

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**  
**MAR 14 2014**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
KERRY WILSON	)	Case No. 13A092
	)	
AND	)	
	)	
CITIZENS TO ELECT KERRY WILSON,	)	
	)	
Respondents.	)	

**CONSENT ORDER**

The parties having filed a Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Proposed Findings of Fact and Conclusions of Law (“Joint Stipulation”) with the Missouri Ethics Commission in this matter, the Missouri Ethics Commission hereby accepts as true the facts stipulated and finds that Respondents Kerry Wilson and Citizens to Elect Kerry Wilson violated Sections 130.021.4(1), 130.041.1(3), 130.041.1(4), 130.031.1, 130.031.2, 130.041.1, 130.046, 130.011(9), 130.021.8 and 130.036, RSMo, as stated in the Joint Stipulation.

The Commission directs that all terms and orders of the Joint Stipulation be adopted herein and implemented.

1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents Wilson and Citizens to Elect Kerry Wilson in the amount of \$12,092 pursuant to Section 105.961.4(6), RSMo. However, if Respondents pays \$1,200 of that fee within forty-five (45) days of the date of this 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 and sent to the Missouri Ethics Commission.

3. If any Respondent commits 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 Respondent committed such a violation.
4. Respondents Kerry Wilson and Citizens to Elect Kerry Wilson shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 14 day of March, 2014

By:   
Dennis Rose, Chair  
Missouri Ethics Commission

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BEFORE THE  
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	)	
Petitioner,	)	
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v.	)	
	)	
KERRY WILSON,	)	Case No. 13A092
	)	
and	)	
	)	
CITIZENS TO ELECT KERRY WILSON,	)	
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, Kerry Wilson and Citizens to Elect Kerry Wilson, 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 to 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 Citizens to Elect Kerry Wilson is a candidate committee registered with the Missouri Ethics Commission since January 2013.
3. Respondent Kerry Wilson was an unsuccessful candidate for Alderman, Ward 21, City of St. Louis in the March, 2013 election.
4. Pursuant to Section 105.959, 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 were 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 and accurately report contributions*

6. Respondents failed to report the following six contributions, totaling \$2,332.50, on campaign finance reports:

<b>Date on Check</b>	<b>Contributor</b>	<b>Amount</b>
02/05/2013		282.50
02/28/2013	Zuhdi or Laila Masri	500.00
02/08/2013	Cash Deposit	400.00
02/25/2013	Cash Deposit	200.00
02/27/2013	Cash Deposit	400.00
03/06/2013	Cash Deposit	550.00
	<b>TOTAL</b>	<b>\$2,332.50</b>

7. Respondents reported a \$500 contribution from Sable Jones on January 19, 2013 on their 8 Day Before Special Charter Election report, but this contribution was not deposited into their official fund depository.

**COUNT II**

*Failure to timely and accurately report expenditures*

8. Respondents failed to report the following five (5) expenditures over \$100 each, totaling \$1,644.15, on campaign finance disclosure reports:

<b>Date of Transaction</b>	<b>Recipient</b>	<b>Amount</b>
01/16/2013	AT& T	\$239.10
01/16/2013	Kerry Wilson	\$850.00
02/27/2013	Google.com	\$209.51
02/28/2013	Office Depot	\$159.48
03/04/2013	Office Depot	\$186.06
	<b>TOTAL</b>	<b>\$1,644.15</b>

9. Respondents failed to report the following twelve (12) expenditures of \$100 or less, totaling \$317.68, on campaign finance disclosure reports:

<b>Date of Transaction</b>	<b>Recipient</b>	<b>Amount</b>
01/30/2013	PC Wine & Spirits	\$24.94
02/06/2013	3DNA Nationalbuilder	\$19.00
02/07/2013	Check Printing Fee	\$34.75

