

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 07A054
	)	
TALIBDIN EL-AMIN, Candidate,	)	
	)	
and	)	
	)	
COMMITTEE FOR EL-AMIN 57TH, 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, Jim Tweedy, Jeff Davison, Vernon Dowdy, Louis J. Leonatti, and Dennis Rose.

A closed hearing took place on September 9, 2011 and 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 and Curtis Stokes, Legal Counsel. Respondents appeared in person and without counsel.

On September 9, 2011, Petitioner and Respondents entered into a Joint Stipulation of Facts and Law which is incorporated into to this Findings of Fact, Conclusions and Order. The Commission admitted into evidence Petitioner’s Exhibits 1 through 15. 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 2000, in part for the purpose of enforcing the provisions of §§ 105.450 through 105.496 and Chapter 130, RSMo.

2. Respondent, Talibdin El-Amin, was a successful candidate for representative for House District 57, St. Louis, Missouri, in the election held on November 7, 2006. El-Amin formed the candidate committee, Committee for El-Amin 57<sup>th</sup> (“Committee”).

3. Pursuant to § 130.026.2(2), RSMo, the appropriate officers with which to file disclosure reports are the Commission and the St. Louis City Election authority.

4. As the candidate, pursuant to § 130.058, RSMo, El-Amin is responsible for all campaign finance reporting requirements for the Committee.

5. The Committee is a candidate committee pursuant to § 130.011, RSMo.

6. Reports that the Committee is required to file under Chapter 130 must be filed with the Commission pursuant to § 130.026.5.

### Count I – Failure to Deposit Contributions into Committee Account

7. The Credit Union Political Action Committee, continuing committee, reported in its October Quarterly disclosure report, filed with the Commission on October 10, 2006, it made a monetary contribution of \$200 to the Committee on September 8, 2006.

8. The St. Louis Association of Realtors PAC, continuing committee, reported in its October Quarterly disclosure report, filed with the Commission on October 13, 2006, it made a monetary contribution of \$325 to the Committee on September 28, 2006.

9. The Friends of Connie La Joyce, candidate committee, reported in its 8 days before general election disclosure report, filed with the Commission on October, 30, 2006, it made a monetary contribution of \$200 to the Committee on October 7, 2006.

10. Levota for State Representative Committee, candidate committee, reported in its 8 day before general election report, filed with the Commission on October, 27, 2006, it made a monetary contribution of \$325 to the Committee on October 25, 2006.

11. The Committee's Statement of Committee Organization, filed with the Commission on December 22, 2005, identifies National City Bank account # 02 as the Committee's official fund depository.

12. The Committee filed Statements of Limited Activity for its 30 days after the primary election report filed with the Commission on October 24, 2006, October quarterly disclosure report filed with the Commission on October 24, 2006, 8 days before the general election report filed with the Commission on October 30, 2006, and its 30 day after the general election report filed with the Commission on December 22, 2006.

13. The Committee's Statements of Limited Activity did not disclose any contributions received including the contributions from Credit Union PAC, St. Louis Association of Realtors, Friends for Connie La Joyce, and Levota for State Representative Committee.

14. El-Amin, according to his endorsement on the back of the checks, cashed the contribution checks from Credit Union PAC, St. Louis Association of Realtors, Friends for Connie La Joyce and Levota for State Representative Committee at local markets.

## COUNT II – Commingling of funds

15. On September 1, 2006, Electrical Workers Voluntary Political Education and Legislative Funds made a monetary contribution of \$200 to the Committee.

16. On September, 13, 2006, Realtors Political Action Committee-Missouri made a monetary contribution of \$100 to the Committee.

17. On September, 13, 2006, Local 655 made a monetary contribution of \$325 to the Committee.

18. The Committee filed Statements of Limited Activity for the time period from September 1, 2006 through December 2, 2006 and did not disclose any contributions received.

