

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 1st Ward Democratic Organization is a political action committee registered with Petitioner. The 1st Ward Democratic Organization was a continuing committee from November 14, 2005 until August 27, 2010.

3. On November 14, 2005, a Statement of Committee Organization was filed with Petitioner registering the committee as a continuing committee.

4. Geraldine Guice was listed as the treasurer of Respondent Committee at all relevant times. There was no deputy treasurer named.

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

Official Fund Depository Account – National City Bank

6. The statement of committee organization listed the official fund depository as National City Bank, Account Number 12 (hereinafter "NCB Account").

7. The Committee's official fund depository listed Lizzie Bastian, not Guice, the Committee's treasurer, as the only authorized signature on the account.

8. Committee expenditures made from the official fund depository at National City Bank were authorized by Lizzie Bastian, Geraldine Guice, Larry Bastian, or Yaphett El-Amin

9. The National City Bank Account was closed on October 31, 2006.

Campaign Finance Disclosure Reports

10. For the August 2006 Primary Election, a 30 Day After Election Report was due for contributions and expenditures made from the period through September 2006.

11. On October 24, 2006 the Committee filed with the Commission a Statement of Limited Activity for the 30 day after the primary election report that did not report any expenditures.

12. The official fund depository records indicate that on August 8, 2006, the Committee issued a check to Tablibdin El-Amin for \$400.

13. The official fund depository records indicate that on August 8, 2006 the Committee issued a check payable to cash for \$7,500.

14. The official fund depository records indicate that on August 16, 2006 the Committee issued a check payable to Talibdin El-Amin for \$550.

15. The Committee did not disclose any expenditure, including the expenditures aggregating \$8,450, in its reports filed with the Commission covering the time period from August 8, 2006 to September 8, 2006.

16. Respondents failed to file an April 2008 Quarterly Disclosure Report for the period of January 1, 2008 through March 31, 2008. This report was due on or before April 15, 2008.

Failure to Disclose Contributions Received – National City Bank

17. The Committee's official fund depository records at National City Bank indicate the fourteen checks each over \$100 were deposited into the official fund depository that were not disclosed in the Committee's reports covering the period of May 20, 2006 through August 3, 2006, as follows:

Amount	Check #	Date of Check	Person Issuing Check
\$1000.00	Money Order	5/20/06	Anonymous
\$125.00	1173	8/7/06	Citizens to Elect Jamilah Nasheed
\$200.00	1080	7/29/06	Montee for Auditor
\$200.00	1412	8/1/06	Dem. Campaign Committee of St. Louis
\$150.00	3171	8/7/06	CCCC4
\$150.00	867	8/2/06	Olufemi Opere
\$1,000.00	2096	8/2/06	D. Solomón or Olayemi Akinduro
\$3,000.00	37377	7/31/06	Cornerstone Health Care Inc.
\$500.00	2091	8/2/06	Pearlie Evans
\$100.00	2088	8/2/06	Pearlie Evans
\$1,000.00	1179	8/1/06	Eagle Realty Company
\$500.00	17818	8/4/06	Marvin Peebles Masonry Co.
\$2,500.00	2623	8/1/06	Roberta M. Defiore
\$500.00	13294	8/3/06	Kodner Watkins Muchnick Weighley LC

Failure to Disclose Expenditures Made – National City Bank

18. The Committee's official fund depository records at National City Bank indicate twenty-three checks issued for expenditures aggregating \$41,430.44 that were not disclosed in reports filed by the Committee covering the period from June 10, 2006 through August 16, 2006, as follows:

Amount	Check #	Date of Check	Payee
\$108.00	1101	6/10/06	Troy Kirby
\$500.00	1131	6/28/06	Simmons Media
\$625.00	1102	6/19/06	DDC Advertising
\$100.00	1172	8/7/06	OBS

\$105.00	1136	7/26/06	DDC Advertising
\$111.62	1147	7/28/06	Hi Tech Copies
\$120.00	1168	8/5/06	NGNU
\$275.00	1171	8/7/06	27 th Ward
\$500.00	1154	7/31/06	27 th Ward Dem. Org.
\$1,000.00	1139	7/26/06	Pub Def LLC
\$1,003.77	1156	7/28/06	Yolanda Redd
\$1,126.25	1161	8/3/06	Clear Channel
\$1,500.00	1164	8/3/06	City Lights
\$1,555.00	1159	8/2/06	St. Louis American
\$1,600.00	1143	7/27/06	Tiahmo Rauf
\$2,400.00	1133	7/24/06	Cachet Currie
\$3,040.80	1149	7/29/06	Economical Mail, Inc.
\$5,180.00	1151	7/31/06	Yaphett El-Amin
\$5,380.00	1170	8/7/06	Pelican Printing
\$6,250.00	1140	7/26/06	Lizzie Bastian
\$8,000.00	1155	8/1/06	Pelican Printing
\$550.00	1153	8/16/06	Talibdin El-Amin
\$400.00	1176	8/8/06	Talibdin El-Amin

Acceptance of Anonymous Contributions Over the Permissible Amount – National City Bank

19. The Committee's official fund depository records indicate that on May 20, 2006, the Committee received and deposited an anonymous contribution in the amount of a \$1,000 money order into its official fund depository.

20. The Committee never disclosed this contribution in its reports filed with the Commission.

Cash Expenditures – National City Bank

21. On August 8, 2006, according to the official fund depository records, a check for \$7,500 from the official fund depository was made payable to cash.
22. The Committee never reported this expenditure in its reports filed with the Commission.

CONCLUSIONS OF LAW

Expenditures Made Through Unauthorized Persons – National City Bank

1. 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).
2. 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.
3. 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.

Campaign Finance Disclosure Reports

4. According to §130.046.1, RSMo:

The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

...

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

5. According to §130.045.1(2), RSMo, a limited activity statement may be filed as follows:

1. The disclosure reports required by section 130.041 for all committees shall be filed at the following times for the following periods:

....

(2) Not later than the thirtieth day after the 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.

Contributions Received

6. 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:

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

COUNT V– Committee Expenditures

7. §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.

Acceptance of Anonymous Contributions Over the Permissible Amount – National City Bank

8. The Committee was not permitted to accept the anonymous contribution, as described above, which was over the amount of twenty-five dollars, pursuant to §130.031.4, RSMo, which states:

9. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contributions of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

Cash Expenditures

10. 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.

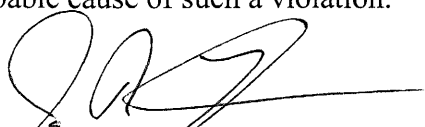
ORDER

The Commission finds probable cause that Talibdan El-Amin knowingly violated, and knowingly violated, sections 130.041.1(4)(a), 130.041.1(3)(a), 130.031.4, 130.031.2, 130.046.1(2), and 130.021.4(1), and 130.046.1, RSMo.

It is the order of the Missouri Ethics Commission that a fee is imposed against Respondent Talibdan El-Amin in the amount of \$63,855.44 pursuant to § 105.961.4(6), RSMo. It is the further order of the Commission that Respondent Talibdan El-Amin file accurately all necessary campaign finance reports and statements. However, if Respondent Talibdan El-Amin pays \$6,385.54 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 Respondent Talibdan El-Amin has not committed any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo , as amended during this two year stay, Respondent Talibdan El-Amin 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.

Date: 9-9-2011



Jim Wright, Chairman

MISSOURI ETHICS COMMISSION