<b>Date of Transaction</b>	<b>Recipient</b>	<b>Amount</b>
02/08/2013	Return Item Fee	\$25.00
02/13/2013	MPC 83	\$25.02
02/27/2013	Office Depot	\$56.96
02/27/2013	Quiktrip	\$29.01
03/04/2013	Grab & Go	\$27.00
03/06/2013	3DNA Nationalbuilder	\$19.00
04/08/2013	3DNA Nationalbuilder	\$19.00
05/06/2013	3DNA Nationalbuilder	\$19.00
06/06/2013	3DNA Nationalbuilder	\$19.00
	<b>TOTAL</b>	<b>\$317.68</b>

10. Respondents reported the following expenditures, less than \$100 each, on their 8 Day Before Special Charter Election report which could not be found as being paid out of their official fund depository:

<b>Purpose of expenditure</b>	<b>Amount</b>
Postage	\$18.95
Copy of Ward CD from election board	\$40.00
<b>TOTAL</b>	<b>\$58.95</b>

### **COUNT III**

#### *Improper cash contributions and expenditures*

11. Respondents accepted four (4) cash contributions exceeding \$100 from single contributors. Respondents made cash deposits into their official fund depository as follows:

<b>Date</b>	<b>Amount</b>
02/08/13	\$400.00
02/25/13	\$200.00
02/27/13	\$400.00
03/06/13	\$550.00
<b>TOTAL</b>	<b>\$1,550.00</b>

12. Respondents made a cash withdrawal from their official fund depository on January 16, 2013 in the amount of \$850.00.

**COUNT IV**

*Improper reporting period and failure to timely file campaign finance reports*

13. Respondents filed the 30 Day After General Municipal Election Report for the period of February 11, 2013 through April 27, 2013. The correct reporting period for that report was February 22, 2013 through March 30, 2013.

14. On the 30 Day After General Municipal Election Report, Respondents reported an expenditure to The Print Shop dated February 15, 2013 in the amount of \$339.46. This expenditure should have been reported on the 8 Day Before Special Charter Election report.

15. Respondents filed the 30 Day After General Municipal Election report on July 17, 2013, which was 104 days late.

**COUNT V**

*Failure to timely file a termination statement*

16. Respondent as an unsuccessful candidate failed to file April and October 2013 quarterly reports.

17. Respondent was an unsuccessful candidate in the March 5, 2013 election and should have terminated his committee no later than 30 days after the election. Respondents reported no debt on their 30 Day After Election report.

18. Respondents should have filed a termination statement no later than April 15, 2013, however they did not.

**COUNT VI**

*Failure to maintain committee records*

19. Respondents failed to maintain committee records for contributions received and expenditures made during the audit period.

20. The Commission issued a subpoena for committee records to Respondents on July 3, 2013.

21. Respondents have failed to provide the Commission with any committee records as of the date of this complaint.

## **JOINT PROPOSED CONCLUSIONS OF LAW**

### **COUNT I**

#### *Failure to timely and accurately report contributions*

22. According to §130.021.4(1), RSMo:

...All contributions which the committee receives in money, checks and other negotiable instruments shall be deposited in a committee's official fund 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.

23. Respondents were required to file campaign finance disclosure reports that set forth receipts for the period, including the:

(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;

...  
§130.041.1(3), RSMo.

24. There is probable cause to believe that Respondents violated Sections 130.021.4(1) and 130.041.1(3), RSMo, by failing to disclose \$2,332.50 in contributions which were deposited in the official fund depository, and by reporting one contribution of \$500 which was not deposited into the official fund depository, and that Respondents did so knowingly.

## **COUNT II**

### *Failure to timely and accurately report expenditures*

25. Respondents were required to file campaign finance disclosure reports that set forth expenditures for the period, including the:

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

...

(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, except that the report shall contain an itemized listing of each payment made to

campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker;

...

§130.041.1(4), RSMo.

26. There is probable cause to believe that Respondents violated Sections 130.021.4(1) and 130.041.1(4), RSMo, by failing to report a total of 17 transactions totaling \$1,961.83 and by reporting two expenditures totaling \$58.95 that were not paid out of the official fund depository, and that Respondents did so knowingly.

