

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
NOV 16 2010
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION)
)
Petitioner,)
)
v.)
)
)
SAUNDRA MCFADDEN-WEAVER) No. 09A276
)
and)
)
CITIZENS TO REELECT)
SAUNDRA MCFADDEN-WEAVER, Committee)
)
Respondents.)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This is the Final Decision and Order of the Missouri Ethics Commission following a hearing on a Complaint filed by Petitioner, by and through Counsel, pursuant to §105.961, RSMo, and Chapter 536, RSMo. The hearing was conducted before the following members of the Missouri Ethics Commission: Jim Wright, James Tweedy, Jeff Davison, Vernon Dowdy, Louis J. Leonatti and Dennis Rose.

The closed hearing took place on November 12, 2010 at the offices of the Missouri Ethics Commission at 3411 A Knipp Drive, Jefferson City, Missouri 65109. The Commission was represented by Elizabeth L. Ziegler, Legal Counsel. The Respondent was present with Counsel, Edward L. Pendleton.

The Parties entered a Joint Stipulation of Facts, Conclusions of Law and Probable Cause, and a Joint Stipulation. Both Joint Stipulations were admitted and entered into the record. The

Commission admitted into evidence Petitioner's Exhibits 1 through 13. Having considered all the competent and substantial evidence upon the whole record, the Commission finds as follows:

FINDINGS OF FACT

1. The Missouri Ethics Commission ("the Commission") 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.

2. Respondent Saundra McFadden-Weaver was an unsuccessful candidate for Council Person in District 3 for the City of Kansas City Council in the March 27, 2007 General Election.

3. Respondent Citizens to Reelect Saundra McFadden-Weaver is a candidate committee registered with Petitioner. On January 29, 2007, a statement of committee organization was filed with Petitioner.

4. Respondent McFadden-Weaver, as Candidate was ultimately responsible for filing campaign finance reports for Respondent Committee, pursuant to § 130.041.1 and §130.058 RSMo.

5. Pursuant to § 105.959, RSMo 2000, the Commission's staff has audited the files of the Commission and reported its findings to the Commission.

Failure to Timely File Statement of Committee Organization with Petitioner

6. Respondents opened an official fund depository on December 21, 2006 and received contributions on December 21, 2006 in excess of \$500.00.

7. Respondents filed the Statement of Committee Organization with Petitioner on January 29, 2007. The statement was dated December 16, 2006 and contained a file stamp of December 19, 2010 with the Kansas City Board of Elections.

Campaign Finance Disclosure Reports

8. For the February 27, 2007 election, the 40 Day Before Election Report was due on or before January 18, 2007, for the period up to January 13, 2007.
9. Respondents filed a 40 day before primary disclosure report with the Kansas City Board of Elections on January 19, 2007, and with Petitioner on January 29, 2007.
10. For the February 27, 2007 election, the 8 Day Before Primary Election Report was due on or before February 19, 2007, for the period January 14, 2007 through February 15, 2007.
11. Respondents filed the 8 Day Before Primary Report on February 22, 2007, for the period January 14, 2007 through February 19, 2007.
12. For the March 27, 2007 General Election, the 8 Day Before General Election Report was due on or before March 19, 2007, for the period February 16, 2007 through March 15, 2007.
13. Respondents filed the 8 Day Before General Election Report on March 28, 2007, for the period February 20, 2007 through March 21, 2007.
14. Respondents failed to file a Thirty Day After General Election Report, due April 26, 2007, in the event Respondents made contributions or expenditures either in support of or opposition to any candidate or ballot measure.
15. Respondents failed to file the following Quarterly Disclosure Reports:
July and October 2007; January, April, July and October 2008; April, July and October 2009;
and January, April, and July 2010.

Loan

16. On the 8 Day Before Primary Election Report filed on February 22, 2007, Respondents reported that during the reporting period, it had accepted a loan in the amount of \$12,054.60 from Respondent McFadden-Weaver. Respondents failed to state the specific date of the loan, and failed to file a separate statement as required under §130.041.1(3)(f), RSMo.

