



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

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

March 14, 2006

Missouri House Democratic Campaign Committee  
P O Box 2235  
Jefferson City, Mo 65102

Re: Letter of Reprimand

Dear Missouri House Democratic Campaign Committee:

This letter of Reprimand is being issued to you pursuant to the authority granted to the Missouri Ethics Commission in Section 105.961.4(4), RSMo.

The Commission has accepted the submission of the Joint Stipulation of Facts, Waiver of Hearings Before the Missouri Ethics Commission, and Consent Order With Joint Proposed Findings of Fact and Conclusions of Law in this matter, a copy of which submission is marked Exhibit A, attached hereto and incorporated herein by reference.

The commission has found that the Missouri House Democratic Campaign violated certain provisions of the Campaign Finance Disclosure Law because of the committee's failure to report which candidates received what amounts of direct support from its expenditures during the 2002 general election campaign, its failure to properly report certain contributions and expenditures, its commingling of certain funds with those of another continuing committee, its involvement in an expenditure made in a fictitious or false name, its failure to maintain and produce committee records, its checks being signed by persons who were not its treasurer or deputy treasurer, and its being subject to control by persons who were candidates for office

This letter shall be maintained as a public document.

Sincerely yours,

A handwritten signature in cursive script that reads "Pier Patterson".

Pier Patterson, Chair  
Missouri Ethics Commission

BEFORE THE  
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. A4181
	)	
MISSOURI HOUSE DEMOCRATIC	)	
CAMPAIGN COMMITTEE, et al.,	)	
	)	
Respondents.	)	

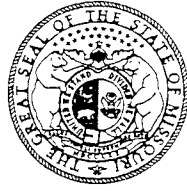
CONSENT ORDER

The parties having filed a Joint Stipulation of Facts, Waiver of Hearings Before the Missouri Ethics Commission, and Consent Order With Joint Proposed Findings of Facts and Conclusions of Law (“Joint Stipulation”) with the Missouri Ethics Commission in this matter, the Missouri Ethics Commission hereby accepts as true the facts stipulated and finds that the Missouri House Democratic Campaign Committee (“MHDCC”) violated certain provisions of Chapter 130, RSMo, as stated in the Joint Stipulation.

The Commission directs that all terms and orders of the Joint Stipulation be adopted herein and implemented.

It is the order of the Commission that Respondent MHDCC shall cease and desist violation of the provisions of Chapter 130, RSMo, found to have been infringed as set out above, and that if any future violation or threatened violation of these laws occurs, the Commission may seek judicial enforcement of this cease and desist order in a court of competent jurisdiction.

It is further the order of the Commission that Respondent MHDCC pay a fee of Sixty Thousand Dollars (\$60,000.00) to the Missouri Ethics Commission as a fee pursuant to



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Missouri Ethics Commission

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	)	
Petitioner,	)	
	)	
vs.	)	No. A4181
	)	
MISSOURI HOUSE DEMOCRATIC	)	
CAMPAIGN COMMITTEE, et al.,	)	
	)	
Respondents.	)	

**JOINT STIPULATION OF FACTS, WAIVER OF  
HEARINGS BEFORE THE MISSOURI ETHICS COMMISSION,  
AND CONSENT ORDER WITH JOINT PROPOSED  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action against Respondent Missouri House Democratic Campaign Committee (“MHDCC”) for violations of statutes set forth below.

The undersigned Respondent acknowledges that it has received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that it is aware of the various rights and privileges afforded it by law, including but not limited to: the right to appear and be represented by counsel; the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent’s own behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to the Respondents by operation of law, the undersigned Respondent, Missouri House Democratic Campaign

§ 105.961.4(6), RSMo and § 130.072, RSMo, and also be subject to a contingent fee of Forty-Four Thousand Sixty-Eight Dollars and Forty-Four Cents (\$44,068.44), all as set out in the Joint Stipulation.

It is further the order of the Missouri Ethics Commission that it issue a letter of reprimand to Respondent MHDCC pursuant to § 105.961.4(4), RSMo.

It is further the order of the Missouri Ethics Commission that Respondent MHDCC file amended disclosure report's pertaining to the November, 2002 election in accordance with the terms of the Joint Stipulation.

SO ORDERED this 14<sup>th</sup> day of March, 2006.