19. On December 22, 2005, the Committee filed with the Commission its Statement of Committee Organization, which designated National City bank in St. Louis, Missouri, account # 02 as the official fund depository for the Committee.

20. The markings on the reverse side of the checks for the contributions from Electrical Workers Voluntary Political Education and Legislative Funds, Realtors PAC and UFCW 665, indicate that they were deposited into a US Bank account # 99, which belongs to another committee, Committee to elect Yaphett El-Amin, Talibdin El-Amin's wife.

## Count III- Failure to File Amended Statement

21. On December 22, 2005, the Committee filed with the Commission its Statement of Committee Organization, which designated National City bank in St. Louis, Missouri, account # 02 as the official fund depository for the Committee.

22. On November 30, 2006, the Committee's official fund depository account was closed.

23. The Committee has not filed an Amended Statement of Committee Organization.

Count IV: Failure to Disclose Contributions Received

24. The Committee's official depository bank account records indicate that ten contributions (see chart) aggregating \$3,100 were made during the period of December 20, 2005 through August 21, 2006 and were deposited into the account.

<b>Amount</b>	<b>Check</b>	<b>Date of Check</b>	<b>Issuer of Check</b>
\$500	Money order	4/7/06	Scales Enterprises
\$100	Money order	3/20/06	Richard Dockett
\$500	1824	1/13/06	ReMax Platinum Plus Realty LLC
\$50	634	12/20/05	Talibdin El-Amin
\$300	3604	3/16/06	Derrick Brew Insurance Agency, Inc.
\$325	926	3/10/06	Mary and Ralph Adams
\$325	2621	3/15/06	Shannon Williams
\$200	1001	8/19/06	Black Church St. Louis
\$325	1194	8/21/06	Safer Families for Missouri
\$50		8/21/06	Kanzler & Associates, LLC
\$100	1453	3/18/06	Zameer M. Baig
\$325	661	6/20/06	Talibdin El-Amin

25. Ten committees reported making contributions to the Committee during the time period of August 21, 2006 through October 25, 2006.

<b>Amount</b>	<b>Date</b>	<b>Donor Committee</b>
\$325	9/13/06	UFCW Local #665 PAC

\$325	9/19/06	St. Louis Assoc of Realtors
\$325	8/21/06	Safer Families for MO
\$100	9/13/06	Realtors PAC
\$200	9/19/06	Health PAC
\$200	9/1/06	Electrical Workers Fund
\$200	9/8/06	Credit Union PAC
\$325	10/25/06	Levota for State Rep.
\$325	9/21/06	Show Me PAC
\$200	10/7/06	Friends of Connie La Joyce Johnson

Count V: Failure to Disclose Expenditures Made

26. The Committee's official depository account records indicate that nine check card expenditures (see chart) of more than \$100 each and aggregating \$1,625.13 were made from the Committee's account from February 28, 2006 through July 31, 2006.

<b>Amount</b>	<b>Reference Number</b>	<b>Date</b>	<b>Paid to</b>
\$115.61	007144	2/28/06	Famous/LS Arye
\$125.05	001301	3/17/06	Home Depot
\$122.64	007801	3/20/06	Home Depot
\$130.52	60907236871	3/31/06	PF Changs
\$134.80	60934006262	4/3/06	Southwest Air
\$137.79	041801	4/3/06	Home Depot
\$123.82	010501	4/3/06	Home Depot
\$518.00	61594004572	6/8/06	PK Graphics
\$216.90	62123740475	7/31/06	One Hour Cleaners

27. The Committee's disclosure reports filed during the time period do not disclose the expenditures of over \$100 and aggregating \$1,625.13.

Count VI: Unauthorized Signature for Expenditures Made

28. The Committee's Statement of Organization, filed with the Commission on December 22, 2005, lists Lizzie Bastain as the treasurer of the Committee and does not list a deputy treasurer.

29. The authorized signature for the Committee's official fund depository, National City Bank account # 02, is Geraldine Guice, not the committee's treasurer.

