

Filed
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Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.)
)
JEREMY PLOEGER,)
)
and)
)
FRIENDS FOR PLOEGER,)
)
Respondents.)

Case No. 10A172

Findings of Fact, Conclusions of Law and Order

This is the Final Decision and Order of the Missouri Ethics Commission following a hearing on a Complaint filed by Petitioner by and through Counsel, pursuant to Section 105.961, RSMo, and Chapter 536, RSMo. The hearing was conducted before the following members of the Missouri Ethics Commission: Jim Wright, Jim Tweedy, Jeff Davison, Vernon Dawdy, Louis J. Leonatti, and Dennis Rose.

A closed hearing took place on February 13, 2012, at the offices of the Missouri Ethics Commission at 3411A Knipp Drive, Jefferson City, Missouri 65109. The Commission was represented by Curtis R. Stokes, Legal Counsel. Respondents appeared in person with counsel, Philip O. Willoughby, Jr.

On February 13, 2012, Petitioner and Respondents entered into a Joint Stipulation of Facts and Law which is incorporated into this Findings of Fact, Conclusions of Law and Order. The Commission admitted into evidence Petitioner's Exhibits 1 through 9 and 13 and Respondents' Exhibit A. Having considered all the competent and substantial evidence upon the whole record, the Commission finds as follows:

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 Ploeger was an unsuccessful candidate for State Representative in District 51 in the August 3, 2010, primary election.

3. Respondent Friends for Ploeger was at all relevant times the candidate committee formed by Respondent Ploeger for his candidacy in the August 3, 2010, primary election.

4. 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.

5. 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

Conversion of contributions to personal use

6. Respondent Ploeger converted approximately \$418.15 for his own personal use, including:

- a. \$349.15 spent on a trip in Cozumel, Mexico; and
- b. \$69.00 for teeth whitening.

COUNT II

Cash expenditures in excess \$50 and in excess of 10% of all expenditures during the calendar

year

7. During 2009 and 2010, Respondent Ploeger withdrew cash from an ATM fifteen times, for total cash withdrawals of \$3,924, as set forth below:

Date	Item	Recipient	Amount
9/9/2009	ATM	Bank of America ATM Withdrawal	\$300.00
9/21/2009	ATM	Bank of America ATM Withdrawal	\$200.00
3/3/2010	Check Card	Bank of America ATM Withdrawal	\$100.00
3/3/2010	Check Card	Capitol Federa	\$102.00
3/10/2010	Check Card	Bank of America ATM Withdrawal	\$600.00
3/11/2010	Check Card	Bank of America ATM Withdrawal	\$520.00
4/5/2010	Check Card	Bank of America ATM Withdrawal	\$400.00
4/5/2010	Check Card	Temp Stp Withdrawal	\$202.00
4/27/2010	Check Card	Bank of America ATM Withdrawal	\$120.00
5/19/2010	Check Card	Bank of America ATM Withdrawal	\$500.00
6/14/2010	Check Card	Bank of America ATM Withdrawal	\$520.00
6/14/2010	Check Card	Bank of America ATM Withdrawal	\$160.00
7/8/2010	Check Card	Bank of America ATM Withdrawal	\$200.00
		Total	\$3,924.00

8. Respondent Ploeger has no recollection or documentation of the purpose of the \$300 cash withdrawal made on September 9, 2009.

9. Respondent Ploeger has no recollection or documentation of the purpose of the \$200 cash withdrawal made on September 21, 2009.

10. Respondent Ploeger has no recollection or documentation of the purpose of the two cash withdrawals totaling \$202 made on March 3, 2010.

11. Respondent Ploeger testified under oath that the withdrawals on March 10, March 11, April 5, April 27, May 19, June 14, and July 8 of 2010 were used to pay campaign workers as alleged in Count III, *infra*.

12. In calendar year 2009, Respondents' cash expenditures were \$500, which is in excess of 10% of Respondents' total expenditures that year of \$3,481.44.

13. In calendar year 2010, Respondents' cash expenditures were \$3,424, which is in excess of 10% of Respondents' total expenditures that year of \$28,421.61.

COUNT III

Failure to itemize payments made to campaign workers

14. In the July 2010 quarterly report, Respondents listed a single \$100 expenditure as "Election Poll Workers," but failed to provide the name, address, date, and purpose of the expenditure or the aggregate amount paid to each worker.

