

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,            )  
  )  
  Petitioner,    )  
  )  
v.    )  
  )  
PAMELA BOYD,                                )    Case No. 13C007  
  )  
and   )  
  )  
COMMITTEE TO ELECT PAM BOYD,         )  
Candidate Committee                        )  
  )  
  Respondents.    )

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING  
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 set forth below.

The undersigned Respondents, Pamela Boyd and Committee To Elect Pam Boyd, 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 Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law, and agree to abide by the terms of this document.

## 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, Pamela Boyd was the successful candidate for Committee Woman for Ward 27 in the City of St. Louis in the August 2012 primary election.
3. Respondent, Pamela Boyd was an unsuccessful candidate for Alderman, Ward 27 for the City of St. Louis in the March 5, 2013 special charter election. Committee to Elect Pam Boyd is a candidate committee in support of Pamela Boyd for the March 2013 special charter election.
4. Pursuant to Section 105.961, RSMo, the Commission’s staff has investigated a complaint filed with the Commission and reported the investigation’s findings to the Commission.

## COUNT I

### *Late Filing of a Statement of Committee Organization*

5. According to Section 130.016.1, RSMO, a candidate for Alderman for the City of St. Louis must file a statement of committee organization for a candidate committee if the aggregate of contributions received or aggregate of expenditures made exceeds \$500.00, or a single contributor, other than the candidate, has contributed more than \$325.00.

6. Section 130.021.5 provides that the candidate must file a statement of committee 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 by Section 130.046, RSMo.

7. The Petitioner, Missouri Ethics Commission, and the St. Louis City Board of Elections are the appropriate election authorities for candidates for alderman, as provided in Section 130.026.2(3), RSMo.

9. For the March 5, 2013, election, the deadline for filing a 40 Day Before Election Report pursuant to Section 130.046.1, RSMo was January 24, 2013, for the period closing January 19, 2013.

8. Respondents filed a Statement of Committee Organization with Petitioner on February 13, 2013. The statement contained a statement date of October 1, 2012.

9. Respondents filed a 40 Day Before Election report and an amended report on February 14 and February 17, 2013, respectively. Respondents reported an incurred expenditure of \$4,686.81 on January 19, 2013.

10. Respondents failed to file a Statement of Committee Organization on or before January 24, 2013, the deadline for filing a 40 Day Before Election Report.

## COUNT II

### *Paid for by Violations*

11. Respondent Pamela Boyd published, circulated, and/or distributed invitations in support of a fundraiser for her office of Committee Woman in October 2012, attached hereto as Exhibit A. These certificates were created and paid for by Sofia Montgomery and contained no disclosure statement.

12. Respondent Pamela Boyd also published, circulated, and/or distributed literature in October 2012, attached hereto as Exhibit B. These certificates were created and paid for by Kevin Vailey and contained no disclosure statement.

13. Respondent Pamela Boyd also published, circulated, and/or distributed postcards and yard signs in support of her candidacy of Alderman, attached hereto as Exhibit C. The postcards and yard signs were paid for by Committee to Elect Pam Boyd. The postcards stated Paid for by Committee to Elect Pam Boyd, but omitted the name of the committee treasurer. The yard signs contained no disclosure statement.

## **JOINT PROPOSED CONCLUSIONS OF LAW**

### COUNT I

1. According to Section 130.016.1, RSMO, a candidate for Alderman for the City of St. Louis must file a statement of committee organization for a candidate committee if the aggregate of contributions received or aggregate of expenditures made exceeds \$500.00, or a single contributor, other than the candidate, has contributed more than \$325.00.

2. Section 130.021.5 provides that the candidate must file a statement of committee 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 by Section 130.046, RSMo.

3. The Petitioner, Missouri Ethics Commission, and the St. Louis City Board of Elections are the appropriate election authorities for candidates for alderman, as provided in Section 130.026.2(3), RSMo.

4. There is probable cause to believe that Respondents violated Sections 130.016.1 and 130.021.5, RSMo, by failing to file timely a Statement of Committee Organization on or before the deadline for the 40 Day Before Special Charter Election Report , and that Respondents did so knowingly.

## COUNT II

5. “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.” § 130.031.8, RSMo. “[P]rinted matter’ shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but ‘printed matter’ is defined to exclude ... any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with

a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.” § 130.031.8, RSMo.