By: Pier Patterson  
Chairman

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. A4181
	)	
MISSOURI HOUSE DEMOCRATIC	)	
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The Commission directs that all terms and orders of the Joint Stipulation be adopted herein and implemented.

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It is further the order of the Commission that Respondent MHDCC pay a fee of Sixty Thousand Dollars (\$60,000.00) to the Missouri Ethics Commission as a fee pursuant to

Committee, knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearings Before the Missouri Ethics Commission, and Consent Order With Joint Proposed Findings of Fact and Conclusions of Law, and agrees to abide by the terms of this document.

## I.

Based upon the foregoing, the Petitioner and the undersigned Respondent jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

### **JOINT PROPOSED FINDINGS OF FACT**

1. The Missouri Ethics Commission (the "Commission") is an agency of the State of Missouri created and established pursuant to Section 105.955, RSMo, for the purpose of executing and enforcing the provisions of Sections 105.450 to 105.498 and Chapter 130, RSMo.
2. Respondent Missouri House Democratic Campaign Committee ("MHDCC") was organized in 1999 and has operated as a continuing committee since that time.
3. On its Statement of Committee Organization filed on September 7, 2001, MHDCC listed Respondent Shawn Poore ("Poore") as its treasurer and no one as a deputy treasurer. No amendment of that Statement of Organization was filed for MHDCC until April 15, 2003, when Linda David was named as its treasurer and no one was named as a deputy treasurer.
4. The official depository account of MHDCC was at Central Bank of Jefferson City, Missouri in account number 01-3251-9.

5. The only persons who signed checks on Central Bank Account Number 01-3251-9 between March 26, 2001 and March 3, 2003, including numerous checks that were issued in amounts of more than fifty dollars, were Respondents William Gratz (“Gratz”) and Russ Carnahan (“Carnahan”), neither of whom had been shown on a Statement of Committee Organization filed with the Commission as the treasurer or a deputy treasurer of MHDCC.

6. Respondent Gratz became a candidate for the Missouri Senate for purposes of Chapter 130, RSMo by filing an amended Statement of Committee Organization with the Commission on May 25, 2001 in which he stated that he was a candidate for the Missouri Senate in the 2002 elections.

7. Respondent Carnahan became a candidate for the 59<sup>th</sup> District of the Missouri House of Representatives for purposes of Chapter 130, RSMo by filing an amended Statement of Committee Organization with the Commission on November 8, 2000 in which he stated that he was a candidate for that office in the 2002 elections.

8. On or about October 30, 2002, MHDCC issued and sent its check in the amount of \$3,668.21 payable to Kwik-Kopy Printing for the printing and distribution of written campaign material supporting Mike Allen and opposing Jim Lembke for State Representative from the 85<sup>th</sup> District of the Missouri House of Representatives in the November, 2002 general election. The written materials were published, circulated and distributed prior to the November, 2002 general election.

9. Team Missouri, another continuing committee, paid for the production of the printed materials referred to in the preceding paragraph. MHDCC and Team Missouri were related and connected entities, and some of the same persons were involved with the operation and direction of



both committees, including Todd Patterson and Mark Jones. Mark Jones also prepared and signed the 30-day after election report and several committee checks for Council to Protect Missouri's Values, a different continuing committee, for Ann Jones, his ex-wife, who was the treasurer for The Council to Protect Missouri's Values.

10. The written material referred to in paragraph 8 above contained a statement saying that it had been paid for by The Council to Protect Missouri's Values, Reverend Ann Jones, Treasurer. The Council to Protect Missouri's Values did not pay for or sponsor the written matter.

11. An employee and agent of Team Missouri, Respondent Brian Zuzenak ("Zuzenak"), made arrangements for the production of the printed matter referred to in paragraph 8 above and instructed the person who produced it to include for the identification of the sponsor that it was paid for by the Council to Protect Missouri's Values. Respondent Zuzenak also placed the order with Kwik-Kopy Printing on behalf of MHDCC for the printing of those materials.

12. MHDCC made and reported numerous expenditures totaling many thousands of dollars to vendors and suppliers during the period from July 1, 2002 through November 30, 2002 in support of or in opposition to candidates for office in the November, 2002 state general elections.

13. MHDCC failed to set forth in any of its disclosure reports the amounts of expenditures that it made for or against those candidates by the names of the candidates supported or opposed and their mailing addresses and offices sought.

