

Filed
FEB 20 2018
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.)
)
THE ORIGINAL 4TH WARD REGULAR) Case No. 16-0009-A
DEMOCRAT ORGANIZATION,)
Committee,)
)
and)
)
EDWARD MCFOWLAND,)
Treasurer,)
)
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, The Original 4th Ward Regular Democrat Organization and Edward McFowland, 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 § 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.¹
2. Respondent The Original 4th Ward Regular Democrat Organization is a continuing committee that was established with the Missouri Ethics Commission on July 28, 2014.
3. Respondent The Original 4th Ward Regular Democrat Organization named William Taylor as treasurer and Respondent Edward McFowland as an additional committee officer on their Statement of Committee Organization filed with the Missouri Ethics Commission on July 28, 2014. Respondent McFowland also signed the Statement of Committee Organization as a candidate.

¹ Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2016).

4. While not the named treasurer, Respondent McFowland assumed all treasurer duties and filed reports.

5. Respondent The Original 4th Ward Regular Democrat Organization amended their Statement of Committee Organization on September 12, 2016, listing Respondent Edward McFowland as treasurer.

6. Pursuant to §§ 105.959 and 105.961, RSMo, the Commission's staff investigated the reports and statements filed with the Commission and reported the investigation findings to the Commission.

7. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to § 105.961.3, RSMo.

COUNT I

Failure to timely file a Statement of Committee Organization

8. Respondents deposited contributions, totaling \$514.00 on December 23, 2013.

9. Respondents did not file a Statement of Committee Organization until July 28, 2014. The registration should have been filed on or before January 12, 2014.

Failure to timely report changes in the official fund depository

10. Respondents listed St. Louis Community Credit Union at 3651 Forest Park Ave, St. Louis, MO 63108 with account number *7277 as the official fund depository account on the Statement of Committee Organization filed with the Missouri Ethics Commission on July 28, 2014.

11. Respondents opened a new checking account at St. Louis Community Credit Union at 3412 N. Union, St. Louis, MO 63115 with account number *3740 on July 8, 2016.

12. Respondents did not file an amended Statement of Committee Organization until September 12, 2016 to reflect the change in the official fund depository account. The amendment should have been filed on or before July 28, 2016.

13. Respondents failed to report a savings account at St. Louis Community Credit Union at 3412 N. Union, St. Louis, MO 63115 with account number *3740 opened on July 8, 2016.

Making expenditures by a party other than the treasurer

14. Between July 24, 2016 and August 2, 2016, Respondent McFowland signed thirteen committee checks totaling \$2,333.29; however, Respondents did not amend the Statement of Committee Organization showing Respondent McFowland as treasurer until September 12, 2016.

COUNT II

Continuing committee acting as a candidate committee under the direction and control of a candidate and failing to register a candidate committee

15. Respondent The Original 4th Ward Regular Democrat Organization is a continuing committee that was established with the Missouri Ethics Commission on July 28, 2014.

16. Respondent was aware that a continuing committee is a committee which is not formed, controlled or directed by a candidate, and assumed all treasurer duties, including the filing of reports from the beginning of the registration of the committee.

17. Respondents amended the Statement of Committee Organization on September 12, 2016, listing Respondent McFowland as treasurer.

18. Respondent McFowland, unsuccessfully sought offices for the 4th Ward Alderman in 2003 and Recorder of Deeds in 2014. He had registered candidate committees during both

campaigns, Committee to Elect Ed McFowland and Committee to Elect Edward McFowland, respectively.

19. Respondent McFowland was a successful candidate for 4th Ward Committeeman in 2012. He did not have a registered candidate committee for this election campaign.

20. Respondent McFowland was an unsuccessful candidate for 4th Ward Committeeman in the August 2, 2016 primary election in St. Louis, MO. He did not have a registered candidate committee for this election campaign.

21. The committee opened a new checking account in its name at St. Louis Community Credit Union at 3412 N. Union, St. Louis, MO 63115 with account number *3740 on July 8, 2016.

