Filed
OCT 22 2026
Missouri Ethics Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION, Petitioner, v. MAX CALFO, Candidate, and MISSOURIANS FOR MAX CALFO, Candidate Committee, Respondents.	)	Case No. 25-0057-I

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

The Missouri Ethics Commission ("MEC"), together with Max Calfo and his candidate committee, Missourians for Max Calfo ("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 legal complaint, and submit themselves 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 enter into this agreement and agree 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 provisions of Chapter 130, RSMo.

2. Respondent Max Calfo and Mike Costlow were both registered as Republican candidates in the August 6, 2024 primary election and in the August 4, 2026 primary election.

3. Mike Costlow was elected State Representative of District 108 in the November 5, 2024 general election. He was successful in the August 2026 primary and is on the ballot for the November 3 general election.

4. Missourians for Max Calfo, MEC ID No. C232559, was a candidate committee that registered with the MEC on September 14, 2023, and terminated on

February 26, 2025.

5. Missourians for Max Calfo, MEC ID No. C232559, received a total of $26,914.65 in contributions, including $22,815.95 in loans from the candidate.

6. On February 27, 2025, Respondent Calfo established a new candidate committee, also named Missourians for Max Calfo, MEC ID No. C253411. This committee terminated on August 30, 2026.

7. Missourians for Max Calfo, MEC ID No. C253411, received a total of $25,840.70 in contributions, including $25,050.00 in loans from the candidate.

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

9. 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.

10. On April 22, 2024, Respondent Calfo filed a *pro se* petition in the Circuit Court of St. Charles County, naming Michael Taylor Costlow as the Defendant. (Case No. 2411-CC00453)

11. The petition alleges that Costlow had violated the provisions of § 115.306,

RSMo[1], and asked for the following relief:

> Plaintiff prays that this Court enter a judgment in his favor and against Defendant regarding Defendant's eligibility for public office in Missouri and for Plaintiff's costs and attorney's fees herein incurred and expended, along with any other relief this Court deems just and proper under the circumstances.

12. On May 13, 2024, two attorneys entered their appearances on behalf of Respondent Calfo: Timm W. Showalter and J. Bradford Goss, both with Amundsen Davis, LLC.

13. Case No. 2411-CC00453 was dismissed with prejudice on May 9, 2024.

14. On March 21, 2025, Respondent Calfo filed a motion in a 2007 criminal matter from Lowndes County, Georgia, seeking the disclosure of confidential records in a case involving Michael Costlow.

15. Respondent Calfo was represented in this matter by attorney John D. Holt.

16. On March 30, 2026, Respondent Calfo filed a *pro se* petition in the Circuit Court of St. Charles County, naming Michael Taylor Costlow as the Defendant. (Case No. 2611-CC00420)

17. The petition in Case No. 2611-CC00420 alleges that Costlow had violated the provisions of § 115.306, RSMo, and asked for relief that included the following:

> (2) Render a determination that Defendant Costlow has, in fact, pled

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[1] "No person shall qualify as a candidate for elective public office in the State of Missouri who has been found guilty of or pled guilty to a felony under the federal laws of the United States of America or to a felony under the laws of this state or an offense committed in another state that would be considered a felony in this state." Section 115.306.1, RSMo.

guilty to a felony in another state that would be considered a felony in this state and is ineligible for elective office under RSMo 115.306;

(3) Issue an injunction enjoining the St. Charles County Election Authority from including the ineligible Defendant on the August 4 Republican primary ballot to be printed in June under RSMo 115.526.4[.]

18. The documents obtained by attorney Holt were attached as exhibits to the petition filed in Case No. 2611-CC00420.

19. Respondents used contributions to make the following expenditures related to these two legal matters:

MEC ID	Report	Date	Recipient	Amount	Category or Purpose
C232559	July 2024 Quarterly Report	None provided[2]		$206.46	Eligibility Lawsuit Filing Fees
C232559	July 2024 Quarterly Report	06/11/2024	Amundsen Davis, LLC	$1,500.00	Campaign Legal Fees
C232559	February 2025 Termination Report	10/07/2024	Amundsen Davis, LLC	$500.00	Campaign Legal Fees
C253411	April 2025 Quarterly Report	03/03/2025	John D. Holt, PC	$2,500.00	Campaign Legal Fees
TOTAL				**$4,706.46**	

[2] Listed in the report section titled "Expenditures of $100 or Less by Category" pursuant to the provisions of § 130.041(4)(e), RSMo, which states: "Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditure in each category[.]"

