

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
NOV 16 2015
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
JAMES TINDALL,)	Case No. 15-0001-A
)	
AND)	
)	
TINDALL FOR COUNTY LEGISLATOR,)	
)	
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 James Tindall and Tindall for County Legislator violated Sections 130.033, 130.034.2, 130.021.4(1), 130.031.2, 130.041.1(3), 130.021.4, 130.041.1(4), 130.036 and 105.961.8(4), RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondents shall comply with all relevant sections of Chapters 115 and 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$4,250 pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$425 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 and sent to the Missouri Ethics Commission.

3. Regardless of the stay in paragraph 2 above, if any Respondent commits any further violations of the campaign finance laws pursuant to Chapter 130, RSMo, as amended, 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.

SO ORDERED this 16th day of November, 2015

By:



Charles E. Weedman, Jr., Chair
Missouri Ethics Commission

Filed
NOV 16 2015
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
) Petitioner,)
)
v.)
)
JAMES TINDALL,) Case No. 15-0001-A
)
and)
)
TINDALL FOR COUNTY LEGISLATOR,)
Candidate Committee)
)
) 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, James Tindall and Tindall for County Legislator, 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 Tindall was an incumbent candidate for County Legislator in the Jackson County primary election in August 2014.
3. Respondent Tindall withdrew from the election in April 2014.
4. Respondent Tindall for County Legislator is the candidate committee formed by Respondent Tindall to support his candidacy in the August 2014 primary election.
5. Respondent Tindall resigned from the County Legislator in June 2014.
6. The Missouri Ethics Commission issued notices of investigation to Respondents on January 25, 2015.

7. Pursuant to Sections 105.959 and 105.961, RSMo, the Commission's staff investigated the reports and statements filed with the Commission and reported the investigation findings to the Commission.

8. Based on the report of the Commission's staff, the Commission determined that there were 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

Expenditures by check not signed by candidate, treasurer, or deputy treasurer

9. Respondents made an expenditure of \$1,000 through a check signed by Darren Smith, who was not the candidate, treasurer, or deputy treasurer for Respondents; the check was not co-signed by Respondent Tindall or his committee treasurer.

COUNT II

Timely and accurate reporting of contributions

10. Respondents failed to report an in-kind contribution of \$750 from the Urban Summit Young Professionals after the Urban Summit Young Professionals held a fundraiser for Respondent Tindall on March 14, 2014.

11. Respondents inaccurately reported the names for the following contributors on the July 2013 quarterly disclosure report:

Contributor Name as shown on the check	Date on Report	Amount	Reported As
G& H Consulting, LLC	4/26/13	\$200.00	Gayle Holliday
Curls Jude Joseph Property Group, LLC	6/7/13	\$125.00	Karen Curls
Blue Nile Contractors, Inc.	6/7/13	\$171.00	Henok Tekeste
	TOTAL	\$496.00	

12. Respondents failed to itemize aggregate contributions from the following contributors, who contributed in aggregate over \$100 each, on Respondents' July 2013 quarterly disclosure report:

Contributor Name as shown on the check	Aggregate Contributions
Anita Parran	\$112.71
Clinton Adams, Jr.	\$150.00
Saundra and Anthony Haywood	\$157.71
TOTAL	\$420.42

COUNT III

Timely and accurate reporting of expenditures

13. Respondents failed to timely report on the July 2013 quarterly disclosure report a \$262.21 expenditure to Service Printing & Graphics, Inc., made on June 14, 2013 for printing.

14. Respondents failed to individually report the following expenditures that were over \$100 each:

Report Name	Expenditure Name	Date	Reported Purpose	Amount
April Quarterly	Gates BBQ	2/19/13	Food for Campaign Meeting	\$116.14
July Quarterly	Postmaster	5/16/13	Stamps for Mailing	\$138.00
			TOTAL	\$254.14

15. Respondents reported making a contribution of \$200 to Cleaver for Congress on the July 2013 quarterly report, but the contribution made was not made from Respondents' official depository account, and Cleaver for Congress did not report receiving the contribution.

COUNT IV

Committee records

16. Respondents failed to preserve committee records and make them available to the Missouri Ethics Commission for inspection.

17. Respondents did not provide all invoices, checks, and receipts for contributions that Respondents received and expenditures that Respondents made.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Expenditures by check not signed by candidate, treasurer, or deputy treasurer

18. “[E]xpenditures shall not be made by a committee except through an official depository account and the committee treasurer, deputy treasurer or candidate.” § 130.021.4(1), RSMo.