22. Between July 8, 2016 and October 31, 2016, there were a total of \$3,524.29 in contributions deposited into the official fund depository account and a total of \$3,524.29 in expenditures withdrawn from the official fund depository account.

23. The official fund depository account shows a check deposited of \$384.22 dated July 8, 2016 and a cash deposit of \$420.00 on August 5, 2016.

24. Respondent McFowland assumed direction and control of The Original 4th Ward Regular Democrat Organization committee as the named treasurer, starting on July 8, 2016. Respondent McFowland wrote committee checks totaling at least \$2,333.29 in support of his candidacy for 4th Ward Committeeman during the August 2, 2016 election.

Expenditure Name	Purpose	Amount	Date	Check #
Sharon Tyus	Political flyer	\$50.00	7/24/16	1002
Fed Ex Office	Election day ballots	\$150.72	7/28/16	1077
US Post Office	Postage	\$1,175.00	7/28/16	1076
Hummert Graphics	Yard signs	\$282.57	7/29/16	1079
Ronnie Edwards	Poll worker	\$75.00	8/2/16	1087
Adrian Kelly, Jr.	Poll worker	\$75.00	8/2/16	1089
Mack Ruck, Jr.	Poll worker	\$75.00	8/2/16	1083
Yvette James	Poll worker	\$75.00	8/2/16	1085
Bionca Gatlin	Poll worker	\$75.00	8/2/16	1081

Preston Stepney	Poll worker	\$75.00	8/2/16	1080
James Thompson	Poll worker	\$75.00	8/2/16	1003
Nathaniel Braxton	Poll worker	\$75.00	8/2/16	1086
Alicia Summers	Poll worker	\$75.00	8/2/16	1082
Total		\$2,333.29		

25. Respondent McFowland failed to register a candidate committee in support of his candidacy for 4th Ward Committeeman in the August 2, 2016 primary election in St. Louis, MO.

COUNT III

Cash contributions and expenditures in excess of limits

26. Respondents accepted a single cash contribution of \$420.00 on August 5, 2016.

27. Respondents made sixteen cash expenditures totaling \$2,248.10, which exceeded the \$50.00 allowable amount for a cash expenditures.

Name	Amount	Date
Cash withdrawal	\$400.00	1/15/14
ATM withdrawal	\$100.00	1/21/14
ATM withdrawal	\$80.00	8/16/14
ATM withdrawal	\$80.00	8/19/14
ATM withdrawal	\$105.00	8/23/14
ATM withdrawal	\$240.00	8/27/14
ATM withdrawal	\$100.00	8/29/14
ATM withdrawal	\$200.00	9/10/14
Money order	\$150.00	7/8/16
Cash withdrawal	\$90.00	7/11/16
Cash withdrawal	\$80.00	7/12/16
Cash withdrawal	\$60.00	7/15/16
Cash withdrawal	\$100.00	7/29/16
Cash withdrawal	\$200.00	7/30/16
Cash withdrawal	\$63.10	8/2/16
Cash withdrawal	\$200.00	8/13/16
Total	\$2,248.10	

COUNT IV

Failure to timely and accurately file campaign finance disclosure reports with cumulative information from the date of the last report

28. Respondents inaccurately reported beginning money on hand on the 2014 October Quarterly.

29. Respondents inaccurately reported ending money on hand on the 2014 October Quarterly and the 2016 8 Day Before Primary Election Report.

