

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. Respondents The 20th Ward Open Democratic Organization and Kucharski registered as a continuing committee with the Missouri Ethics Commission on April 3, 2017 by filing a Statement of Committee Organization.

3. Respondent Kucharski was named as the committee's treasurer on the Statement of Committee Organization.

4. Respondents opened a bank account at US Bank at 3430 South Grand Blvd, St. Louis, MO 63118 with account number *8405 on March 2, 2017 in the name of Wendy R Campbell DBA The 20th Ward Open Democratic Organization.

5. Pursuant to § 105.961, RSMo, the Commission's staff investigated complaints 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 a violation of law occurred, and it therefore authorized a hearing in this matter pursuant to § 105.961.3, RSMo.

COUNT I

Failure to timely file a Statement of Committee Organization

7. On March 7, 2017 there was a primary municipal election held in St. Louis City, MO.

8. If a committee received contributions or made expenditures for the March 7, 2017 primary municipal election, the committee would have needed to form no later than January 6, 2017 and file its Statement of Committee Organization within 20 days of becoming a committee.

9. On March 6, 2017, the committee received a single contribution totaling \$300.00.

10. On March 6, 2017, the committee purchased 1,000 sample ballots from The Ink Spot Inc. for \$38.10 in support of Tishaura Jones for Mayor and Darlene Green for Comptroller; both were candidates for the March 7, 2017 municipal primary election.

11. The committee's Statement of Committee Organization was filed with the Missouri Ethics Commission on April 3, 2017.

12. Respondents The 20th Ward Open Democratic Organization and Kucharski failed to form as a committee with the Missouri Ethics Commission by January 6, 2017 and file a Statement of Committee Organization within 20 days after becoming a committee.

13. Respondents The 20th Ward Open Democratic Organization and Kucharski also failed to file the Statement of Committee Organization within 20 days of March 6, 2017, the date it received a single contribution over \$250.00.

COUNT II

Making expenditures by a party other than the treasurer

14. On March 6, 2017, Respondent Campbell withdrew \$200.00 from the official fund depository account. Respondent Campbell was not the treasurer or deputy treasurer of the committee at the time of the withdrawal.

COUNT III

Cash contributions and expenditures in excess of limits

15. On March 13, 2017, a single transaction of \$170.00 in cash was deposited into the committee's official fund depository account, which exceeded the allowable limit of \$100.00.

16. On March 6, 2017, a single transaction of \$200.00 in cash was withdrawn from the committee's official fund depository account, which exceeded the allowable limit of \$50.00.

COUNT IV

Failure to accurately report ending money on hand

17. Respondents The 20th Ward Open Democratic Organization and Kucharski inaccurately reported \$331.90 as the ending money on hand on the 2017 April Quarterly report, when the actual money on hand was \$365.00.

COUNT V

Failure to timely and accurately report contributions received

18. Respondents The 20th Ward Open Democratic Organization and Kucharski failed to report two monetary contributions over \$100.00, which appeared in the committee's official fund depository account, totaling \$470.00.

Contributor Name	Amount	Date	Report Not Showing Contribution
Tim Persons & Associates LLC	\$300.00	3/6/17	April Quarterly Report
Cash	\$170.00	3/13/17	April Quarterly Report
Total	\$470.00		

19. Respondents The 20th Ward Open Democratic Organization and Kucharski failed to report three monetary contributions of \$100.00 or less, which appeared in the committee's official fund depository account, totaling \$55.00.

Contributor Name	Amount	Date	Report Not Showing Contribution
Jack Pittman	\$30.00	3/7/17	April Quarterly Report
Jake (unknown last name)	\$20.00	3/7/17	April Quarterly Report
Wendy Campbell	\$5.00	3/7/17	April Quarterly Report
Total	\$55.00		

20. Respondents The 20th Ward Open Democratic Organization and Kucharski reported on its 2017 April Quarterly report that it received two contributions totaling \$330.00, which do not appear in the committee's official fund depository account.

Contributor	Date	Amount	Report Showing Contribution
Darlène Green for Comptroller	3/6/2017	\$300.00	April Quarterly Report
Jack Pittman	3/2/2017	\$30.00	April Quarterly Report

COUNT VI

Failure to timely and accurately report expenditures

21. Respondents The 20th Ward Open Democratic Organization and Kucharski failed to report a \$200.00 cash expenditure withdrawn from the account on March 6, 2017.

22. On March 6, 2017, Respondents The 20th Ward Open Democratic Organization and Kucharski reported a \$38.10 expenditure on its 2017 April Quarterly report for 1,000 sample ballots from The Ink Spot Inc. This expenditure could not be found in the committee’s official fund depository account.

