

BEFORE THE  
MISSOURI ETHICS COMMISSION

**Filed**  
**FEB 29 2012**  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION, )  
)  
Petitioner, )  
) Case No. 09A114  
v. )  
)  
ANTONIO FRENCH, )  
)  
and )  
)  
COMMITTEE TO ELECT ANTONIO FRENCH, )  
)  
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, Antonio French and Committee to Elect Antonio French, acknowledge that they have received and reviewed a copy of the Complaint filed by the Petitioner in these cases, 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 witness 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 STIPULATION AND 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 French was a successful candidate for the position of Alderman in the March 3, 2009, municipal primary election and the April 7, 2009, City of Saint Louis general municipal election.
3. Respondent Committee to Elect Antonio French was the candidate committee formed by Respondent French to support his candidacy for the position of Alderman in the March 3, 2009, City of Saint Louis Election and subsequent elections.
4. Pursuant to Sections 105.959 and 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.

5. 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

#### *Failure to Maintain a Single Official Fund Depository*

6. Respondents French and Committee to Elect Antonio French were required to, and did, file a statement of organization with the Saint Louis City Board of Elections.

7. For ten months, beginning in July 2009 and ending in April 2010, Respondents French and Committee to Elect Antonio French failed to maintain a checking or other negotiable draft or negotiable order of withdrawal account within the State of Missouri with a federally or state chartered bank, savings and loan association, or credit union.

8. Prior to July 2009, Respondents maintained an account in the committee's name at Commerce Bank, account number 293024136 (hereinafter referred to as "Commerce 1") but closed that account on July 27, 2009.

9. Respondents did not thereafter open or maintain an account within the State of Missouri until April 13, 2010, when it opened an account in the committee's name at Commerce Bank, account number 076056832 (hereinafter referred to as "Commerce 2").

#### *Failure to Timely Amend Statement of Committee Organization to Report Changes to Official Fund Depository*

10. Respondents French and Committee to Elect Antonio French filed a statement of committee organization with the City of Saint Louis Board of Elections disclosed "Commerce 1" as its official fund depository.

11. On or about July 27, 2009, Respondents closed "Commerce 1."

12. Respondents were required to file an amended statement of committee organization disclosing this change to their official fund depository by August 17, 2009, but failed to do so.

13. Then, on or about April 13, 2010, Respondents opened "Commerce 2," which served as an official fund depository and should have been reported as such.

14. Respondents were required to file an amended statement of committee organization disclosing this change to their official fund depository by April 15, 2010, but they failed to do so until August 25, 2010, which was 134 days late.

*Operating an account not with a federally or state-chartered bank as an official fund depository account and/or making expenditures other than through an official fund depository (21st Ward)*

15. Respondents operated a PayPal account in the name of the email account "Antonio@21stward.org" (hereinafter referred to as "21st Ward PayPal Account").

16. PayPal is not a federally or state-chartered bank, saving and loan association, or credit union.

17. Respondents received 17 contributions totaling \$1,430 into the 21st Ward PayPal Account which were not deposited into the committee's reported official fund depository within five days, as set forth below:

<b>Date</b>	<b>Description - Donation Received</b>	<b>Gross</b>
7/21/2010	Alison Gee	\$50.00
7/20/2010	Judith Glenn	\$25.00
7/15/2010	Radmila Jevtic	\$25.00
7/15/2010	Michael L Baldwin	\$25.00
7/7/2010	Sal Martinez	\$100.00
7/6/2010	Scott Wilson	\$500.00
7/6/2010	Alan Brunettin	\$100.00
5/8/2010	Patricia Bynes	\$50.00
4/28/2010	Doug Duckworth	\$25.00
4/9/2010	Derek Zasaretti	\$150.00
4/7/2010	Radmile Jevtic	\$50.00
4/5/2010	John Pa	\$100.00
4/5/2010	Saladin Martinez	\$100.00
3/30/2010	Esther Rosenfeld	\$25.00
2/6/2010	Michael Martinich-Sauter	\$25.00
2/3/2010	Audrey Spalding	\$50.00
2/2/2010	Patricia Bynes	\$30.00

18. Respondents made five expenditures totaling \$576 out of the 21st Ward PayPal Account, as set forth below:

<b>Date</b>	<b>Description - Donation Received</b>	<b>Gross</b>
7/29/2010	iStockphoto LP	\$18.25
7/25/2010	2Checkout.com	\$70.00
5/14/2010	Yahoo Inc	\$24.95
4/13/2010	Southwest Airlines	\$362.80
2/24/2010	Antonio French	\$100.00
	<b>Total</b>	<b>\$576.00</b>