Report Name	From	To	Reported		Actual	
			MOH at Beginning of Period	MOH at End of Period	MOH at Beginning of Period	MOH at End of Period
2014						
October Quarterly	4/1/14	9/30/14	\$0.00	\$5.00	\$50.02	\$66.69
2016						
8 Day Before Primary Election Report	10/1/15	7/21/16	\$0.00	\$1,762.58	\$0.00	\$1,950.38

30. Respondents failed to timely file two full disclosure reports and five limited activity statements.

Report Name	Report Year	Due Date	Date Filed
October Quarterly - Limited Activity	2016	10/15/16	1/21/17
8 Day Before Primary Election report	2016	7/25/16	1/17/17
July Quarterly - Limited Activity	2016	7/15/16	7/18/16
January Quarterly - Limited Activity	2016	1/15/16	1/19/16
July Quarterly - Limited Activity	2015	7/15/15	7/16/15
April Quarterly - Limited Activity	2015	4/15/15	4/22/15
October Quarterly	2014	10/15/14	4/22/15

31. Respondents failed to file two full disclosure reports and one limited activity statement in 2014.

Report Not Filed	Report Year	Start Date	End Date	Due Date
January Quarterly	2014	11/13/13	12/31/13	1/15/13
April Quarterly	2014	1/1/14	3/31/14	4/15/14
July Quarterly - Limited Activity	2014	4/1/14	6/30/14	7/15/14

32. Respondents inaccurately filed the 2015 October Quarterly report and the 2016 October Quarterly report as limited activity statements that should have been full disclosure reports as there were contributions and/or expenditures that exceeded \$500.00 during both periods.

COUNT V

Failure to timely and accurately report contributions received

33. Respondents failed to report six monetary contributions received of \$100.00 or less, totaling \$281.00.

Contributor Name	Amount	Date	Report Not Showing Contribution
Unknown	\$50.00	12/1/14	October Quarterly 2015
Unknown	\$11.00	7/8/16	October Quarterly 2016
Unknown	\$100.00	7/27/16	October Quarterly 2016
Unknown	\$100.00	8/3/16	October Quarterly 2016
Edward McFowland	\$10.00	8/22/16	October Quarterly 2016
Unknown	\$10.00	8/22/16	October Quarterly 2016
Total	\$281.00		

34. Respondents failed to report seven monetary contributions received over \$100.00, totaling \$2,894.29.

Contributor Name	Amount	Date	Report Not Showing Contribution
Unknown	\$1,000.00	8/21/14	October Quarterly 2014
Unknown	\$400.00	8/4/14	October Quarterly 2014
Unknown	\$384.22	7/8/16	October Quarterly 2016
Unknown	\$107.50	7/11/16	October Quarterly 2016
Unknown	\$282.57	7/27/16	October Quarterly 2016
Citizens for Jake Zimmerman	\$300.00	7/30/16	October Quarterly 2016
Unknown	\$420.00	8/5/16	October Quarterly 2016
Total	\$2,894.29		

35. Respondents failed to report nine miscellaneous receipts totaling \$3.90.

Receipt Name	Amount	Date	Report Not Showing Receipt
Dividend	\$0.01	1/1/14	April Quarterly 2014
Dividend	\$0.01	2/1/14	April Quarterly 2014
Dividend	\$0.01	4/1/14	October Quarterly 2014
Dividend	\$0.01	6/1/14	October Quarterly 2014
Dividend	\$0.01	9/1/14	October Quarterly 2014
Dividend	\$0.01	10/1/14	October Quarterly 2015
Dividend	\$0.01	11/1/14	October Quarterly 2015
Bank charge-off	\$3.78	9/9/15	October Quarterly 2015
Dividend	\$0.05	7/31/16	October Quarterly 2016
Total	\$3.90		

36. Respondents reported one non-itemized contribution of \$5.00 on the 2014 October Quarterly report, but this contribution was not found in the bank statements of the committee's official fund depository account.

