

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,	)	
	)	
Petitioner,	)	
v.	)	
	)	
22 <sup>ND</sup> WARD DEMOCRATIC ORG,	)	Case No. 17-0006-A
Committee,	)	
	)	
and	)	
	)	
ANDRE WILLIAMS,	)	
Treasurer,	)	
	)	
Respondents.	)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND  
ORDER**

This is the 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: Don Summers, Kim Benjamin, Wayne Henke, and George Ratermann.

The Commission held the closed hearing on August 17, 2018, at the offices of the Missouri Ethics Commission at 3411A Knipp Drive, Jefferson City, Missouri 65109. The Commission was represented by Brian Hamilton. Respondent Williams did not appear after due notice. This matter had been set for hearing on March 9, 2018 but was continued at the request of Respondent Williams.

The Commission admitted into evidence Petitioner's Exhibits 1 and 2. Having considered all the competent and substantial evidence upon the whole record, the Commission finds by a unanimous vote as follows:

## **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.<sup>1</sup>

### **FACTS RELEVANT TO ALL COUNTS**

2. Respondent Andre Williams registered the 22<sup>nd</sup> Ward Democratic Org as a continuing committee with the Missouri Ethics Commission on January 2, 2013 by filing a Statement of Committee Organization.

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

4. The Statement of Committee Organization listed Pulaski Bank at 415 De Baliviere Ave, St. Louis, MO 63112 with account number ending in \*3869 as the official fund depository; however, this was not an account in the name of 22<sup>nd</sup> Ward Democratic Org and the account number was not an account held with Pulaski Bank.

### **COUNT I**

*Failure to update the statement of committee organization and failure to maintain an official depository account*

5. The official fund depository was listed at Pulaski Bank at 415 De Baliviere Ave, St. Louis, MO 63112 with account number ending in \*3869 on the Statement of Committee Organization; however, this was not the official fund depository account used by this committee.

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<sup>1</sup> Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2017).

6. The committee did not have an official fund depository account until June 27, 2014 at Pulaski Bank at 415 De Baliviere Ave, St. Louis, MO 63112 with account number ending in \*5980.

7. Respondents failed to amend the Statement of Committee Organization to reflect the change in the official fund depository account within twenty days of opening an account at Pulaski Bank on June 27, 2014.

**COUNT II**

*Unauthorized use of committee funds*

8. Respondents made four expenditures, totaling \$1,146.73, for personal use.

<b>Report Name</b>	<b>Expenditure Name</b>	<b>Amount</b>	<b>Date</b>
Not Reported	CCm*Roadside Svc CCMC 800-832-1050	\$52.00	1/18/16
Not Reported	AutoZone	\$128.10	1/21/16
Not Reported	Azar Auto	\$666.63	2/11/16
Not Reported	Kingsway Dental Center	\$300.00	4/20/16
<b>Total</b>		<b>\$1,146.73</b>	

9. There were no committee records provided to substantiate that these were for committee purposes.

**COUNT III**

*Cash expenditures in excess of limits*

10. Respondents made seven cash expenditures, totaling \$2,400.00, which exceeded the \$50 allowable amount for each expenditure made.

<b>Name</b>	<b>Amount</b>	<b>Date Paid</b>
Cash withdrawal	\$200.00	7/17/14
Cash withdrawal	\$300.00	7/23/14
Cash withdrawal	\$250.00	8/4/14
Cash withdrawal	\$600.00	8/25/14
Cash withdrawal	\$150.00	9/11/14
Cash withdrawal	\$600.00	3/7/17

Cash withdrawal	\$300.00	4/4/17
<b>Total</b>	<b>\$2,400.00</b>	

11. Respondents reported a \$150.00 expenditure at Phillips 66 Union on August 4, 2014; however, this expenditure was not found in the official fund depository. Respondents withdrew \$400.00 in cash the same day, therefore, the \$150.00 expenditure was a part of the \$400.00 cash withdrawal, which exceeded the \$50 allowable amount.

12. Respondent Williams cashed seven check written to himself between March 2, 2015 and November 8, 2016 with amounts varying between \$200.00 and \$2,250.00, totaling \$5,500.00. Five of the checks, totaling \$3,050.00, had the memo lines filled in while the other two checks, totaling \$2,450.00, had blank memo lines. There were no committee records provided to substantiate what these checks were used for and all seven checks exceeded the \$50 allowable limit. Therefore, the expenditures paid for with the cash from these checks exceeded the \$50 allowable cash limit and were not paid for directly through the official fund depository account.