14. The disclosure reports filed by MHDCC have failed to set forth the following contributions that it received on or about the dates indicated:

	<u>Date</u>	<u>Amount</u>	<u>Drawer of Check</u>
a.	09/09/02	\$ 500	John Bardgett & Associates
2.	09/10/02	\$1,000	AmerenUE PAC
3.	09/10/02	\$2,000	Missouri Petroleum Makers PAC
a.	11/22/02	\$ 300	Friends of Ryan McKenna

15. The disclosure reports filed by MHDCC have failed to set forth the expenditures that it made by giving to Team Missouri, another continuing committee which supported or opposed candidates in the November, 2002 general election, the following checks that were made payable to MHDCC but were deposited into the Team Missouri official depository account, and not into the MHDCC official depository account:

	<u>Date</u>	<u>Amount</u>	<u>Drawer of Check</u>
a.	09/09/02	\$ 500	John Bardgett & Associates
b.	09/10/02	\$1,000	AmerenUE PAC
3.	09/10/02	\$2,000	Missouri Petroleum Makers PAC
a.	11/22/02	\$ 300	Friends of Ryan McKenna

16. The following eight checks were contributions which were made payable to Team Missouri, another continuing committee, but which were deposited into the MHDCC official depository account and not into the Team Missouri official depository account:

<u>Date of Check</u>	<u>Maker of Check</u>	<u>Amount of Check</u>
12/06/01	Alliance Blue Cross Blue Shield	\$1,000.00
04/06/02	Friends of Randy Relford	1,250.00
04/06/02	Citigroup Inc. PAC- Missouri	5,000.00

04/08/02	Vision 2002	1,000.00
04/15/02	Citizens for Tim Harlen	100.00
05/21/02	DFC Group, Inc.	5,000.00
07/25/02	Builders' Association Political Action Committee	1,000.00
07/25/02	Dealers Interested in Government	2,000.00

17. None of the checks listed in the preceding paragraph were endorsed by Team Missouri or otherwise made payable to MHDCC.

18. Respondent MHDCC has not maintained accurate and complete records and accounts of its receipts and expenditures from the 2002 primary and general elections.

19. Respondent MHDCC has not made the required records available to Petitioner for inspection.

20. Pursuant to the provisions of § 105.959, RSMo, the executive director of the Commission conducted a review of reports and statements filed with the Commission by MHDCC.

21. Based on the reports of the auditors and investigators, the Commission referred the investigation to a special investigator under §§ 105.959.5 and 105.961.1, RSMo. The special investigator conducted further investigations into the matter and recommended that the Commission find that probable cause existed to believe that violations of Chapter 130, RSMo had occurred and that the case be referred to counsel for the preparation of a complaint for a hearing before the Commission under § 105.961.3, RSMo.

## JOINT PROPOSED CONCLUSIONS OF LAW

1. Under Section 130.021.5(3), RSMo, each committee must file a Statement of Committee Organization containing the name, mailing address and telephone number of the committee treasurer and also of its deputy treasurer (if any).

2. Under § 130.021.4(1), RSMo, every committee shall have a single official depository account in the State of Missouri.

3. Under §§ 130.021.4(1) and 130.031.2, RSMo, each expenditure of cash of more than fifty dollars made by a continuing committee must be made by a check drawn on the committee's official depository account and signed by the committee treasurer or deputy treasurer.

4. Respondent MHDCC has violated §§ 130.021.4(1) and 130.031.2, RSMo, by making numerous committee expenditures through persons who were neither the treasurer nor deputy treasurer of the committee at the time the MHDCC checks were signed by Respondent Gratz or Respondent Carnahan, and by making expenditures through checks that were not signed by the committee's treasurer or deputy treasurer.

5. Respondent MHDCC knowingly made the committee's expenditures and contributions in violation of the provisions of § 130.021.4(1), RSMo and § 130.031.2, RSMo.

6. Under § 130.011(10), RSMo, a continuing committee cannot be formed, controlled or directed by a candidate.

7. From May 25, 2001 until November 5, 2002, the signing of checks drawn on MHDCC's account by Respondent Gratz constituted control or direction of a continuing committee by a candidate.

8. Respondent MHDCC has violated § 130.011(10), RSMo, due to the fact that MHDCC, a continuing committee, was controlled or directed by candidate Gratz between May 25, 2001 and November 5, 2002.

