

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
SEP 09 2011
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION)	
)	
Petitioner,)	
)	
v.)	No. 08A161
)	
57 TH LEGISLATIVE DISTRICT COMMITTEE)	
)	
and)	
)	
)	
TALIBDIN EL-AMIN)	
)	
)	
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. Respondent El-Amin 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 8. 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, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.

2. The 57th Legislative District Committee is a political action committee registered with Petitioner. The 57th Legislative District Committee was a continuing committee from October 15, 2007 until August 27, 2010.

3. On October 15, 2007, a Statement of Committee Organization was filed with Petitioner registering the committee as a continuing committee.

4. Sandra Anderson was listed as the treasurer of Respondent Committee at all relevant times.

5. Under §130.026.5(1), RSMo, both Petitioner and the St. Louis City Board of Elections are the appropriate officers designated to receive campaign finance reports for the Committee.

6. From January 4, 2006 to September 30, 2009 Respondent Talibdin El-Amin was the elected Representative for the 57th Legislative District.

Official Fund Depository Account – Reliance Bank

7. The statement of committee organization listed the official fund depository as Reliance Bank, Account Number 82 (hereinafter "Reliance Account").

8. On August 10, 2007, Reliance Account was opened in the name of the 57th Legislative District Committee. Respondent Talibdin El-Amin was the sole authorized signer on the account. The signature card was signed by Talibdin El-Amin.

9. On December 31, 2007, the official fund depository account had an opening balance of \$4,691.31. In the month of January 2008, there were contributions of \$1,850.00 and \$10,000.00; and expenditures in the amount of \$1,500.00 to Respondent Talibdin El-Amin, and \$20.80 to the United Postal Service.

10. The official fund depository account at Reliance Bank was closed on January 11, 2008 with a withdrawal of \$15,020.51 by cashiers check made payable to Respondent Talibdin El-Amin and for which Respondent Talibdin El-Amin received cash on January 23, 2008.

11. There was no official fund depository account for the 57th Legislative District committee from January 11, 2008 through April 18, 2008.

Official Fund Depository – Bank of America

12. On April 18, 2008, account number 60 was opened at Bank of America (hereinafter “BOA Account”) in the name of the 57th Legislative District Committee with a deposit of a contribution of \$1,900.00. The sole authorized signer on the account was respondent Talibdin El-Amin. The signature card was signed by Talibdin El-Amin. Filed with the account was a Registration of Fictitious Name for the 57th District Legislative Committee, signed by Talibdin El-Amin.

13. BOA Account was “forced closed” by Bank of America on March 2, 2009.

14. No amended statement of committee organization was filed with Petitioner reporting BOA Account.

15. There was again no official fund depository account for the 57th Legislative District committee after March 2, 2009.

Committee Treasurer or Deputy Treasurer

16. On its Statement of Committee Organization filed Respondents solely listed Respondent Anderson as the treasurer of Respondent Committee, and no deputy treasurer.

17. Respondent Talibdin El-Amin was the sole signer on the official fund depository at Reliance Bank.

18. Respondent Talibdin El-Amin, was the only person who signed checks on the official fund depository at Reliance Bank.

19. Respondent Talibdin El-Amin was the sole signer on the official fund depository at Bank of America.

20. Respondent Talibdin El-Amin, was the only person who signed checks on the official fund depository at Reliance Bank.

Campaign Finance Disclosure Reports

21. The only campaign finance disclosure reports filed by Respondents was the January 2008 Limited Activity Statement on April 14, 2008, originally due on or before January 15, 2008, and the January 2011 Statement of Limited Activity, filed June 13, 2011.

22. From the period October 1, 2007 through December 31, 2007, the Respondents received the following contributions and made the following contributions and expenditures:

<u>Date</u>	<u>Description</u>	<u>Check Number</u>	<u>Contributions Received</u>	<u>Contributions Made</u>	<u>Expenditures</u>
9/27/2007	AT&T - automatic debit	debit			\$357.94
10/2/2007	52nd District Legislative Democratic Committee		\$11,750.00		
10/30/2007	AT&T - automatic debit	debit			\$282.35

11/7/2007	Missourians For Koster	1003		\$11,750.00	
11/9/2007	Carolyn Jones-Lampley	1005			\$510.00
11/9/2007	NSF Return Charge				\$25.00
12/5/2007	NSF Return Charge				\$25.00
12/10/2007	NSF Return Charge				\$25.00
12/13/2007	NSF Return Charge				\$25.00
12/24/2007	Gateway Contractors		\$5,000.00		

23. Respondents failed to file the following campaign finance disclosure reports:
 April, July, and October 2008; April, July and October 2009; and January, April, July and
 October 2010.

