

and 2. Having considered all the competent and substantial evidence upon the whole record, the Commission finds by a vote of 6-0 as follows:

FINDINGS OF FACT

1. The Missouri Ethics Commission (“the Commission”) is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.

2. Respondent St. Louis Metropolitan Democrats is a continuing committee registered with the Missouri Ethics Commission since January 2006.

3. Brian Wahby was the named treasurer of the St. Louis Metropolitan Democrats.

4. Respondent Robinson was the named deputy treasurer of the St. Louis Metropolitan Democrats since 2006 and at all times relevant to this complaint. Respondent Robinson was the individual who deposited contributions, made expenditures, and filed campaign finance reports on the behalf of the committee.

5. Pursuant to Section 105.961, RSMo, the Commission’s staff has investigated the reports and statements filed with the Commission and reported the investigation’s findings to the Commission.

6. Based on the report of the Commission’s staff, the Commission determined that there are reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

COUNT I

Failure to timely file campaign finance reports

7. Respondents Robinson and Saint Louis Metropolitan Democrats failed to file a January 2009 quarterly disclosure report.

8. Respondents Robinson and Saint Louis Metropolitan Democrats failed to include the proper reporting periods for the April 2009 quarterly report (as amended):

Proper Reporting Period	Reported Period
January 1, 2009 – March 31, 2009	January 1, 2008 – March 31, 2009

9. As a result of this incorrect reporting period alleged in paragraph 10 above, Respondents' activities during 2008 were reported twice: once on their 2008 reports and once in their amended April 2009 quarterly report.

COUNT II

Failure to timely report contributions received

10. Respondents Robinson and Saint Louis Metropolitan Democrats failed to timely disclose the following five (5) contributions totaling \$28,050:

Contributor	Amount	Check Date	Reported
Missourians for Quality Homecare	\$2,800	October 31, 2008	Amended April quarterly report, filed July 26, 2012
Yes on A Coalition	\$11,850	October 28, 2008	
Yes on A Coalition	\$400	October 28, 2008	
Citizens for Better Transportation	\$8,000	November 5, 2008	
Thomas Jefferson Days, Inc.	\$5,000	August 27, 2010	Amended October quarterly report, filed October 14, 2012
TOTAL	\$28,050.00		

COUNT III

Failure to timely report expenditures and contributions made

11. Respondents Robinson and Saint Louis Metropolitan Democrats failed to timely report the following twenty-two (22) expenditures over \$100 each, totaling 28,617.55:

Recipient	Amount	Check or Transaction Date	Reported
Mattingly's Catering	\$256.00	02/19/08	Amended April quarterly report, filed July 26, 2012
Madco, Inc.	\$20,000.00	10/29/08	
USPS	\$2,520.00	10/30/08	
Office Depot	\$173.83	10/31/08	
Verizon Wireless	\$363.40	11/03/08	
Schnucks Markets	\$161.35	12/18/08	
Cindy Ankelman	\$200.00	12/18/08	
Mattingly's Catering	\$322.52	12/31/09	Amended January quarterly report, Filed October 14, 2012
Dooley's Florist	\$128.79	01/26/10	Amended October quarterly report, filed October 14, 2012
Missouri Ethics Commission	\$560.00	08/27/10	
CT Sharp	\$612.00	10/01/10	Amended January quarterly report, filed October 14, 2012
Mattingly's Catering	\$569.09	12/17/10	
Dooley's Florist	\$129.51	01/22/11	Amended July quarterly report, filed October 15, 2012
Matthew Robinson	\$193.18	01/28/11	
BJs Restaurant	\$156.10	02/07/11	
Bon Lenine	\$280.00	03/13/11	
Tiffany Reynolds	\$350.00	05/17/11	
Missouri Ethics Commission	\$150.00	08/20/11	Amended January quarterly report, filed October 15, 2012
John Coatar	\$300.00	12/15/11	
Mattingly's Catering	\$931.07	12/20/11	
Dooley's Florist	\$116.56	02/09/12	Amended April quarterly report, filed October 15, 2012
Mattingly's Catering	\$144.15	07/01/12	Not reported
TOTAL	\$28,617.55		

12. Respondents Robinson and Saint Louis Metropolitan Democrats failed to timely report three (3) expenditures of \$100 or less, totaling \$131.27. Respondents amended the

committee's reports after the Missouri Ethics Commission began its investigation to include these three expenditures.

13. Respondents Robinson and Saint Louis Metropolitan Democrats failed to timely report a contribution of \$4,000 made to the 78th Legislative District Committee on October 31, 2008. Respondents amended the committee's reports to disclose this contribution on the amended April quarterly report filed July 26, 2012.