<b>Name</b>	<b>Amount</b>	<b>Date Paid</b>	<b>Memo Line</b>
Check written to Andre Williams	\$200.00	3/2/15	n/a
Check written to Andre Williams	\$500.00	10/2/15	Dam Gotu Trivia
Check written to Andre Williams	\$250.00	10/22/15	Postal Serving Mailing
Check written to Andre Williams	\$1,200.00	3/18/16	Poll worker reimbursement election day
Check written to Andre Williams	\$800.00	8/2/16	Poll worker
Check written to Andre Williams	\$300.00	8/17/16	Poll worker catering
Check written to Andre Williams	\$2,250.00	11/8/16	n/a
<b>Total</b>	<b>\$5,500.00</b>		

**COUNT IV**

*Failure to accurately report money on hand*

13. Respondents failed to accurately report beginning money on hand on two reports in 2014, one report in 2015, and four reports in 2016.

14. Respondents failed to accurately report ending money on hand on one report in 2014, one report in 2015, and four reports in 2016.

Report Name	From	To	Reported		Actual	
			MOH Beginning of Period	MOH End of Period	MOH Beginning of Period	MOH End of Period
<b>2014</b>						
July Quarterly Report	4/1/13	6/30/14	\$220.00	\$5,420.00	\$0.00	\$5,420.00
Amended 30 Day After Primary Election Report	7/25/14	8/30/14	\$5,420.00	\$7,320.00	\$5,900.00	\$6,897.46
<b>2015</b>						
April Quarterly Report	1/1/15	3/31/15	\$0.00	\$0.00	\$6,897.46	\$4,732.43
<b>2016</b>						
January Quarterly Report	10/1/15	12/31/15	\$0.00	\$0.00	\$4,732.43	\$3,391.66
April Quarterly Report	1/1/16	3/31/16	\$0.00	\$0.00	\$3,391.66	\$850.75
July Quarterly Report	4/1/16	6/30/16	\$0.00	\$0.00	\$850.75	\$47.17
30 Day After Primary Election Report	7/1/16	8/27/16	\$7,320.00	\$9,970.00	\$47.17	\$629.07

**COUNT V**

*Failure to timely file campaign finance disclosure reports and Limited Activity Statements*

15. Respondents failed to file two Limited Activity Statements, one in 2016 and one in 2017, and three full disclosure reports, one in 2014 and two in 2017.

<b>Report Name</b>	<b>Report Year</b>	<b>Start Date</b>	<b>End Date</b>	<b>Due Date</b>
October Quarterly Report - Limited Activity	2017	7/1/17	9/30/17	10/15/17
July Quarterly Report	2017	4/1/17	6/30/17	7/15/17
April Quarterly Report	2017	10/1/16	3/31/17	4/15/17
October Quarterly Report - Limited Activity	2016	8/28/16	9/30/16	10/15/16
8 Day Before Primary Report	2014	7/1/14	7/24/14	7/28/14

16. Respondents filed four Limited Activity Statements, one in 2015 and three in 2016, that should have been full disclosure quarterly reports.

<b>Report Name</b>	<b>Report Year</b>	<b>Start Date</b>	<b>End Date</b>	<b>Due Date</b>
July Quarterly Report - Limited Activity	2016	4/1/16	6/30/16	7/15/16
April Quarterly Report - Limited Activity	2016	1/1/16	3/31/16	4/15/16
January Quarterly Report - Limited Activity	2016	10/1/15	12/31/15	1/15/16
April Quarterly Report - Limited Activity	2015	1/1/15	3/31/15	4/15/15

17. Respondents failed to timely file one Limited Activity Statement in 2014 and two 30 Day After Primary Election Reports, one in 2014 and one in 2016.