30. The Committee's bank account records for the official fund depository indicate that on June 3, 2006, June 5, 2006 and on June 6, 2006, Geraldine Guice signed Committee's checks for Committee's expenditures.

Count VII: Cash Withdrawals Exceeding the Permissible Amount

31. The Committee's official fund depository bank records reveal that \$2,189.05 was made in cash withdrawals that were not disclosed on the Committee's reports from February 27, 2006 through August 29, 2006.

Date	Amount	ATM/Check Card
2/27/06	\$302.00	ATM Cash
3/7/06	\$122.00	ATM Cash
3/8/06	\$182.00	ATM Cash
3/13/06	\$101.95	ATM Cash
3/13/06	\$ 60.00	ATM Cash
3/13/06	\$ 41.95	ATM Cash
3/16/06	\$100.00	ATM Cash
3/20/06	\$201.50	ATM Cash
3/20/06	\$102.00	ATM Cash
3/22/06	\$142.00	ATM Cash
3/23/06	\$ 81.95	ATM Cash

3/24/06	\$242.00	ATM Cash
3/27/06	\$102.00	ATM Cash
6/21/06	\$102.00	ATM Cash
6/21/06	\$101.75	ATM Cash
7/24/06	\$102.00	ATM Cash
8/29/06	\$101.95	ATM Cash

32. Seventeen different cash withdrawals were for more than fifty dollars.

### CONCLUSIONS OF LAW

#### Count I – Failure to Deposit Contributions into Committee Account

33. The Committee was required to deposit the contributions described above in the Committee's official fund depository, pursuant to § 130.021.2, RSMo, which states:

Every candidate for offices listed in subsection 1 of section 130.016 who has not filed a statement of exemption pursuant to that subsection and every candidate for offices listed in subsection 6 of section 130.016 who is not excluded from filing a statement of organization and disclosure reports pursuant to subsection 6 shall form a candidate committee and appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by such candidate and any of the candidate's own funds to be used in support of the person's candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made through the candidate, treasurer or deputy treasurer of the person's candidate committee.

34. There is probable cause that Respondents violated § 130.021.2, RSMo, by failing to deposit the contributions received in the Committee's official fund depository account.



COUNT II – Commingling of funds

35. The Committee was prohibited from commingling contributions received with any funds of any other person as described above, pursuant to § 130.021.4, RSMo, which states:

Every committee shall have a single official fund depository with this state...All contributions which the committee receives in money, check and other negotiable instruments shall be deposited in a committee's official 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. Contributions received by a committee shall not be commingled with any funds of an agent of the committee, a candidate or any other person, except that contributions from a candidate of the candidate's own funds to the person's candidate committee shall be deposited to an official depository account of the person's candidate committee...

36. There is probable cause that Respondents violated § 130.021.4, RSMo, by commingling contributions received by the Committee with those of another committee.

Count III- Failure to File Amended Statement

37. The Committee was required to provide information relating to its depository account, pursuant to §130.021.5(6), RSMo, which states:

The name and mailing address of its depository, and the name and account number of each account the committee has in the depository. The account number of each account shall be redacted prior to disclosing the statement to the public;

38. There is probable cause that Respondents violated 130.021.5(6) and 130.02.7, RSMo, for failure to file an Amended Statement of Organization after the Committee's bank account was closed.

Count IV: Failure to Disclose Contributions Received

39. The committee was required to disclose the contributions, as described above, pursuant to 130.041 1.1(3)(a), RSMo which states:

Except as provided in sections 130.049 and 130.050, each report shall set forth:

(1) The full name, as required in the statement of organization pursuant to subsection 5 of section 130.021, and mailing address of the committee filing the report and the full name, mailing address and telephone number of the committee's treasurer and deputy treasurer if the committee has named a deputy treasurer;

40. There is probable cause that Respondents violated 130.041.1(3), RSMo, by his failure to report all of the contributions received.