15. Respondent testified under oath that between March 10, 2010, and July 12, 2010, Respondents paid the following seven campaign workers 23 times a total of \$3,140, but failed to report those campaign workers' names, address, dates worked, purpose paid, and aggregate amount paid to each worker:

Payment	Date	Recipient	Related ATM Cash Withdrawal
\$100	3/10/2010	Christina Delgado	\$600 on 3/10/2010
\$100	3/10/2010	Cory Hall	\$600 on 3/10/2010
\$100	3/10/2010	Rene Hill	\$600 on 3/10/2010
\$50	3/10/2010	Ben Marr	\$600 on 3/10/2010
\$150	3/10/2010	Al Stone	\$600 on 3/10/2010
\$100	3/10/2010	Chris Weber	\$600 on 3/10/2010
\$140	3/11/2010	Christina Delgado	\$520 on 3/11/2010

Payment	Date	Recipient	Related ATM Cash Withdrawal
\$160	3/11/2010	Cory Hall	\$520 on 3/11/2010
\$140	3/11/2010	Eric Revels	\$520 on 3/11/2010
\$200	4/5/2010	Cory Hall	\$602 on 4/5/2010
\$75	4/5/2010	Rene Hill	\$602 on 4/5/2010
\$150	4/5/2010	Al Stone	\$602 on 4/5/2010
\$175	4/5/2010	Chris Weber	\$602 on 4/5/2010
\$120	4/27/2010	Chris Weber	\$120 on 4/27/2010
\$150	5/19/2010	Christina Delgado	\$500 on 5/19/2010
\$200	5/19/2010	Cory Hall	\$500 on 5/19/2010
\$150	5/19/2010	Eric Revels	\$500 on 5/19/2010
\$130	6/12/2010	Christina Delgado	\$520 on 6/12/10
\$150	6/12/2010	Cory Hall	\$520 on 6/12/10
\$60	6/12/2010	Eric Revels	\$520 on 6/12/10
\$180	6/12/2010	Al Stone	\$520 on 6/12/10
\$160	6/14/2010	Rene Hill	\$160 on 6/14/2010
\$200	7/12/2010	Al Stone	\$200 on 7/8/2010
\$3,140.00	TOTAL		

COUNT IV

Failure to timely and accurately report contributions received

16. Respondents failed to report the following \$7,221.74 in contributions:

Contributor	Deposit Date	Amount	Item	Correct Report
cash	4/27/2009	\$100.00	cash	October 2009 Quarterly
Online Banking transfer from chk 8266	5/18/2009	\$5.00	6348235700	October 2009 Quarterly
Online Banking transfer from chk 8266	5/18/2009	\$25.00	6148227778	October 2009 Quarterly
Bank of America Des: Payment	7/6/2009	\$50.00		October 2009 Quarterly
cash	7/13/2009	\$115.50	cash	October 2009 Quarterly
cash	7/15/2009	\$5.00	cash	October 2009 Quarterly

Contributor	Deposit Date	Amount	Item	Correct Report
cash	7/17/2009	\$30.00	cash	October 2009 Quarterly
cash	7/22/2009	\$13.70	cash	October 2009 Quarterly
Online Banking transfer from Sav 2353	7/31/2009	\$1.00	6604512174	October 2009 Quarterly
Online Banking transfer from Sav 2353	9/21/2009	\$2.00		October 2009 Quarterly
Bank of America ATM deposit 23rd St	9/22/2009	\$200.00		October 2009 Quarterly
cash	11/12/2009	\$5.00	cash	January 2010 Quarterly
Bank of America ATM deposit 23rd St	11/13/2009	\$40.00		January 2010 Quarterly
cash	1/22/2010	\$5.00	cash	April 2010 Quarterly
Bank of America ATM deposit 23rd St	1/22/2010	\$240.00		April 2010 Quarterly
MO Trl transfer	1/25/2010	\$25.00		April 2010 Quarterly
Online Banking transfer from chk 8266	1/25/2010	\$25.00		April 2010 Quarterly
Online Banking transfer from chk 8266	2/11/2010	\$50.00		April 2010 Quarterly
Bank of America ATM deposit Independence	3/2/2010	\$400.00		April 2010 Quarterly
Ghausia Enterprises Inc	4/5/2010	\$20.00	2005	July 2010 Quarterly
Zia U Warraich	4/5/2010	\$500.00	1229	July 2010 Quarterly
Bank of America ATM deposit 23rd St	4/16/2010	\$100.00		July 2010 Quarterly
Inner City United Oil Company	5/12/2010	\$500.00	1032	July 2010 Quarterly

