

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
JUL 06 2016
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	Case No. 15-0003-A, 15-0039-I
PATRICIA BYNES,)	
)	
AND)	
)	
CITIZENS FOR PATRICIA BYNES,)	
)	
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 violated Sections 130.021.5, 130.021.4, 130.034, 130.031.2, 130.041.1(3), 130.041.1(4), 130.041.1(8), 130.041.1(2), 130.041.1(5), and 130.046, RSMo.

The Commission directs that the Joint Stipulation be adopted.

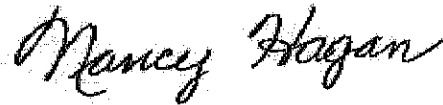
1. Respondents Bynes and Citizens for Patricia Bynes shall comply with all relevant sections of Chapter 130, RSMo.

2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents Bynes and Citizens for Patricia Bynes in the amount of \$9,679 pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$1,170 of that fee 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. If either Respondent Bynes or Respondent Citizens for Patricia Bynes 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 Bynes and Citizens for Patricia Bynes will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondents committed such a violation.
4. Respondents Bynes and Citizens for Patricia Bynes shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 6th day of July, 2016

By:



Nancy Hagan, Chair
Missouri Ethics Commission

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MISSOURI ETHICS COMMISSION,)	
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Petitioner,)	
)	
v.)	
)	
PATRICIA BYNES,)	Case No. 15-0003-A, 15-0039-I,
Candidate,)	15-0004-A, 15-0005-A
Former Treasurer, Bob Hudgins for the)	
People,)	
Former Treasurer, Supporters for Lee)	
Smith,)	
)	
and)	
)	
CITIZENS FOR PATRICIA BYNES,)	
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, Bynes and Citizens for Patricia Bynes, 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 Bynes was a successful candidate for Ferguson Township Democratic Committeewoman in the August 2012 election and an incumbent candidate for the same office in the August 2016 election.
3. Bob Hudgins was an unsuccessful candidate for Ferguson City Council, Ward 2, in the April 7, 2015, municipal election.
4. Bob Hudgins for the People was the candidate committee registered with the St. Louis County Board of Elections on January 22, 2015, to support Mr. Hudgins's candidacy in the April 2015 municipal election.

5. Respondent Bynes was the treasurer for Bob Hudgins for the People through April 2015.

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

7. Lee Smith was an unsuccessful candidate for Ferguson City Council, Ward 3, in the April 7, 2015, municipal election.

8. Supporters for Lee Smith was the candidate committee registered with the St. Louis County Board of Election on February 2, 2015, to support Mr. Smith's candidacy in the April 2015 municipal election.

9. Respondent Bynes was the treasurer for Supporters for Lee Smith through April 2015.

10. After the election, Respondent Bynes and Mr. Smith disagreed on reporting matters, and Mr. Smith filed one version of the 30 Day After General Election report, and Respondent Bynes filed another version of the 30 Day After General Election report, both with the St. Louis County Board of Elections. Respondent Bynes subsequently amended the 30 Day After General Election report twice.

11. Pursuant to Sections 105.957 and 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission, and pursuant to Sections 105.959 and 105.961, RSMo, the Commission's staff

investigated the reports and statements filed with the St. Louis County Board of Elections and reported the investigation findings to the Commission.

12. Based on the investigation reports, 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.

Committee requirements

13. Between October 15, 2012, and August 27, 2014, Respondents accepted contributions and made expenditures through Respondents' official depository account, even though Respondents had not updated the Statement of Committee Organization to reflect the office sought by Respondent Bynes. In this time period, Respondents' Statement of Committee Organization reflected that Respondent Bynes was a candidate in the August 2012 election, which had already occurred.

14. On August 27, 2014, Respondents closed the official depository account on file with the St. Louis County Board of Elections (UMB Bank), and did not open a new account (with St. Louis Community Credit Union) until January 22, 2015.

15. Respondents did not timely file an amended statement of committee organization reflecting the changes to Respondents' accounts.

Unauthorized use of contributions

16. Between April 15, 2015, and May 14, 2015, Respondents expended \$1,539.72 on a psychic reading service. Respondent Bynes reimbursed her candidate committee this amount on May 26, 2015.