6. Section 130.031.8(2), RSMo states that for printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee and the name and title of the committee treasurer who was serving when the printed matter was paid for.

7. Section 130.031.8(4), RSMo states that for printed matter paid for by an individual, it shall be sufficient identification to print the name of the individual or individuals and the respective mailing address or addresses.

8. There is probable cause to believe that Respondents violated Section 130.031.8, RSMo, by publishing, circulating and distributing invitations and literature in support of an October 2012 fundraiser, postcards and yard signs in support of her candidacy for Alderman with either no disclosure statement or an incomplete disclosure statement, and that Respondents did so knowingly.

## 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. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. 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.

2. The Commission shall issue its Consent Order in the form attached hereto as

Exhibit 1.

a. Respondents shall comply with all relevant sections of Chapter 130, RSMo.

b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$1,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$200.00 of that fee within forty-five days after the date of the Order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

c. If either Respondent Pamela Boyd or Committee To Elect Pam Boyd commits any further violation or violations of the campaign finance laws under Chapter 130, RSMo, within the two year period from the date of this order, then both Respondents will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent has committed such a violation.

d. Respondents Pamela Boyd and Committee to Elect Pam Boyd shall be jointly and severally liable for all fees imposed under this order.

3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

4. Respondents, together with their heirs, successors, and assigns, 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 Respondents or Respondents' attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

5. This joint stipulation does not settle, release, waive, or otherwise relieve Respondents from any late filing fees due to the appropriate filing authority, including Petitioner Missouri Ethics Commission. Respondents understand that late filing fees accrue automatically under Section 105.963, RSMo.

RESPONDENT PAMELA BOYD  
By: Pamela Boyd 6/23/13  
Pamela Boyd Date

PETITIONER MISSOURI ETHICS  
COMMISSION

By: Stacey Heisl 7/5/2013  
Stacey Heisl Date  
Acting Executive Director

RESPONDENT COMMITTEE TO ELECT  
PAM BOYD  
By: Committee to Elect Pam Boyd 6/23/13  
Committee to Elect Pam Boyd Date

By: Elizabeth L. Ziegler 7/5/13  
Elizabeth L. Ziegler Date  
Attorney for Petitioner

# Wind Down Wednesday

## The Loft

You are cordially invited

3112 Olive Street

October 3<sup>rd</sup> from 5:00pm - 9:00pm.

You can unwind after a long day of work, help the community, and have a chance to take home a very nice prize; simply by attending. There will be music, drink specials, a fundraiser raffle, and prizes given every half hour starting at 6:00pm.

Raffle tickets will go on sale at 5:00pm.

Proceeds will be donated to the Committee to elect

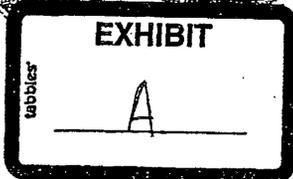
Pam Boyd

Committee Woman of the 27<sup>th</sup> Ward

Helping the Community Helping Families Helping You

September 11, 2012

S. Montgomery



Missouri Ethics Commission

FEB 14 2013

*Building Family And Community...*

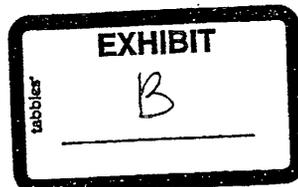
Baden • North Point • Walnut Park West  
North Point • Walnut Park East • Baden • North Point



**Boyd** *for the* **27th Ward**

DEAR Supporter:

Paid for by the Committee To Elect Pam Boyd



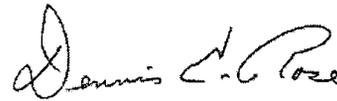


or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission.

3. If Respondents Pamela Boyd and Committee to Elect Pam Boyd commit any further violations of the campaign finance laws pursuant to Chapter 130, RSMo, as amended, within the two year period from the date of this order, then Respondents will be required to pay the remainder of the fee as originally imposed by the Commission. The fee will be due immediately upon final adjudication finding that Respondents committed such a violation.
4. Respondents Pamela Boyd and Committee to Elect Pam Boyd shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 5th day of July, 2013

By:



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Dennis Rose, Chair  
Missouri Ethics Commission