Contributor	Deposit Date	Amount	Item	Correct Report
Bank of America ATM deposit Independence	5/19/2010	\$500.00		July 2010 Quarterly
Jeremy Ploeger	6/17/2010	\$1,430.00	254318	July 2010 Quarterly
cash	7/9/2010	\$880.00	cash	8 day before 8/3/10 primary election
Check Card Walmart BlueSprings	7/12/2010	\$25.88		8 day before 8/3/10 primary election
Shahzad Shafique or Labna Shahzad	7/27/2010	\$200.00	1114	30 day after 8/3/10 primary election
Jeremy Ploeger	7/27/2010	\$1,500.00	263166	30 day after 8/3/10 primary election
cash	7/28/2010	\$54.65	cash	30 day after 8/3/10 primary election
Actblue Missouri	8/3/2010	\$24.01	3000021531	30 day after 8/3/10 primary election
Pat or Julie O'Neill	8/3/2010	\$150.00	2734	30 day after 8/3/10 primary election
	Total	\$7,221.74		

17. Respondents reported the following \$2,498.31 in contributions that were not substantiated by any documentation:

Contributor	Date	Amount	Report
Sarah Graybill	2/10/2010	\$50.00	April10Quarterly
Michael Martinez-Gonzales	2/18/2010	\$20.00	April10Quarterly
Rana Usman	2/18/2010	\$100.00	April10Quarterly
Khawar Mehdi	3/31/2010	\$500.00	April10Quarterly
Ritchie Owens	3/31/2010	\$1,000.00	April10Quarterly
Christina Christina Delgado	6/30/2010	\$350.00	July10Quarterly
Gerald Ploeger	7/1/2010	\$450.00	8DayPrimary8/3/2010
Jeremy Ploeger	8/3/2010	\$28.31	30DayPrimary8/3/2010
	Total	\$2,498.31	

COUNT V

Cash contributions in excess of \$100

18. Respondents accepted the following cash contributions of more than \$100 each:

Date	Item	Contributor	Amount
7/13/2009	cash	cash	\$115.50
6/10/2010	cash	cash	\$2,500.00
7/9/2010	cash	cash	\$880.00
7/9/2010	cash	cash	\$500.00
		Total	\$3,995.50

COUNT VI

Failure to timely and accurately report independent contractor expenditures

19. Respondents made five expenditures to “Regional Growth Consultants,” or “RGC,” three of which were reported with the purpose “consultant,” and two of which were reported with no purpose at all.

20. In addition, Respondents failed to report the following \$5,050 in independent contractor payments to RGC on the “Independent Contractor Expenditure Supplemental,” which is a form supplied by the Missouri Ethics Commission:

Date	Item	Recipient	Purpose	Amount
3/3/2010	2026	Regional Growth Consultants		\$750.00
4/6/2010	2030	RGC	Push Cards	\$950.00
4/19/2010	2033	RGC	Consultants	\$750.00
5/13/2010	2046	RGC	Consultants	\$750.00
6/10/2010	2035	RGC	Consultants	\$750.00
7/7/2010	2041	RGC		\$750.00
8/9/2010	2047	RGC	Robo Calls	\$150.00

8/9/2010	2048	RGC	GOTV	\$200.00
		Total		\$5,050.00

COUNT VII

Failure to timely and accurately report loans and indebtedness

21. On March 30, 2010, Respondents incorrectly reported a loan in the amount of \$3,000, because he deposited \$3,033.48 into the official fund depository.

22. Between March 30, 2010, and June 14, 2010, Respondents incorrectly reported loan repayments as expenditures, and did not file supplemental loan disclosure forms.

23. Respondents incorrectly reported loan repayments in the amount of \$2,600, when bank records reflect an actual amount of \$1,800.