COUNT VII

Improper “Paid for by” disclosure

23. On March 6, 2017, Respondents The 20th Ward Open Democratic Organization and Kucharski purchased 1,000 sample ballots from The Ink Spot Inc. for \$38.10 in support of Tishaura Jones for Mayor and Darlene Green for Comptroller for the March 7, 2017 municipal primary election; however, the materials failed to include the words “Paid for By The 20th Ward Open Democratic Organization, Treasurer Elizabeth Kucharski”.

COUNT VIII

Failure to maintain committee records in accordance with accepted normal bookkeeping procedures

24. Respondents The 20th Ward Open Democratic Organization and Kucharski did not provide invoices, checks, receipts, and deposit records necessary to prepare and substantiate some of the contributions that Respondents received and expenditures that Respondents made and Respondents did not provide requested records.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to timely file a Statement of Committee Organization

25. Section 130.011(7), RSMo, defines a committee as “a person or any combination of persons, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for the purpose of contributing funds to another committee:”

(a) "Committee", does not include a person or combination of persons, if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds five hundred dollars and if no single contributor has contributed more than two hundred fifty dollars of such aggregate contributions;”

§ 130.011(7)(a), RSMo.

26. Section 130.011(10), RSMo, defines a continuing committee as "a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee or campaign committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter... Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures [.]”

27. Pursuant to § 130.021.5, RSMo, a committee by virtue of the definitions of committee in § 130.011... 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 § 130.046, RSMo.

28. Pursuant to § 130.026.5, RSMo, the appropriate officer for the continuing committee was the Missouri Ethics Commission.

29. There is probable cause to believe that Respondents The 20th Ward Open Democratic Organization and Kucharski violated §§ 130.021.5, and 130.026.5, RSMo, by failing to timely form a committee and file a Statement of Committee Organization with the Missouri Ethics Commission, and that Respondents did so knowingly.

COUNT II

Making expenditures by a party other than the treasurer

30. “[E]xpenditures shall not be made by a committee except through an official depository account and the committee treasurer, deputy treasurer or candidate.” § 130.021.4(1), RSMo.

31. Except for expenditures from a petty cash fund, “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.” § 130.031.2, RSMo.

32. There is probable cause to believe that Respondents violated §§ 130.021.4(1) and 130.031.2, RSMo, when Respondents The 20th Ward Open Democratic Organization and Kucharski knowingly permitted Respondent Campbell, who was not the treasurer or deputy

treasurer of the committee, to withdraw \$200.00 from the committee's official fund depository account, and that Respondents did so knowingly.

COUNT III

Cash contributions and expenditures in excess of limits

33. For purposes of Chapter 130, RSMo, cash means "currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor." § 130.011(6), RSMo.

34. "No contribution of cash in an amount of more than one hundred dollars shall be ... accepted from any single contributor for any election by a ... continuing committee." § 130.031.1, RSMo.

35. There is probable cause to believe that Respondents The 20th Ward Open Democratic Organization and Kucharski violated §§ 130.031.1 and 130.031.2, RSMo, by making a single cash expenditure totaling \$200.00, which exceeded the \$50.00 allowable amount for a cash expenditure and by depositing a single cash contribution of \$170.00, which exceeded the \$100.00 allowable amount for cash contributions, and that Respondents did so knowingly.

COUNT IV

Failure to accurately report ending money on hand

36. The disclosure reports must contain the total amount of money on hand at the end of the reporting period. § 130.041.1(5), RSMo.

37. There is probable cause to believe that Respondents The 20th Ward Open Democratic Organization and Kucharski violated § 130.041.1(5), RSMo, by failing to accurately report ending money on hand on the 2017 April Quarterly report, and that Respondents did so knowingly.

COUNT V

Failure to timely and accurately report contributions received

38. Committees are required to report receipts for each reporting 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[.]

§ 130.041.1(3)(a), RSMo.

39. “Contributions shall not be accepted... except by or through an official depository account.” § 130.021.4(1), RSMo

40. There is probable cause to believe that Respondents The 20th Ward Open Democratic Organization and Kucharski violated §§ 130.041.1(3)(a) and 130.021.4(1), RSMo, by failing to report five monetary contributions totaling \$525.00 which appeared in the committee’s official fund depository account and reported two contributions totaling \$330.00, which do not appear in the committee’s official fund depository account, and that Respondents did so knowingly.

COUNT VI

Failure to timely and accurately report expenditures

41. Committees are required to report expenditures for each reporting 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.

