

**Filed**  
**JAN 25 2016**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION, )  
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 ) Petitioner, )  
 ) Case No. 15-0026-I, 15-0032-I, 15-0033-I  
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 ) Respondent. )

**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 Respondent Amerson violated Sections 130.011(9), 130.016.7, 130.021, 130.041 and 130.050.3, RSMo

The Commission directs that the Joint Stipulation be adopted:

1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
  - a. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent Amerson in the amount of \$2,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$200 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.
  - b. Regardless of the stay in paragraph 1a above, if Respondent Amerson 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

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

SO ORDERED this 25<sup>th</sup> day of January, 2016

By:



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

BEFORE THE  
MISSOURI ETHICS COMMISSION

Filed  
JAN 25 2016  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION, )

Petitioner, )

v. )

SELENA AMERSON, )

Respondent. )

Case No. 15-0026-I, 15-0032-I, 15-0033-I

**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 Respondent, Selena Amerson, acknowledges that she has 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 Respondent further acknowledges that she is 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 Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waives each and every one of these rights and freely enters 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 agrees 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 Amerson was a successful candidate for School Board for the Ritenour School District in the April 7, 2015, election.

3. The Ritenour School District is a public school district located in St. Louis County, Missouri.

4. Pursuant to Sections 105.957 and 105.961, RSMo, the Commission's staff investigated three complaints and reported the investigation findings to the Commission.

5. 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.

*Statement of committee organization*

6. The St. Louis County Board of Elections is the election authority for the Ritenour School District. § 130.026.1, RSMo.

7. Respondent Amerson filed a declaration of candidacy for the Ritenour School District School Board in the April 7, 2015, election with the St. Louis County Board of Elections on December 17, 2014.

8. At the time of her declaration of candidacy, Respondent Amerson acknowledged receiving both the Missouri Ethics Commission's "Guide to Ethics Law – A Plain English Summary" and "Campaign Material Identification Requirements Committee Registration."

9. Brad Thomas spoke with Respondent Amerson about distributing 100 yard signs supporting Respondent Amerson's candidacy in the April 7 election.

10. The yard signs were distributed with Respondent Amerson's knowledge and consent.

11. Brad Thomas paid \$374.94 for the yard signs via credit card on March 19, 2015.

12. Brad Thomas did not receive reimbursement or assistance with the payment of \$374.94 for the yard signs from anyone else.

13. The \$374.94 that Brad Thomas paid for the yard signs was an in-kind contribution to Respondent Amerson in excess of \$325 from a single contributor.

14. Because Respondent Amerson received an in-kind contribution in excess of \$325 from a single contributor, Respondent Amerson was required to file a statement of committee organization with the St. Louis County Board of Elections.

15. Respondent Amerson did not file a statement of committee organization with the St. Louis County Board of Elections for her candidacy in the April 7, 2015, election for Ritenour School Board.

*Campaign finance reports (Respondent Amerson)*

16. The reporting deadlines for the April 7, 2015, election, were as follows:

<b>Report</b>	<b>Deadline</b>	<b>Closing Date</b>
40 Day Before Election	February 26, 2015	February 21, 2015
8 Day Before Election	March 30, 2015	March 26, 2015
24 Hour Late Notices	March 31, 2015, through April 7, 2015	
April 2015 Quarterly	April 15, 2015	March 31, 2015
30 Day After Election	May 7, 2015	May 2, 2015

17. Respondent Amerson did not file regular, cumulative campaign finance disclosure reports with the St. Louis County Board of Elections for the April 7, 2015, election for the Ritenour School Board.

18. Respondent Amerson did not file a 24-hour notice of late contribution for the in-kind contribution of yard signs with the St. Louis County Board of Elections.

**JOINT PROPOSED CONCLUSIONS OF LAW**

*Statement of committee organization*

19. A candidate committee is a “committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate...” § 130.011(9), RSMo.

20. A candidate is “an individual who seeks nomination or election to public office.” § 130.011(3), RSMo.

21. “A candidate shall be deemed to seek nomination or election when the person first ... Announces or files a declaration of candidacy for office.” § 130.011(3)(c), RSMo.

22. “No candidate for ... for any special purpose district office shall be required to file an exemption statement pursuant to this section in order to be exempted from forming a committee

and filing disclosure reports required of committees pursuant to this chapter if the aggregate of contributions received or expenditures made by the candidate and any other person with the candidate's knowledge and consent in support of the person's candidacy does not exceed one thousand dollars and the aggregate of contributions from any single contributor does not exceed three hundred twenty-five dollars.” § 130.016.6, RSMo.

23. “No candidate for any office listed in this subsection shall be excused from complying with the provisions of any section of this chapter, other than the filing of an exemption statement under the conditions specified in this subsection.” § 130.016.6, RSMo.

24. “If any candidate for an office listed in subsection 6 of this section exceeds the limits specified in subsection 6 of this section, the candidate shall form a committee no later than thirty days prior to the election for which the contributions were received or expended which shall comply with all provisions of this chapter for committees.” § 130.016.7, RSMo.

25. In addition, if the candidate is not exempt under Section 130.016.6, RSMo, then the candidate “shall form a candidate committee.” §130.021.2, RSMo.

26. The candidate committee must file a statement of committee organization with the “appropriate officer” for the election. § 130.021.5, RSMo.

27. For candidates for school board, the appropriate officer is the “election authority of the district or political subdivision for which the candidate seeks office.” § 130.026.2, RSMo.

28. There is probable cause to believe that Respondent Amerson violated Sections 130.011(9), 130.016.7, and 130.021, RSMo, by accepting in-kind contributions in excess of \$325 from a single contributor in support of her candidacy for the Ritenour School Board in the April 7, 2015, election, and thereafter not timely filing a statement of committee organization with the St. Louis County Board of Elections, and that Respondent Amerson did so knowingly.

*Campaign finance reports*

29. The candidate for every candidate committee "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." § 130.041.1, RSMo.

30. 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.

31. “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.” § 130.046.3, RSMo.

32. “The receipt of any late contribution or loan of more than two hundred fifty dollars by a candidate committee supporting a candidate for statewide office or by any other committee shall be reported to the appropriate officer no later than twenty-four hours after receipt.”

§ 130.050.3, RSMo.

33. A "late contribution or loan" means “a contribution or loan received after the closing date of the last disclosure report required to be filed before an election but received prior to the date of the election itself.” § 130.050.3, RSMo.

34. “A late contribution or loan shall be included in subsequent disclosure reports without regard to any special reports filed pursuant to this subsection.” § 130.050.3, RSMo.

35. There is probable cause to believe that Respondent Amerson violated Sections 130.041 and 130.050.3, RSMo, by not timely filing regular, cumulative campaign finance

disclosure reports and not timely filing a 24-hour notice of late contribution with the St. Louis County Board of Elections, and that Respondent Amerson 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 C.

a. Respondent 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 Respondent Amerson in the amount of \$2,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$200 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 2b above, if Respondent Amerson commits any further violations of the campaign finance laws under Chapter 130, RSMo, within the two-year period from the date of this order, then Respondent Amerson will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that Respondent Amerson 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. Respondent, together with her heirs, successors, and assigns, does 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 Respondent or Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

SO AGREED:

RESPONDENT SELENA AMERSON

PETITIONER MISSOURI ETHICS  
COMMISSION

By: *Selena Amerson* 1-15-2016  
Selena Amerson Date

By: *James Klahr* 1/25/16  
James Klahr Date  
Executive Director

By: *Curtis R. Stokes* 1/25/16  
Curtis R. Stokes Date  
Attorney for Petitioner