19. Except for expenditures from a petty cash fund, “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.” § 130.031.2, RSMo.

20. There is probable cause to believe that Respondents violated Section 130.021.4(1) and 130.031.2, RSMo, by making an expenditure of \$1,000 through check not signed or co-signed by the committee’s treasurer, deputy treasure, or the candidate Respondent Tindall, and that Respondents did so knowingly.

COUNT II

Timely and accurate reporting of contributions

21. Committees are required to file campaign finance disclosure reports that set forth receipts for the period, including the:

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

(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;

§130.041.1(3), RSMo.

22. "All contributions which the committee receives in money, checks and other negotiable instruments shall be deposited in a committee's official depository account."

§130.021.4, RSMo.

23. There is probable cause to believe that Respondents violated Sections 130.041.1(3) and 130.021.4, RSMo, by failing to report an in-kind contribution of \$750, failing to accurately report the identity of three contributors, and failing to itemize contributions from contributors giving aggregate contributions in excess of \$100, and that Respondents did so knowingly.

COUNT III

Timely and accurate reporting of expenditures

24. Committees are required to file campaign finance disclosure reports that set forth expenditures for the period, including the:

- (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(4), RSMo.

25. “[E]xpenditures shall not be made by a committee except by or through an official depository account and the committee treasurer, deputy treasurer or candidate.”

§ 130.021.4(1), RSMo.

26. There is probable cause to believe that Respondents violated Sections 130.041.1(4), and 130.021.4(1), RSMo, by failing to report an expenditure of \$262.21, failing to itemize expenditures of \$254.14, and reporting contributions made to other committees that were not made from Respondents’ official depository account, and that Respondents did so knowingly.

COUNT IV

Committee records

27. “The candidate, treasurer or deputy treasurer of a committee shall maintain accurate records and accounts on a current basis. The records and accounts shall be maintained in accordance with accepted normal bookkeeping procedures and shall contain the bills, receipts, deposit records, cancelled checks and other detailed information necessary to prepare and substantiate any statement or report required to be filed pursuant to this chapter.” § 130.036.1, RSMo.

28. “All records and accounts of receipts and expenditures shall be preserved for at least three years after the date of the election to which the records pertain. Records and accounts regarding supplemental disclosure reports or reports not required pursuant to an election shall be preserved for at least three years after the date of the report to which the records pertain. Such records shall be available for inspection by the campaign finance review board and its duly authorized representatives.” § 130.036.8, RSMo.

29. “Upon refusal by any person to comply with a request for information relevant to an investigation, an investigator may issue a subpoena for any person to appear and give testimony, or for a subpoena duces tecum to produce documentary or other evidence which the investigator deems relevant to a matter under the investigator's inquiry.” § 105.961.8(4), RSMo.

30. There is probable cause to believe that Respondents violated Sections 130.036 and 105.961.8(4), RSMo, by failing to maintain and make available for inspection all committee records of transactions, such as contributor information, bills, receipts, and invoices needed to substantiate reports required pursuant to Chapter 130, RSMo, and that Respondents 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 \$4,250, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$425 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..

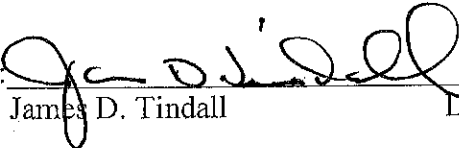
3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.


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:

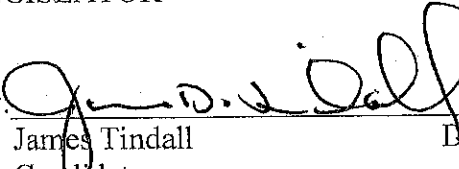
RESPONDENT JAMES D. TINDALL

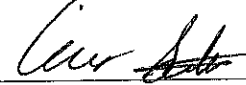
PETITIONER MISSOURI ETHICS
COMMISSION

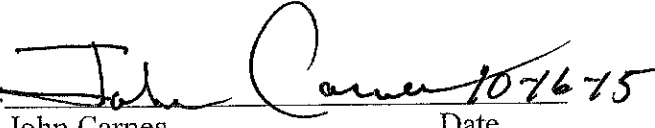
By:  10-16-15
James D. Tindall Date

By:  10-16-15
James Klahr Date
Executive Director

RESPONDENT TINDALL FOR COUNTY
LEGISLATOR

By:  10-16-15
James Tindall Date
Candidate

By:  10/16/15
Curtis R. Stokes Date
Attorney for Petitioner

By:  10-16-15
John Carnes Date
Attorney for Respondents