Cash limits

17. On December 14, 2012, Respondent made a single expenditure of \$250 in cash to a campaign worker.

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

19. Between April 6 and April 10, 2015, Respondent Bynes withdrew \$560 in cash from the official depository account for Supporters for Lee Smith, and paid six (6) campaign workers a total of \$560, each in excess of \$50.

Contributions not reported timely, accurately, and completely

Contributions over \$100 each from a single contributor

20. Respondents failed to report a \$2,000 miscellaneous receipt, which was the return of a \$2,000 contribution to "Operation Help or Hush," on the July 2015 quarterly report.

21. Respondents failed to timely or accurately report the following eleven (11) monetary contributions from contributors giving over \$100 each, totaling \$5,645.00:

Report Name	Contributor Name	Amount	Error(s) Found
8 Day Before General Election	Irene Smith	\$100.00	Should show aggregate of \$200. Received a \$100 contribution from same contributor on 6/29/12.
April 2013 Quarterly	Ferguson Township Democrats	\$250.00	Should show aggregate of \$500. Received a \$250 contribution from same contributor on 10/25/12.

Report Name	Contributor Name	Amount	Error(s) Found
8 Day Before General Election & April 2015 Quarterly	Mildred Clines	\$145.00	Reported on both 8 Day Before General Election filed May 27, 2015 and April 2015 Quarterly report filed April 15, 2015. Should be reported earlier, on 40 Day Before General Election report that was due February 26, 2015. Reported non-itemized but should be itemized with employer or occupation.
	Susan Clark	\$1,200.00	Reported on both 8 Day Before General Election filed May 27, 2015 and April Quarterly report filed April 15, 2015. Should be reported earlier, on 40 Day Before General Election report that was due February 26, 2015.
	CWA-COPE PCC	\$1,000.00	
30 Day After General Election	Kevin Buchek	\$150.00	Reported on 30 Day After General Election report filed May 27, 2015. Should be reported on July 2015 Quarterly report that was due July 15, 2015.
	Joseph Field	\$1,000.00	
	Michael Anicette	\$150.00	
	VJ Cross	\$500.00	
	McCormick, Baron, Salazar, Inc.	\$1,000.00	
	Grant Communications, LLC	\$150.00	
	TOTAL	\$5,645.00	

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

23. On Supporters for Lee Smith's 8 Day Before General Election report filed and signed by both Respondent Bynes and Mr. Smith, Respondent Bynes failed to report a \$300 contribution from General Baptist Convention made on March 25, 2015.

24. On Supporters for Lee Smith's 30 Day After General Election Report filed and signed by Respondent Bynes, Respondent Bynes failed to report a miscellaneous receipt of

\$645.38 from the candidate committee Bob Hudgins for the People, after that committee reimbursed Supporters for Lee Smith for an invoice that Supporters for Lee Smith paid.

Contributions of \$100 or less

25. Respondents failed to timely and accurately report the following aggregate amounts of contributions of \$100 or less:

Report Name	Date(s) on Bank Statements	Amount	Error
8 Day Before General Election & April Quarterly 2015	1/22/15	\$5.00	Reported on both 8 Day Before General Election filed May 27, 2015 and April 2015 Quarterly filed April 15, 2015. Should be reported earlier, on 40 Day Before General Election report that was due February 26, 2015.
30 Day After General Election	4/2/15– 4/11/15	\$1,854.00	Reported on 30 Day After General Election report filed May 27, 2015. Should be reported earlier, on July 2015 quarterly report that was due July 15, 2015.

26. On Bob Hudgins for the People’s 30 Day After General Election report filed and signed by Respondent Bynes, Respondent Bynes 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		

27. On Bob Hudgins for the People's 40 Day Before General Election report filed and signed and filed by both Mr. Hudgins and Respondent Bynes, Respondent Bynes 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		

28. On Supporters for Lee Smith's 8 Day Before General Election report filed and signed by both Respondent Bynes and Mr. Smith, Respondent Bynes 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

29. On Bob Hudgins for the People's 40 Day Before General Election Report signed by both Mr. Hudgins and Respondent Bynes, Respondent Bynes 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.

