarding proper identification of the sponsor are detailed as follows:

> 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.

Section 130.031.8(3), RSMo.

18. There is probable cause to believe Respondent violated § 130.031.8, RSMo, by publishing and distributing printed matter relative to a ballot measure without including a "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 Respondent violated §§ 115.646, RSMo, and 130.031.8, RSMo, and pursuant to § 105.961.4, RSMo, hereby **ORDERS:**

1. Respondent shall hereafter comply with § 115.646, RSMo, and all provisions of Chapter 130, RSMo.
2. A fee is imposed against Respondent in the amount of $1,100; however, if Respondent pays $200 within 45 days of the date of the consent order, the remainder of the fee will be stayed.
3. Regardless of the stay in paragraph 2, if there is probable cause to believe that Respondent has committed any further violation of § 115.646, RSMo, or the campaign finance laws in Chapter 130, RSMo, within the two-year period from the date of this order, then Respondent will be required to pay the remainder of the fee. That remainder will be due immediately upon final adjudication of finding probable cause.
4. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

III.

The parties understand that the MEC will maintain this agreement as an open record of the Commission. This agreement does not bind the MEC or restrict the remedies available concerning any violations not expressly detailed here, including any future violations. Each party agrees to pay all their own fees and expenses incurred as a result of this case, its litigation, and/or its disposition.

Respondent, together with their heirs, assigns, agents, representatives and attorneys, does hereby waive, release, acquit and forever discharge the MEC, 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 § 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.

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

SO AGREED:

RESPONDENTS

SCHOOL DISTRICT OF CLAYTON

By: _____ 10/07/2026
Date

Title: President

PETITIONER

MISSOURI ETHICS COMMISSION

Stacey Heislen 10/12/26
Stacey Heislen Date
Executive Director

Michelle Basi 10/8/2026
Michelle H. Basi Date
Tueth Keeney
Attorney for Respondent

Laura E Elsbury
Laura E Elsbury Date
Attorney for Petitioner

Filed

NOV 09 2026

Missouri Ethics Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 26-0056-I
	)	
SCHOOL DISTRICT OF CLAYTON,	)	
	)	
Respondent.	)	

CONSENT ORDER

The Missouri Ethics Commission finds probable cause to believe Respondent violated §§ 115.646, RSMo, and 130.031.8, RSMo, and pursuant to § 105.961.4, RSMo, hereby **ORDERS**:

1. Respondent shall hereafter comply with § 115.646, RSMo, and all provisions of Chapter 130, RSMo.

2. A fee is imposed against Respondent in the amount of $1,100; however, if Respondent pays $200 within 45 days of the date of the consent order, the remainder of the fee will be stayed.

3. Regardless of the stay in paragraph 2, if there is probable cause to believe that Respondent has committed any further violation of § 115.646, RSMo, or the campaign finance laws in Chapter 130, RSMo, within the two-year period from the date of this order, then Respondent will be required to pay the remainder of the fee. That remainder will be due immediately upon final adjudication of finding probable cause.

4. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

SO ORDERED, this 9th day of November, 2026.

Julie Leicht, Chair
Missouri Ethics Commission