



**STATE OF MISSOURI**  
**MISSOURI ETHICS COMMISSION**  
P. O. BOX 1254  
JEFFERSON CITY, MISSOURI 65102

573/751-2020  
1-800/392-8660

Amended March 26, 2008

The Missouri Ethics Commission, at its March 13, 2008 meeting, took the following actions:

The following cases were closed with letters:

07E156 Gary Fornkahl, Cape Girardeau Co.

06A026 Butler Countians for Forrester, Bill Foster, Treasurer, Butler Co., Section 130 RSMo.

06E080, 06E081, 06E082 & 06E083 Thomas Wallace, Pike Co., Section 130 RSMo.

The following cases were dismissed against the respondents as the allegations were unsubstantiated:

08C031 Rachel Plaas Stevens, Jackson Co.

07E153 Glenda Kelly, Buchanan Co., Section 130.032 RSMo.

06E067 Greg Hoffman, Platte Co.

06E165 (A-B) Kristen Burkemper, Jim Heitman, Troy Henrickson, Lincoln Co.

An opinion was issued in response to the following:

Re: Conflict of Interest-Opinion No. 2008.03.CI.001

The Commission held the following hearings and ruled as follows:

05E133 Thomas Bauer, Section 130.011(10) RSMo.

The Commission conducted a hearing regarding Tom Bauer's violation of Chapter 130 RSMo as Mr. Bauer was a candidate for Alderman of St. Louis City while at the same time serving as Deputy Treasurer of a continuing committee which is in violation of 130.011(10), which in pertinent part, provides that a continuing committee shall not be formed, controlled or directed by a candidate. The Commission ordered that a letter of reprimand be issued to Mr. Bauer pursuant to Section 105.961.4(4) RSMo.

07A084 Neil Duvall, Treasurer and Missouri Democratic 136<sup>th</sup> Legislative District,  
Section 130.041.1(3)(a); 130.041(4); 130.046.1(3) RSMo.

After a Hearing the Commission determined that Respondent had violated the Campaign Finance Laws of Chapter 130 RSMo and imposed a penalty fee of \$22,000 pursuant to Section 105.961.4(6) RSMo with the provision that if the Respondent pay \$1,000 within 45 days of the date of the Order the remainder of the penalty fee shall be stayed for two years subject to no commission of a violation of Chapter 130 RSMo.

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07A105 Kelly Williams, Treasurer; Harry S. Truman Democratic Club Sections 130.041; 130.046.1(2) RSMo.

After a Hearing the Commission determined that the Respondent had violated the Campaign Finance Laws of Chapter 130 RSMo and ordered that a penalty fee of \$12,000, pursuant to Section 105.961.4(6), be imposed against the Respondent with the provision that if the Respondent pays \$1,200 of that fee within 45 days after the date of the Order the remainder of the penalty fee will be stayed for two years with the provision that the Respondents do not commit a violation of Chapter 130, RSMo.

The Commission approved the following Joint Stipulations of facts, waiver of hearing before the Missouri Ethics Commission, and joint proposed Consent Order with findings of fact and conclusions of law:

A3168 Paul Matteucci, Treasurer; Chesterfield Township Republican Organization Sections 130.041.1(3); 130.041.1(4); 130.041.1 RSMo; 130.032.1; 130.041.1(7); 130.046(3) RSMo.

The Commission accepted a signed Joint Stipulation of Facts, Waiver of Hearing and Conclusions of Law and issued a Consent Order providing for Paul Matteucci to pay \$2,500 within 45 days of the issuance of the Consent Order.

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05H071 Missourians for Matt Blunt and Missourians for Matt Blunt, Inc. Section 130.041.1(4); 130.021.4(1); 130.031.2; 130.041.1(3); 130.046.1; 130.014.1(4); 130.032.1; 130.032.2 RSMo.

The Commission accepted a signed Joint Stipulation of Facts, Waiver of Hearings, Joint Finding of Facts and Conclusions of Law and issued a Consent Order in which it directs the Committee to cease and desist from the noted activity that is not in compliance with provisions of Chapter 130 RSMo; that the Committee pay a fee of \$15,000.00 to the Commission pursuant to Section 105.961.4(6) RSMo and Section 130.072 RSMo also, that the committee shall file amended disclosure reports within 30 days after issuance of the Consent Order accurately reflecting their respective contribution and expenditure following the November 2004 general election and that the Respondents, within 10 days after entry of the Order, return to each of those persons who made a contribution in excess of the applicable limits the amount of the excess contributions(\$101,060) Also, that the Commission shall issue a letter of reprimand to the respective committee.

05E087 Ozark Fire Protection District, Bill McNabb President Section 105.454 RSMo.