COUNT VI

Failure to timely and accurately report expenditures made

37. Respondents failed to report fifty-four monetary expenditures of \$100.00 or less totaling \$2,062.44.

Expenditure Name	Amount	Date
EFT withdrawal	\$100.00	1/21/14
Withdrawal to cross member	\$10.00	1/21/14
EFT withdrawal	\$50.00	1/28/14
St. Louis Community Credit Union	\$4.00	3/1/14
St. Louis Community Credit Union	\$4.00	4/1/14
St. Louis Community Credit Union	\$4.00	5/1/14
St. Louis Community Credit Union	\$2.00	6/1/14
St. Louis Community Credit Union	\$2.00	6/1/14
St. Louis Community Credit Union	\$4.00	7/1/14
EFT withdrawal	\$30.00	7/26/14
Crown Food Mart (BP)	\$37.21	8/7/14
Hannah's General Store	\$26.75	8/9/14
EFT withdrawal	\$80.00	8/16/14
EFT withdrawal	\$80.00	8/19/14
Autozone	\$64.62	8/23/14
EFT withdrawal	\$100.00	8/29/14

Family Dollar	\$5.78	9/2/14
St. Louis Community Credit Union	\$4.00	11/1/14
Money order	\$50.00	11/13/14
St. Louis Community Credit Union	\$0.49	11/13/14
St. Louis Community Credit Union	\$4.00	12/1/14
EFT withdrawal	\$50.00	12/6/14
St. Louis Community Credit Union	\$4.00	1/1/15
St. Louis Community Credit Union	\$0.64	2/1/15
St. Louis Community Credit Union	\$3.36	2/1/15
St. Louis Community Credit Union	\$4.00	4/1/15
Money order fee	\$0.49	7/8/16
Cash withdrawal	\$2.58	7/11/16
Cash withdrawal	\$80.00	7/12/16
Cash withdrawal	\$60.00	7/15/16
Harland Clarke	\$21.85	7/20/16
Cash withdrawal	\$50.00	7/23/16
Sharon Tyus	\$50.00	7/24/16
Cash withdrawal	\$50.00	7/27/16
Cash withdrawal	\$100.00	7/29/16
Office Depot	\$93.72	8/1/16
Cash withdrawal	\$100.00	8/2/16
Ronnie Edwards	\$75.00	8/2/16
Adrian Kelly, Jr.	\$75.00	8/2/16
Mack Ruck, Jr.?	\$75.00	8/2/16
Yvette James	\$75.00	8/2/16
Bionca Gatlin	\$75.00	8/2/16
Preston Stepney	\$75.00	8/2/16
James Thompson	\$75.00	8/2/16
Nathaniel Braxton	\$75.00	8/2/16
Alicia Summers? Simmons?	\$75.00	8/2/16
St. Louis Community Credit Union	\$18.00	8/5/16
St. Louis Community Credit Union	\$18.00	8/17/16
Clecbetter.com CKO P MU	\$1.95	8/29/16
St. Louis Community Credit Union	\$4.00	9/30/16
St. Louis Community Credit Union	\$2.99	10/31/16
St. Louis Community Credit Union	\$1.01	10/31/16
St. Louis Community Credit Union	\$4.00	11/30/16
St. Louis Community Credit Union	\$4.00	12/31/16
Total	\$2,062.44	

38. Respondents failed to report eleven monetary expenditures over \$100.00, totaling \$3,501.29.

Expenditure Name	Amount	Date
W/D to cash disbursed	\$400.00	1/15/14
EFT withdrawal	\$105.00	8/23/14
EFT withdrawal	\$240.00	8/27/14
Veterans Currency Exchange	\$398.00	9/2/14
EFT withdrawal	\$200.00	9/10/14
Money order	\$150.00	7/8/16
Fed Ex Office	\$150.72	7/28/16
US Post Office	\$1,175.00	7/28/16
Hummert Graphics	\$282.57	7/29/16
Cash withdrawal	\$200.00	7/30/16
Cash withdrawal	\$200.00	8/13/16
Total	\$3,501.29	

COUNT VII

Failure to timely and accurately report direct expenditures

39. Respondents failed to file Direct Expenditure Reports for eighteen non-itemized expenditures, totaling \$1,346.14 and six itemized expenditures, totaling \$2,158.29.