Contributions Received

24. Respondents failed to report the following contributions, including the name and
 address of the contributor which were deposited into the official fund depositories:

Date	Contribution	Amount	Bank
10/2/2007	52nd District Legislative Democratic Committee	\$11,750.00	Reliance
12/24/2007	Gateway Contractors	\$5,000.00	Reliance
1/2/2008	Major Brands Inc Political Action Committee	\$1,850.00	Reliance
1/8/2008	Missourians For Koster	\$10,000.00	Reliance
4/21/2008	Economic Growth Council	\$1,900.00	BOA
6/6/2008	92nd Democratic Legislative Committee	\$2,500.00	BOA
6/6/2008	Quality Sales & Service	\$5,000.00	BOA
6/9/2008	Missourians for Koster	\$5,000.00	BOA
7/9/2008	Missourians For Koster	\$15,000.00	BOA
7/28/2008	Stone, Leyton and Gershnan	\$2,500.00	BOA
10/22/2008	Money transfer	\$164.14	BOA
	Total	\$60,664.14	

Committee Expenditures

25. Respondents failed to report the following expenditures as identified as being paid from the official fund depository, including the name and address of each to whom the expenditure was made or incurred from the official fund depository:

Date	Expenditure	Item	Amount	Bank
9/27/2007	AT&T - automatic debit	debit	\$357.94	Reliance
10/30/2007	AT&T - automatic debit	debit	\$282.35	Reliance
11/7/2007	Missourians For Koster	1003	\$11,750.00	Reliance
11/9/2007	Carolyn Jones-Lampley	1005	\$510.00	Reliance
11/9/2007	NSF Return Charge		\$25.00	Reliance
12/5/2007	NSF Return Charge		\$25.00	Reliance
12/10/2007	NSF Return Charge		\$25.00	Reliance
12/13/2007	NSF Return Charge		\$25.00	Reliance
12/24/2007	Gateway Contractors		\$5,000.00	Reliance
1/3/2008	USPS	1008	\$20.80	Reliance
1/11/2008	Talibdin El-Amin	Cashiers Check	\$15,020.51	Reliance
5/1/2008	Check Order		\$29.00	BOA
5/20/2008	Ronald Jones Cemetary (Lucille Mays - Grave)	1001	\$475.00	BOA
5/22/2008	VAP0	1002	\$200.00	BOA
5/22/2008	Yamini Majeed	1005	\$105.41	BOA
5/27/2008	22nd Ward Dem League	1003	\$325.00	BOA
5/29/2008	USPS	1007	\$43.00	BOA
5/30/2008	Talib Muhammad	1008	\$50.00	BOA
6/9/2008	NSF: Returned Item Fee - Check # 1009	Debit	\$25.00	BOA
6/10/2008	Committee To Elect El-Amin	1010	\$2,500.00	BOA
6/10/2008	Lowe's	1013	\$177.34	BOA
6/10/2008	Committee To Elect El-Amin	1014	\$750.00	BOA
6/11/2008	David Luetkemeyer	1011	\$375.00	BOA
6/11/2008	Yamini Majeed	1015	\$743.36	BOA
6/13/2008	Sydney Cain-Johnson	1019	\$150.00	BOA
6/13/2008	Bank of America (Cashier's check for Hubbard For Senate)	1020	\$4,500.00	BOA
6/13/2008	Cash withdrawal from Check 1160		\$6.00	BOA