24. Respondents failed to accurately report indebtedness of Respondent Friends for Ploeger on four reports: 1) the April 2010 quarterly report, 2) the July 2010 quarterly report, 3) the 8 day before primary report, and 4) the 30 day after primary report.

COUNT VIII

Failure to timely and accurately report expenditures

25. Respondents failed to disclose the following \$7,649.09 in expenditures:

Date	Item	<u>Recipient</u>	Amount	Correct Report
1/21/2010	2018	Gerald Ploeger	\$250.00	April 2010 Quarterly Report
2/16/2010	Check Card	Cns Express Ll	\$142.77	April 2010 Quarterly Report
3/1/2010	2024	Tara Trussell	\$450.00	April 2010 Quarterly Report

Date	Item	<u>Recipient</u>	Amount	Correct Report
3/3/2010	Check Card	Capitol Federa	\$102.00	April 2010 Quarterly Report
3/10/2010	Check Card	Bank of America ATM Withdrawal	\$600.00	April 2010 Quarterly Report
3/11/2010	Check Card	Bank of America ATM Withdrawal	\$520.00	April 2010 Quarterly Report
4/5/2010	Check Card	Bank of America ATM Withdrawal	\$400.00	July 2010 Quarterly Report
4/5/2010	Check Card	Temp Stp Withdrawal	\$202.00	July 2010 Quarterly Report
4/23/2010	2032	J Nava	\$500.00	July 2010 Quarterly Report
4/27/2010	Check Card	Bank of America ATM Withdrawal	\$120.00	July 2010 Quarterly Report
5/19/2010	Check Card	Bank of America ATM Withdrawal	\$500.00	July 2010 Quarterly Report
6/14/2010	2038	Amenda Revels	\$750.00	July 2010 Quarterly Report
6/14/2010	Check Card	Bank of America ATM Withdrawal	\$160.00	July 2010 Quarterly Report
6/14/2010	Check Card	Bank of America ATM Withdrawal	\$520.00	July 2010 Quarterly Report

Date	Item	<u>Recipient</u>	Amount	Correct Report
6/18/2010	Check Card	Zafar Boutique and Salo	\$128.19	July 2010 Quarterly Report
7/6/2010	Check Card	Crazy Joes	\$127.32	8 day before 8/3/10 primary election report
7/8/2010	Check Card	Bank of America ATM Withdrawal	\$200.00	8 day before 8/3/10 primary election report
8/2/2010	2044	Service Printing & Graphics Inc	\$300.00	30 day after 8/3/10 primary election report
8/2/2010	2045	Service Printing & Graphics Inc	\$1,498.81	30 day after 8/3/10 primary election report
8/9/2010	Check Card	Marina Punta T	\$178.00	30 day after 8/3/10 primary election report
		Total	\$7,649.09	

26. In addition, Respondents inaccurately reported the following \$2,147.71 in expenditures, resulting in over-reporting expenditures by \$850.33:

Date	Item	<u>Recipient</u>	Amount in bank records	Amount Reported
4/27/2010	2040	Jeremy Ploeger	\$1,000.00	\$1,800.00
6/1/2010	Check Card	Lowes	\$47.44	\$63.15
6/30/2010	Check Card	The Family After	\$120.00	\$130.00
7/2/2010	Check Card	Westlake Hardware	\$129.94	\$154.56
		Totals	\$1,297.38	\$2,147.71

27. Respondents reported the following two contributions as expenditures, and not as contributions to another committee:

<u>Recipient</u>	<u>Purpose</u>	<u>Amount</u>	<u>Report</u>
Egger For Missouri	Egger For Missouri	\$25.00	April 2010 quarterly
Citizens for Gerling	Citizens for Gerling	\$100.00	April 2010 quarterly
	Total	\$125.00	

28. Respondents underreported by \$750.43 the aggregate amount of expenditures under \$100:

<u>Reported</u>	<u>Amount reported</u>	<u>Correct amount</u>	<u>Difference</u>
October 2009 Quarterly Report	\$509.74	\$920.01	
January 2010 Quarterly Report	\$226.64	\$369.04	
April 2010 Quarterly Report	\$1,156.81	\$1,175.62	
July 2010 Quarterly Report	\$986.78	\$1,155.73	
8 day before primary election	\$471.86	\$481.86	
Total	\$3,351.83	\$4,102.26	\$750.43

COUNT IX

Failure to timely file a statement of committee organization

29. Respondent Friends for Ploeger is a candidate committee as defined by Section 130.011, RSMo.

30. Respondent Ploeger was not excluded from forming a candidate committee under Section 130.016, RSMo, nor did he file a sworn exemption statement under Section 130.016, RSMo.