30. On Bob Hudgins for the People's reports filed and signed by Respondent Bynes, Respondent Bynes reported the following contribution on two separate reports, did not report the employer/occupation and/or date for one of those reports, and did not timely report them on the 8 Day Before General Election report, as noted below:

Report Name	Correct Report	Contributor Name	Employer/ Occupation	Date on Report	Amount	Date on Bank Statement	Format/ Check Number
April 2015 Quarterly	8 Day Before	Lorna Woodhams	MISSING	MISSING	\$200.00	3/30/15	Paypal

Report Name	Correct Report	Contributor Name	Employer/ Occupation	Date on Report	Amount	Date on Bank Statement	Format/ Check Number
30 Day After General Election	General Election	Lorna Woodhams	Self	4/15/15	\$200.00	3/30/15	Paypal

31. On Bob Hudgins for the People's 8 Day Before General Election report signed by both Mr. Hudgins and Respondent Bynes, Respondent Bynes failed to correctly report the contribution amount, date, or employer/occupation, and failed to report the contribution on the correct report, as noted below:

Report Name	Correct Report	Contributor Name	Employer/ Occupation	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	MISSING	\$461.88 Should have been \$468.89	3/1/15	2/16/15	2/18/15

32. On Supporters for Lee Smith's 8 Day Before General Election report filed and signed by both Respondent Bynes and Mr. Smith, Respondent Bynes 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

33. On the 30 Day After General Election report filed and signed by Respondent Bynes, Respondent Bynes failed to include the date of the \$200 contribution from SIEU Missouri State Council PAC.

Expenditures not reported timely, accurately, and completely

Expenditures over \$100 each

34. Respondents failed to timely and accurately report on a July 2015 quarterly report the following three (3) expenditures over \$100 each, totaling \$1,002.66:

Recipient	Purpose	Amount	Date on Bank Statement	Date Paid
Office Max	Supplies	\$100.36	5/8/15	5/8/15
Enterprise Rent-a-car	Car rental	\$328.07	5/23/15	5/23/15
Courtyard by Marriott	Hotel	\$574.23	5/27/15	5/27/15
	TOTAL	\$1,002.66		

35. On Bob Hudgins for the People's 30 Day After General Election report filed and signed by Respondent Bynes, Respondent Bynes failed to timely and accurately report the following six (6) expenditures that were over \$100 each and contributions to other committees, totaling \$10,007.31:

Recipient	Purpose	Amount	Date on Bank Statement
Mark's Quick Printing	Printing	\$166.79	4/1/15
Act Blue	Fundraising fee	\$392.72	4/11/15
Mark's Quick Printing	Printing	\$748.22	4/7/15
Tony Rice	Campaign worker	\$2,000.00	4/20/15
Alicia Street	Campaign worker	\$1,500.00	4/20/15
Bob Hudgins for the People 2016	Contribution to Mr. Hudgins's new committee	\$5,199.58	4/22/15
	TOTAL	\$10,007.31	

36. On Supporters for Lee Smith's 8 Day Before General Election report filed and signed by both Respondent Bynes and Mr. Smith, Respondent Bynes 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	

37. On Supporters for Lee Smith's 30 Day After General Election report filed and signed by Respondent Bynes, Respondent Bynes failed to timely and accurately report an expenditure of \$125.44 made on March 27, 2015 to AutoZone.

Contributions made to other committees

38. Respondents failed to timely and accurately report on a July 2015 quarterly report the following three (3) contributions made to other committees, totaling \$195.00:

Recipient	Amount	Date on Bank Statement
HHFA PAC	\$50.00	5/11/15
Missouri Association for Health, Physical Education, Recreation and Dance	\$70.00	5/22/15
Urban League of Metro St. Louis	\$75.00	6/4/15
	TOTAL	\$195.00

Expenditures of \$100 or less each

39. Respondents failed to timely and accurately report twenty-three (23) expenditures of \$100 or less each, totaling \$714.43.

