

3. Regardless of the stay in paragraph 2 above, if either Respondent Hudgins or Respondent Bob Hudgins for the People 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 both 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 Hudgins and Bob Hudgins for the People shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 24th day of March, 2016

By:

Nancy Hagan

Nancy Hagan, Chair
Missouri Ethics Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
MAR 24 2016
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.) Case No. 15-0004-A
)
BOB HUDGINS,)
Candidate)
)
and)
)
BOB HUDGINS FOR THE PEOPLE,)
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, Hudgins and Bob Hudgins for the People, 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 Hudgins was an unsuccessful candidate for Ferguson City Council, Ward 2, in the April 7, 2015, municipal election.
3. Respondent Bob Hudgins for the People was the candidate committee registered with the St. Louis County Board of Elections on January 22, 2015, to support Respondent Hudgins's candidacy in the April 2015 municipal election.
4. Patricia Bynes was the treasurer for Bob Hudgins for the People through April 2015.
5. 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.

6. Based on the investigation report, 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.

7. After the election, Respondent Hudgins and Ms. Bynes disagreed on reporting matters, and Respondent Hudgins filed one version of the 30 Day After General Election report, and Ms. Bynes filed another version of the 30 Day After General Election report, both with the St. Louis County Board of Elections.

COUNT I

Cash

8. On April 10, 2015, Ms. Bynes withdrew \$200 in cash from the official depository account for Respondent Bob Hudgins for the People, and paid two (2) campaign workers \$100 each.

COUNT II

Contributions not reported timely, accurately, and completely

Contributions over \$100 each

9. On reports filed and signed by Respondent Hudgins, Respondents Hudgins and Bob Hudgins for the People failed to timely and accurately report the following two (2) contributions that were over \$100 each, totaling \$1,200:

Contributor Name	Amount	Date on Bank Statement	Report Not Showing Contribution
CWA - COPE PCC	\$1,000.00	4/2/15	30 Day After General Election
SEIU Missouri State Council PAC	\$200.00	4/2/15	30 Day After General Election
TOTAL	\$1,200.00		

10. On the 8 Day Before General Election report signed by both Respondent Hudgins and Ms. Bynes, Respondents Hudgins and Bob Hudgins for the People failed to timely and accurately report a contribution of \$200 from James Monafa made on March 25, 2015.

Contributions of \$100 or less

11. On 30 Day After General Election report filed and signed by Respondent Hudgins, Respondents Hudgins and Bob Hudgins for the People failed to timely and accurately include the following in the aggregate contributions of \$100 or less:

Contributor Name	Amount	Date on Bank Statement	Format/ Check Number
Lauren Wood	\$25.00	4/15/15	Paypal
Peter Green	\$10.00	4/15/15	Paypal
TOTAL	\$35.00		

12. On the 40 Day Before General Election report filed and signed and filed by both Respondent Hudgins and Ms. Bynes, Respondents Hudgins and Bob Hudgins for the People failed to timely and accurately include the following in the aggregate contributions of \$100 or less:

Contributor Name	Amount	Date on Bank Statement	Format/ Check Number
Molly Greider	\$5.00	1/22/15	Cash
Michael Anicette	\$50.00	2/17/15	Paypal
TOTAL	\$55.00		

Incomplete or inaccurate contributor information

13. On the 40 Day Before General Election Report signed by both Respondent Hudgins and Ms. Bynes, Respondents Hudgins and Bob Hudgins for the People failed to report a \$200 contribution from Ladue Family Dental in an itemized manner, and instead included the contribution together with the aggregate amount of contributions of \$100 or less.

14. On the 30 Day After General Election report filed and signed by Hudgins, Respondents Hudgins and Bob Hudgins for the People failed to report a \$200 contribution from Lorna Woodham made on April 15, 2015, in an itemized manner, and instead included the contribution together with the aggregate amount of contributions of \$100 or less.