20. Respondent Calfo should have paid these legal expenses using personal funds, instead of loaning that money to his committee and then using those contributions to make the payments.

CONCLUSIONS OF LAW

21. The statutory definition of "contribution" includes loans. Section 130.011(12), RSMo.

22. Contributions may only be used for specific purposes, including but not limited to the following:

> (1) Any ordinary expenses incurred relating to a campaign;
>
> (2) Any ordinary and necessary expenses incurred in connection with the duties of a holder of elective office;
>
> (3) Any expenses associated with the duties of candidacy or of elective office pertaining to the entertaining of or providing social courtesies to constituents, professional associations, or other holders of elective office;
>
> (4) The return of any contribution to the person who made the contribution to the candidate of holder of elective office;
>
> (5) To contribute to a political organization or a candidate committee as allowed by law;
>
> (6) To establish a new committee as defined by this chapter;
>
> (7) To make an unconditional gift which is fully vested to any charitable, fraternal or civic organization or other associations formed to provide for some good in the order of benevolence, if such candidate, former candidate or holder of elective office or such person's immediate family gain no direct financial benefit from the unconditional gift[.]

Section 130.034.2, RSMo.

23. Section 130.033, RSMo, addresses the circumstances when contributions may be used for legal expenses:

> Any reasonable attorney's fees accrued by a person who is the subject of a complaint which are used in defending such person in any matter resulting in an investigation arising from holding or running for public office may be paid out of such person's committee, as defined in section 130.011.

24. On June 28, 2010, the MEC issued an advisory opinion addressing the question of whether "campaign contributions received by a candidate committee [may] be used to pay any or all of the legal expenses that have been incurred by the candidate as a result of challenging the qualifications of an opponent[.]" With reference to §§ 130.033 and 130.034, RSMo, the Commission opined as follows:

> Unlike §130.033, RSMo, Chapter 130 does not expressly provide that campaign contributions may be used to pay legal expenses that have been incurred by a candidate to challenge the qualifications of an opponent. It is the Commission's opinion that such expenses are not "ordinary" expenses incurred relating to a campaign or associated with the duties of candidacy.

MEC Advisory Opinion 2010.06.CF.001.

25. The MEC's authority is limited to a determination of whether there is probable cause to believe a violation has occurred; the MEC does not determine whether Respondents actually violated the law. *Impey v. Missouri Ethics Comm'n*, 442 S.W.3d 42, 48 (Mo. banc 2014).

26. There is probable cause to believe Respondents violated § 130.034, RSMo, by using contributions for unauthorized purposes.

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

1. Respondents shall hereafter comply with all provisions of Chapter 130, RSMo.
2. A fee is imposed against Respondents in the amount of $4,706.00; however, if Respondents pay $470.00 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 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.
4. Respondents shall be jointly and severally liable for all fees imposed under this order.
5. Fees 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.

Respondents, together with their heirs, assigns, agents, representatives and attorneys, do 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

MISSOURIANS FOR MAX CALFO

10/21/26

By Max Calfo Date
Candidate

PETITIONER

MISSOURI ETHICS COMMISSION

10/22/26

Stacey Heislen Date
Executive Director

MAX CALFO

10/21/26

Max Calfo Date

10/22/26

Laura E. Elsbury Date
Attorney for Petitioner

10/26/26

Stephanie S. Bell Date
Ellinger Bell
Attorney for Respondents

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MISSOURI ETHICS COMMISSION

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	)	
v.	)	Case No. 25-0057-I
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MAX CALFO and MISSOURIANS FOR MAX CALFO,	)	
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4. Respondents shall be jointly and severally liable for all fees imposed under this order.

5. Fees 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