31. Respondent Ploeger formed a committee on or before April 24, 2009, when Respondents opened the committee's official fund depository in the name of the candidate committee Friends for Ploeger.

32. Respondents failed to file a statement of committee organization until July 13, 2009, which was at least 80 days after the committee formed, and therefore at least 60 days past the deadline for filing such a statement.

COUNT X

Failure to timely and accurately file campaign finance reports

33. Respondents did not file the following campaign finance reports:

<u>Report</u>	<u>Due Date</u>	<u>Date Filed</u>
October 2010 Quarterly Report	10/15/2010	Not Filed
April 2011 Quarterly Report	4/15/2011	Not Filed
July 2011 Quarterly Report	7/15/2011	Not Filed
October 2011 Quarterly Report	10/15/2011	Not Filed
January 2012 Quarterly Report	1/15/2012	Not Filed

34. Respondents did not timely file the following campaign finance reports:

<u>Report</u>	<u>Due Date</u>	<u>Date Filed</u>
October 2009 Quarterly Report	10/15/2009	10/19/2009
January 2010 Quarterly Report	1/15/2010	1/22/2010
April 2010 Quarterly Report	4/15/2010	4/16/2010
30 Day After Primary 8/3/2010 election Report	9/2/2010	9/28/2010

COUNT XI

Making expenditures other than through the official fund depository

35. Respondents made the following expenditures totaling \$45 to reimburse the committee treasurer, Amanda Revels, for expenditures she made that were not through the committee's official fund depository:

Date	Item	Recipient	Amount
5/10/2010	EFT	Online Banking Transfer	\$40.00
6/2/2010	EFT	Online Banking Transfer	\$5.00
		Total	\$45.00

COUNT XII

Failure to terminate committee or change into debt service committee

36. Respondents' official fund depository, U.S. Bank, forced Respondents' account closed on December 1, 2010.

37. Respondents should have terminated the candidate committee Friends for Ploeger on that date, but they did not.

38. Respondents should have filed a termination report by December 11, 2010, but they did not.

Conclusions of Law

COUNT I

Conversion of contributions to personal use

39. Contributions "received by any committee shall not be converted to any personal use." § 130.034.1, RSMo.

40. Contributions may be used for any purpose allowed by law including, but not limited to:

- (1) Any ordinary expenses incurred relating to a campaign;
- (2) Any ordinary and necessary expenses incurred in connection with the duties of a holder of elective office;
- (3) Any expenses associated with the duties of candidacy or of elective office pertaining to the entertaining of or providing social courtesies to constituents, professional associations, or other holders of elective office;
- (4) The return of any contribution to the person who made the contribution to the candidate or holder of elective office;
- (5) To contribute to a political organization or candidate committee as allowed by law;
- (6) To establish a new committee as defined by this chapter;
- (7) To make an unconditional gift which is fully vested to any charitable, fraternal or civic organizations or other associations formed to provide for some good in the order of benevolence, if such candidate, former candidate or holder of elective office or such person's immediate family gain no direct financial benefit from the unconditional gift;
- (8) Except when such candidate, former candidate or holder of elective office dies while the committee remains in existence, the committee may make an unconditional gift to a fund established

for the benefit of the spouse and children of the candidate, former candidate or holder of elective office. The provisions of this subdivision shall expire October 1, 1997.

§ 130.034.2, RSMo.

41. There is probable cause to believe that Respondents Ploeger and Friends for Ploeger violated Section 130.034, RSMo, by converting approximately \$418.15 in contributions to Respondent Ploeger's own personal use, including \$349.15 spent on a trip to Cozumel, Mexico, and \$69.00 for teeth whitening.