Expenditure Name	Purpose	Amount	Date
Money order	Unknown	\$150.00	7/8/16
Cash withdrawal	Ward flyer	\$87.42	7/11/16
Cash withdrawal	Unknown	\$80.00	7/12/16
Cash withdrawal	Unknown	\$60.00	7/15/16
Cash withdrawal	Unknown	\$50.00	7/23/16
Sharon Tyus	Political flyer	\$50.00	7/24/16
Cash withdrawal	Unknown	\$50.00	7/27/16
Fed Ex Office	Election day ballots	\$150.72	7/28/16
US Post Office	Political campaign	\$1,175.00	7/28/16
Hummert Graphics	Yard signs	\$282.57	7/29/16
Cash withdrawal	Unknown	\$100.00	7/29/16
Cash withdrawal	Unknown	\$200.00	7/30/16
Office Depot	Unknown	\$93.72	8/1/16
Cash withdrawal	Unknown	\$100.00	8/2/16
Ronnie Edwards	Poll worker	\$75.00	8/2/16
Adrian Kelly, Jr.	Poll worker	\$75.00	8/2/16
Mack Ruck, Jr.?	Poll worker	\$75.00	8/2/16
Yvette James	Poll worker	\$75.00	8/2/16
Bionca Gatlin	Poll worker	\$75.00	8/2/16
Preston Stepney	Payment for poll worker	\$75.00	8/2/16

James Thompson	Poll worker	\$75.00	8/2/16
Nathaniel Braxton	Poll worker	\$75.00	8/2/16
Alicia Summers	Poll worker	\$75.00	8/2/16
Cash withdrawal	Unknown	\$200.00	8/13/16
Total		\$3,504.43	

COUNT VIII

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

40. Respondents did not maintain records in accordance with accepted normal bookkeeping procedures, including failure to maintain and provide 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

41. 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.

42. 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.

43. Pursuant to § 130.026.5, RSMo, the appropriate officers for the continuing committee were the Missouri Ethics Commission and the election authority for the county in which the committee is domiciled.

Failure to timely report changes in the official fund depository

44. The Statement of Committee Organization must include the “name and mailing address of its depository, and the name and account number of each account the committee has in the depository.” § 130.021.5, RSMo.

45. If there is any change to the official fund depository account, “an amended statement of organization shall be filed within twenty days after the change occurs, but no later than the date of the filing of the next report required to be filed by that committee.” § 130.021.7, RSMo.

Making expenditures by a party other than the treasurer

46. “[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.

47. There is probable cause to believe that Respondents violated §§ 130.021.4(1), 130.021.7, and 130.021.5, RSMo, by failing to timely file a Statement of Committee Organization, by failing to timely report a change in the official fund depository account, by making expenditures by and through a party other than the committee's treasurer reported on the Statement of Committee Organization registered with the Commission, and that Respondents did so knowingly.

COUNT II

Continuing committee acting as a Candidate Committee under the direction and control of a candidate and failure to register as a candidate committee

48. A continuing committee is 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[.]” § 130.011(10), RSMo.

49. A candidate committee is “a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which 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, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed. Any candidate for elective office shall have only one candidate committee for the elective office sought, which is controlled directly by the candidate for the purpose of making expenditures. A candidate committee is presumed to be under the control and direction of the candidate unless the candidate

files an affidavit with the appropriate officer stating that the committee is acting without control or direction on the candidate's part[.]” § 130.011(9), RSMo.

50. Pursuant to § 130.016.1, RSMo, “no candidate for statewide elected office, general assembly, or municipal office in a city with a population of more than one hundred thousand shall be required to comply with the requirements to file a statement of organization or disclosure reports of contributions and expenditures for any election in which neither the aggregate of contributions received nor the aggregate of expenditures made on behalf of such candidate exceeds five hundred dollars and no single contributor, other than the candidate, has contributed more than three hundred twenty-five dollars[.]”

