

BEFORE THE  
MISSOURI ETHICS COMMISSION

Filed  
MAR 02 2016  
Missouri Ethics  
Commission

MISSOURI ETHICS COMMISSION, )  
)  
Petitioner, )  
)  
v. )  
) Case No. 15-0007-A  
ST. LOUIS METROPOLITAN )  
DEMOCRATS, )  
)  
AND )  
)  
MATTHEW ROBINSON, DEPUTY )  
TREASURER )  
)  
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 St. Louis Metropolitan Democrats and Robinson violated Sections 130.046, 130.041.1, 130.041.1(4), and 130.036.1, 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 St. Louis Metropolitan Democrats and Robinson in the amount of \$2,950 pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$295 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 Respondent 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 2<sup>nd</sup> day of March, 2016

By



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

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MISSOURI ETHICS COMMISSION, )  
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Petitioner, )  
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v. ) Case No. 15-0007-A  
)  
ST LOUIS METROPOLITAN )  
DEMOCRATS, )  
Continuing Committee )  
)  
and )  
)  
MATTHEW ROBINSON, )  
Deputy Treasurer )  
)  
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, St. Louis Metropolitan Democrats and Robinson, 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 (“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 St. Louis Metropolitan Democrats is a continuing committee registered with the Missouri Ethics Commission from January 2006 through October 16, 2015.
3. Respondent Robinson was the named deputy treasurer of the St. Louis Metropolitan Democrats since 2006 and at all times relevant to this complaint.
4. Brian Wahby was treasurer of St. Louis Metropolitan Democrats from 2006 until April 2015.
5. In April 2015, Mr. Wahby sent a letter to Respondent St. Louis Metropolitan Democrats resigning as their treasurer and sent a copy of that resignation to Petitioner Ethics Commission.

6. Petitioner Ethics Commission notified Respondents St. Louis Metropolitan Democrats and Robinson that they needed to submit an amended Statement of Committee Organization to the Ethics Commission.

7. Respondents did not submit an Amended Statement of Committee Organization to Petitioner Ethics Commission prior to the termination of Respondent St. Louis Metropolitan Democrats.

8. In July 2013, in MEC Case Number 12A187, Petitioner and Respondents signed a joint stipulation of facts and conclusions of law, in which Respondents agreed that they had failed to comply with Missouri campaign finance reporting laws, and thereafter the Commission ordered Respondents to file amended reports and terminate as a committee. Respondents did not do so. Respondent Robinson agreed that as deputy treasurer at the time, he was responsible for the committee's reporting.

9. Pursuant to Section 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.

10. 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 timely and accurately file campaign finance reports*

11. Respondents received a contribution of \$265.62 and made expenditures exceeding \$750 during the January 2013 reporting period from October 1 through December 31, 2012.

12. Respondents inaccurately filed a statement of limited activity in lieu of a full campaign finance disclosure report for the January 2013 quarterly report.

13. Respondents did not amend the January 2013 Statement of Limited Activity to a full report until July 16, 2015.

**COUNT II**

*Failure to timely report contributions received*

14. Respondents failed to timely and accurately report a contribution of \$265.62 on the January 2013 Quarterly report, originally filing a statement of limited activity, and then in July 2015 reporting the contribution as coming from the St. Louis County Democratic Central Committee, when the contribution actually came from Respondent Robinson at the time it was made.

15. Respondents amended the report in January 2016 to correctly reflect the identity of contributors on the January 2013 quarterly report.

**COUNT III**

*Failure to timely report expenditures*

16. Respondents failed to timely report the following two (2) expenditures that were over \$100 each, totaling \$709.66:

<b>Recipient</b>	<b>Amount</b>	<b>Check or Transaction Date</b>
Schnuck's Florist	\$385.26	12/18/2012
Mattingly's Inn	\$324.40	12/19/2012
<b>TOTAL</b>	<b>\$709.66</b>	

17. Respondents failed to timely report the following two (2) expenditures that were \$100 or less each, totaling \$60:

<b>Recipient</b>	<b>Amount</b>	<b>Check or Transaction Date</b>
US Bank	\$35.00	12/20/2012
US Bank	\$25.00	12/26/2012
<b>TOTAL</b>	<b>\$60.00</b>	

18. Respondents incorrectly reported an expenditure on the Amended January 2013 Quarterly report of \$385.26, originally reporting the recipient as Shop-N-Save, when the actual recipient was Schnuck's Florist.