40. On Bob Hudgins for the People's 30 Day After General Election report filed by Respondent Bynes, Respondent Bynes failed to timely and accurately report the following two (2) expenditures that were \$100 or less each, totaling \$26.83:

Recipient	Purpose	Amount	Date on Bank Statement
Ferguson Hardware	Supplies	\$10.86	4/3/15
Ferguson Burger	Food	\$15.97	4/8/15
	TOTAL	\$26.83	

41. On Bob Hudgins for the People's reports signed by both Mr. Hudgins and Respondent Bynes, Respondent Bynes 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	

42. On Supporters for Lee Smith's 8 Day Before General Election report filed and signed by both Respondent Bynes and Mr. Smith, Respondent Bynes failed to include a \$13.33 expenditure.

43. On Supporters for Lee Smith's 30 Day After General Election report filed and signed by Respondent Bynes, Respondent Bynes failed to include an \$18.66 expenditure.

Incomplete or inaccurate expenditure information

44. Respondents failed to accurately report the following twenty-two (22) expenditures and contributions made to other committees, totaling \$3,216.63:

Report Name	Recipient	Date on Bank Statement	Purpose	Amount	Error(s) Found
30 Day After General Election 30 Day After General Election	Raigan Billingsley	8/6/12	Campaign Worker	\$50.00	Should show aggregate of \$100 (\$50 previously paid on 8/6/12).
	Harvey Utley	8/6/12	Campaign Worker	\$50.00	
8 Day Before General Election & April 2015 Quarterly	Harland Clarke	2/3/15	Checks	\$13.33	Reported on both 8 Day Before General Election filed May 27, 2015 and April 2015 Quarterly filed April 15, 2015. Should be reported earlier, 40 Day Before General Election report that was due February 26, 2015.
	Mulligan Printing	2/18/15	Printing	\$468.88	
	Mulligan Printing	2/18/15	Printing	\$468.89	
	Supporters of Lee Smith	2/16/15	In-kind Contribution	\$468.88	
	Bob Hudgins for the People	2/16/15	In-kind Contribution	\$468.89	

Report Name	Recipient	Date on Bank Statement	Purpose	Amount	Error(s) Found
30 Day After General Election	Paypal	4/6/15	Fees	\$9.50	Should be on July 2015 Quarterly Report
	Family Dollar	4/7/15	GOTV campaign supplies	\$43.84	
	Paypal	4/8/15	Fees	\$102.91	Should be on July 2015 Quarterly report. Included in non-itemized amount with two other non-itemized expenditures instead of being itemized.
	Paypal	4/13/15	Fees	\$3.78	Should be on July 2015 Quarterly report.
	RAL Strategies	4/14/15	Fundraising services	\$730.35	
	Exxonmobil	4/14/15	Gas/parking/shuttle	\$23.22	
	3 Monkeys	4/14/15	Food/meetings	\$23.53	
	Sybergs Market	4/21/15	Food/meetings	\$37.46	
	Chili's	4/25/15	Food/meetings	\$14.77	
	Supershuttle	4/25/15	Gas/parking/shuttle	\$35.65	
	Petromart	4/27/15	Gas/parking/shuttle	\$26.24	
	Lambert St. Louis	4/27/15	Gas/parking/shuttle	\$56.00	
	President Hilton	4/28/15	Food/meetings	\$35.51	
	St. Louis County Democratic Central Committee	5/1/15	Contribution	\$50.00	
Vote. Run. Lead.	5/1/15	Contribution	\$35.00		
			TOTAL	\$3,216.63	

45. On Bob Hudgins for the People's 30 Day After General Election report signed and filed by Respondent Bynes, Respondent Bynes inaccurately reported an expenditure of \$2,000 to AMHC Consulting, when it the recipient should have been reported "AMS

Communications, aka AMHC Consulting,” and reported two separate payments, of \$1,727.93 and \$91.24, as a single expenditure of \$1,819.17 to RAL Strategic Group.

46. On Supporters for Lee Smith’s 30 Day After General Election report filed and signed by Respondent Bynes, Respondent Bynes failed to accurately and completely report recipients, amounts, and reported multiple expenditures as a single expenditure for eleven (11) expenditures.

Timely reports with accurate money on hand

Timely Reports

47. Respondents failed to file the July 2015 quarterly report.

48. Respondents filed the April 2013 quarterly report on September 23, 2014, which was 526 days late.

49. Respondents filed the October 2014 limited activity quarterly statement on October 20, 2014, which was 5 days late.

50. Respondents filed the January 2015 limited activity quarterly statement on January 22, 2015, which was 7 days late.

51. While treasurer for Bob Hudgins for the People, Respondent Bynes did not file a 24-hour notice of late contribution or loan for a \$1,000 contribution received by Bob Hudgins for the People on April 2, 2015, from CWA-COPE.