<b>Report Name</b>	<b>Report Year</b>	<b>Due Date</b>	<b>Date Filed</b>
30 Day After Primary Election Report	2016	9/1/16	3/2/17
October Quarterly Report - Limited Activity	2014	10/15/14	11/25/14
30 Day After Primary Election Report	2014	9/4/14	9/10/14

18. Respondents failed to file two 24 Hour Notices of Late Contributions/Loans Received.

<b>Report Name</b>	<b>Report Year</b>	<b>Start Date</b>	<b>End Date</b>	<b>Due Date</b>
24 Hour Notice Late Contributions/Loans Received	2016	7/28/16	7/28/16	7/29/16
24 Hour Notice Late Contributions/Loans Received	2014	8/4/14	8/4/14	8/5/14

**COUNT VI**

*Failure to timely and accurately report contributions received*

19. Respondents failed to report twelve monetary contributions received over \$100.00 each, totaling \$5,950.00.

<b>Contributor Name</b>	<b>Amount</b>	<b>Date</b>	<b>Report Not Showing Contribution</b>
Cost-to-Cost	\$500.00	6/25/14	2014 July Quarterly Report
Rashidul Ayesha & Syeda Haq	\$200.00	7/10/14	8 Day Before Primary Election Report
Karam Inc DBA West End Market	\$500.00	7/16/14	8 Day Before Primary Election Report
Democratic Campaign Committee of St. Louis City PAC	\$500.00	8/21/14	30 Day After Primary Election Report
Crown Wholesale Company Inc.	\$500.00	No date	2015 April Quarterly Report
Goody Goody Diner Inc.	\$500.00	12/15/14	2015 April Quarterly Report
Citizens for Dionne Flowers	\$1,200.00	2/19/15	2015 April Quarterly Report
Missourians for Kander	\$250.00	7/29/16	30 Day After Primary Election Report
Tim Person & Associates, LLC	\$600.00	3/3/17	2017 April Quarterly Report
Lyda Krewson for Mayor	\$300.00	4/3/17	2017 July Quarterly Report
Media Magic Public Relations	\$300.00	4/2/17	2017 July Quarterly Report
The Berrick Partnership	\$600.00	4/1/17	2017 July Quarterly Report
<b>Total</b>	<b>\$5,950.00</b>		

20. Respondents failed to report four monetary contributions received of \$100.00 or less, totaling \$192.00.

<b>Contributor Name</b>	<b>Amount</b>	<b>Date</b>	<b>Report Not Showing Contribution</b>
No payer info	\$22.00	2/10/17	2017 April Quarterly Report
Lee D. Jefferies	\$50.00	2/8/17	2017 April Quarterly Report
Tim Person & Associates, LLC	\$75.00	2/9/17	2017 April Quarterly Report
Ronald P. Jenkins	\$45.00	2/17/17	2017 April Quarterly Report
<b>Total</b>	<b>\$192.00</b>		

21. Respondents failed to report a \$75.00 miscellaneous receipt from Weinhardt Party Rentals on March 13, 2015 that should have been reported on the 2015 April Quarterly report.

22. Respondents inaccurately reported five contributions over \$100 each, totaling \$4,950.00.

<b>Report Name</b>	<b>Contributor Name</b>	<b>Amount</b>	<b>Date</b>
2014 July Quarterly Report	Kings Food Phillips	\$2,500.00	6/27/14
Amended 30 Day After Primary Election Report	Citizens for Karla May	\$200.00	8/2/14
30 Day After Primary Election Report	Democratice Federal Campaign Committee of Saint Louis City Political Action Committee	\$1,500.00	11/7/16
30 Day After Primary Election Report	Committee to Elect Jake Hummel	\$250.00	11/7/16
30 Day After Primary Election Report	Missouri Petroleum Marketers & Convenience Store Assn (MPCA) PAC	\$500.00	10/13/16
<b>Total</b>		<b>\$4,950.00</b>	

23. Respondents failed to timely report four contributions received over \$100.00 each, totaling \$2,250.00.

<b>Report Name</b>	<b>Contributor Name</b>	<b>Amount</b>	<b>Date Filed</b>	<b>Date Due</b>
Amended 30 Day After Primary Election Report	Joe Keaveny for Senate	\$300.00	11/2/14	9/4/14
Amended 30 Day After Primary Election Report	Citizens for Karla May	\$200.00	11/2/14	9/4/14
Amended 30 Day After Primary Election Report	Carpenter for Recorder	\$250.00	11/2/14	9/4/14
Amended 30 Day After Primary Election Report	Clay Jr for Congress	\$1,500.00	11/2/14	9/4/14
<b>Total</b>		<b>\$2,250.00</b>		

