

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
FEB 26 2010
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION)
)
Petitioner,)
)
v.) No. 09R248
)
ANDREA FLINDERS, Treasurer)
5229 Bellefontaine)
Kansas City, MO 641309)
)
and)
)
SAVE OUR SCHOOLS, Committee)
5229 Bellefontaine)
Kansas City, MO 64130)
)
Respondents.)

CONSENT ORDER

The parties having filed a Joint Stipulation of Facts, Waiver of Hearings before the Missouri Ethics Commission, and Consent Order with Proposed Findings of Fact and Conclusions of Law ("Joint Stipulation") with the Missouri Ethics Commission in this matter, the Missouri Ethics Commission hereby accepts as true the facts stipulated and finds that the Respondents Andrea Flinders, Treasurer, and Save Our Schools, Committee, violated §130.041.1(3), §130.046.5(2), §130.021.8, and §130.041.1(4), RSMo as stated in the Joint Stipulation.

The Commission directs that all terms and orders of the Joint Stipulation be adopted herein and implemented.

- a. Respondents agree that they will 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 the Respondents Save Our Schools and Andrea Flinders in the amount of \$2,000.00 pursuant to §105.961.4(6) RSMo. However, if Respondents pay \$200.00 of that fee after the date of the Order, the remainder of the fee will be stayed for two years, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission.

c. If Respondents Save Our Schools and Andrea Flinders have not committed any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo, during the two year stay, then the Respondents will not be required to pay the remainder of the fee. If, however, either Respondent is found to have violated the campaign finance laws pursuant to Chapter 130, RSMo 2000, during this two year stay, Respondents will be required to pay the remainder of the fee as originally imposed by the Commission. The fee will be due immediately upon final adjudication finding Respondents guilty of such a violation.

SO ORDERED this 26th day of February, 2010.

By: 
Michael Kilgore

**BEFORE THE
MISSOURI ETHICS COMMISSION**

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SAVE OUR SCHOOLS, Committee)	
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Respondents.)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARINGS 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 Respondent, Andrea Flinders, acknowledges that she has 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 Respondent further acknowledges that she is 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 charges against Respondents proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondents; the right to present evidence on Respondents' own behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to the 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 Hearings 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 FINDINGS OF FACT

1. The Missouri Ethics Commission (“the Commission”) is an agency of the State of Missouri established pursuant to §105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.
2. Respondent Save our Schools (“Committee”) was registered as a campaign committee with the Jackson County Board of Election, which was in existence at all relevant times.
3. Respondent Andrea Flinders was, at all relevant times, the treasurer of the committee, and therefore responsible for filing campaign finance reports for Respondent Committee, pursuant to §130.041.1 and §130.058, RSMo.
4. On October 4, 2007, a Statement of Committee Organization was filed with the Jackson County Election Authority, specifying Respondent Committee as a campaign committee. The statement contained information that Respondent Committee opposed “a ballot initiative – changing school district boundary lines” on the November

6, 2007 election. The Statement of Committee Organization was signed by Respondent Flinders as Treasurer.

5. Pursuant to §130.026, RSMo, the election authority for the district or political subdivision is the appropriate officer designated to receive campaign finance reports for a campaign committee.

6. On August 11, 2009, the Jackson County Board of Election Commissioners referred Respondents to Petition for non-compliance in filing campaign finance disclosure reports.

7. Respondents filed a termination statement on October 8, 2009.

8. On September 25, 2009, the KC Federation of Teachers forgave the debt of \$1,500.00 owed by Respondent Committee.

9. On November 30, 2009, Respondents filed an amended termination statement.

10. Pursuant to §105.961.1, RSMo, a special investigator has conducted an investigation and reported findings to the Commission.

JOINT CONCLUSIONS OF LAW

Count I– Quarterly Reports

1. Section 130.046. 1(3), RSMo, provides the quarterly disclosure reports required by §130.041 for all committees shall be filed not later than the fifteenth day following the close of each calendar quarter.

2. §130.046. 5(2), RSMo, provides:

No disclosure report needs to be filed for any reporting period if during that reporting period the committee has neither received contributions aggregating more than five hundred dollars nor made expenditure aggregating more than five hundred dollars and has not received

contributions aggregating more than three hundred dollars from any single contributor and if the committee's treasurer files a statement with the appropriate officer that the committee has not exceeded the identified thresholds in the reporting period.

3. On October 8, 2009, the following four (4) limited activity reports, were due on the 15th day of the respective months as follows: October 2008, and January, April and July 2009.

4. There is probable cause to believe that Respondents violated §130.041.1(3), RSMo, and §130.046.5(2), RSMo, by failing to file timely limited activity disclosure reports for the periods of October 2008, and January, April and July 2009, and that Respondents did so knowingly.

Count II- Termination Statement

5. Section 130.011(8), RSMo, requires that a campaign committee shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election.

6. §130.021. 8, RSMO, provides:

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.

7. §130.041.1(4), RSMo, requires the treasurer to report all expenditures as follows:

(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;

8. On the April 2008 Quarterly Disclosure Statement, Respondent Andrea Flinders reported a balance on hand of \$369.95 and committee debt of \$1,500.00.

9. On the termination statement filed October 8, 2009, Respondent Andrea Flinders reported no money on hand.

10. On the amended termination statement filed November 30, 2009, Respondents reported a contribution of \$56.33 from Respondent Flinders, an expenditure of \$425.98 for checking account service charges, and the forgiveness of committee debt by the KC Federation of Teachers.

11. There is probable cause that Respondents violated §130.021. 8, RSMO, and §130.041.1(4), RSMo, by failing to timely and accurately report expenditures made or the distribution made of any remaining surplus funds and the disposition of any deficits on the committee's termination statement filed October 8, 2009 and did not timely and accurately file a termination statement until November 20, 2009 , and that Respondents 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 to this Joint Stipulation 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 agree that they will 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 the Respondents Save Our Schools and Andrea Flinders in the amount of \$2,000.00 pursuant to §105.961.4(6) RSMo. However, if Respondents pay \$200.00 of that fee after the date of the Order, the remainder of the fee will be stayed for two years, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission.

c. If Respondents Save Our Schools and Andrea Flinders have not committed any further violations of the campaign finance disclosure laws pursuant to Chapter 130, RSMo, during the two year stay, then the Respondents will not be required to pay the remainder of the fee. If, however, either

Respondent is found to have violated the campaign finance laws pursuant to Chapter 130, RSMo 2000, during this two year stay, Respondents will be required to pay the remainder of the fee as originally imposed by the Commission. The fee will be due immediately upon final adjudication finding Respondents guilty of such a violation.

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

4. Respondents, together with their heirs, successors and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorney 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 and their attorney now have or which they may hereafter have, which is based upon or arises out of the above case.

RESPONDENT

By: Andrea Flinders 2/19/10
Andrea Flinders Date

PETITIONER

By: Julie A. Allen 2/23/10
Julie A. Allen Date

By: Elizabeth L. Ziegler 2/24/10
Elizabeth L. Ziegler Date
General Counsel
Missouri Ethics Commission
Missouri Bar No. 35493
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