

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 105, RSMo.

2. Respondent Unity Political Action Committee of St. Louis, Inc. (“Unity PAC”) registered as a Continuing Committee with the Missouri Ethics Commission and was in existence at all relevant times.

3. Petitioner Missouri Ethics Commission and the St. Louis County Board of Elections are the appropriate officers designated to receive campaign finance reports from Respondent Unity PAC.

4. Respondent Unity PAC named Kelli Jordan as its treasurer on a Statement of Committee Organization filed with the Missouri Ethics Commission on November 10, 2006. Respondent Unity PAC did not name a deputy treasurer.

5. On the Statement of Committee Organization, Respondent Unity PAC listed its committee address as 6762 Mignon Drive, Florissant, MO 63033.

6. Respondent Weaver’s home address is 6762 Mignon Drive, Florissant, MO 63033.

7. On its statement of committee organization filed with the Ethics Commission, Respondent Unity PAC listed Account Number *****0769 at U.S. Bank as its official fund depository account.

8. Respondent Unity PAC opened its official fund depository on September 18, 2006.

9. Respondent Weaver was the sole authorized signer on the official fund depository account at all relevant times.

10. On September 15, 2006, Respondent Weaver filed Articles of Incorporation of Nonprofit Corporation for Unity Political Action Committee of St. Louis, Inc., with the Missouri Secretary of State. The Articles of Incorporation state that “The assets of the corporation will be distributed on dissolution as follows: to such other not for profit corporation or political action committee as defined under Chapter 130 RSMo as may be determined by the Board.” The Articles of Incorporation further state, “The corporation is formed for the following purpose(s): to operate as a Continuing Committee as defined under Section 130.011.10 RSMo and for all other legal purposes permitted not for profit corporations.” The Articles of Incorporation listed the name and street address of the Registered Agent and Registered Office in Missouri as “Elbert A. Walton, Jr., 2320 Chambers Rd., St. Louis, MO 63136.”

11. 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.

12. 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

Making expenditures while position of treasurer is vacant and making expenditures not through the treasurer

13. Respondent Unity PAC refused to file an amended statement of committee organization identifying a treasurer after April 24, 2009, when Kelli Jordan resigned her position as treasurer.

14. After April 24, 2009, Respondents continued to make, through checks signed by Respondent Weaver and no other person, the following \$3,126.15 in expenditures:

Date	Payee	Item/ Transaction Number	Amount
6/18/09	Lights on Broadway	1060	\$500.00
6/24/09	Fed-Ex Office	1114	\$50.15
8/13/09	Natalynn Galloway		\$1,000.00
9/9/09	Natalynn Galloway		\$744.00
9/10/09	Precious Thoughts Custom Printing		\$200.00
9/12/09	Precious Thoughts Custom Printing		\$292.00
9/13/09	Natalynn Galloway		\$340.00
		TOTAL	\$3,126.15

COUNT II

Accepting contributions while the position of treasurer is vacant

15. Respondent Unity PAC refused to file an amended statement of committee organization identifying a treasurer after April 24, 2009, when Kelli Jordan resigned her position as treasurer.

16. After April 24, 2009, Respondents continued to accept, through bank deposits made by Respondent Weaver, the following \$3,530 in contributions and not through a treasurer as identified on an amended statement of committee organization:

Date	Contributor	Amount
5/9/2009	Margie Jones	\$ 10.00

Date	Contributor	Amount
5/27/2009	Dedria Crawley	\$ 110.00
6/9/2009	Joseph L Washington	\$ 110.00
8/2/2009	Rochelle Gray	\$ 110.00
8/28/2009	A&A Enterprise of St. Louis, LLC	\$ 690.00
9/2/2009	Metro Law Firm LLC	\$ 300.00
9/2/2009	Reliable Funeral Home, Inc.	\$ 50.00
9/2/2009	Jay E. Weinstein	\$ 50.00
9/3/2009	Northeast Ambulance and Fire Protection District Improvement Committee	\$ 440.00
9/5/2009	Margie Jones	\$ 120.00
9/8/2009	Bernard F Edwards, Jr.	\$ 750.00
9/8/2009	Bernard F Edwards, Jr.	\$ 440.00
9/11/2009	Gideon Adjetey, CPA	\$ 200.00
9/15/2009	Gunn's Consulting & Financial Services, LLC	\$ 150.00
	TOTAL	\$3,530.00

COUNT III

Failure to timely and accurately file campaign finance disclosure reports

17. Respondents failed to file more than eleven quarterly reports, beginning with the July 2009 quarterly report and continuing through present.