*Accepting contributions and/or making expenditures other than through an official fund depository account*

19. Respondents made expenditures other than through the official fund depository account when Respondent French made approximately \$2,348 in expenditures from his personal account, and Respondent Committee to Elect Antonio French reimbursed Respondent French with approximately 8 online transfers of \$2,348 to Respondent French's personal checking account, as set forth below:

<b>Date</b>	<b>Check #</b>	<b>Payee</b>	<b>Amount</b>
1/26/2009	Online Transfer	To DDA 293022808	\$100.00
1/29/2009	Online Transfer	To DDA 293022808	\$200.00
1/29/2009	Online Transfer	To DDA 293022808	\$200.00
2/2/2009	Online Transfer	To DDA 293022808	\$333.00
3/10/2009	Online Transfer	To DDA 293022808	\$500.00
3/13/2009	Online Transfer	To DDA 293022808	\$165.00
3/25/2009	Online Transfer	To DDA 293022808	\$600.00
4/20/2009	Online Transfer	To To DDA 293022808	\$250.00
		<b>Total</b>	<b>\$2,348.00</b>

*Commingling of personal and committee funds, operating an account not with a federally or state-chartered bank as an official fund depository account and/or receiving contributions and making expenditures other than through an official fund depository (PubDef PayPal Account)*

20. Respondents operated a PayPal account in the name of an email account "Antonio@pubdef.net" (hereinafter referred to as "PubDef PayPal Account").

21. PayPal is not a federally or state-chartered bank, saving and loan association, or credit union.

22. Respondents received 29 contributions totaling \$6,865 into the PubDef PayPal Account which were not deposited into the committee's reported official fund depository within five days, as set forth below:

<b>Date</b>	<b>Description - Donation Received</b>	<b>Gross</b>
7/21/2010	Alison Gee	\$50.00
7/20/2010	Judith Glenn	\$25.00
7/15/2010	Radmila Jevtic	\$25.00
7/15/2010	Michael L Baldwin	\$25.00
7/7/2010	Sal Martinez	\$100.00
7/6/2010	Scott Wilson	\$500.00
7/6/2010	Alan Brunettin	\$100.00
5/8/2010	Patricia Bynes	\$50.00
4/28/2010	Doug Duckworth	\$25.00
4/9/2010	Derek Zasaretti	\$150.00
4/7/2010	Radmile Jevtic	\$50.00
4/5/2010	John Pa	\$100.00
4/5/2010	Saladin Martinez	\$100.00
3/30/2010	Esther Rosenfeld	\$25.00
2/6/2010	Michael Martinich-Sauter	\$25.00
2/3/2010	Audrey Spalding	\$50.00
2/2/2010	Patricia Bynes	\$30.00
7/13/2010	Sanja Benac	\$25.00
7/13/2010	STL Style LLC	\$50.00
3/23/2009	Jasenska Benac	\$500.00
3/6/2009	Brian Zied	\$500.00
3/6/2009	Jennifer Edwards	\$50.00
3/2/2009	Anthony Davis	\$500.00
3/2/2009	Joe Williams	\$250.00
2/28/2009	Nancy Rice	\$2,000.00
2/28/2009	Doug Duckworth	\$25.00
2/28/2009	Whitney Tilson	\$250.00
2/27/2009	Doug Duckworth	\$25.00
2/27/2009	Matthew Hurst	\$20.00
2/23/2009	Doug Duckworth	\$50.00
2/18/2009	Doug Duckworth	\$50.00
2/16/2009	Doug Duckworth	\$50.00
2/5/2009	Jim Ross	\$100.00
2/4/2009	Philip Denton	\$250.00
2/2/2009	Michael Turturro	\$50.00

<b>Date</b>	<b>Description - Donation Received</b>	<b>Gross</b>
2/2/2009	Gizman ABBAS	\$250.00
1/27/2009	Toby Weiss	\$30.00
1/23/2009	Adam Faith	\$25.00
1/21/2009	F Matthew Frederick	\$25.00
1/21/2009	Radmila Jevtic	\$25.00
1/8/2009	Online Business Concepts Inc	\$10.00
1/7/2009	Tammy Vent	\$25.00
1/7/2009	Pamela Lanning	\$25.00
1/2/2009	F Matthew Frederick	\$25.00
1/2/2009	Alan Brunettin	\$150.00
1/2/2009	Ross Woolsey	\$100.00

23. Respondents made expenditures out of the PubDef PayPal account in support of his campaign.

24. Respondent French operated the PubDef PayPal Account as a personal account, by accepting non-campaign related deposits and making non-campaign related withdrawals out of the account.