15. On the 8 Day Before General Election report signed by both Respondent Hudgins and Ms. Bynes, Respondents Hudgins and Bob Hudgins for the People failed to correctly report the contribution amount and date, and failed to report the contribution on the correct report, as noted below:

Report Name	Correct Report	Contributor Name	Amount	Date on Report	Date on Check	Date on Bank Statement
8 Day Before General Election	40 Day Before General Election	Citizens for Patricia Bynes	\$461.88 Should have been \$468.89	3/1/15	2/16/15	2/18/15

COUNT III

Expenditures not reported timely, accurately, and completely

Campaign workers

16. On the 30 Day After General Election report filed by Respondent Hudgins, Respondents Hudgins and Bob Hudgins for the People failed to timely and accurately report the following two (2) expenditures made to campaign workers, totaling \$200:

Recipient	Purpose	Amount	Date on Bank Statement
Angel Carter	Campaign worker	\$100.00	4/10/15
Keith Rose	Campaign worker	\$100.00	4/10/15

Expenditures of \$100 or less

17. On the 30 Day After General Election report filed by Respondent Hudgins, Respondents Hudgins and Bob Hudgins for the People failed to timely and accurately report the following three (3) expenditures that were \$100 or less each, totaling \$122.51:

Recipient	Purpose	Amount	Date on Bank Statement
Shell service	Gas	\$29.27	4/7/15
RAL Strategies	Fundraising check delivery fee	\$91.24	4/14/15
Bank fee	Cashier Check fee	\$2.00	4/20/15
	TOTAL	\$122.51	

18. On reports signed by both Respondent Hudgins and Ms. Bynes, Respondents Hudgins and Bob Hudgins for the People failed to report the following two (2) expenditures that were \$100 or less each, totaling \$14.84:

Recipient	Purpose	Amount	Date on Bank Statement
Supporters of Lee Smith	In-kind contribution of rubber bands	\$13.22	3/24/15
Paypal	Fundraising fee	\$1.62	4/15/15
	TOTAL	\$14.84	

Miscellaneous disbursements

19. On the 30 Day After General Election report signed and filed by Respondent Hudgins, Respondents Hudgins and Bob Hudgins for the People failed to timely and accurately report a \$50 stop payment bank fee, which should have been reported under miscellaneous disbursements.

Incomplete or inaccurate expenditure information

20. On the 30 Day After General Election report signed and filed by Respondent Hudgins, Respondents Hudgins and Bob Hudgins for the People inaccurately reported in duplicate the two (2) separate expenditures, one for \$645.38 that was already reported on the 8

Day Before General Election report, and another for \$392.72 that was reported twice on the 30 Day After General Election report.

COUNT IV

Timely campaign finance reports with accurate money on hand

21. The 40 Day Before General Election and 8 Day Before General Election reports filed and signed by both Respondent Hudgins and Ms. Bynes contained incorrect money on hand information.

22. The 30 Day After General Election report filed and signed by Respondent Hudgins contained incorrect money on hand information.

23. Respondents Hudgins and Bob Hudgins for the People failed to file a 24-hour notice of late contribution or loan for a \$1,000 contribution received by Respondents on April 2, 2015 from CWA-COPE.

24. The 40 Day Before General Election report signed and filed by Respondent Hudgins and Ms. Bynes was thirty-two (32) days late.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Cash

25. “[E]ach 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.

26. “A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year.” § 130.031.2, RSMo.

27. There is probable cause to believe that Respondents Hudgins and Bob Hudgins for the People violated Section 130.031.2, RSMo, by making two (2) cash expenditures in excess of \$50 each, totaling \$200, and that Respondents did so knowingly.

COUNT II

Contributions not reported timely, accurately, and completely

28. Candidates and candidate committees "shall file a legibly printed or typed disclosure report of receipts and expenditures." § 130.041.1, RSMo.

29. "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. Each report must include all 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;

...

(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.

31. For candidate committees, aggregate amounts for contributors must be calculated by adding "all contributions received from any one person" from the date the candidate became a candidate to the date of the election. § 130.041.2(1), RSMo.