#### **COUNT IV**

##### *Failure to maintain committee records*

19. On August 28, 2015, the Ethics Commission requested the committee records from Respondents Robinson and St. Louis Metropolitan Democrats. The request was accompanied by a subpoena.

20. Respondent Robinson stated that he did not have any records responsive to the subpoena.

#### **JOINT PROPOSED CONCLUSIONS OF LAW**

#### **COUNT I**

##### *Failure to timely and accurately file campaign finance reports*

21. Committees must file regular "disclosure report[s] of receipts and expenditures."  
§ 130.041.1, RSMo.

22. The reports are due "at the times and for the periods prescribed in section 130.046."  
§ 130.041.1, RSMo.

23. 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.” § 130.046, RSMo.

24. A committee may file a statement of limited activity in lieu of a full report if, during the reporting period, “the committee has neither received contributions aggregating more than five hundred dollars nor made expenditure aggregating more than five hundred dollars and has not received contributions aggregating more than three hundred dollars from any single contributor and if the committee's treasurer files a statement with the appropriate officer that the committee has not exceeded the identified thresholds in the reporting period.” § 130.046.5(2), RSMo.

25. There is probable cause to believe that Respondents violated Sections 130.046, RSMo, by failing to timely file a complete and accurate January 2013 Quarterly Report, and that Respondents did so knowingly.

## COUNT II

### *Failure to timely report contributions received*

26. Respondents were required to file campaign finance disclosure reports setting forth:

...

(3) Receipts for the period, including:

(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, RSMo.

27. There is probable cause to believe that Respondents violated Section 130.041.1, RSMo, by failing to timely and accurately report a \$265.62 contribution on the January 2013 Quarterly report, and that Respondents did so knowingly.

**COUNT III**

*Failure to timely report expenditures*

28. Respondents were required to file campaign finance disclosure reports setting forth:

(4) Expenditures for the period, including:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

...

(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....

§ 130.041.1, RSMo.

29. There is probable cause to believe that Respondents violated Section 130.041.1(4), RSMo, by failing to timely report two (2) expenditures totaling \$709.66 that were over \$100 each, failing to timely report two (2) expenditures totaling \$60 that were \$100 or less each, and inaccurately reporting the recipient of an expenditure of \$385.26, and that Respondents did so knowingly.

## COUNT IV

### *Failure to maintain committee records*

30. Each candidate and committee must maintain accurate records and accounts on a current basis. § 130.036.1, RSMo.

31. The records must be maintained in accordance with accepted normal bookkeeping procedures “and shall contain the bills, receipts, deposit records, canceled 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.

32. The records must be maintained for at least three years from the report to which they pertain. § 130.036.8, RSMo.

33. There is probable cause to believe that Respondents violated Section 130.036.1, RSMo, by failing to maintain committee records in accordance with accepted normal bookkeeping procedures, including failure to maintain bills, receipts, and other detailed information necessary to prepare and substantiate campaign finance statements or reports filed with the Missouri Ethics Commission.

## 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 Robinson and St. Louis Metropolitan Democrats 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 Robinson and St. Louis Metropolitan Democrats in the amount of \$2,950, pursuant to Section 105.961.4(6), RSMo. However, if Respondents Robinson and St. Louis Metropolitan Democrats pay \$295 of that fee, 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 and sent to the Missouri Ethics Commission at the time of execution of this Joint Stipulation.

c. If either Respondent Robinson or Respondent St. Louis Metropolitan Democrats 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 both Respondents will be required to pay the remainder of the fee. The fee will be

due immediately upon final adjudication finding that either 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.

5. Respondents St. Louis Metropolitan Democrats and Robinson confirm that Respondent Robinson is authorized to sign this joint stipulation on behalf of Respondent St. Louis Metropolitan Democrats.

SO AGREED:

RESPONDENT ST. LOUIS  
METROPOLITAN DEMOCRATS

PETITIONER MISSOURI ETHICS  
COMMISSION

By: Matthew J Robinson  
St. Louis Metro Democrats Date 2/24/16

By: James Klahr 3/2/16  
James Klahr Date  
Executive Director

RESPONDENT MATTHEW ROBINSON

By: Matthew J Robinson  
Matthew Robinson Date 2/24/16  
Deputy Treasurer

By: Curtis R. Stokes 3/2/16  
Curtis R. Stokes Date  
Attorney for Petitioner