52. Bob Hudgins for the People’s 40 Day Before General Election report signed and filed by Mr. Hudgins and Respondent Bynes was thirty-two (32) days late.

53. Bob Hudgins for the People’s April 2015 Quarterly report signed and filed by Respondent Bynes was one (1) day late.

54. Respondent Bynes filed Supporters for Lee Smith's 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.

Accurate money on hand

55. Respondents failed to accurately report money on hand on the report due 8 days before the August 2012 general election, the April 2013 quarterly report, and the April 2014 quarterly report.

56. Bob Hudgins for the People's 40 Day Before General Election and 8 Day Before General Election reports filed and signed by Respondent Bynes and Mr. Hudgins contained incorrect money on hand information.

57. Bob Hudgins for the People's April 2015 Quarterly and 30 Day After General Election reports filed and signed by Respondent Bynes contained incorrect money on hand information.

58. Supporters for Lee Smith's amended 30 Day After General Election report filed and signed by Respondent Bynes contained incorrect money on hand information.

59. Supporters for Lee Smith's 8 Day Before General Election report filed and signed by both Respondent Bynes and Mr. Smith contained incorrect money on hand information.

JOINT PROPOSED CONCLUSIONS OF LAW

Committee requirements

60. Candidate committees are formed "by a candidate to receive contributions or make expenditures in behalf of the person's candidacy..." § 130.011(9), RSMo.

61. Candidates must timely update the statement of committee organization on file with the appropriate officer to reflect the “name and office sought of each candidate supported ... by the committee.” § 130.021.5(9), RSMo.

62. Every committee “shall have a single official fund depository ... in which the committee shall open and thereafter maintain [an] official depository account in its own name.” § 130.021.4(1), RSMo.

63. For purposes of Chapter 130, RSMo, “expenditures” are a “payment advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of support or opposing the nomination or election of any candidate for public office.” § 130.011(16), RSMo.

64. There is probable cause to believe that Respondents violated Sections 130.021.5 and 130.021.4, RSMo, by accepting contributions and making expenditures without timely updating Respondents’ Statement of Committee Organization to reflect the office sought by Respondent Bynes, by failing to maintain an official depository account between August 27, 2014, and January 22, 2015, and by failing to timely file updated information regarding Respondents’ official depository accounts with the St. Louis County Board of Elections.

Unauthorized use of contributions

65. Contributions “shall not be converted to any personal use,” and may be used for a purpose allowed by law. § 130.034, RSMo.

66. There is probable cause to believe that Respondents violated Section 130.034, RSMo, by making expenditures totaling \$1,539.72 to a psychic reading service, which were expenditures not allowed by law.

Cash limits

67. “[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.

68. “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.

69. There is probable cause to believe that Respondents violated Section 130.031.2, RSMo, by making single expenditures of cash in excess of \$50 from Citizens for Patricia Bynes’s official depository account in the amount of \$250, from Bob Hudgins for the People’s official depository account in the amount of \$200, and from Supporters for Lee Smith’s official depository account in the amount of \$560.

Contributions not reported timely, accurately, and completely

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

71. “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.

72. 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.

73. 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.

74. With regards to Citizens for Patricia Bynes, there is probable cause to believe that Respondents violated Section 130.041.1(3), RSMo, by failing to timely and accurately report a miscellaneous receipt of \$2,000, failing to timely and accurately report aggregate contributions for

eleven (11) monetary contributions totaling \$5,645 , and failing to timely and accurately report aggregate contributions of \$100 or less.

75. With regards to Bod Hudgins for the People, there is probable cause to believe that Respondent Bynes violated Section 130.041.1(3), RSMo, by failing to timely and accurately report a \$200 contribution to Bob Hudgins for the People, by failing to report a \$200 contribution in an itemized manner for Bob Hudgins for the People, by failing to completely and accurately report contributions made to Bob Hudgins for the People.