6/16/2008	Citizens For Tishaura O Jones	1017	\$325.00	BOA
6/17/2008	Yamini Majeed	1021	\$437.00	BOA
6/18/2008	Home Depot	1022	\$141.47	BOA
6/18/2008	Michael Graves	1023	\$430.00	BOA
6/20/2008	Union Market (communications cs)	1024	\$350.00	BOA
6/23/2008	Musawir Karim	1025	\$400.00	BOA
6/26/2008	Jimad Mumin (Reliable Life Ins Co)	1026	\$120.00	BOA
6/30/2008	Talib Mummad	1027	\$625.00	BOA
7/1/2008	Sonji Young`	1028	\$925.00	BOA
7/1/2008	Rev. Jerome Bracely Stepping Into the Light	1029	\$368.00	BOA
7/2/2008	Overdraft check 1028		\$35.00	BOA
7/7/2008	Salama Market	1030	\$275.00	BOA
7/8/2008	Overdraft check 1030		\$35.00	BOA
7/9/2008	Bank fee		\$2.00	BOA
7/9/2008	ATM withdrawal Central Bank		\$200.00	BOA
7/9/2008	Bank fee		\$2.00	BOA
7/10/2008	check card Cingular	Debit	\$200.56	BOA
7/10/2008	Theo Richardson	1018	\$100.00	BOA
7/11/2008	Richard Dockett ACU	1092	\$2,000.00	BOA
7/14/2008	Tyrone Thompson	1091	\$2,000.00	BOA
7/14/2008	Scott Carr Assoc.	1093	\$10,000.00	BOA
7/15/2008	Overdraft check 1091		\$35.00	BOA
8/1/2008	M.C. Ienhower	1095	\$2,500.00	BOA
8/4/2008	Overdraft check 1095		\$35.00	BOA
8/18/2008	Overdraft check 1097		\$35.00	BOA
8/20/2008	Overdraft check 1099		\$35.00	BOA
10/31/2008	Monthly maintenance fee		\$12.00	BOA
11/20/2008	US Bank Balance Inquiry		\$2.00	BOA
11/28/2008	Monthly Maintenance Fee		\$12.00	BOA
12/31/2008	Monthly Maintenance Fee		\$12.00	BOA
	Total		\$65,144.74	

Cash Expenditures

26. Respondents made the following cash withdrawals from the official fund depository totaling \$15,226.51 as follows:

Date	Expenditure	Item	Amount	Bank
1/11/2008	Talibdin El-Amin	Cashiers Check 053890	\$15,020.51	Reliance
6/13/2008	Cash withdrawal from Check 1160		\$6.00	BOA
7/9/2008	ATM withdrawal Central Bank	ATM	\$200.00	BOA
	Total		\$15,226.51	

27. On January 23, 2008, Respondent Talibdin El-Amin cashed check number 053890 at Reliance Bank for \$15,020.51 and received cash.

28. The cash expenditures for 2008 exceeded \$50.00 or the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year.

Failure to Terminate Committee

29. Respondents were required to terminate no later than ten days after March 2, 2009 when Respondents failed to maintain an official fund depository.

30. Pursuant to §105.959.5 and §105.961.1, RSMo a special investigator has conducted an investigation and reported findings to the Commission.

CONCLUSIONS OF LAW

COUNT 1 – Official Fund Depositories Accounts

1. According to §130.021.7, RSMo:

A committee which has filed a statement of organization and has not terminated shall not be required to file another statement of organization, except that when there is a change in any of the information previously reported as required by subdivisions (1) to (8) of subsection 5 of this section an amended statement of organization shall be filed within twenty days after the change occurs, but no later than the date of the filing of the next report required to be filed by that committee by section 130.046.

2. According to §130.021.5 RSMo:

The treasurer or deputy treasurer acting on behalf of any person or organization or group of persons which is a committee by virtue of the definitions of committee in section 130.011 and any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of 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 pursuant to the provisions of section 130.046. The statement of organization shall contain the following information:

(6) The name and mailing address of its depository, and the name and account number of each account the committee has in the depository...

3. According to §130.021.4(1):

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.

4. There is probable cause to believe Respondents violated §130.021, RSMo by failing to file an amended statement of committee organization identifying one official fund depository for Respondent Committee following the opening of the Bank of America Account in April 2008 and the closing of the Reliance Account in January 2008.

COUNT II- Committee Treasurer or Deputy Treasurer

5. According to §130.021.5(3), RSMo, each committee must file a Statement of Committee Organization containing the name, mailing address and telephone number of the committee treasurer and also its deputy treasurer (if any).

6. According to §130.021.4(1) RSMo:

.... 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.

7. According to §130.031.2, RSMo:

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 record-keeping requirements of section 130.036 to account for expenditures made from petty cash, 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.