51. Pursuant to § 130.021.5, RSMo, “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 § 130.011 and any candidate who is not excluded from forming a committee in accordance with the provisions of § 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 § 130.046. The statement of organization shall contain the following information:

- (7) Identification of the major nature of the committee such as a candidate committee, campaign committee, continuing committee, political party committee, incumbent committee, or any other committee according to the definition of committee in § 130.011;

§ 130.021.5(7), RSMo.

52. There is probable cause to believe that Respondents violated §§ 130.011(9), 130.016.1, and 130.021.5(7), RSMo, in that Respondent McFowland met the requirements to

register a candidate committee by writing committee checks totaling at least \$2,333.29 in support of his candidacy for 4th Ward Committeeman during the August 2, 2016 election, but instead, assumed control of Respondent The Original 4th Ward Regular Democrat Organization that was registered as a continuing committee with the Commission that operated, in part, as an unregistered candidate committee in support of Respondent McFowland, and that Respondents did so knowingly.

COUNT III

Cash contributions and expenditures in excess of limits

53. 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(4), RSMo.

54. “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.

55. “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 § 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.” §130.031.2, RSMo.

56. “A single expenditure from a petty cash fund shall not exceed fifty dollars.” § 130.031.2, RSMo.

57. "A check made payable to 'cash' shall not be made except to replenish a petty cash fund." § 130.031.2, RSMo.

58. There is probable cause to believe that Respondents violated §§ 130.031.1 and 130.031.2, RSMo, by accepting a single cash contribution of \$420.00, and by making sixteen cash expenditures totaling \$2,248.10, which exceeded the \$50.00 allowable amount for a cash expenditure, and that Respondents did so knowingly.

COUNT IV

Failure to timely and accurately file campaign finance disclosure reports with cumulative information from the date of the last report

59. Campaign finance disclosure reports must contain the total amount of money on hand at the beginning and end of the reporting period, and the total amount of outstanding indebtedness as of the closing date of the reporting period. § 130.041.1, RSMo.

60. "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." § 130.046.5(2), RSMo.

61. All committees must file regular campaign finance disclosure reports 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.

62. There is probable cause to believe that Respondents violated §§ 130.046.5(2), 130.041.1, and 130.046.1, RSMo, by incorrectly reporting beginning money on hand on one report

and the ending money on hand on two reports, failing to file two full disclosure reports and one limited activity statement, untimely filing two full disclosure reports and five limited activity statements, and filing two limited activity statements that should have been filed as full disclosure reports, and that Respondents did so knowingly.

COUNT V

Failure to timely and accurately report contributions received

63. All 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;
 - (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 sub§ 6 of § 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;

(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;

§ 130.041.1(3), RSMo.

64. "All contributions which the committee receives in money, checks and other negotiable instruments shall be deposited in a committee's official depository account." § 130.021.4(1), RSMo.

65. There is probable cause to believe that Respondents violated §§ 130.041.1(3) and 130.021.4(1), RSMo, by failing to report six contributions received of \$100.00 or less totaling \$281.00, failing to report seven contributions received of more than \$100.00 totaling \$2,894.29, failing to report nine miscellaneous receipts totaling \$3.90, and inaccurately reporting a

contribution of \$5.00 that was not found in the official fund depository account, and that Respondents did so knowingly.

COUNT VI

Failure to timely and accurately report expenditures made

66. All committees are required to report expenditures for each reporting 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.

67. There is probable cause to believe that Respondent The Original 4th Ward Regular Democrat Organization and Respondent Taylor violated § 130.041.1(4), RSMo, by failing to

report fifty-four expenditures of \$100.00 or less totaling \$2,062.44, failing to report eleven expenditures of more than \$100.00 totaling \$3,501.29, and that Respondents did so knowingly.