CONCLUSIONS OF LAW

COUNT I

Failure to timely file campaign finance reports

14. Respondents were required to file quarterly campaign finance disclosure reports not later than the fifteenth day following the close of each calendar quarter. § 130.046.1, RSMo.

15. There is probable cause to believe that Respondents Robinson and Saint Louis Metropolitan Democrats violated Section 130.046.1, RSMo, by failing to file one quarterly disclosure report and failing to include the proper reporting period on one quarterly disclosure report, and that Respondents Robinson and Saint Louis Metropolitan Democrats did so knowingly.

COUNT II

Failure to timely report contributions received

16. Respondents were required to file campaign finance disclosure reports setting 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....

§130.041.1, RSMo.

17. There is probable cause to believe that Respondents Robinson and Saint Louis Metropolitan Democrats violated Section 130.041.1(3)(a), RSMo, by failing to timely disclose five contributions totaling \$28,050, and that Respondents Robinson and Saint Louis Metropolitan Democrats did so knowingly.

COUNT III

Failure to timely report expenditures and contributions made

18. Respondents were required to file campaign finance disclosure reports setting forth:

(4) Expenditures for the period, including:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

(b) The total dollar amount of expenditures made in cash;

...

(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. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category....

§ 130.041.1, RSMo.

19. Respondents were required to file campaign finance disclosure reports setting forth “by full name and address of any committee ... for which a ... contribution in any amount has been made during the reporting period, together with the date and amount of each such ... contribution.” § 130.041.1(8), RSMo.

20. There is probable cause to believe that Respondents Robinson and Saint Louis Metropolitan Democrats violated Sections 130.041.1(4), and 130.041.1(8), RSMo, by failing to timely disclose twenty-two (22) expenditures over \$100 each, which total \$28,617.55, by failing to timely disclose three (3) expenditures of \$100 or less each, which total \$131.27, and by failing to timely disclose one contribution of \$4,000, and that Respondents Robinson and Saint Louis Metropolitan Democrats did so knowingly.

ORDER

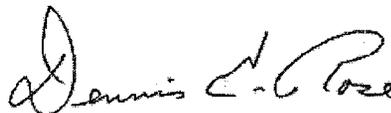
The Missouri Ethics Commission dismisses Wahby as a Respondent. The Missouri Ethics Commission finds probable cause that Respondents Robinson and Saint Louis Metropolitan Democrats violated, and have knowingly violated, Sections 130.046.1, 130.041.1(3)(a), 130.041.1(4), and 130.041.1(8), RSMo.

The Missouri Ethics Commission orders a fee be imposed against Respondents Robinson and Saint Louis Metropolitan Democrats in the amount of \$4,000 pursuant to Section 105.961.4(6), RSMo. The fee shall be due within 45 days of the date of this order.

The Commission further orders Respondents Robinson and Saint Louis Metropolitan Democrats to file accurately all necessary campaign finance reports and statements and terminate the committee pursuant to Sections 105.961.4(2) and 105.961.5(3), RSMo.

Respondents Robinson and Saint Louis Metropolitan Democrats shall be jointly and severally liable for the balance.

SO ORDERED this 12th day of July, 2013.



Dennis Rose, Chairman
MISSOURI ETHICS COMMISSION

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
JUL 12 2013
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
ST. LOUIS METROPOLITAN)	Case No. 12A187
DEMOCRATS,)	
Continuing Committee,)	
)	
et al.)	
)	
Respondents.)	

**JOINT PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondents, St. Louis Metropolitan Democrats and Robinson, acknowledge that they have 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 Respondents further acknowledge that they are aware of the various rights and privileges afforded by law, including but not limited to: the right appear and be represented by counsel; the right to have all charges against Respondents be 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 provided to Respondents by operation of law, the undersigned Respondents

knowingly and voluntarily waive each and every one of these rights and freely enter into this Joint Proposed Findings of Fact and Conclusions of Law.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondents 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 established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.

2. Respondent St. Louis Metropolitan Democrats is a continuing committee registered with the Missouri Ethics Commission since January 2006.

3. Respondent Robinson was the named deputy treasurer of the St. Louis Metropolitan Democrats since 2006 and at all times relevant to this complaint.

4. Pursuant to Section 105.961, RSMo, the Commission’s staff has investigated the reports and statements filed with the Commission and reported the investigation’s findings to the Commission.