25. By taking the actions described above, Respondent French inappropriately commingled his committee funds with his own personal funds.

**COUNT II**

*Failure to timely and accurately disclose contribution information*

26. Respondents failed to disclose all required information, including the name, address, employer, or occupation of the contributor, for the following \$3,515 in contributions:

<b>Date Deposited</b>	<b>Item</b>	<b>Contributor</b>	<b>Amount</b>
2/5/2009	Online Transfer	FROM DDA 293022808	\$125.00
2/28/2009	PayPal	Nancy Rice	\$2,000.00
2/28/2009	PayPal	Whitney Tilson	\$250.00
3/23/2009	PayPal	Jasenka Benac	\$500.00
4/8/2009	338151	Anheuser-Busch Cos Inc	\$500.00
7/15/2010	2126	Committee to Elect Reed	\$140.00
		<b>Total</b>	<b>\$3,515.00</b>

27. Respondents inaccurately reported the aggregate contributions of \$100 or less on five campaign finance disclosure reports, as set forth below:

<b>Report</b>	<b>Amount Reported</b>	<b>Correct Amount</b>
8DayPrimary	\$90.00	\$75.00
8DayGeneral	\$90.00	\$210.00
April2010Quarterly	\$0	\$130.00
July2010Quarterly	\$1,560.00	\$1,310.00
October2010Quarterly	\$1,670.00	\$1,770.00
<b>Total</b>	<b>\$3,410.00</b>	<b>\$3,495.00</b>

28. Respondents reported the following \$3,023.07 in contributions, which were not substantiated by any records:

<b>Contributor</b>	<b>Date Received</b>	<b>Amount</b>	<b>Report</b>
Antonio & Jasenka French	1/14/09	\$200.00	8 Day Before Primary
Rodney Hubbard	1/15/09	\$500.00	8 Day Before Primary
Margaret Newman	2/20/09	\$200.00	Amended 8 Day Before General
Mary Dwyer	2/28/09	\$2,000.00	Amended 8 Day Before General
Antonio French	7/28/10	\$123.07	Oct 2010 Quarterly
<b>Total</b>		<b>\$3,023.07</b>	

29. Respondents failed to report the address and/or employer information for the

following individual contributions:

<b>Contributor</b>	<b>Date Received</b>	<b>Amount</b>	<b>Report</b>
Rodney Hubbard	1/15/2009	\$500.00	8 Day Before Primary
Rodney Hubbard	1/30/2009	\$500.00	8 Day Before Primary
Gizman Abbas	2/2/2009	\$250.00	8 Day Before Primary
Charles Jenkins	2/17/2009	\$200.00	Amended 8 Day Before General
Margaret Newman	2/20/2009	\$200.00	8 Day Before Primary
Mary Dwyer	2/28/2009	\$2,000.00	Amended 8 Day Before General
Joe Williams	3/2/2009	\$250.00	Amended 8 Day Before General
Anthony Davis	3/2/2009	\$500.00	Amended 8 Day Before General
Dannielle Welch-Benson	3/3/2009	\$250.00	Amended 8 Day Before General
Brian Zied	3/6/2009	\$500.00	Amended 8 Day Before General
Kevin Chavous	3/20/2009	\$250.00	Amended 8 Day Before General
Rex and Jane Sinquefeld	4/16/2009	\$5,000.00	30 Day After General
Michael & Sadie Woodling	4/5/2010	\$1,000.00	Amended July 2010 Quarterly
Derek Zsaretti	4/5/2010	\$150.00	Amended July 2010 Quarterly
Allan Leving	7/14/2010	\$500.00	October 2010 Quarterly
Rice Strategy Corp - no address	7/14/2010	\$200.00	October 2010 Quarterly
<b>Total</b>		<b>\$12,250.00</b>	

30. Respondents failed to report or reported inaccurately the aggregate contributions

over \$100 for the following contributors:

Contributor	Date Received	Amount	Report	Aggregate Reported?
Charles Jenkins	2/17/09	\$200.00	Amended 8 Day Before General	No
Margaret Newman	2/20/09	\$200.00	Amended 8 Day Before General	No
Citizens to Elect Jamilah Nasheed	2/22/09	\$500.00	Amended 8 Day Before General	Incorrect – actual was \$1,000
Darlene Green for Comptroller	2/26/09	\$200.00	Amended 8 Day Before General	No
Mary Dwyer	2/28/09	\$2,000.00	Amended 8 Day Before General	No
Joe Williams	3/2/09	\$250.00	Amended 8 Day Before General	No
Anthony Davis	3/2/09	\$500.00	Amended 8 Day Before General	No
Dannielle Welch-Benson	3/3/09	\$250.00	Amended 8 Day Before General	No
Brian Zied	3/6/09	\$500.00	Amended 8 Day Before General	No
St Louis Supermarket	3/20/09	\$1,000.00	Amended 8 Day Before General	No
Keving Chavous	3/20/09	\$250.00	Amended 8 Day Before General	No
Gateway Contractors	3/26/09	\$1,000.00	Amended 8 Day Before General	No
E.M. Harris Construction	3/29/09	\$250.00	30 Day After General	No
AT&T MO Employee PAC	3/30/09	\$200.00	30 Day After General	No
Gateway Contractors	6/23/10	\$2,500.00	July 2010 Quarterly	Incorrect - actual was \$3,500
Scott Wilson	7/6/10	\$500.00	Oct 2010 Quarterly	No
Friends of Gregory FX Daly	7/14/10	\$50.00	Oct 2010 Quarterly	Incorrect – actual was \$150
Allan Leving	7/14/10	\$500.00	Oct 2010 Quarterly	Incorrect – actual was \$600
Rice strategy Group	7/14/10	\$200.00	Oct 2010 Quarterly	No
Skylink Wireless	7/14/10	\$300.00	Oct 2010 Quarterly	Incorrect – actual was \$600
Friends of Kacie Star Triplett	7/14/10	\$100.00	Oct 2010 Quarterly	Incorrect – actual was \$425

Contributor	Date Received	Amount	Report	Aggregate Reported?
Amal Inc	7/15/10	\$500.00	Oct 2010 Quarterly	Incorrect – actual was \$750
CHIPP Political Fund	7/16/10	\$250.00	Oct 2010 Quarterly	No
IUPAT	7/21/10	\$300.00	Oct 2010 Quarterly	No
Sheet Metal Workers Association	7/22/10	\$300.00	Oct 2010 Quarterly	No
Antonio French	7/28/10	\$123.07	Oct 2010 Quarterly	No
Grice Group	8/6/10	\$300.00	Oct 2010 Quarterly	No
St Louis Supermarket	8/13/10	\$300.00	Oct 2010 Quarterly	Incorrect – actual was \$2,300
Committee to Elect Reed	8/27/10	\$1,000.00	Oct 2010 Quarterly	Incorrect – actual was \$2,240
St Louis Association of Realtors	8/30/10	\$325.00	Oct 2010 Quarterly	No
Stolar Partnership	9/8/10	\$250.00	Oct 2010 Quarterly	No
<b>Total</b>		<b>\$15,098.07</b>		

**COUNT III**

*Failure to timely and accurately disclose expenditure information*

31. Respondents failed to disclose the following \$11,912.97 in expenditures:

Date	Check #	Payee	Amount
1/26/2009	Online Transfer	To DDA 293022808	\$100.00
1/28/2009	Inst Transfer Paypal		\$18.00
1/29/2009	Online Transfer	To DDA 293022808	\$200.00
1/29/2009	Online Transfer	To DDA 293022808	\$200.00
2/2/2009	Online Transfer	To DDA 293022808	\$333.00
2/3/2009	Bank Charge	NSF Charges	\$25.00
2/4/2009	108	Zack Keys	\$25.00
2/9/2009	Bank Charge	NSF Charges	\$25.00
2/9/2009	Bank Charge	NSF Charges	\$25.00
2/10/2009	Bank Charge	NSF Charges	\$25.00
2/10/2009	Auto Pay	Complete Campaigns	\$240.02
2/11/2009	Bank Charge	NSF Charges	\$25.00
3/10/2009	Online Transfer	To DDA 293022808	\$500.00
3/13/2009	Online Transfer	To DDA 293022808	\$165.00
3/16/2009	Inst Transfer Paypal	Paypal	\$1.14
3/17/2009	Auto Pay	Complete Campaigns	\$150.00