The Commission accepted a Joint Stipulation of Facts, Waiver of Hearing and Joint Proposed Findings of Fact and Conclusions of Law and issued a Consent Order wherein the Respondent Bill McNabb shall pay a penalty fee of \$25,000 pursuant to Section 105.961.4(6) RSMo but if Bill McNabb pays \$850 within 45 days of the date

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of the Order and Bill McNabb has no violations of Chapter 130 for two years, the remaining \$24,150 fee will be waived pursuant to the terms of the Joint Stipulation.

06C128 Christopher Swatosh, Candidate Sections 130.021; 130.046.1(3) RSMo.

The Commission accepted a Joint Stipulation of Facts, Waiver of Hearings and Joint Proposed Finding of Fact and Conclusions of Law, and issued a Consent Order assessing a penalty fee of \$2,240 pursuant to Section 105.961.4(6) and further compliance with all provisions of Chapter 130 RSMo.

06E160 Republican Sixth Congressional District Committee Sections 130.031.8; 130.041.1(4); 130.046.1(2); 130.046.4 RSMo.

The Commission accepted a Joint Stipulation of Facts with Proposed Findings of Fact and Conclusions of Law and issued a Consent Order directing the Respondent to pay a penalty fee of \$17,000 pursuant to Section 105.961.4(6) and 130.072 with the provision that the Respondent pay \$5,400 within 45 days of the entry of the Consent Order. The remainder of the penalty of \$11,600 shall be stayed for two years subject to the provisions that no further violation of the provisions of Chapter 130 shall occur. If a violation shall occur, the \$11,400 will be due immediately if the Respondent is found guilty of the violations.

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07A080 Cass County Democratic Central Committee Sections 130.026;  
130.046.1(1)(2)(3) RSMo.

The Commission accepted a Joint Stipulation of Facts, Waiver of Hearing, Proposed Findings of Fact and Conclusion of Law and issued a Consent Order that the Respondent pay a penalty fee of \$1,500, however the penalty fee will be stayed for two years with the provisions that if the Respondent commits any violation of the campaign finance laws pursuant to Chapter 130 RSMo the Respondent shall pay the penalty fee in full.

07R110 Duke Matlock Section 130.046.1(3) RSMo.

The Commission accepted a Joint Stipulation of Facts, Waiver of Hearing, Findings of Fact and Conclusions of Law and issued a Consent Order imposing a penalty fee of \$1,800 against the Respondent pursuant to Section 105.961.4(6) with the provision that if the Respondent files all required reports and pays a fee of \$180 pursuant to Sections 105.961.4(6) and 130.072 RSMo within 45 days after the date of the Consent Order, the remainder of the penalty fee will be stayed for two years provided the Respondent does not commit any violation of Chapter 130 RSMo.

05E138 City of Crane, by and through Stan White, Jack Swearingon, and Leah Estes Section 115.646 RSMo.

The Commission accepted a Joint Stipulation of Facts, Waiver of Hearing, Findings of Fact and Conclusions of Law and issued a Consent Order imposing a penalty fee

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of \$2,500 against the Respondent pursuant to Section 105.961.4(6) with the provision that if the Respondent pays a fee of \$500 pursuant to Sections 105.961.4(6) RSMo within 45 days of the date of the issuance of this Consent Order adopting the Joint Stipulation, and Respondents have no violations of Section 115.646, RSMo, for a period of two years, the remaining \$2,000 fee will be waived pursuant to the terms of the Joint Stipulation.

06A185 Charlotte Fink, Treasurer and John Secrest, Deputy Treasurer Sections 130.021.5 and 130.046.1 RSMo.

The Commission accepted a Joint Stipulation of Facts, Waiver of Hearing, Findings of Fact and Conclusions of Law and issued a Consent Order imposing a penalty fee of \$2,000 against the Respondent pursuant to Section 105.961.4(6) with the provision that the Respondent pay a fee of \$200 pursuant to Sections 105.961.4(6) RSMo within 45 days after the date of the Consent Order and Respondents comply with all provisions of Chapter 130 RSMo.

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In respect to cases in which a candidate has requested the Commission to conduct a hearing pursuant to the provisions set forth by the Supreme Court of Missouri in Trout v. State of Missouri the Commission issued Findings of Fact, Conclusions of Law and Order in eleven cases.

The Orders provided that the candidates shall return to contributors the amount of any contribution received after July 19, 2007 which exceeded the statutory limits, which may not have already been voluntarily returned to said contributors. Also the Commission entered the following orders in any case, the effect of which the candidate shall not be required to refund contributions received before July 19, 2007 which exceed the statutory limits: that if the candidate has an opponent in either the primary or general election in 2008, then unless the candidate chooses to return the amount of excess contributions, the Commission will convene another hearing in these cases and allow any other candidate for the same office to intervene and present evidence and present argument on how to deal with level-playing field issues as set out in the Trout decision.