### **COUNT III**

#### *Improper cash contributions and expenditures*

27. Respondents are prohibited from accepting cash contributions that exceed \$100 from a single contributor as follows :

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

§130.031.1, RSMo.

28. Respondents are prohibited from making cash expenditures that exceed \$50 per transaction:

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 recordkeeping requirements of Section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except in-kind expenditures, 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.

29. There is probable cause to believe that Respondents violated Sections 130.031.1 and 130.031.2, RSMo, by accepting cash contributions greater than \$100 from a single contributor in the amount of \$1,550.00 and by making a cash withdrawal in the amount of \$850.00 within their official fund depository that exceeded the \$50 allowable limit, and that Respondents did so knowingly.

#### **COUNT IV**

##### *Improper reporting period and failure to timely file campaign finance reports*

30. Respondents are required to file campaign disclosure reports at the following times and for the following period:

Except as provided in subsection 5 of Section 130.016, the candidate...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 time and for the periods prescribed in Section 130.046.

(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; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office; and

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

§130.046.1, RSMo

31. There is probable cause to believe that Respondents violated Sections 130.041.1 and 130.046, RSMo, by filing the 30 Day After General Municipal Election Report with an incorrect reporting period and therefore failing to timely filing an expenditure in the amount of \$339.46, by, filing the 30 Day After Report 104 days late, and by failing to file two quarterly reports, and that Respondents did so knowingly.

COUNT V

*Failure to timely file a termination statement*

32. According to §130.011.9:

“Candidate committee”, a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person’s candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt.

33. Respondents are required to file a termination statement no later than 10 days after the date of dissolution:

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 Section130.036.

§130.021.8, RSMo.

34. There is probable cause to believe that Respondents violated Sections 130.011(9) and 130.021.8, RSMo, by failing to timely terminate their committee with a termination statement, and that Respondents did so knowingly.

**COUNT VI**

*Failure to maintain committee records*

35. Respondents are required to maintain committee records:

The candidate, treasurer or deputy treasurer of a committee shall maintain accurate records and accounts on a current basis. The records and accounts shall be maintained in accordance with accepted normal bookkeeping procedures and shall contain the bills, receipts, deposit records, canceled check and other detailed information necessary to prepare and substantiate any statement or report required to be filed pursuant to this chapter.

§130.036.1, RSMo.

36. There is probable cause to believe that Respondents violated Sections 130.036, RSMo, by failing to maintain accurate records, 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 A.

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 \$12,092, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$1,200 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 any Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo, within the two year period from the date of this order, then Respondents will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that any Respondent has committed such a violation..

d. Respondents Kerry Wilson and Citizens to Elect Kerry Wilson shall be jointly and severally liable for all fees imposed under this order, subject to the terms in subparagraph c above.

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

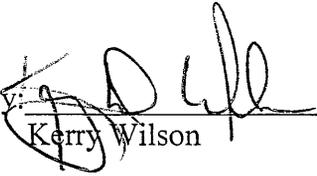
from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondents or Respondents' attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

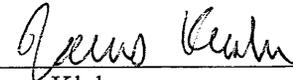
5. This joint stipulation does not settle, release, waive, or otherwise relieve Respondents from any late filing fees due to the appropriate filing authority, including Petitioner Missouri Ethics Commission. Respondents understand that late filing fees accrue automatically under Section 105.963, RSMo.

SO AGREED:

RESPONDENT KERRY WILSON

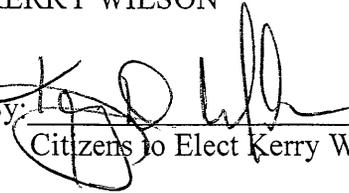
PETITIONER MISSOURI ETHICS  
COMMISSION

By:  6 MAR 14  
Kerry Wilson Date

By:  3/14/14  
James Klahr Date  
Executive Director

RESPONDENT CITIZENS TO ELECT  
KERRY WILSON

By:  3/14/14  
Curtis R. Stokes Date  
Attorney for Petitioner

By:  6 MAR 14  
Citizens to Elect Kerry Wilson Date