<b>Date</b>	<b>Check #</b>	<b>Payee</b>	<b>Amount</b>
3/18/2009	Inst Transfer Paypal	Paypal	\$0.99
3/23/2009	Inst Transfer Paypal	Paypal	\$1.14
3/25/2009	Online Transfer	To DDA 293022808	\$600.00
3/27/2009	Online Transfer	To To DDA 293022808	\$20.00
4/2/2009	Auto Pay	Complete Campaigns	\$450.00
4/3/2009	Bank Charge	Returned Item Charge	\$35.00
4/7/2009	Withdrawal	CASH (Cashier's Check to the Ink Spot)	\$1,200.00
4/15/2009	Inst Transfer Paypal	Paypal	\$8.95
4/20/2009	Online Transfer	To To DDA 293022808	\$250.00
4/20/2009	Inst Transfer Paypal	Paypal	\$49.71
4/23/2009	Withdrawal	CASH (Cashier's Check to the Ink Spot)	\$2,300.00
4/23/2009	129	21st Ward Democrats	\$200.00
4/29/2009	131	Tim Nelson	\$307.00
5/1/2009	132	Antonio French	\$500.00
5/5/2009	133	Tim Nelson	\$125.00
5/6/2009	Auto Pay	Complete Campa	\$300.00
5/6/2009	134	Antonio French	\$500.00
5/12/2009	Auto Pay	Lacledegas/Cpay	\$150.00
5/12/2009	Auto Pay	Lacledegas/Cpay	\$2.95
5/29/2009	Auto Pay	ATT	\$412.42
6/2/2009	Auto Pay	Complete Campaigns	\$300.00
6/3/2009	Bank Charge	NSF Charges	\$35.00
7/8/2009	Auto Pay	Complete Campaigns	\$300.00
7/9/2009	Bank Charge	Returned Item Charge	\$35.00
5/21/2010	1011	Antonio French	\$500.00
6/28/2010	EFT	AT&T	\$273.65
10/12/200	EFT	Aristotle Pub	\$225.00
10/13/2010	EFT	Overdraft Charge	\$33.00
11/15/2010	EFT	Overdraft Charge	\$33.00
11/12/2010	EFT	Aristotle Pub	\$225.00
12/7/2010	EFT	Aristotle Pub	\$225.00
12/8/2010	EFT	Returned Item Charge	\$33.00
12/22/2010	EFT	Aristotle Pub	\$225.00
		<b>Total</b>	<b>\$11,912.97</b>

32. Respondents reported the following \$4,551.47 in expenditures which were not substantiated by any records:

Recipient	Date	Purpose	Amount	Report
The Ink Spot	2/19/09	none reported	\$3,580.05	8 Day Before Primary
O.R. Pechman	2/19/09	none reported	\$971.42	8 Day Before Primary
		<b>Total</b>	<b>\$4,551.47</b>	

33. Respondents made the following five cash expenditures or withdrawals greater than \$50, for a total of \$1,496.50 in cash expenditures or withdrawals, from the official fund depository:

Date	Check #	Payee	Amount	Account Number
1/23/2009	CASH	Cash back from deposit	\$300.00	293024136
1/31/2009	106	CASH	\$500.00	293024136
2/12/2009	111	CASH	\$100.00	293024136
2/12/2009	113	CASH	\$400.00	293024136
4/7/2009	CASH	CASH	\$196.50	293024136
		<b>Total</b>	<b>\$1,496.50</b>	

34. Respondents failed to report the purpose and/or address of the payee for the following expenditures:

Recipient	Date	Purpose	Amount	Report
AT&T Wireless	2/17/09	Cell Phones	\$250.00	8 Day Before General
The Ink Spot	2/19/09		\$3,580.05	8 Day Before Primary
OR Perchman	2/19/09		\$971.42	8 Day Before Primary
Bob Reuter	2/19/09	Photography	\$100.00	8 Day Before General
Pearline George	2/19/09	Campaign Worker	\$85.00	8 Day Before General
Belinda Hooker	2/19/09	Campaign Worker	\$80.00	8 Day Before General
Hakeem Adisa	5/18/10	Office Repair	\$350.00	July 2010 Quarterly
Apple Inc	7/1/10	Computer	\$757.89	Oct 2010 Quarterly