### COUNT VII

#### *Failure to timely and accurately report expenditures*

24. Respondents failed to report thirty-five monetary expenditures made over \$100.00 each, totaling \$14,753.86.



<b>Expenditure Name</b>	<b>Amount</b>	<b>Date</b>	<b>Report Not Showing Expenditure</b>
Cash withdrawal	\$200.00	7/17/14	8 Day Before Primary Election Report
Cash withdrawal	\$300.00	7/23/14	8 Day Before Primary Election Report
Cash withdrawal	\$250.00	8/4/14	30 Day After Primary Election Report
Sprint Wireless	\$200.00	8/6/14	30 Day After Primary Election Report
Sprint Wireless	\$120.32	8/16/14	30 Day After Primary Election Report
Cash withdrawal	\$600.00	8/25/14	30 Day After Primary Election Report
Cash withdrawal	\$150.00	9/11/14	2015 April Quarterly Report
Sam's Club	\$130.87	10/27/14	2015 April Quarterly Report
LionHeart Media	\$500.00	11/5/14	2015 April Quarterly Report
Missourian Publishing Com	\$1,048.70	11/25/14	2015 April Quarterly Report
Missourian Publishing Com	\$1,420.76	2/19/15	2015 April Quarterly Report
Check paid to Andre Williams	\$200.00	3/2/15	2015 April Quarterly Report
Lee's Famous Recipe Chicken	\$125.16	3/4/15	2015 April Quarterly Report
Weinhardt Party Rentals	\$361.68	3/12/15	2015 April Quarterly Report
Sprint Store	\$206.34	3/13/15	2015 April Quarterly Report
Check paid to Andre Williams	\$500.00	10/2/15	2016 January Quarterly Report
Check paid to Andre Williams	\$250.00	10/22/15	2016 January Quarterly Report
Sam's Club	\$183.61	12/18/15	2016 January Quarterly Report
AutoZone	\$128.10	1/21/16	2016 April Quarterly Report
Azar Auto	\$666.63	2/11/16	2016 April Quarterly Report
Office Depot	\$149.90	3/9/16	2016 April Quarterly Report
Check paid to Andre Williams	\$1,200.00	3/18/16	2016 April Quarterly Report
Sam's Club	\$130.95	3/29/16	2016 April Quarterly Report
Sam's Club	\$117.45	4/8/16	2016 July Quarterly Report
Charter Communications	\$135.00	4/9/16	2016 July Quarterly Report
Kingsway Dental Center	\$300.00	4/20/16	2016 July Quarterly Report
Sam's Club	\$105.89	5/31/16	2016 July Quarterly Report

Check paid to Andre Williams	\$300.00	8/17/16	30 Day After Primary Election Report
Shop 'N Save	\$101.05	8/25/16	30 Day After Primary Election Report
Schnucks	\$121.45	8/30/16	2017 April Quarterly Report
Check paid to Andre Williams	\$2,250.00	11/8/16	2017 April Quarterly Report
Pelican Print	\$200.00	11/16/16	2017 April Quarterly Report
Cash withdrawn from deposit	\$600.00	3/7/17	2017 April Quarterly Report
Cash withdrawn from deposit	\$300.00	4/4/17	2017 July Quarterly Report
Dorothy T. [Illegible]	\$1,200.00	4/6/17	2017 July Quarterly Report
<b>Total</b>	<b>\$14,753.86</b>		

25. Respondents failed to report sixty monetary expenditures made of \$100.00 or less, totaling \$1,654.92.

<b>Expenditure Name</b>	<b>Amount</b>	<b>Date</b>	<b>Report Not Showing Expenditure</b>
White Castle	\$8.93	7/28/14	30 Day After Primary Election Report
Family Dollar	\$57.82	7/29/14	30 Day After Primary Election Report
Energy Express Travel C, St. Louis MO	\$38.13	7/31/14	30 Day After Primary Election Report
Office Depot	\$27.16	8/4/14	30 Day After Primary Election Report
White Castle	\$7.39	8/5/14	30 Day After Primary Election Report
Church's Chicken	\$34.18	8/6/14	30 Day After Primary Election Report
White Castle	\$8.61	8/6/14	30 Day After Primary Election Report
Walgreens	\$29.35	9/29/14	2015 April Quarterly Report
Church's Chicken	\$5.75	9/30/14	2015 April Quarterly Report
Sam's Club	\$40.01	10/3/14	2015 April Quarterly Report
Sam's Club	\$79.43	10/28/14	2015 April Quarterly Report
#17 dc replacement fee	\$5.50	1/8/15	2015 April Quarterly Report
IHOP	\$61.48	2/26/15	2015 April Quarterly Report
Weinhardt Party Rentals	\$75.00	3/12/15	2015 April Quarterly Report
Mi Ranchito	\$17.90	4/7/15	2016 January Quarterly Report

