

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
NOV 16 2010
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION)
)
Petitioner,)
)
v.)
)
KEVIN ADEY, Candidate) No. 09R252
)
and)
)
FRIENDS FOR KEVIN ADEY, 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, having been duly notified of the Complaint and the hearing did not appear.

The Commission admitted into evidence Petitioner's Exhibits 1 through 4. 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 Kevin Adey (“Candidate”) was an unsuccessful candidate for Mayor in the City of Greenwood for the April 4, 2006 election. Respondent Tara Zuck-Adey is the Treasurer of Respondent Committee.

3. Respondent Friends for Kevin Adey (“Committee”) was registered as a candidate committee with the Jackson County Board of Election which was in existence at all relevant times.

4. Pursuant to §130.026, RSMo, the election authority for the district or political subdivision is the appropriate officer designated to receive campaign finance reports for a campaign committee.

5. Respondents Adey, as Candidate, and Zuck-Adey, as Treasurer, were responsible for filing campaign finance reports for Respondent Committee pursuant to §130.041.1 and §130.058 RSMo.

6. Pursuant to §105.961.1, RSMo, a special investigator has conducted an investigation and reported findings to the Commission.

Campaign Finance Disclosure Reports

7. Respondents have failed to timely file the following campaign finance disclosure reports:

1. July 2004 Quarterly Campaign Finance Report, covering the period of April 1, 2004 through June 30, 2004.
2. October 2004 Quarterly Campaign Finance Report, covering the period of July 1, 2004 through September 30, 2004.

3. April 2005 Quarterly Campaign Finance Report, covering the period of October 1, 2004 through March 31, 2005.
4. July 2005 Quarterly Campaign Finance Report, covering the period of April 1, 2005 through June 30, 2005.
5. October 2005 Quarterly Campaign Finance Report, covering the period of July 1, 2005 through September 30, 2005.
6. January 2006 Quarterly Campaign Finance Report, covering the period of October 1, 2005 through December 31, 2005.
7. Fortieth Day Before an election, 2006 Campaign Finance Report, covering the period of January 1, 2006 through February 18, 2006.
8. Eight Day Before an election, 2006 Campaign Finance Report, covering the period February 19, 2006 through March 23, 2006.
9. April 2006 Quarterly Campaign Finance Report, covering the period of March 24, 2006 through March 31, 2006.
10. Thirtieth Day after an election, 2006 Campaign Finance Report, covering the period April 1, 2006 through April 29, 2006.
11. July 2006 Quarterly Campaign Finance Report, covering the period of April 29, 2006 through June 30, 2006.
12. October 2006 Quarterly Campaign Finance Report, covering the period of July 1, 2006 through September 30, 2006.
13. April 2007 Quarterly Campaign Finance Report, covering the period of October 1, 2006 through March 31, 2007.
14. July 2007 Quarterly Campaign Finance Report, covering the period of April 1, 2007 through June 30, 2007.
15. October 2007 Quarterly Campaign Finance Report, covering the period of July 1, 2007 through September 30, 2007.
16. January 2008 Quarterly Campaign Finance Report, covering the period of October 1, 2007 through December 31, 2007.
17. April 2008 Quarterly Campaign Finance Report, covering the period of January 1, 2008 through March 31, 2008.
18. July 2008 Quarterly Campaign Finance Report, covering the period of April 1, 2008 through June 30, 2008.
19. October 2008 Quarterly Campaign Finance Report, covering the period of July 1, 2008 through September 30, 2008.
20. April 2009 Quarterly Campaign Finance Report, covering the period of October 1, 2008 through March 31, 2009.
21. July 2009 Quarterly Campaign Finance Report, covering the period of April 1, 2009 through June 30, 2009.
22. October 2009 Quarterly Campaign Finance Report, covering the period of July 1, 2009 through September 30, 2009.

Termination Statement

8. Respondent Adey, having been an unsuccessful candidate in the April 4, 2006 election and having reported no committee debt, was required to terminate thirty days after the general election.

9. Respondents terminated the committee on November 3, 2010.

CONCLUSIONS OF LAW

Campaign Finance Disclosure Reports

1. §130.046.1, RSMo provides as follows:

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.

2. There is probable cause to believe that Respondents violated §130.041.1, RSMo by failing to timely file twenty-two campaign finance disclosure reports as listed in paragraph 7, and that Respondents did so knowingly.

Termination Statement

3. §130.011(9), RSMo requires that a candidate committee of an unsuccessful candidate shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election.

4. §130.021.8, RSMO provides:

Upon termination of a committee, a termination statement indicating dissolution shall be filed not later than ten days after the date of dissolution with the appropriate officer or officers with whom the committee's statement of organization was filed. The termination statement shall include: the distribution made of any remaining surplus funds and the disposition of any deficits; and the name, mailing address and telephone number of the individual responsible for preserving the committee's records and accounts as required in section 130.036.

5. There is probable cause that Respondents violated §130.011(9), RSMo and §130.021.8, RSMO by failing to terminate thirty days after the General Election, and that Respondents did so knowingly.

ORDER

It is the order of the Missouri Ethics Commission that a fee is imposed against the Respondents Kevin Adey and Friends for Kevin Adey in the amount of \$ 2,000.00 pursuant to §105.961.4(6) RSMo. It is the further order of the further order of the Commission that Respondents Kevin Adey and Friends for Kevin Adey file accurately all necessary campaign finance reports and statements. However, if either Respondent pays \$ 200.00 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 Kevin Adey and Friends for Kevin Adey 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 Kevin Adey and Friends for Kevin Adey is found to have violated the campaign finance laws pursuant to Chapter 130, RSMo 2000, during this two year stay, Respondents Kevin Adey and Friends for Kevin Adey 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: 11/16/16



Jim Wright, Chairman
MISSOURI ETHICS COMMISSION