<b>Recipient</b>	<b>Date</b>	<b>Purpose</b>	<b>Amount</b>	<b>Report</b>
MRT Music	7/7/10	Concert Series	\$800.00	Oct 2010 Quarterly
Kim Massie	7/14/10	Concert Series	\$1,200.00	Oct 2010 Quarterly
Rich McDonough	7/28/10	Concert Series	\$700.00	Oct 2010 Quarterly
Rochelle Walker	8/4/10	Concert Series	\$800.00	Oct 2010 Quarterly
The Bosman Twins	8/11/10	Concert Series	\$1,200.00	Oct 2010 Quarterly
Denise Thimes	9/3/10	Concert Series	\$1,200.00	Oct 2010 Quarterly
		<b>Total</b>	<b>\$12,074.36</b>	

**COUNT IV**

*Failure to timely and accurately report money on hand and debt*

35. Respondents failed to accurately report the amount of money, including cash, on hand at the beginning of the reporting period on four reports:

- a. 30 Day After General Election
- b. Amended July 2010 Quarterly
- c. October 2010 Quarterly
- d. January 2011 Quarterly

36. Respondents failed to accurately report the total amount of outstanding indebtedness on the following three reports:

- e. Amended July 2010 Quarterly
- f. October 2010 Quarterly
- g. January 2011 Quarterly

**COUNT V**

*Failure to timely and accurately report expenditures for campaign workers*

37. Respondents failed to itemize the list of payments made to campaign workers, and instead reported such expenditures generically as “Campaign Workers” and “Canvassing,” as set forth below:

<b>Reported Recipient</b>	<b>Amount</b>	<b>Report</b>
Campaign Workers	\$300.00	8 Day Before Primary
Campaign Workers	\$500.00	8 Day Before Primary
Campaign Workers	\$100.00	8 Day Before Primary
Campaign Workers	\$400.00	8 Day Before Primary
Campaign Workers	\$85.00	8 Day Before Primary
Campaign Workers	\$80.00	8 Day Before Primary
Canvassing	\$200.00	Amended July 2010 Quarterly
Canvassing	\$150.00	January 2011 Quarterly
<b>Total</b>	<b>\$1,815.00</b>	

**JOINT STIPULATION AND CONCLUSIONS OF LAW**

**COUNT I**

38. “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.” § 130.021.4(1), RSMo.

39. 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. The account number of each account shall be redacted prior to disclosing the statement to the public.

§ 130.021.5, RSMo.

40. “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.” § 130.021.7, RSMo.

41. There is probable cause to believe that Respondents French and Committee to Elect Antonio French violated Section 130.024.4(1), RSMo, by failing to maintain and operate an official fund depository in the committee’s own name within the State of Missouri.

42. There is probable cause to believe that Respondents French and Committee to Elect Antonio French violated Sections 130.021.7 and 130.021.5, RSMo, by failing to timely file an amended statement of committee organization with the Saint Louis City Board of Elections disclosing the changes to Respondents' official fund depository.

43. There is probable cause to believe that Respondents French and Committee to Elect Antonio French violated Section 130.021.4(1), RSMo, by:

- a. Accepting 17 contributions totaling \$1,340 into the "21st Ward PayPal account" without transferring those contributions to an official fund depository within five days;
- b. Making five expenditures totaling \$576 through the "21st Ward PayPal Account," which was not and could not be an official fund depository;
- c. Operating the "21st Ward PayPal" account in lieu of an official fund depository when the "21st Ward PayPal" account was not in the committee's own name; and/or
- d. Operating the "21st Ward PayPal" account in lieu of an official fund depository, because PayPal is not a federally or state-chartered bank, savings and loan association, or credit union.

44. There is probable cause to believe that Respondents French and Committee to Elect Antonio French violated Section 130.021.4(1), RSMo, by:

- a. Accepting 29 contributions totaling \$6,865 without transferring those contributions to an official fund depository within five days;
- b. Making expenditures through the "PubDef PayPal Account," which was not and could not be an official fund depository; and/or

c. Commingling Respondent French's personal funds with the funds of Respondent Committee to Elect Antonio French.

45. There is probable cause to believe that Respondents French and Committee to Elect Antonio French violated Section 130.021.4(1) by making expenditures through Respondent French's personal checking account.

## COUNT II

### *Failure to timely and accurately disclose contribution information*

46. "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. 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;

(b) Total amount of all anonymous contributions accepted;

(c) Total amount of all monetary contributions received through fund-raising events or activities from participants whose names and addresses were not obtained with such contributions, with an attached statement or copy of the statement describing each fund-raising event as required in subsection 6 of section 130.031;

(d) Total dollar value of all in-kind contributions received;

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution;

(f) A listing of each loan received by name and address of the lender and date and amount of the loan. For each loan of more than one hundred dollars, a separate statement shall be attached setting forth the name and address of the lender and each person liable directly, indirectly or contingently, and the date, amount and terms of the loan;

§ 130.041.1, RSMo.