Family Dollar	\$29.94	4/7/15	2016 January Quarterly Report
Order.wish.com	\$9.70	5/26/15	2016 January Quarterly Report
Wish.com	\$60.00	5/26/15	2016 January Quarterly Report
Order.wish.com	\$46.00	5/27/15	2016 January Quarterly Report
Wish.com	\$18.00	6/15/15	2016 January Quarterly Report
Wish.com	\$27.00	6/19/15	2016 January Quarterly Report
Wish.com	\$27.00	6/23/15	2016 January Quarterly Report
Wish.com	\$48.00	6/29/15	2016 January Quarterly Report
Order.wish.com	\$10.00	7/1/15	2016 January Quarterly Report
Dollar General	\$88.14	10/27/15	2016 January Quarterly Report
Imo's Pizza	\$21.48	11/4/15	2016 January Quarterly Report
Debit card dormancy fee	\$2.00	11/30/15	2016 January Quarterly Report
Debit card dormancy fee	\$2.00	12/31/15	2016 January Quarterly Report
CCM*Roadside Svc CCMC 800-832-1050	\$52.00	1/18/16	2016 April Quarterly Report
Debit card dormancy fee	\$2.00	2/2/16	2016 April Quarterly Report
Sam's Club	\$81.17	2/6/16	2016 April Quarterly Report
Sam's Club	\$57.08	2/23/16	2016 April Quarterly Report
Ballpark Village	\$5.00	2/29/16	2016 April Quarterly Report
Debit card dormancy fee	\$2.00	3/1/16	2016 April Quarterly Report
St. Louis Galleria	\$43.43	3/5/16	2016 April Quarterly Report
Family Dollar	\$22.65	3/29/16	2016 April Quarterly Report
Debit card dormancy fee	\$2.00	4/1/16	2016 July Quarterly Report
Sam's Club	\$59.76	4/26/16	2016 July Quarterly Report
Debit card dormancy fee	\$2.00	4/29/16	2016 July Quarterly Report
Sam's Club	\$20.22	5/5/16	2016 July Quarterly Report
Debit card dormancy fee	\$2.00	6/1/16	2016 July Quarterly Report
Sam's Club	\$57.26	6/28/16	2016 July Quarterly Report
Debit card dormancy fee	\$2.00	6/30/16	2016 July Quarterly Report
Debit card dormancy fee	\$2.00	8/1/16	30 Day After Primary Election Report

Shell Service Station	\$15.05	8/25/16	30 Day After Primary Election Report
Sam's Club	\$42.25	8/31/16	2017 April Quarterly Report
Phillips 66	\$20.00	8/31/16	2017 April Quarterly Report
Debit card dormancy fee	\$2.00	9/1/16	2017 April Quarterly Report
Debit card dormancy fee	\$2.00	10/3/16	2017 April Quarterly Report
Schnucks City Pl St. Louis MO	\$53.04	11/29/16	2017 April Quarterly Report
Monthly maintenance fee	\$5.00	12/1/16	2017 April Quarterly Report
Monthly maintenance fee	\$5.00	1/1/17	2017 April Quarterly Report
IHOP	\$54.01	2/24/17	2017 April Quarterly Report
Lee's Famous Recipe Chicken	\$36.15	4/6/17	2017 July Quarterly Report
Sq You Gotta Eat H St. Louis	\$35.58	4/7/17	2017 July Quarterly Report
Monthly maintenance fee	\$5.00	5/1/17	2017 July Quarterly Report
Family Dollar	\$31.53	6/30/17	2017 July Quarterly Report
Monthly maintenance fee	\$5.00	6/30/17	2017 July Quarterly Report
Monthly maintenance fee	\$5.00	8/31/17	Termination Statement
Sam's Club	\$39.84	9/27/17	Termination Statement
<b>Total</b>	<b>\$1,654.92</b>		

26. Respondents inaccurately reported two expenditures over \$100 each, totaling \$484.18.

Report Name	Expenditure Name	Amount	Date
30 Day After Primary Election Report	Church's Chicken	\$120.23	8/6/14
30 Day After Primary Election Report	Church's Chicken	\$363.95	8/6/14
	<b>Total</b>	<b>\$484.18</b>	

27. Respondents reported five expenditures made to campaign workers, totaling \$600.00, that were not found in the official fund depository account.