Count V: Failure to Disclose Expenditures Made

41. The Committee was required to disclose the expenditures aggregating \$1,625.13, as described above, pursuant to 130.041.1(4)(a), RSMo, which states:

Except as provided in sections 130.049 and 130.050, each report shall set forth:

...

(4) Expenditures for the period, including:

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

42. There is probable cause that Respondents violated 130.041.1(4), RSMo, by his failure to report the expenditures made.

Count VI: Unauthorized Signature for Expenditures Made

43. Geraldine Guice was not authorized to make expenditures for the Committee as described above, pursuant to 130.021.4(1), RSMo, which states:

Every committee shall have a single official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan association, or a federally or state-chartered credit union in which the committee shall open and thereafter maintain at least one official depository account in its own name. An "official depository account" shall be a checking account or some type of negotiable draft or negotiable order of withdrawal account, and the official fund depository shall, regarding an official depository account, be a type of financial institution which provides a record of deposits, canceled checks or other canceled instruments of withdrawal evidencing each transaction by maintaining copies within this state of such instruments and other transactions. All contributions which the committee receives in money, checks and other negotiable instruments shall be deposited in a committee's official 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. Contributions received by a committee shall not be commingled with any funds of an agent of the committee, a candidate or any other person, except that contributions from a candidate of the candidate's own funds to the person's candidate committee shall be deposited to an official depository account of the person's candidate committee. No expenditure shall be made by a committee when the office of committee treasurer is vacant except that when the office of a candidate committee treasurer is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

44. There is probable cause that Respondents violated 130.021.1(4), RSMo, by making expenditures solely through Geraldine Guice who was not the stated Committee Treasurer or Deputy Treasurer on the Statement of Committee Organization, and that Respondents did so knowingly.

Count VII: Cash Withdrawals Exceeding the Permissible Amount

45. The Committee exceeded the permissible amount of fifty dollars that can be a cash withdrawal as described above, pursuant to 130.021.2, RSMo, which states:

Every candidate for offices listed in subsection 1 of section 130.016 who has not filed a statement of exemption pursuant to that subsection and every candidate for offices listed in subsection 6 of section 130.016 who is not excluded from filing a statement of organization and disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee and appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by such candidate and any of the candidate's own funds to be used in support of the person's candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made through the candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing in this chapter shall prevent a candidate from appointing himself or herself as a committee of one and serving as the person's own treasurer, maintaining the candidate's own records and filing all the reports and statements required to be filed by the treasurer of a candidate committee.

46. There is probable cause that Respondents violated 130.031.2 RSMo, by withdrawing \$2,189.05 and in amounts that exceeded fifty dollars from the Committee's official fund depository.

**ORDER**

The Commission finds probable cause that Respondents Talibdin El-Amin and Committee for El-Amin 57<sup>th</sup> knowingly violated, and have knowingly violated, sections 130.021.2, 130.021.4, 130.021.5(6), 130.021.7, 130.041.1(3)(a), 130.041.1(4)(a), 130.021.4(1), and 130.031.2, RSMo.

It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents Talibdin El-Amin and Committee for El-Amin 57<sup>th</sup> in the amount of \$12,114.18 pursuant to § 105.961.4(6), RSMo. No fee is assessed for violation of sections 130.021.5(6) and 130.021.7, RSMo. It is the further order of the Commission that Respondents Talibdin El-Amin and Committee for El-Amin 57<sup>th</sup> file accurately all necessary campaign finance reports and statements. However, if either Respondent pays \$1,211.42 of that fee within sixty (60) 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 Talibdin El-Amin and Committee for El-Amin 57<sup>th</sup> have not committed any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo, as amended during this two year stay, Respondents Talibdin El-Amin and Committee for El-Amin 57<sup>th</sup> 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. Respondents Talibdin El-Amin and Committee for El-Amin 57<sup>th</sup> shall be jointly and severally liable for the balance.

Date: 9-9-2011

  
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Jim Wright, Chairman  
MISSOURI ETHICS COMMISSION