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

(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.

Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar

quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election.

§ 130.046.1, RSMo.

48. “The candidate, if applicable, ... of a committee shall file disclosure reports pursuant to this section, except for any calendar quarter in which the contributions received by the committee or the expenditures or contributions made by the committee do not exceed five hundred dollars. The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September.... Each report by such committee shall be cumulative from the date of the last report.” § 130.046.3, RSMo.

49. “For the purpose of this section and any other section in this chapter except sections 130.049 and 130.050 which requires a listing of each contributor who has contributed a specified amount, the aggregate amount shall be computed by adding all contributions received from any one person during the following periods”:

(1) In the case of a candidate committee, the period shall begin on the date on which the candidate became a candidate according to the definition of the term "candidate" in section 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an election or at 11:59 p.m. on the day of the general election. If the candidate has a general election held after a primary election,

the next aggregating period shall begin at 12:00 midnight on the day after the primary election day and shall close at 11:59 p.m. on the day of the general election. Except that for contributions received during the thirty-day period immediately following a primary election, the candidate shall designate whether such contribution is received as a primary election contribution or a general election contribution.

§ 130.041.2, RSMo.

50. There is probable cause to believe that Respondents French and Committee to Elect Antonio French violated Sections 130.041.1, 130.046.1, 130.046.3, and 130.041.2, RSMo, by failing to timely and accurately report \$3,515 in contributions, inaccurately reporting the aggregate of contributions of \$100 or less on five reports, reporting \$3,023.07 in contributions that were unsubstantiated by any records, failing to report the address and/or employer information for contributors, and failing to report aggregate contributions over \$100.

### **COUNT III**

#### *Failure to timely and accurately disclose expenditure information*

51. 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:

- (a) The total dollar amount of expenditures made by check drawn on the committee's depository;
- (b) The total dollar amount of expenditures made in cash;
- (c) The total dollar value of all in-kind expenditures made;
- (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;
- (e) A list of each loan made, by name and mailing address of the person receiving the loan, together with the amount, terms and date;

§ 130.041.1, RSMo.

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

- (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.

Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election.

§ 130.046.1, RSMo.

53. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file disclosure reports pursuant to this section, except for any calendar quarter in which the contributions received by the committee or the expenditures or contributions made by the committee do not exceed five hundred dollars. The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be required to file the quarterly disclosure report required not later than the fifteenth day of any January immediately following a November election, provided that such candidate, treasurer or deputy treasurer shall file the information required on such quarterly report on the quarterly report to be filed not later than the fifteenth day of April immediately following such November election. Each report by such committee shall be cumulative from the date of the last report.

§ 130.046.3, RSMo.

54. There is probable cause to believe that Respondents French and Committee to Elect Antonio French violated Sections 130.041.1, 130.046.11., and 130.046.3, RSMo, by failing to timely and accurately disclose \$11,912.97 in expenditures, reporting \$4,551.47 in expenditures that were not substantiated by any records, making cash withdrawals in excess of \$50 for a total of \$1,496.50 in cash expenditures or withdrawals, transferring money to other checking and PayPal accounts rather than making expenditures directly through the committee's official fund depository, and failed to report the purpose and/or payee address of expenditures totaling \$12,074.36.

COUNT IV

*Failure to timely and accurately report money on hand and debt*

55. "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":

...

(2) The amount of money, including cash on hand at the beginning of the reporting period;

...

(5) The total amount of cash on hand as of the closing date of the reporting period covered, including amounts in depository accounts and in petty cash fund;

(6) The total amount of outstanding indebtedness as of the closing date of the reporting period covered;

§ 130.041.1, RSMo.

56. There is probable cause to believe that Respondents French and Committee to Elect Antonio French violated Section 130.041.1, RSMo, by failing to timely and accurately disclose the amount of money on hand and the outstanding indebtedness for the committee on five campaign finance disclosure reports.

COUNT V

*Failure to timely and accurately report expenditures for campaign workers*

57. “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. 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, RSMo.

58. There is probable cause to believe that Respondents French and Committee to Elect Antonio French violated Section 130.041.1(4)(d), RSMo, by failing to itemize the list of payments made to campaign workers by name, address, and date, and purpose, and instead reporting such expenditures generically as “Campaign Workers” and “Canvassing.”

