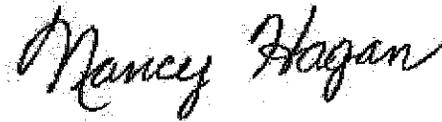


3. Regardless of the stay in paragraph 2 above, if either Respondent Smith or Supporters of Lee Smith commits any further violations of the campaign finance laws pursuant to Chapter 130, RSMo, as amended, within the two-year period from the date of this order, then Respondents Smith and Supporters of Lee Smith will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that either Respondent committed such a violation.
4. Respondents Smith and Supporters of Lee Smith shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 11th day of April, 2016

By:



Nancy Hagan, Chair
Missouri Ethics Commission

Filed
APR 11 2016
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
)
v.)
)
LEE SMITH,)
Candidate)
)
and)
)
SUPPORTERS FOR LEE SMITH,)
Candidate Committee)
)
 Respondents.)

Case No. 15-0005-A

**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, Smith and Supporters for Lee Smith, 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 Smith was an unsuccessful candidate for Ferguson City Council, Ward 3, in the April 7, 2015, municipal election.
3. Respondent Supporters for Lee Smith, was the candidate committee registered with the St. Louis County Board of Election on February 2, 2015, to support Respondent Smith's candidacy in the April 2015 municipal election.
4. Patricia Bynes was the treasurer for Supporters for Lee Smith 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 Smith and Ms. Bynes disagreed on reporting matters, and Respondent Smith 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. Between April 6 and April 10, 2015, Ms. Bynes withdrew \$560 in cash from the official depository account for Respondent Supporters for Lee Smith, and paid six (6) campaign workers a total of \$560, each in excess of \$50.

COUNT II

Contributions not reported timely, accurately, and completely

Contributions over \$100 each

9. On the 8 Day Before General Election report filed and signed by Respondent Smith and Ms. Bynes, Respondents Smith and Supporters for Lee Smith failed to report a \$300 contribution from General Baptist Convention made on March 25, 2015.

10. On the 30 Day After General Election report filed and signed by Respondent Smith, Respondents Smith and Supporters for Lee Smith failed to report a miscellaneous receipt of \$645.38 from the candidate committee Bob Hudgins for the People, after that committee reimbursed Respondent Supporters for Lee Smith for an invoice that Respondent Supporters for Lee Smith paid.

Contributions of \$100 or less

11. On the 8 Day Before General Election report filed and signed by both Respondent Smith and Ms. Bynes, Respondents Smith and Supporters for Lee Smith failed to timely and accurately report the aggregate of contributions received of \$100 or less, failing to include two (2) contributions totaling \$77.22.

Incomplete or inaccurate contributor information

12. On the 8 Day Before General Election report filed and signed by both Respondent Smith and Ms. Bynes, Respondents Smith and Supporters for Lee Smith did not accurately report the amount, reported contributions received as contributions made, and failed to include aggregate contributor information, as noted below:

Contributor Name	Amount	Date on Bank Statement	Format/ Check Number	Issue
Citizens for Patricia Bynes	\$461.88 should have been \$468.88	2/18/15	1000	Incorrect amount
Evelyn Green	\$10.00	3/27/15	PayPal	Reported as contribution made, not a contribution received
Steven Cousins	\$500.00	3/9/15	7102	
Rosalind Edwards	\$500.00	3/17/15	PayPal	
Evelyn Green	\$300.00	3/27/15	PayPal	Should show aggregate of \$310

13. On the 30 Day After General Election report filed and signed by Respondent Smith, Respondents Smith and Supporters for Lee Smith failed to report a \$200 contribution from SEIU Missouri State Council PAC in an itemized manner, and instead included the contribution together with the aggregate amount of contributions of \$100 or less.

COUNT III

Expenditures not reported timely, accurately, and completely

Expenditures over \$100 each

14. On the 8 Day Before General Election report filed and signed by both Respondent Smith and Ms. Bynes, Respondents Smith and Supporters for Lee Smith failed to timely and accurately report the following two (2) expenditures that were over \$100 each, totaling \$645.37:

Recipient	Purpose	Amount	Date on Bank Statement
Mark's Quick Print	Printing	\$483.58	3/24/15
Mark's Quick Print	Printing	\$161.79	3/26/15
	TOTAL	\$645.37	

15. On the 30 Day After General Election report filed and signed by Respondent Smith, Respondents Smith and Supporters for Lee Smith failed to timely and accurately report the following seven (7) monetary expenditures that were over \$100 each and, totaling \$5,102.88:

Recipient	Purpose	Amount	Date on Bank Statement
Mark's Quick Print	Printing	\$166.79	4/1/15
Wal-Mart	Office Supplies	\$139.98	4/6/15
Mark's Quick Print	Printing	\$556.41	4/7/15
Ferguson Burger	Meals	\$156.07	4/8/15
RAL Strategies	Fundraising	\$1,728.73	4/10/15
Act Blue	Fundraising	\$354.90	4/11/15
Adrian Smith	Campaign work	\$2,000.00	4/22/15
	TOTAL	\$5,102.88	

Campaign workers

16. On the 30 Day After General Election report filed and signed by Respondent Smith, Respondents Smith and Supporters for Lee Smith failed to report a \$100 expenditure to a campaign worker.

Expenditures of \$100 or less

17. On the 8 Day Before General Election report filed and signed by both Respondent Smith and Ms. Bynes, Respondents Smith and Supporters for Lee Smith failed to include a \$13.33 expenditure.

18. On the 30 Day After General Election report filed and signed by Respondent Smith, Respondents Smith and Supporters for Lee Smith failed to include four (4) expenditures of \$100 or less, totaling \$131.58.

Incomplete or inaccurate expenditure information

19. On the 30 Day After General Election report filed and signed by Respondent Smith, Respondents Smith and Supporters for Lee Smith failed to accurately and completely report recipients, names of campaign workers, and amounts for nine (9) expenditures.

COUNT IV

Timely campaign finance reports with accurate money on hand

20. Respondents Smith and Supporters for Lee Smith filed the statements of limited activity for the 40 Day Before General Election report thirty-two (32) days late and statement of limited activity for the April 2015 Quarterly report one (1) day late.

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

22. The 8 Day Before General Election report filed and signed by both Respondent Smith and Ms. Bynes contained incorrect money on hand information.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Cash

23. “[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.

24. “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.

25. There is probable cause to believe that Respondents Smith and Supporters for Lee Smith violated Section 130.031.2, RSMo, by making six (6) cash expenditures in excess of \$50 each, totaling \$560, and that Respondents did so knowingly.

COUNT II

Contributions not reported timely, accurately, and completely

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

27. "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.

28. 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.

29. 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.

30. There is probable cause to believe that Respondents Smith and Supporters for Lee Smith violated Sections 130.041.1(3) and 130.041.2(1), RSMo, by failing to timely and accurately report a \$300 contribution, by failing to timely and accurately report a \$645.38 miscellaneous contribution received, by failing to timely and accurately report the aggregate of contributions received of \$100 or less, by failing to report aggregate amounts received from contributors giving multiple contributions, and by failing to completely and accurately report contributor information, and that Respondents Smith and Supporters for Lee Smith did so knowingly.

COUNT III

Expenditures not reported timely, accurately, and completely

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

32. "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.

33. 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.

34. There is probable cause to believe that Respondents Smith and Supporters for Lee Smith violated Section 130.041.1(4), RSMo, by failing to timely and accurately report nine (9) expenditures that were over \$100 each, totaling \$5,748.25, by failing to report a \$100 expenditure to a campaign worker, by failing to timely and accurately report expenditures of \$100 or less by category, and by failing to accurately and completely report expenditure information, including

recipient amounts and names, and that Respondents Smith and Supporters for Lee Smith did so knowingly.

COUNT IV

Timely campaign finance reports with accurate money on hand

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

36. “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.

37. 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.

38. “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.

39. “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.

40. There is probable cause to believe that Respondents Smith and Supporters for Lee Smith violated Sections 130.041.1 and 130.046, RSMo, by incorrectly reporting money on hand, and by filing late reports, and that Respondents Smith and Supporters for Lee Smith 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 Smith and Supporters for Lee Smith 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 Smith and Supporters for Lee Smith in the amount of \$8,460, pursuant to Section 105.961.4(6), RSMo. However, if Respondents Smith and Supporters for Lee Smith pay \$1,350 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 Smith or Supporters for Lee Smith 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 Smith and Supporters for Lee Smith 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.

d. Respondents Smith and Supporters for Lee Smith 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 Smith 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 LEE SMITH

PETITIONER MISSOURI ETHICS
COMMISSION

By: Lee Smith 2-26-2016
Lee Smith Date

By: James Klahr 4/2/16
James Klahr Date
Executive Director

RESPONDENT SUPPORTERS FOR LEE
SMITH

By: Lee Smith 2-26-2016
Lee Smith Date
Candidate

By: Curtis R. Stokes 9/11/16
Curtis R. Stokes Date
Attorney for Petitioner