9. From March 26, 2001 until November 5, 2002, the signing of checks drawn on MHDCC's account by Respondent Carnahan constituted control or direction of continuing committee by a candidate.

10. Respondent MHDCC has violated § 130.011(10), RSMo, due to the fact that the MHDCC, a continuing committee, was controlled or directed by a candidate between March 26, 2001 and November 5, 2002.

11. Section 130.031.3, RSMo, states as follows:

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditure the person has made for that committee.

12. Section 130.031.8, RSMo states in pertinent part as follows:

8. 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.

13. Section 130.031.11, RSMo states as follows:

11. It shall be a violation of this chapter for any person required to be identified as paying for printed matter pursuant to subsection 8 of this section or paying for broadcast matter pursuant to subsection 9 of this section to refuse to provide the information required or to purposely provide false, misleading, or incomplete information.

14. The committee treasurer of a continuing committee is ultimately responsible for all reporting requirements placed upon that committee by Chapter 130, RSMo, under § 130.058, RSMo.

15. Identifying the Council to Protect Missouri's Values after the words "Paid for by" on the printed matter described in paragraphs 8 and 10 of the Findings of Fact was not the proper identification of its sponsor. Respondents MHDCC and Zuzenak refused to provide the information required or purposefully provided false, misleading or incomplete information with regard to that printed matter. The expenditure made by MHDCC to Kwik-Kopy Printing was made, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contributions or the actual recipient or purposes of the expenditure.

16. Respondents MHDCC violated § 130.031.3, RSMo and § 130.031.8, RSMo, RSMo, by making or incurring an expenditure, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient or purpose of the expenditure, and by publishing, circulating or distributing printed matter relative to a candidate for public office without the proper identification of the sponsor on it.

17. Respondents MHDCC violated § 130.031.11, RSMo by refusing to provide the information required for the proper identification of the sponsor or by purposefully providing false, misleading or incomplete information with regard to that printed matter.

18. Under § 130.041.1(7), RSMo, committee disclosure reports must set forth the amount of expenditures that it made for or against a candidate during the period covered and the cumulative amount of all expenditures made by that committee for or against a candidate by name, mailing address and office sought.

19. Respondents MHDCC has violated § 130.041.1(7), RSMo by failing to set forth in the committee's disclosure reports all the expenditures which were made for or against candidates by name, mailing address and office sought.

20. Under § 130.041.1(3), RSMo, committee disclosure reports must set forth the following information for receipts during the period:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor . . .

(e) A separate listing by name and address and employer, or occupation is self-employed or notation of retirement, of each person from whom the committee received contributions, in money or other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution; . . . .

21. Respondents MHDCC has violated § 130.041.1(3), RSMo, by failing to set forth on the MHDCC disclosure reports all contributions received by name and address of each contributor and by the date and amount of each contribution.

22. Under § 130.011(16), an "expenditure" for purposes of the campaign finance law includes "a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for

public office . . . or for the support of any committee which in turn supports or opposes any candidate. . . .”

23. Section 130.041.1(4), RSMo, provides in pertinent part with regard to the reporting of expenditures on committee disclosure reports as follows:

[E]ach report shall set forth: . . .

(4) Expenditures for the period, including: . . .

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. . . .

24. Respondents MHDCC has violated §130.041.1(4), RSMo by failing to set forth on MHDCC disclosure reports all expenditures the committee made during the reporting period(s) by name and address of the recipient and the date, amount, and purpose of each expenditure.

25. Under § 130.021.4(1), RSMo, all contributions received by a committee must be deposited into the committee’s official depository account.

26. Respondents MHDCC has violated § 130.021.4(1), RSMo by failing to deposit the four checks referred to in paragraph 15 of the Findings of Fact made payable to MHDCC into its official depository account.

27. Section 130.021.4(1), RSMo states in pertinent part as follows:

Contributions received by a committee shall not be commingled with any funds of an agent of the committee, a candidate or any other person, except that contributions from a candidate of the candidate’s own funds to the person’s candidate committee shall be deposited to an official depository account of the person’s candidate committee.

28. The definition of “person” in § 130.011(22), RSMo includes another committee.



29. The deposit by Respondents MHDCC of the eight checks referred to in paragraph 16 of the Findings of Fact made payable to Team Missouri into the MHDCC official depository account constituted a commingling of funds of another person with contributions received by MHDCC.