42. “[E]xpenditures shall not be made by a committee except through an official depository account[.]” § 130.021.4(1), RSMo

43. There is probable cause to believe that Respondents The 20th Ward Open Democratic Organization and Kucharski violated §§ 130.021.4(1) and 130.041.1(4)(d), RSMo, by failing to report a \$200.00 expenditure and reporting a \$38.10 expenditure that could not be found in the committee’s official fund depository account, and that Respondents did so knowingly.

COUNT VII

Improper “Paid for by” disclosure

44. “Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office ... shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words ‘Paid for by’ followed by the proper identification of the sponsor pursuant to this section.” § 130.031.8, RSMo.

45. “In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.” § 130.031.8(2), RSMo.

46. There is probable cause to believe that Respondents The 20th Ward Open Democratic Organization and Kucharski violated § 130.031.8, RSMo, by publishing, circulating, and distributing sample ballots on March 7, 2017 without a true and accurate “paid for by” disclosure statement and that Respondents did so knowingly.

COUNT VIII

Failure to maintain committee records in accordance with accepted normal bookkeeping procedures

47. “The candidate, treasurer or deputy treasurer of a committee shall maintain accurate records and accounts on a current basis.” §130.036.1, RSMo.

48. “The records and accounts shall be maintained in accordance with accepted normal bookkeeping procedures and shall contain the bills, receipts, deposit records, cancelled checks and other detailed information necessary to prepare and substantiate any statement or report required to be filed pursuant to this chapter.” § 130.036.1, RSMo.

49. “All records and accounts of receipts and expenditures shall be preserved for at least three years after the date of the election to which the records pertain. Records and accounts regarding supplemental disclosure reports or reports not required pursuant to an election shall be

preserved for at least three years after the date of the report to which the records pertain. Such records shall be available for inspection by the campaign finance review board and its duly authorized representatives.” § 130.036.8, RSMo.

50. There is probable cause to believe that Respondents The 20th Ward Open Democratic Organization and Kucharski violated §§ 130.036.1 and 130.036.8, RSMo, by failing to maintain the committee’s finance records and accounts in accordance with accepted normal bookkeeping procedures, including bills, receipts, deposit records, cancelled checks and other detailed information necessary to prepare and substantiate any statement or report required under Chapter 130, RSMo, 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 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 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 in the amount of \$6,195, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$889 of that fee within forty-five 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. Regardless of the stay in paragraph 2.b above, if any Respondent 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 will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that any Respondent has committed 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.

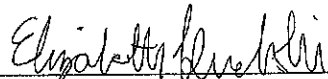
4. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited 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 THE 20TH WARD OPEN
DEMOCRATIC ORGANIZATION

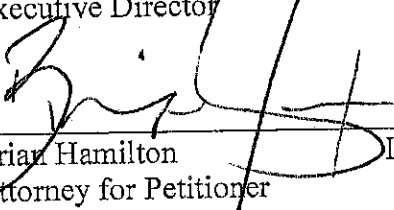
By:  1 Dec 2017
The 20th Ward Open Democratic
Organization Date

RESPONDENT ELIZABETH
KUCHARSKI


By:  1 Dec 2017
Elizabeth Kucharski Date

PETITIONER MISSOURI ETHICS
COMMISSION

By:  2/1/18
James Klahr Date
Executive Director

By:  2/1/18
Brian Hamilton Date
Attorney for Petitioner

RESPONDENT WENDY CAMPBELL

By:  12/3/17
Wendy Campbell Date

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
FEB 01 2018
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
) Case No. 17-0026-I, 17-0028-I
v.)
)
THE 20TH WARD OPEN DEMOCRATIC)
ORGANIZATION,)
)
ELIZABETH KUCHARSKI,)
)
AND)
)
WENDY CAMPBELL,)
)
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 The 20th Ward Open Democratic Organization, Kucharski and Campbell violated Sections 130.021.5, 130.026.5, 130.021.4(1), 130.031.2, 130.031.1, 130.031.2, 130.041.1(5), 130.041.1(3)(a), 130.021.4(1), 130.021.4(1), 130.041.1(4)(d), 130.031.8, 130.036.1 and 130.036.8, RSMo.

The Commission directs that the Joint Stipulation be adopted.

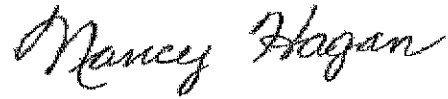
1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$6,195, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$889 of that fee within forty-five (45) days after the date of this Order, 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 the Missouri Ethics Commission.

3. If any Respondent commits any further violation of the campaign finance laws pursuant to Chapter 130, RSMo, within the two-year period from the date of this order, then Respondents 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 shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 1st day of February, 2018

By:



Nancy Hagan, Chair
Missouri Ethics Commission