## 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 agree that they will comply with all relevant sections of Chapter 130, RSMo, as amended.
  - b. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents Antonio French and Committee to Elect Antonio French, in the amount of \$37,935.89, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$3,793.59 of that fee and file all reports within forty-five (45) days after the date of the Order, the remainder of the fee will be stayed for two years, 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 at the time of execution of this Joint Stipulation.
  - c. If either of Respondents French or Committee to Elect Antonio French commit any further violations of the campaign finance laws under Chapter 130, RSMo, during the two year stay, then Respondents will be required to

pay the remainder of the fee. The fee will be due immediately upon final adjudication finding either Respondent has committed such a violation.

d. Respondents French and Committee to Elect Antonio French shall be jointly and severally liable for all fees imposed under this order.

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.

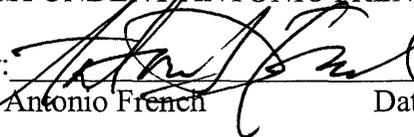
4. Respondents, together with their heirs, successor and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondents and Respondents' attorney now have or which they may hereafter have, which are based upon or arise out of the above cases.

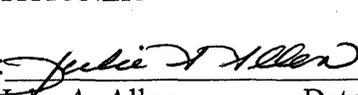
5. This joint stipulation does not settle, release, waive, or otherwise relieve Respondents from any late filing fees due to the appropriate filing authority, including Petitioner Missouri Ethics Commission. Respondents understand that late filing fees accrue automatically under Section 105.963, RSMo.

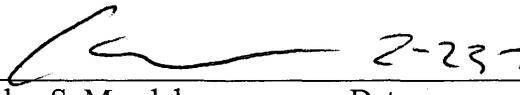
SO AGREED:

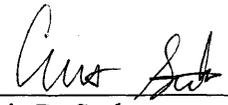
RESPONDENT ANTONIO FRENCH

PETITIONER

By:  2/23/12  
Antonio French Date

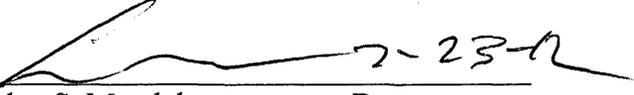
By:  2/29/12  
Julie A. Allen Date  
Executive Director

By:  2-23-12  
Alan S. Mandel Date  
Attorney for Respondent French

By:  2/29/12  
Curtis R. Stokes Date  
Attorney for Petitioner

RESPONDENT COMMITTEE TO ELECT ANTONIO FRENCH

By:  2/23/12  
Antonio French Date

By:  2-23-12  
Alan S. Mandel Date  
Attorney for Respondent Committee to Elect Antonio French

**Filed**  
**FEB 29 2012**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION, )  
)  
Petitioner, )  
) Case No. 09A114  
v. )  
)  
ANTONIO FRENCH, )  
)  
and )  
)  
COMMITTEE TO ELECT ANTONIO FRENCH, )  
)  
Respondents. )  
)

**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 Antonio French and Committee to Elect Antonio French violated Sections 130.021.4(1), 130.021.5, 130.041.1, 130.046.1, 130.046.3, 130.041.2, 130.041.1, and 130.041.1(4)(d), RSMo, as stated in the Joint Stipulation.

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

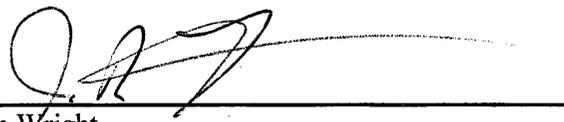
- A. Respondents shall comply with all relevant provisions of Chapter 130, RSMo, as amended.
- B. The Missouri Ethics Commission orders a fee be imposed against Respondents Antonio French and Committee to Elect Antonio French in the amount of \$37,935.89, pursuant to Section 105.961.4(6), RSMo. However, if

Respondents pay \$3,793.59 of that fee within forty-five (45) days after the date of this Order, the remainder of the fee will be stayed for two years, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

C. If either Respondent French or Committee to Elect Antonio French commits any further violations of the campaign finance laws under Chapter 130, RSMo, during the two year stay, then Respondents will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding either Respondents has committed such a violation.

D. Respondents French and Committee to Elect Antonio French shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 29<sup>th</sup> day of Feb, 2012.

  
\_\_\_\_\_  
Jim Wright  
Chairman, Missouri Ethics Commission