18. Respondents refused to file a termination statement and refused to identify the name, mailing address, and telephone number of the individual responsible for preserving the committee's records and accounts as required by Section 130.036, RSMo.

CONCLUSIONS OF LAW

COUNT I

Making expenditures while position of treasurer is vacant and making expenditures not through the treasurer

19. Every committee, as defined by Section 130.011, RSMo, “shall have a treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and reside in the district or county in which the committee sits.” § 130.021.1, RSMo.

20. “[E]xpenditures shall not be made by a committee except through an official depository account and the committee treasurer, deputy treasurer or candidate.” § 130.021.4(1), RSMo. “No expenditure shall be made by a committee when the office of committee treasurer is vacant.” § 130.021.4(1), RSMo.

21. Except for expenditures from a petty cash fund, “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.” § 130.031.2, RSMo.

22. “Any person who knowingly ... makes an expenditure in violation of any provision of this chapter ... in addition to or in the alternative to any other penalty imposed by this chapter, shall be held liable to the state in civil penalties in an amount equal to any such contribution or expenditure.” § 130.072, RSMo.

23. There is probable cause to believe that Respondents violated Sections 130.021.1, 130.021.4(1), and 130.031.2, RSMo, by operating without a treasurer and making \$3,126.15 in expenditures through checks signed by Respondent Weaver and not a committee treasurer, by making another \$315.30 in expenditures through electronic transactions while the committee had no treasurer, and that Respondents did so knowingly.

COUNT II

Accepting contributions while the position of treasurer is vacant

24. Every committee, as defined by Section 130.011, RSMo, “shall have a treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and reside in the district or county in which the committee sits.” § 130.021.1, RSMo.

25. Contributions must be accepted “through an official depository account and the committee treasurer, deputy treasurer or candidate.” § 130.021.4(1), RSMo.

26. There is probable cause to believe that Respondents violated Sections 130.021.1 and 130.021.4(1), RSMo, by operating without a treasurer and accepting \$3,530 in contributions other than through a committee treasurer, and that Respondents did so knowingly.

COUNT III

Failure to timely and accurately file campaign finance disclosure reports

27. Respondents were required to file campaign finance disclosure reports at the following times and for the following periods:

...

(3) Not later than the fifteenth day following the close of each calendar quarter.

...

§ 130.046.1, RSMo.

28. Termination statements must be “signed and attested by the committee treasurer or deputy treasurer.” § 130.021.9, RSMo.

29. Termination statements must contain “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.” § 130.021.8, RSMo.

30. There is probable cause to believe that Respondent Unity PAC violated Sections 130.046.1, 130.021.9, and 130.021.8, RSMo, by failing to file at least eleven quarterly campaign finance disclosure statements, refusing to file a termination statement, and refusing to identify the individual responsible for preserving the committee's records and accounts, and that Respondent Unity PAC did so knowingly.

ORDER

The Missouri Ethics Commission finds probable cause that Respondents Unity PAC and Weaver violated, and have knowingly violated, Sections 130.021.1, 130.021.4(1), and 130.031.2, and that Respondent Unity PAC violated, and has knowingly violated, Sections 130.046.1, 130.021.9, and 130.021.8, RSMo. The Commission finds that Respondents Unity PAC's failure to file quarterly reports as found in Count III in these Findings of Fact and Conclusions of Law are violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo, and that these violations occurred within two (2) years of the Missouri Ethics Commission's Order dated September 15, 2009.

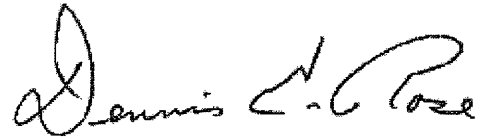
As to Count 1, the Missouri Ethics Commission orders by a vote of 5-1 that a fee be imposed against Respondents, jointly and separately, in the amount of \$3,126 pursuant to Section 105.961.4(6), RSMo.

As to Count 2, the Missouri Ethics Commission orders by a vote of 5-1 that a fee be imposed against Respondents, jointly and separately, in the amount of \$3,530 pursuant to Section 105.961.4(6), RSMo.

As to Count 3, the Missouri Ethics Commission orders by a vote of 6-0 that a fee be imposed against Respondent Unity Political Action Committee of St. Louis, Inc., in the amount of \$6,971 pursuant to Section 105.961.4(6), RSMo.

Payment is due upon entry of this Order.

SO ORDERED this 19th day of September, 2013.

A handwritten signature in black ink that reads "Dennis C. Rose". The signature is written in a cursive style with a large initial "D" and a stylized "C" and "R".

Dennis Rose, Chairman
MISSOURI ETHICS COMMISSION