17. The monetary proceeds in the total amount of \$12,054.60 loan were not deposited into the Committee's official fund depository account.

18. On the 8 Day Before General Election Report filed on March 28, 2007, the Respondents reported that during the reporting period, it had accepted a loan in the amount of \$12,483.17 from Respondent McFadden-Weaver. Respondents failed to state the specific date of the loan, and failed to file a separate statement as required under §130.041. 1(3)(f), RSMo.

19. The total amount of the \$12,483.17 monetary contribution was not deposited in the Committee's official fund depository account.

20. On the 8 Day Before General Election Report, Respondents reported payments made on loans in the amount of \$3,772.41.

Failure to Accurately and Timely Report Contributions Received

21. The campaign finance disclosure statements filed by Respondents failed to reflect the following contributions, including the name, address, employer or occupation of the contributor which were deposited into the official fund depository:

Check Date	Check Number	Contributor	Amount
2/23/2007	CASH	Cash-in Debit	\$1,000.00
3/26/2007	3066	Angela Frierson	\$200.00
3/26/2007	1072	BCI & Associates LLC	\$50.00
3/27/2007	6333	DT Investment LLC	\$300.00
3/27/2007	1347	KDSTY Inc/dba Twenty 20	\$25.00
3/26/2007	1068	KJH Inc	\$150.00

3/26/2007	9	RW Construction LLC	\$500.00
		TOTAL	\$2,225.00

Failure to Accurately and Timely Report Expenditures

22. The campaign finance disclosure reports filed by Respondents failed to accurately and timely identify the following expenditures which were paid from the official fund depository, including the name and address of each to whom the expenditure was made or incurred from the official fund depository, and the purpose for each expenditure as follows:

Date	Item	Payee	Amount
1/25/2007	Bank Charge	Check Order	\$18.00
2/14/2007	1102	US Postmaster Gen'l	\$160.00
2/16/2007	1106	XPEDX	\$199.66
2/17/2007	1107	Office Max	\$47.36
2/18/2007	1108	Office Max	\$177.03
2/19/2007	1112	XPEDX	\$162.79
2/20/2007	1114	Dos Mundos	\$504.00
2/20/2007	1117	Office Max	\$41.23
2/21/2007	1109	Office Depot	\$75.39
2/21/2007	1118	K.C. Call	\$500.00
2/21/2007	1119	K.C. Globe	\$497.01
2/21/2007	1122	MO Ethics Commission	\$200.00
2/28/2007	1185	K.C. Globe	\$249.00
3/2/2007	Bank Charge	NSF/OD Charges (15)	\$375.00
3/19/2007	1189	Saundra McFadden-Weaver	\$3,250.00
3/19/2007	1190	Reginald Robinson	\$300.00
3/22/2007	1192	Saundra McFadden-Weaver	\$1,200.00
3/22/2007	1193	Valnetta Fisher	\$25.00
4/2/2007	1194	Saundra McFadden-Weaver	\$2,800.00
4/18/2007	Transfer	Funds Transfer Debit	\$500.00
4/26/2007	Transfer	Transfer to account 355000074862	\$200.00
		TOTAL	\$11,481.47

23. Respondents reported the following expenditures which were not identified as reported in the official fund depository:

Date	Payee	Amount	Report
2/2/2007	Carter Broadcast Group	\$7,675.00	8Day Before Primary
"This Period"	Xpedx	\$473.72	8Day Before Primary
"This Period"	Office Max	\$920.68	8Day Before Primary
2/19/2007	Office Depot	\$697.88	8Day Before Primary
2/13/2007	Happy Foods	\$127.53	8Day Before Primary
2/1/2007	One Goal Consultant	\$430.00	8Day Before Primary
2/15/2007	Produplicator.com	\$858.67	8Day Before Primary
No Date	Mortenson Broadcasting	\$820.00	8Day Before Primary
2/24/2007	KPRS/KPRT	\$5,000.00	8Day Before General
3/21/2007	K.C Globe	\$1,692.41	8Day Before General
2/23/2007	KC Call	\$2,850.00	8Day Before General
2/27/2007	Wal-Greens	\$180.75	8Day Before General
2/21/2007	Office Max	No Amount	8Day Before General
3/20/2007	KGGN	\$340.00	8Day Before General
3/12/2007	Graphic Consultants	\$3,772.41	8Day Before General
2/27/2007	Tony Gregg	\$600.00	8Day Before General
2/27/2007	Stacey Rymes	\$600.00	8Day Before General
"This Period"	En Masse: "Misc Vendors"	\$795.79	8Day Before General
	TOTAL	\$27,834.84	

Campaign Workers

24. On the 8 Day Before General Election Report, Respondents reported a total of \$6,190.00 on February 27, 2010 with the purpose of "poll workers" and "see Attachments." There was no attachment filed.

25. The following checks were paid from the official fund depository on or about February 27, 2007. 43 out of the 47 checks stated "pollworker" in the notes section:

Check Date	Check	Payee	Amount
2/27/2007	1124	Cheri Walls	\$100.00
2/27/2007	1125	Emma Eke	\$100.00
2/27/2007	1127	Randi Eugene Shackelford	\$100.00
2/27/2007	1128	Isha Cymone Dawn	\$100.00
2/27/2007	1129	Melvin Stringer	\$100.00
2/27/2007	1131	Robert B Nave	\$100.00
2/27/2007	1132	Valarie Jean Thomas	\$100.00
2/27/2007	1133	Bernard Wayn Starnes	\$100.00
2/27/2007	1134	Keith Larnell McAlester	\$100.00
2/27/2007	1135	Kim Carter	\$100.00
2/27/2007	1136	Steven Marc Murrell	\$100.00
2/27/2007	1137	Victor Renaldo Smith	\$100.00
2/27/2007	1138	Antwon Darryl Smith	\$100.00
2/27/2007	1139	Marcus Warren	\$100.00
2/27/2007	1141	Patricia Ann Slaughter	\$100.00
2/27/2007	1142	Dominique Potts	\$100.00
2/27/2007	1143	Rhonda Anderson	\$100.00
2/27/2007	1144	Unique Bowman	\$100.00
2/27/2007	1145	Ray Jackson Jr.	\$100.00
2/27/2007	1146	Jackie Marie Johnson	\$100.00
2/27/2007	1147	Crystal Davenport	\$100.00
2/27/2007	1148	Toosdki Nateshia Grant	\$100.00
2/27/2007	1151	Ronnie Brown	\$100.00
2/27/2007	1152	Sharonda Renee Brown	\$100.00
2/27/2007	1153	Aaron Anderson	\$100.00
2/27/2007	1154	Antonio Raymond Caldwell	\$100.00
2/27/2007	1157	Michael Slaughter	\$100.00
2/27/2007	1158	Brenton Sullivan	\$100.00
2/27/2007	1160	Chauncey Eugene Slayton	\$100.00
2/27/2007	1163	Ryan Christian	\$100.00
2/27/2007	1164	Monick Lee Caldwell	\$100.00
2/27/2007	1165	Janchel G Hill	\$100.00
2/27/2007	1166	Bianaca Shara Nevels	\$100.00
2/27/2007	1167	James L Moore	\$100.00
2/27/2007	1168	Michelle Brown	\$100.00
2/27/2007	1169	Marcus Allen	\$100.00
2/27/2007	1170	Mary Alice Brown	\$100.00