76. With regards to Supporters for Lee Smith, there is probable cause to believe that Respondent Bynes violated Section 130.041.1(3), RSMo, by failing to timely and accurately report a \$300 contribution to Supporters for Lee Smith, failing to timely and accurately report a \$645.38 miscellaneous receipt by Supporters for Lee Smith, and by failing to report aggregate amounts of contributions of \$100 or less, and failing to completely and accurately report contributor information, including aggregate amounts given for Supporters for Lee Smith.

Expenditures not reported timely, accurately, and completely

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

78. “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.

79. 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.

80. Each report must include "A separate listing by full name and address of any committee ... for which a transfer of funds or a contribution in any amount has been made during the reporting period, together with the date and amount of each such transfer or contribution."

§ 130.041.1(8), RSMo.

81. With regards to Citizens for Patricia Byner, there is probable cause to believe that Respondents violated Sections 130.041.1(4) and 130.041.1(8), RSMo, by failing to timely and accurately report three (3) expenditures over \$100 each, totaling \$1,002.66, by failing to timely and accurately report three (3) contributions made to other committees totaling \$195.00, by failing to timely and accurately report twenty-three (23) expenditures of \$100 or less each totaling \$714.43, by failing to accurately report twenty-two (22) expenditures and contributions made to other committees totaling \$3,216.63.

82. With regards to Bob Hudgins for the People, there is probable cause to believe that Respondent Bynes violated Sections 130.041.1(4) and 130.041.1(8), RSMo, by failing to timely and accurately report six (6) expenditures that were over \$100 each and contributions made to other committees totaling \$10,007.31, by failing to timely and accurately report expenditures that were \$100 or less each by category, by failing to accurately report the recipient of expenditures and reporting two (2) separate expenditures as a single expenditure.

83. With regards to Supporters for Lee Smith, there is probable cause to believe that Respondent Bynes violated Sections 130.041.1(4) and 130.041.1(8), RSMo, by failing to timely and accurately report three (3) expenditures that were over \$100 each totaling \$770.81, 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.

Timely reports

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

85. “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.

86. 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.

87. “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.

88. "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.

89. "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.

90. 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.

91. With regards to Citizens for Patricia Bynes, there is probable cause to believe that Respondents violated Sections 130.041.1(2), 130.041.1(5), and 130.046, RSMo, by failing to file the July 2015 quarterly report, by failing to timely file three (3) reports, and by failing to report accurate money on hand on three (3) reports, .

92. With regards to Bob Hudgins for the People, there is probable cause to believe that Respondent Bynes violated Sections 130.041.1(2), 130.041.1(5), and 130.046, RSMo, by incorrectly reporting money on hand for Bob Hudgins for the People, by failing to timely file a 24-hour notice of late contribution for Bob Hudgins for the People, and by filing late reports for Bob Hudgins for the People.

93. With regards to Supporters for Lee Smith, there is probable cause to believe that Respondent Bynes violated Sections 130.041.1(2), 130.041.1(5), and 130.046, RSMo, by

incorrectly reporting money on hand for Supporters for Lee Smith, and by filing late reports for Supporters for Lee Smith.

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 Bynes and Citizens for Patricia Bynes 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 Bynes and Citizens for Patricia Bynes in the amount of \$9,679, pursuant to Section 105.961.4(6), RSMo. However, if Respondents Bynes and Citizens for Patricia Bynes pay \$1,170 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.

c. If either Respondent Bynes or Respondent Citizens for Patricia Bynes 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 Bynes and Citizens for Patricia Bynes 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 Bynes and Citizens for Patricia Bynes 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. 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 PATRICIA BYNES

By: *Patricia Bynes* 7/6/16
Patricia Bynes Date

By: *Eric Vickers*
Eric Vickers Date
Attorney for Respondent

RESPONDENT CITIZENS FOR PATRICIA BYNES

By: *Patricia Bynes* 4/26/16
Patricia Bynes Date
Candidate

By: *Eric Vickers*
Eric Vickers Date
Attorney for Respondent

PETITIONER MISSOURI ETHICS COMMISSION

By: *James Klahr* 7/6/16
James Klahr Date
Executive Director

By: *Curtis R. Stokes* 7/6/16
Curtis R. Stokes Date
Attorney for Petitioner