COUNT II

Cash expenditures in excess \$50 and in excess of 10% of all expenditures during the calendar year

42. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each 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. 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. A check made payable to "cash" shall not be made except to replenish a petty cash fund. § 130.031.2, RSMo.

43. There is probable cause to believe that Respondents Ploeger and Friends for Ploeger violated Section 130.031.2, RSMo, by making cash expenditures and/or withdrawals

totaling \$3,924, each of which were in excess of \$50, and annually were in excess of 10% of Respondents' total annual expenditures.

COUNT III

Failure to itemize payments made to campaign workers

44. Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

...

(4) Expenditures for the period, including:

...

(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)(d), RSMo (emphasis added).

45. There is probable cause to believe that Respondents Ploeger and Friends for Ploeger violated Section 130.041.1(4)(d), RSMo, by listing \$100 in expenditures for campaign workers as “Election Poll Workers,” rather than providing the name, address, date, and purpose of each expenditure and failing to provide the aggregate amount paid to each worker, and by failing to report twenty three (23) payments to seven (7) campaign workers, for a total of \$3,140, and failing to report those campaign workers’ names, address, dates worked, purpose of each payment, and aggregate amount paid to each worker.

COUNT IV

Failure to timely and accurately report contributions received

46. “Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

...

(3) 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;

(b) Total amount of all anonymous contributions accepted;

(c) Total amount of all monetary contributions received through fund-raising events or activities from participants whose names and addresses were not obtained with such contributions, with an attached statement or copy of the statement describing each fund-raising event as required in subsection 6 of section 130.031;

(d) Total dollar value of all in-kind contributions received;

(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.

47. There is probable cause to believe that Respondents Ploeger and Friends for Ploeger violated Section 130.041.1, RSMo, by failing to report \$7,221.74 in contributions and by reporting \$2,498.31 in contributions that were not substantiated by documentation.

COUNT V

Cash contributions in excess of \$100

48. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a political action committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee. § 130.031.1, RSMo.

49. There is probable cause to believe that Respondents Ploeger and Friends for Ploeger violated Section 130.031.1, RSMo, by accepting four cash contributions of more than \$100 each, which totaled \$3,995.50.

COUNT VI

Failure to timely and accurately report independent contractor expenditures

50. “The words ‘consulting or consulting services, fees, or expenses’, or similar words, shall not be used to describe the purpose of a payment as required in this section. The reporting of any payment to such an independent contractor shall be on a form supplied by the appropriate officer, established by the ethics commission and shall include identification of the specific service or services provided including, but not limited to, public opinion polling, research on issues or opposition background, print or broadcast media production, print or broadcast media purchase, computer programming or data entry, direct mail production, postage,

rent, utilities, phone solicitation, or fund raising, and the dollar amount prorated for each service.” § 130.041.4, RSMo.

51. There is probable cause to believe that Respondents Ploeger and Friends for Ploeger violated Section 130.041.4, RSMo, by making five expenditures to the independent contractor RGC and failing to report the purpose of those expenditures, and by failing to file a supplemental independent contractor disclosure form for \$5,050 worth of expenditures to RGC.

COUNT VII

Failure to timely and accurately report loans and indebtedness

52. “Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

...

(3) Receipts for the period, including:

...

(f) A listing of each loan received by name and address of the lender and date and amount of the loan. For each loan of more than one hundred dollars, a separate statement shall be attached setting forth the name and address of the lender and each person liable directly, indirectly or contingently, and the date, amount and terms of the loan;

...

(4) Expenditures for the period, including:

...

(e) A list of each loan made, by name and mailing address of the person receiving the loan, together with the amount, terms and date;

...

(6) The total amount of outstanding indebtedness as of the closing date of the reporting period covered

§ 130.041.1, RSMo.

53. There is probable cause to believe that Respondents Ploeger and Friends for Ploeger violated Section 130.041.1, RSMo, by incorrectly reporting loans and indebtedness on four campaign finance disclosure reports.

COUNT VIII

Failure to timely and accurately report expenditures

54. Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

...

(4) 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;

(e) A list of each loan made, by name and mailing address of the person receiving the loan, together with the amount, terms and date;

...

(8) A separate listing by full name and address of any committee including a candidate committee controlled by the same candidate 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, RSMo.