5. Based on the report of the Commission’s staff, the Commission determined that there are reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

COUNT I

Failure to timely file campaign finance reports

6. Respondents failed to file a January 2009 quarterly disclosure report.

7. Respondents failed to include the proper reporting periods for the April 2009 quarterly report (as amended):

Proper Reporting Period	Reported Period
January 1, 2009 – March 31, 2009	January 1, 2008 – March 31, 2009

8. As a result of this incorrect reporting period alleged in paragraph 10 above, Respondents' activities during 2008 were reported twice: once on their 2008 reports and once in their amended April 2009 quarterly report.

COUNT II

Failure to timely report contributions received

9. Respondents failed to timely disclose the following five (5) contributions totaling \$28,050:

Contributor	Amount	Check Date	Reported
Missourians for Quality Homecare	\$2,800	October 31, 2008	Amended April quarterly report, filed July 26, 2012
Yes on A Coalition	\$11,850	October 28, 2008	
Yes on A Coalition	\$400	October 28, 2008	
Citizens for Better Transportation	\$8,000	November 5, 2008	
Thomas Jefferson Days, Inc.	\$5,000	August 27, 2010	Amended October quarterly report, filed October 14, 2012
TOTAL	\$28,050.00		

COUNT III

Failure to timely report expenditures and contributions made

10. Respondents failed to timely report the following twenty-two (22) expenditures over \$100 each, totaling 28,617.55:

Recipient	Amount	Check or Transaction Date	Reported
Mattingly's Catering	\$256.00	02/19/08	Amended April quarterly report, filed
Madco, Inc.	\$20,000.00	10/29/08	

Recipient	Amount	Check or Transaction Date	Reported
USPS	\$2,520.00	10/30/08	July 26, 2012
Office Depot	\$173.83	10/31/08	
Verizon Wireless	\$363.40	11/03/08	
Schnucks Markets	\$161.35	12/18/08	
Cindy Ankelman	\$200.00	12/18/08	
Mattingly's Catering	\$322.52	12/31/09	Amended January quarterly report, Filed October 14, 2012
Dooley's Florist	\$128.79	01/26/10	Amended October quarterly report, filed October 14, 2012
Missouri Ethics Commission	\$560.00	08/27/10	
CT Sharp	\$612.00	10/01/10	Amended January quarterly report, filed October 14, 2012
Mattingly's Catering	\$569.09	12/17/10	
Dooley's Florist	\$129.51	01/22/11	Amended July quarterly report, filed October 15, 2012
Matthew Robinson	\$193.18	01/28/11	
BJs Restaurant	\$156.10	02/07/11	
Bon Lenine	\$280.00	03/13/11	
Tiffany Reynolds	\$350.00	05/17/11	
Missouri Ethics Commission	\$150.00	08/20/11	Amended January quarterly report, filed October 15, 2012
John Coatar	\$300.00	12/15/11	
Mattingly's Catering	\$931.07	12/20/11	
Dooley's Florist	\$116.56	02/09/12	Amended April quarterly report, filed October 15, 2012
Mattingly's Catering	\$144.15	07/01/12	Not reported
TOTAL	\$28,617.55		

11. Respondents failed to timely report three (3) expenditures of \$100 or less, totaling \$131.27. Respondents amended the committee's reports after the Missouri Ethics Commission began its investigation to include these three expenditures.

12. Respondents failed to timely report a contribution of \$4,000 made to the 78th Legislative District Committee on October 31, 2008. Respondents amended the committee's reports to disclose this contribution on the amended April quarterly report filed July 26, 2012.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to timely file campaign finance reports

13. Respondents were required to file quarterly campaign finance disclosure reports not later than the fifteenth day following the close of each calendar quarter. § 130.046.1, RSMo.

14. There is probable cause to believe that Respondents violated Section 130.046.1, RSMo, by failing to file one quarterly disclosure report and failing to include the proper reporting period on one quarterly disclosure report, and that Respondents did so knowingly.

COUNT II

Failure to timely report contributions received

15. Respondents were required to file campaign finance disclosure reports setting 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....

§130.041.1, RSMo.

16. There is probable cause to believe that Respondents violated Section 130.041.1(3)(a), RSMo, by failing to timely disclose five contributions totaling \$28,050, and that Respondents did so knowingly.

COUNT III

Failure to timely report expenditures and contributions made

17. Respondents were required to file campaign finance disclosure reports setting forth:

(4) Expenditures for the period, including:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

(b) The total dollar amount of expenditures made in cash;

...

(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. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category....

§ 130.041.1, RSMo.

18. Respondents were required to file campaign finance disclosure reports setting forth “by full name and address of any committee ... for which a ... contribution in any amount has been made during the reporting period, together with the date and amount of each such ... contribution.” § 130.041.1(8), RSMo.

19. There is probable cause to believe that Respondents violated Sections 130.041.1(4), and 130.041.1(8), RSMo, by failing to timely disclose twenty-two (22)