COUNT VII

Failure to timely and accurately report direct expenditures

68. Pursuant to § 130.041.1(7), RSMo, committees are required to report “the amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought. For the purpose of disclosure reports, expenditures made in support of more than one candidate or ballot measure or both shall be apportioned reasonably among the candidates or ballot measure or both. In apportioning expenditures to each candidate or ballot measure, political party committees and continuing committees need not include expenditures for maintaining a permanent office, such as expenditures for salaries of regular staff, office facilities and equipment or other expenditures not designed to support or oppose any particular candidates or ballot measures[.]”

69. There is probable cause to believe that Respondents violated § 130.041.1(7), RSMo, by failing to file twenty-four Direct Expenditure Reports totaling \$3,504.43, and that Respondents did so knowingly.

COUNT VIII

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

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

71. “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.

72. “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.

73. There is probable cause to believe that Respondents violated §§ 130.036.8 and 130.036, RSMo, by failing to maintain Respondents’ committee 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. The Commission orders Respondents to file accurately all necessary campaign finance reports and statements.
- b. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
- c. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$16,408.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$3,300.00 of that fee within sixty days after the date of the Order, the remainder of the fee will be stayed. All fees will be paid by check or money order made payable to the Missouri Ethics Commission.
- d. Regardless of the stay in paragraph 2 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..

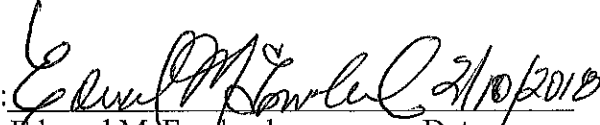
3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

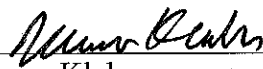
4. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited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

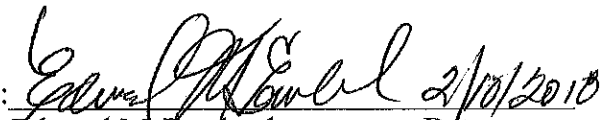
RESPONDENT THE ORIGINAL 4TH WARD
REGULAR DEMOCRAT ORGANIZATION


PETITIONER MISSOURI ETHICS
COMMISSION

By:  2/10/2018
Edward McFowland Date

By:  2/20/18
James Klahr Date
Executive Director

RESPONDENT EDWARD MCFOWLAND

By:  2/10/2018
Edward McFowland Date

By:  2/14/18
Brian Hamilton Date
Attorney for Petitioner

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
FEB 20 2018
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
THE ORIGINAL 4 TH WARD REGULAR)	Case No. 16-0009-A
DEMOCRAT ORGANIZATION,)	
)	
AND)	
)	
EDWARD MCFOWLAND, TREASURER)	
)	
)	
Respondents.)	

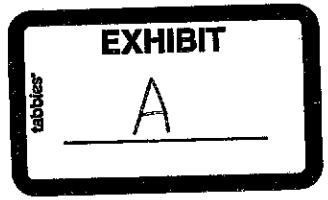
CONSENT ORDER

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 Original 4th Ward Regular Democrat Organization, and Edward McFowland violated Sections 130.021.5, 130.021.7, 130.021.4(1), 130.031.2, 130.011(9), 130.016.1, 130.021.5(7), 130.031.1, 130.041.1, 130.046.5(2), 130.046.1, 130.041.1(3), 130.041.1(4), 130.041.1(7), and 130.036, 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 Respondents file accurately all necessary campaign finance reports and statements.
3. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$16,408.00, pursuant to Section 105.961.4(6), RSMo.

However, if Respondents pay \$3,300.00 of that fee within sixty days after the date of

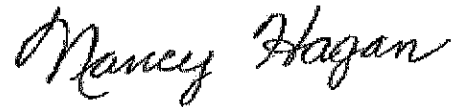


the Order, the remainder of the fee will be stayed. All fees will be paid by check or money order made payable to the Missouri Ethics Commission.

4. Regardless of the stay above, if Respondents commit 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 any Respondent committed such a violation.

SO ORDERED this 20th day of February, 2018

By:



Nancy Hagan, Chair
Missouri Ethics Commission