

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
JUL 11 2017
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
v.)
)
COMMITTEE TO ELECT EVERETT)
THOMAS,)
Candidate Committee) Case No. 17-0016-I
)
AND)
)
EVERETT THOMAS,)
Candidate)
)
 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, Committee to Elect Everett Thomas and Everett Thomas, acknowledge that they have received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondents further acknowledge that they are aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all allegations against Respondents be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondents; the right to present evidence on Respondents'

behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondents by operation of law, the undersigned Respondents knowingly and voluntarily waive each and every one of these rights and freely enter into this Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law, and agree to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondents jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

JOINT PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission 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 Everett Thomas was a successful candidate for the mayor of the city of Northwoods, Missouri in the April 4, 2017 general election.
3. Respondent Thomas's committee, Committee to Elect Everett Thomas, filed an amended Statement of Committee Organization on February 18, 2015 with the St. Louis County Board of Elections to reflect his mayoral candidacy for the City of Northwoods in the 2015 April general election. He was a successful candidate.
4. Respondent Committee to Elect Everett Thomas filed an amended Statement of Committee Organization on December 30, 2016 with the Missouri Ethics Commission to reflect his mayoral candidacy for the City of Northwoods in the 2017 April general election.

5. Pursuant to Section 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.

6. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that a violation of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

COUNT I

Failure to accurately report receipts for the election cycle

7. Respondents filed a 30 Day After General Election Report to the St. Louis County Board of Elections on May 12, 2015 for the April 2015 general election. Respondents reported on the 30 Day After General Election Report that the total receipts for the April 2015 general election cycle were \$39,937.18.

8. Respondents filed a January Quarterly Report to the Missouri Ethics Commission on January 17, 2017 for the April 2017 general election. On the January Quarterly Report, Respondents inaccurately reported that the total receipts for the April 2017 general election were \$39,937.18, previously reported for the April 2015 election.

9. Respondents filed a 40 Day Before Election Report on February 23, 2017. Respondent inaccurately reported on the 40 Day Before Election Report that the total of all receipts for this election were \$40,587.18, which included \$39,937.18 for the April 2015 election.

10. Respondents failed to reset the total contributions received by the committee at the beginning of the April 2017 general election cycle to only those contributions received for that election.

COUNT II

Failure to accurately report expenditures made

11. Respondent reported payments of \$251.00 to campaign workers in the non-itemized expenditure section of its 40 Day Before Election Report filed on February 23, 2017, but failed to list the names, addresses, and accurate aggregate amounts paid to each of the workers.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to accurately report receipts for the election cycle

12. Pursuant to Section 130.041.2(1), RSMo, 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[.]

13. There is probable cause to believe that Respondent violated Section 130.041.2(1), RSMo, by inaccurately reporting the total of all receipts for the April 2017 election cycle on the 40 Day Before Election Report by including total contributions received for the April 2015 election, and that Respondent did so knowingly.

COUNT II

Failure to accurately report expenditures made

14. Candidate committees are required to report expenditures for campaign workers for each reporting period, as follows:

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker[.]

§ 130.041.1(4)(d), RSMo.

15. There is probable cause to believe that Respondent violated Section 130.041.1(4), RSMo, by failing to list the names, addresses, and accurate aggregate amounts paid to each

of the campaign workers, totaling \$251.00, reported in the non-itemized expenditure section of the 40 Day Before Election Report filed on February 23, 2017, and that Respondent did so knowingly.

II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.
2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.
 - a. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
 - b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$2,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$200.00 of that fee within forty-five days after the date of the Order, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

c. Regardless of the stay in paragraph 2.b above, if any Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo, within the two-year period from the date of this order, then Respondents will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that any Respondent has committed such a violation.

3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

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

SO AGREED:

RESPONDENT COMMITTEE TO ELECT
THOMAS

By: Rev. Everett R. Thomas 7/5/17
Everett Thomas Date

RESPONDENT EVERETT THOMAS

By: Rev. Everett R. Thomas 7/5/17
Everett Thomas Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: James Klahr 7/11/17
James Klahr Date
Executive Director

By: Brian Hamilton 7/11/17
Brian Hamilton Date
Attorney for Petitioner

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MISSOURI ETHICS COMMISSION,)	
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COMMITTEE TO ELECT EVERETT THOMAS)	Case No. 17-0016-I
)	
AND)	
)	
EVERETT THOMAS,)	
)	
)	Respondents.
)	

CONSENT ORDER

The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondents Committee to Elect Everett Thomas and Everett Thomas violated Sections 130.041.2(1) and 130.041.1(4), RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$2,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$200 of that fee within forty-five (45) days after the date of this Order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

3. If any Respondent commits any further violation of the campaign finance laws pursuant to Chapter 130, RSMo, within the two-year period from the date of this order, then Respondents will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that any Respondent committed such a violation.
4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 11th day of July, 2017

By:



Nancy Hagan, Chair
Missouri Ethics Commission