32. There is probable cause to believe that Respondents Hudgins and Bob Hudgins for the People violated Section 130.041.1(3) and 130.041.2(1), RSMo, by failing to timely and accurately report two (2) contributions totaling \$1,200 that were over \$100 each, by failing to report two (2) contributions that were over \$100 each totaling \$400 in an itemized manner, by failing to timely and accurately report the aggregate of contributions that were \$100 or less, and by failing to report contributions completely, with incorrect dates, aggregate amounts, and reporting periods, and that Respondents Hudgins and Bob Hudgins for the People did so knowingly.

COUNT III

Expenditures not reported timely, accurately, and completely

33. Candidates and candidate committees "shall file a legibly printed or typed disclosure report of receipts and expenditures." § 130.041.1, RSMo.

34. "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.

35. Each report must include all 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;

§ 130.041.1(4), RSMo.

36. There is probable cause to believe that Respondents Hudgins and Bob Hudgins for the People violated Section 130.041.1(4), RSMo, by failing to timely and accurately report two (2) expenditures to campaign workers, totaling \$200, by failing to timely and accurately report expenditures that were \$100 or less each by category, by failing to timely and accurately report a miscellaneous disbursement of \$50, and by inaccurately reporting expenditures in duplicate, and that Respondents Hudgins and Bob Hudgins for the People did so knowingly.

COUNT IV

Timely campaign finance reports with accurate money on hand

37. Candidates and candidate committees "shall file a legibly printed or typed disclosure report of receipts and expenditures." § 130.041.1, RSMo.

38. "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.

39. Each report must include the amount of money, including cash on hand at the beginning of the reporting period, and the total amount of cash on hand as of the closing date of the reporting period covered. § 130.041.1(2), (5), RSMo.

40. "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. 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.

41. "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." § 130.046.3, RSMo.

42. "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.

43. For purposes of Section 130.050.3, the term "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.

44. There is probable cause to believe that Respondents Hudgins and Bob Hudgins for the People violated Sections 130.041.1, 130.0416, and 130.050.3, RSMo, by incorrectly reporting money on hand, by failing to timely file a 24-hour notice of late contribution, and by filing late reports, and that Respondents Hudgins, Bob Hudgins for the People, and Bynes 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 Hudgins and Bob Hudgins for the People 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 Hudgins and Bob Hudgins for the People in the amount of \$3,200, pursuant to Section 105.961.4(6), RSMo. However, if Respondents Hudgins and Bob Hudgins for the People pay \$500 of that fee within forty-five (45) 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. If either Respondent Hudgins or Respondent Bob Hudgins for the People 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 Hudgins and Bob Hudgins for the People will be required to pay the

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

d. Respondents Hudgins and Bob Hudgins for the People shall be jointly and severally liable for all fees imposed under this order.

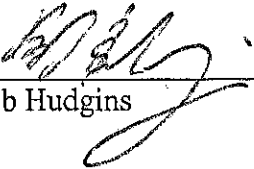
3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

4. Respondent Hudgins agrees that if called as witness with regards to any other party in the above-captioned case, he will testify truthfully and accurately in that proceeding.

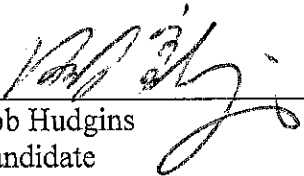
5. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited 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:

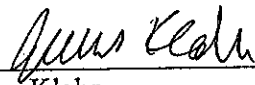
RESPONDENT BOB HUDGINS


By:  3/2/16
Bob Hudgins Date

RESPONDENT BOB HUDGINS FOR THE PEOPLE

By:  3/2/16
Bob Hudgins Date
Candidate

PETITIONER MISSOURI ETHICS COMMISSION

By:  3/24/16
James Klahr Date
Executive Director

By:  3/24/16
Curtis R. Stokes Date
Attorney for Petitioner