2/27/2007	1171	Ronnie Brown	\$100.00
2/27/2007	1172	Dedria Bradshaw	\$100.00
2/27/2007	1175	Faye Simonton	\$100.00
2/27/2007	1176	Wayne Maurice Rippatoe	\$100.00
2/27/2007	1177	Brenda Taylor	\$100.00
2/27/2007	1178	Sarah Jackson	\$100.00
2/27/2007	1179	Janie M. Quesada	\$100.00
2/27/2007	1180	Yvonne Sullivan	\$100.00
2/27/2007	1181	Charmain Johnson	\$100.00
2/27/2007	1182	Ronnie Brown	\$100.00
2/27/2007	1183	Bruce Franklin Reed	\$100.00
		TOTAL	\$4,600.00

Cash Expenditures

26. Respondents made the following cash withdrawals from the official fund depository in excess of \$50.00 per transaction, totaling \$880.00 as follows:

Date	Item	Expenditure	Amount	Reported	Purpose
1/16/2007	92	Cash	\$180.00	40 Day Before	Phone Jack Installation
4/18/2007	Transfer	Funds Transfer Debit	\$500.00	No	
4/26/2007	Transfer	Transfer to Account 355000074862	\$200.00	No	
		TOTAL	\$880.00		

CONCLUSIONS OF LAW

Failure to Timely File Statement of Committee Organization with Petitioner

1. According §130.016.1, RSMo a candidate for the City of Kansas City Council shall be required to file a statement of committee organization if the aggregate of contributions received or the aggregate of expenditures made on behalf of such candidate exceeds \$500.00 and if a single contributor, other than the candidate, has contributed more than \$325.00.

2. According to §130.021.5, RSMo “any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046.”

3. According to §130.026.2(3), RSMo, the Missouri Ethics Commission and the Kansas City Board of Elections are the appropriate officers designated to receive campaign finance reports under Chapter 130 for Respondents.

4. There is probable cause that Respondents violated §130.021.5, RSMo and 130.026.2(3), RSMo by failing to file a statement of committee organization with Petitioner until January 29, 2007 which was more than 20 days after Respondents became a committee.

Campaign Finance Disclosure Reports

5. §130.046. 1, RSMo provides:

The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure...; and

(3) Not later than the fifteenth day following the close of each calendar quarter. Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not

later than the fortieth day before the election for the period closing on the forty-fifth day before the election.

6. There is probable cause that Respondents have violated §130.046. 1, RSMo by failing to file timely a 40 Day Before Election Report, an 8 Day Before Primary Election Report, an 8 Day Before General Election Report; and failed to file a Thirty Day After General Election Report in the event Respondents made contributions or expenditures either in support of or opposition to any candidate or ballot measure, and failed to file Quarterly Disclosure Reports for July and October 2007; January, April, July and October 2008; April, July and October 2009; and January, April, and July 2010, and that Respondents did so knowingly.

Loan

7. § 130.021.2, RSMo provides, in pertinent part:

Thereafter, all contributions on hand and all further contributions received by such candidate and any of the candidate's own funds to be used in support of the person's candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made through the candidate, treasurer or deputy treasurer of the person's candidate committee.

8. § 130.021.4(1), RSMo provides, in pertinent part:

All contributions which the committee receives in money, checks and other negotiable instruments shall be deposited in a committee's official depository account. Contributions shall not be accepted and expenditures shall not be made by a committee except by or through an official depository account and the committee treasurer, deputy treasurer, or candidate.

9. §130.041. 1(3)(f), RSMo provides in pertinent part:

Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in

section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

(3) Receipts for the period, including:

(f) A listing of each loan received by name and address of the lender and date and amount of the loan. For each loan of more than one hundred dollars, a separate statement shall be attached setting forth the name and address of the lender and each person liable directly, indirectly or contingently, and the date, amount and terms of the loan;

10. A loan is a contribution under § 130.011(12), RSMo.

11. There is probable cause to believe Respondents violated § 130.021, RSMo and §130.041. 1(3)(f), RSMo by failing to correctly report the details the loans and by failing to deposit the total of \$24,537.77 in loans made to Respondent Committee , and that Respondents did so knowingly.