8. There is probable cause to believe that Respondents violated §130.021 RSMo and §130.031 RSMo by making expenditures solely through Respondent Talibdin El-Amin who was not the stated Committee Treasurer or Deputy Treasurer on the Statement of Committee Organization, and that Respondents did so knowingly.

COUNT III - Campaign Finance Disclosure Reports

9. Quarterly disclosure reports are due no later than the fifteenth day following the close of each calendar quarter under § 130.046.1(3), RSMo.

10. §130.046. 5(2), RSMo provides:

Notwithstanding any other provisions of this chapter to the contrary:

(2) No disclosure report needs to be filed for any reporting period if during that reporting period the committee has neither received contributions aggregating more than five hundred dollars nor made expenditure aggregating more than five hundred dollars and has not received contributions aggregating more than three hundred dollars from any single contributor and if the committee's treasurer files a statement with the appropriate officer that the committee has not exceeded the identified thresholds in the reporting period.

11. There is probable cause to believe that Respondents violated §130.046 RSMo and by failing to filing timely the January 2008 Campaign Finance Disclosure Report and the January

2011 Limited Activity Statement, by filing a January 2008 Statement of Limited Activity when Respondents received \$16,750.00 in contributions, and made \$11,750.00 in contributions and \$1,250.29 in expenditures, and by failing to file 10 campaign finance disclosure reports as outlined in paragraph 23, and that Respondents did so knowingly.

COUNT IV - Contributions Received

12. According to §130.041.1(3)(a), RSMo:

Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer 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 times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

- (3) Receipts for the period, including:

Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor...

13. There is probable cause that Respondents have violated §130.041.1(3)(a), RSMo by failing to report contributions totaling \$60,664.14, including the name and address of the contributor which were deposited into the official fund depositories, and that Respondents did so knowingly.

COUNT V- Committee Expenditures

14. §130.041.1(4)(d), RSMo provides:

§130.041.1. Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer 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 times and for the periods

prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

(4) Expenditures for the period, including:

...

(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.

15. There is probable cause that Respondents have violated §130.041.1(4)(d), RSMo by failing to report expenditures totaling \$65,144.74, including the name and address of each to whom the expenditure was made or incurred from the official fund depositories, and that Respondents did so knowingly.

COUNT VI- Cash Expenditures

16. According to §130.031.2, RSMo:

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 record-keeping requirements of section 130.036 to account for expenditures made from petty cash, 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. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to "cash" shall not be made except to replenish a petty cash fund.

17. There is probable cause that Respondents violated §130.031.2, RSMo by making cash expenditures in the amount of \$15,226.51 in excess of \$50.00 or which exceeded the lesser

of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year.

COUNT VII - Failure to Terminate Committee

18. According to §130.021.8, RSMo:

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 section 130.036.

19. According to §130.046.7, RSMo:

In the case of a committee which disbands and is required to file a termination statement pursuant to the provisions of section 130.021 with the appropriate officer not later than the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy treasurer shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the reporting requirements of subsection 6 or 7 of this section.

20. There is probable cause that Respondents violated §130.021.8, RSMo and §130.046.7, RSMo by failing to terminate no later than ten days after March 2, 2009 when Respondents failed to maintain an official fund depository.

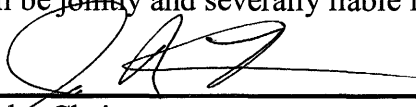
ORDER

The Commission finds probable cause that Respondents Talibdin El-Amin and the 57th Legislative District Committee knowingly violated, and have knowingly violated, sections 130.021.7, 130.021.5, 130.021.4(1), 130.021.5(3), 130.021.4(1), 130.031.2, 130.046.1(3), 130.046.5(2), 130.041.1(3)(a), 130.041.1(4)(d), 130.031.2, 130.021.8, 130.046.7, RSMo.

It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents Talibdin El-Amin and the 57th Legislative District Committee in the amount of \$157,035.39 pursuant to § 105.961.4(6), RSMo. It is the further order of the Commission that Respondents Talibdin El-Amin and the 57th Legislative District Committee file accurately all necessary campaign finance reports and statements. However, if either Respondent pays \$31,407.07 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 the 57th Legislative District Committee 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 the 57th Legislative District Committee 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 the 57th Legislative District Committee shall be jointly and severally liable for the balance.

Date: 9.9.2011



Jim Wright, Chairman
MISSOURI ETHICS COMMISSION