The action taken in each specific case is as follows:

07A166 Tom Dempsey The Candidate shall not be required to return the contributions received between January 1, 2007 and July 19, 2007 in the amount of \$117,400.00 which would, but for the prospective application of Trout in this case,

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be required to be returned to contributor or paid as fees under Section 130.032.7, RSMo. The Candidate shall return \$2,000 in contributions received after July 19, 2007 which exceeded the statutory limits, which have not already been voluntarily returned to said contributors.

07A167 Barney Fisher The Candidate shall not be required to return the contribution in the amount of \$2,175.00 received between January 1, 2007 and July 19, 2007 which would, but for the prospective application of Trout in this case, be required to be returned to contributor or paid as fees under Section 130.032.7, RSMo.

07A173 Carson Ross That if the General Assembly does not pass a repeal of or an increase in the contribution limits in Section 130.032 RSMo by the end of this session or if the Governor vetoes such a bill, the candidate will be required to return excess contributions in the amount of \$2,400 received between January 1, 2007 and July 19, 2007.

07A174 Steven Tilley The Candidate shall not be required to return the contributions in the amount of \$31,766.33 received between January 1, 2007 and July 19, 2007 which would, but for the prospective application of Trout in this case, be required to be returned to contributor or paid as fees under Section 130.032.7, RSMo.

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07A178 Patti York The Candidate shall not be required to return the contributions in the amount of \$11,725.00 received between January 1, 2007 and July 19, 2007 which would, but for the prospective application of Trout in this case, be required to be returned to contributor or paid as fees under Section 130.032.7, RSMo.

07A186 Jim Guest The Candidate shall not be required to return contributions in the amount of \$9,600 received between January 1, 2007 and July 19, 2007 which would, but for the prospective application of Trout in this case, be required to be returned to contributor or paid as fees under Section 130.032.7, RSMo. The Candidate shall return \$7,100 in contributions received after July 19, 2007 which exceeded the statutory limits, which have not already been voluntarily returned to said contributors.

07A189 Allen Icet The Candidate shall not be required to return the contributions of \$1,275 or less received between January 1, 2007 and July 19, 2007 which would but for the prospective application of Trout in this case, be required to be returned to contributors or paid as fees under Section 130.032.7, RSMo.

That if the General Assembly does not pass a repeal of or an increase in the contribution limits in Section 130.032 RSMo by the end of this session or if the Governor vetoes such a bill, the candidate will be required to return excess

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amounts, in the amount of \$34,050.00, of the contributions received between January 1, 2007 and July 19, 2007 as listed in Paragraph 10 of the Findings of Fact.

07A193 T. Scott Muschany The Candidate shall not be required to return the contributions received between January 1, 2007 and July 19, 2007 in the amount of \$28,550.00, which would, but for the prospective application of Trout in this case, be required to be returned to contributor or paid as fees under Section 130.032.7, RSMo. The Candidate shall return \$325.00 in contributions received after July 19, 2007 which exceeded the statutory limits, which have not already been voluntarily returned to said contributors.

07A196 Ron Richard The Candidate shall not be required to return the contributions of \$1,275 or less received between January 1, 2007 and July 19, 2007 which would but for the prospective application of Trout in this case, be required to be returned to contributors or paid as fees under Section 130.032.7, RSMo. The Candidate shall return \$300.00 in contributions received after July 19, 2007 which exceeded the statutory limits, which have not already been voluntarily returned to said contributors.

That if the General Assembly does not pass a repeal of or an increase in the contribution limits in Section 130.032 RSMo by the end of this session or if the

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Governor vetoes such a bill, the candidate will be required to return excess amounts of the contributions, in the amount of \$82,981.39, received between January 1, 2007 and July 19, 2007 as listed in Paragraph 10 of the Findings of Fact.

07A200 Joe Smith That if the General Assembly does not pass a repeal of or an increase in the contribution limits in Section 130.032 RSMo by the end of this session or if the Governor vetoes such a bill, the candidate will be required to return excess contributions in the amount of \$1,625.00 received between January 1, 2007 and July 19, 2007. The Candidate shall return \$175.00 in contributions received after July 19, 2007 which exceeded the statutory limits, which have not already been voluntarily returned to said contributors.

07A204 Brian Nieves The Candidate shall not be required to return the contributions in the amount of \$1,600.00 received between January 1, 2007 and July 19, 2007 which would, but for the prospective application of Trout in this case, be required to be returned to contributor or paid as fees under Section 130.032.7, RSMo.

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