30. Respondents MHDCC has violated § 130.021.4(1), RSMo by commingling contributions received by MHDCC with funds of another person.

31. Section 130.036.1, RSMo, requires the treasurer or deputy treasurer to maintain accurate records and accounts. Subsection 8 of § 130.036, RSMo, reads as follows:

8. All records and accounts of receipts and expenditures shall be preserved for at least three years after the date of the election to which the records pertain. Records and accounts regarding supplemental disclosure reports or reports not required pursuant to an election shall be preserved for at least three years after the date of the report to which the records pertain. Such records shall be available for inspection by the campaign finance review board and its duly authorized representatives.

32. Respondent MHDCC has violated §§ 130.036.1 and 130.036.8, RSMo, by failing to maintain accurate and complete records and accounts for the 2002 primary and general elections and by failing to make the records required to be maintained available to Petitioner for inspection.

## II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter, which will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.

2. The Commission shall, after issuance of the Consent Order, send to the undersigned Respondent a letter of reprimand pursuant to Section 105.961.4(4), RSMo, and a cease and desist order pursuant to § 105.961.4(1), RSMo.

3. MHDCC shall be liable for payment of a fee to the Missouri Ethics Commission as follows:

a. By no later than March 31, 2006, MHDCC shall pay to the Missouri Ethics Commission a fee pursuant to §§ 105.961.4(6) and 130.072, RSMo, in the amount of Thirty Thousand Dollars (\$30,000.00).

b. MHDCC shall make a payment of another Thirty Thousand Dollars (\$30,000.00) on or before July 31, 2006.

The liability of MHDCC for an additional Forty-Four Thousand Sixty-Eight Dollars and Forty-Four Cents (\$44,068.44) shall be suspended and shall not be payable unless MHDCC either (i) fails to make a payment specified in subparagraphs a and b above or (ii) makes a contribution that violates the applicable contribution limits in § 130.032, RSMo, between the date of this Agreement and December 31, 2008. If MHDCC makes the payments specified in subparagraphs a and b above and does not make a contribution that violates the applicable contribution limits in § 130.032.2, RSMo between the date of this Agreement and December 31, 2008, the amount of the suspended liability will be completely extinguished and shall not be recoverable from MHDCC. If MHDCC does not make one or both of the payments specified in subparagraphs a and b above or does make a contribution that violates § 130.032.2, RSMo during that period of time, the amount of the

suspended liability shall be payable to the Missouri Ethics Commission within twenty (20) business days after a final determination is made with regard to that violation.

4. Within thirty (30) days after the issuance of the Consent Order, MHDCC shall file amended disclosure reports pertaining to the November, 2002 general election, accurately reflecting all of the contributions received and expenditures made, to the best ability of MHDCC with its current committee records and access to records of third parties. MHDCC will also within that period of time notify and assist candidates and candidate committees in filing amended disclosure reports for the 2002 general election, accurately reflecting all in-kind contributions made to and received by such committees.

5. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings against Respondent MHDCC before the Commission based upon the complaint filed by the Petitioner in the above-styled action.

6. The undersigned Respondent agrees that it will comply with all applicable sections of Chapter 130, RSMo in any future election in which it may be involved.

7. The parties to this Joint Stipulation understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.

8. The undersigned Respondent, for itself and its successors and assigns, and its attorneys, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, a claim for attorney's fees whatsoever which Respondent and its attorneys now have or which they may hereafter have, which is based upon or arises out of the above-styled case.

RESPONDENT

PETITIONER

Missouri House Democratic Campaign Committee

By: John M. A. Mar. 2, 2006  
Treasurer Date

By: R. Connor 3/2/06  
Robert F. Connor Date  
Executive Director

STEWART, MITTLEMAN, HEGGIE  
& HENRY, LLC

PLETZ AND REED, P.C.

R. M. Heggie 3/1/06  
Robert M. Heggie, Bar No. 38246 Date

By: John S. Pletz 3/2/06  
John S. Pletz, Bar No. 25674 Date

222 South Central, Suite 900  
St. Louis, MO 63105  
Telephone: (314) 863-8484  
Facsimile: (314) 863-5312

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Jefferson City, MO 65102  
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Attorneys for Respondent Missouri House  
Democratic Campaign Committee

Attorneys for Petitioner