55. There is probable cause to believe that Respondents Ploeger and Friends for Ploeger violated Section 130.041.1, RSMo, by failing to disclose \$7,649.09 in expenditures, inaccurately reporting expenditures over \$100 each, inaccurately reporting contributions to other committees as expenditures, and inaccurately reporting expenditures of \$100 or less by category.

COUNT IX

Failure to timely file a statement of committee organization

56. The treasurer or deputy treasurer acting on behalf of any person or organization or group of persons which is a committee by virtue of the definitions of committee in section 130.011 and any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046.

§ 130.021.5, RSMo.

57. There is probable cause to believe that Respondents Ploeger and Friends for Ploeger violated Section 130.021.5, RSMo, by failing to timely file a statement of committee organization, because they filed at least 60 days past the deadline.

COUNT X

Failure to timely and accurately file campaign finance reports

58. 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.

59. There is probable cause to believe that Respondents Ploeger and Friends for Ploeger violated Section 130.046.1, RSMo, by failing to file five campaign finance disclosure reports and failing to timely file another four campaign finance disclosure reports .

COUNT XI

Making expenditures other than through the official fund depository

60. “Contributions shall not be accepted and expenditures shall not be made by a committee except by or through an official depository account and the committee treasurer, deputy treasurer or candidate.” §130.021.4

61. There is probable cause to believe that Respondents Ploeger and Friends for Ploeger violated Section 130.021.4, RSMo, by making \$45 in expenditures other than through the candidate committee’s official fund depository by permitting the committee’s treasurer to make expenditure through her personal account.

COUNT XII

Failure to terminate committee or change into debt service committee

62. Upon termination of a committee, a termination statement indicating dissolution shall be filed not later than ten days after the date of dissolution with the appropriate officer or officers with whom the committee's statement of organization was filed. The termination statement shall include: the distribution made of any remaining surplus funds and the disposition of any deficits; and the name, mailing address and telephone number of the individual responsible for preserving the committee's records and accounts as required in section 130.036. § 130.021.8, RSMo.

63. A candidate committee “shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election.” § 130.011(5), RSMo.

64. Candidates whose “30 day after report” reflects “outstanding obligations in excess of moneys on hand[] may convert their [] committee to a debt service committee.” § 130.037, RSMo.

65. There is probable cause to believe that Respondents Ploeger and Friends for Ploeger violated Section 130.021.8, RSMo, by failing to terminate the committee or convert into a debt service committee on December 11, 2010, and by failing to file a termination report by December 11, 2010.

ORDER

The Missouri Ethics Commission finds probable cause that Respondents Jeremy Ploeger and Friends for Ploeger violated, and have knowingly violated, sections 130.034, 130.031.2, 130.041.1(4), 130.041.1, 130.031.1, 130.041.4, 130.041.1, 130.021.5, 130.046.1, 130.021.4, 130.021.8, RSMo.

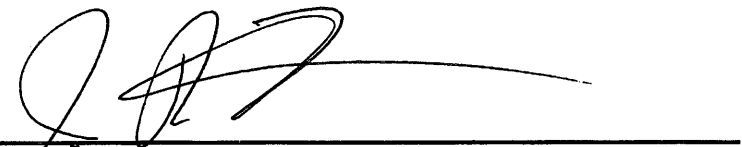
The Missouri Ethics Commission orders a fee be imposed against Respondents Ploeger and Friends for Ploeger in the amount of \$41,611.09 pursuant to Section 105.961.4(6), RSMo.

The Commission further orders Respondents to file accurately all necessary campaign finance reports and statements and terminate Friends for Ploeger committee.

If either Respondent pays \$4,161.10 of that fee within forty-five (45) days of the date of this Order and files all required campaign finance disclosure reports, the remainder of the fee will be stayed for two years, subject to the provisions below.

If Respondents Ploeger and Friends for Ploeger commit any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo, as amended, during this two year stay, Respondents Ploeger and Friends for Ploeger will be required to pay the balance of the fee as originally imposed by the Commission. The amount of the balance will be due immediately upon final adjudication finding probable cause of such a violation. Respondents Ploeger and Friends for Ploeger shall be jointly and severally liable for the balance.

SO ORDERED THIS 13th day of February, 2012.



Jim Wright, Chairman
MISSOURI ETHICS COMMISSION