Failure to Accurately and Timely Report Contributions Received

12. According to § 130.041.1(3)(a) , RSMo:

Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

(3) Receipts for the period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received one or more contributions which in the aggregate total in excess of one hundred dollars and shall make a reasonable effort to obtain and report a description of any contractual relationship over five hundred dollars between the contributor and the state if the candidate is seeking election to a state office or between the

contributor and any political subdivision of the state if the candidate is seeking election to another political subdivision of the state;

13. According to §130.021.4. (1), RSMo:

Every committee shall have a single official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan association, or a federally or state-chartered credit union in which the committee shall open and thereafter maintain at least one official depository account in its own name... All contributions which the committee receives in money, checks and other negotiable instruments shall be deposited in a committee's official depository account. Contributions shall not be accepted and expenditures shall not be made by a committee except by or through an official depository account and the committee treasurer, deputy treasurer or candidate. ...

14. According to §130.031.1, RSMo:

No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

Failure to Accurately and Timely Report Expenditures

15. §130.041. 1(4)(d), RSMo provides:

§130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each 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.

16. §130.021.4. (1), RSMo provides that all expenditures shall be made by or through an official fund depository and committee treasurer or candidate.

17. §130.041.1(4)(d) requires an itemized listing of each payment to campaign workers by name, address, date amount and purpose of each payment and the aggregate amount paid to such worker.

18. There is probable cause to believe that Respondents violated §130.041.1(4)(d), RSMo by failing to report \$11,481.47 in expenditures, including the name and address of each to whom the expenditure was made or incurred from the official fund depository, by reporting \$27,834.84 in expenditures which were not expended from the official fund depository, and by reporting \$6,190.00 as "poll workers" and failing to report \$4,600.00 which was paid individually to "poll workers" by name, address, date and the aggregate amount paid to each, and that Respondents did so knowingly.

Cash Expenditures

19. According to § 130.031.2, RSMo:

Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to "cash" shall not be made except to replenish a petty cash fund.

20. There is probable cause to believe that Respondents Sandra McFadden-Weaver Citizens to Reelect Sandra McFadden-Weaver violated §130.031.2, RSMo by making three cash withdrawals over \$50.00 each, totaling \$880.00 from the official fund depository, and that Respondents did so knowingly.

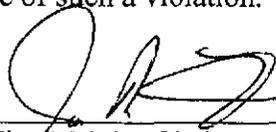
ORDER

It is the order of the Missouri Ethics Commission that a fee is imposed against the Respondents Sandra McFadden-Weaver and Citizens to Reelect Sandra McFadden-Weaver in the amount of \$26,000.00 pursuant to § 105.961.4(6) RSMo. It is the further order of the further order of the Commission that Respondents Sandra McFadden-Weaver and Citizens to Reelect Sandra McFadden-Weaver file accurately all necessary campaign finance reports and statements. However, if either Respondent pays \$1,820.00 of that fee within forty-five (45) days after the date of the Order and files all required campaign finance disclosure reports, the remainder of the fee will be stayed for two years, subject to the provisions below.

If Respondents Sandra McFadden-Weaver and Citizens to Reelect Sandra McFadden-Weaver have not committed any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo 2000, during the two year stay then Respondents will not be required to pay the balance of this fee.

If, however, either Respondents Sandra McFadden-Weaver and Citizens to Reelect Sandra McFadden-Weaver is found to have violated the campaign finance laws pursuant to Chapter 130, RSMo 2000, during this two year stay, Respondents Sandra McFadden-Weaver and Citizens to Reelect Sandra McFadden-Weaver will be required to pay the balance of the fee as originally imposed by the Commission. The amount of the balance will be due immediately upon final adjudication finding probable cause of such a violation.

Date: 11/16/10



Jim Wright, Chairman
MISSOURI ETHICS COMMISSION