Report Name	Expenditure Name	Amount	Date
30 Day After Primary Election Report	Marvette Echo	\$100.00	8/2/16
30 Day After Primary Election Report	Jaqueline Johnson	\$100.00	8/2/16
30 Day After Primary Election Report	Cedric Daniel	\$150.00	8/2/16
30 Day After Primary Election Report	Larry Williams	\$150.00	8/2/16
30 Day After Primary Election Report	Pamela Webb	\$100.00	8/2/16
	<b>Total</b>	<b>\$600.00</b>	

**COUNT VIII**

*Failure to file direct expenditure reports and Independent Contractor forms*

28. Upon information and belief, Respondents failed to file Direct Expenditure Reports for fifteen expenditures over \$100.00 each, totaling \$5,922.31, and there were no committee records provided to substantiate what these expenditures were used for.

<b>Expenditure Name</b>	<b>Amount</b>	<b>Date</b>
Phillips 66 Union	\$150.00	8/4/14
Sam's Club	\$130.87	10/27/14
LionHeart Media	\$500.00	11/5/14
Missourian Publishing Com	\$1,048.70	11/25/14
Missourian Publishing Com	\$1,420.76	2/19/15
Weinhardt Party Rentals	\$361.68	3/12/15
Sam's Club	\$183.61	12/18/15
Office Depot	\$149.90	3/9/16
Sam's Club	\$130.95	3/29/16
Sam's Club	\$117.45	4/8/16
Sam's Club	\$105.89	5/31/16
Shop 'N Save	\$101.05	8/25/16
Schnucks	\$121.45	8/30/16
Pelican Print	\$200.00	11/16/16
Dorothy T. [Illegible]	\$1,200.00	4/6/17
<b>Total</b>	<b>\$5,922.31</b>	

29. Respondents failed to file Direct Expenditure Reports for thirty expenditures of \$100.00 or less, totaling \$1,253.96, and there were no committee records provided to substantiate what these expenditures were used for.

<b>Expenditure Name</b>	<b>Amount</b>	<b>Date</b>
Family Dollar	\$57.82	7/29/14
Energy Express Travel	\$38.13	7/31/14
Office Depot	\$27.16	8/4/14
Walgreens	\$29.35	9/29/14
Sam's Club	\$40.01	10/3/14
Sam's Club	\$79.43	10/28/14
Weinhardt Party Rentals	\$75.00	3/12/15
Family Dollar	\$29.94	4/7/15

Order.wish.com	\$9.70	5/26/15
Wish.com	\$60.00	5/26/15
Order.wish.com	\$46.00	5/27/15
Wish.com	\$18.00	6/15/15
Wish.com	\$27.00	6/19/15
Wish.com	\$27.00	6/23/15
Wish.com	\$48.00	6/29/15
Order.wish.com	\$10.00	7/1/15
Dollar General	\$88.14	10/27/15
Sam's Club	\$81.17	2/6/16
Sam's Club	\$57.08	2/23/16
St. Louis Galleria	\$43.43	3/5/16
Family Dollar	\$22.65	3/29/16
Sam's Club	\$59.76	4/26/16
Sam's Club	\$20.22	5/5/16
Sam's Club	\$57.26	6/28/16
Shell Service Station	\$15.05	8/25/16
Sam's Club	\$42.25	8/31/16
Phillips 66	\$20.00	8/31/16
Schnucks City Pl St. Louis MO	\$53.04	11/29/16
Family Dollar	\$31.53	6/30/17
Sam's Club	\$39.84	9/27/17
<b>Total</b>	<b>\$1,253.96</b>	

30. Respondents failed to file an Independent Contractor form for a \$500.00 payment to LionHeart Media on November 5, 2014.

**COUNT IX**

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

31. Respondents 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.

## CONCLUSIONS OF LAW

### COUNT I

#### *Failure to update the statement of committee organization and failure to maintain an official depository account*

32. Every committee must maintain a single “official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan association, or a federally or state-chartered credit union in which the committee shall open and thereafter maintain at least one official depository account in its own name.” § 130.021.4(1), RSMo.

33. “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.

34. “Contributions shall not be accepted and expenditures shall not be made by a committee except by or through an official depository account.” § 130.021.4(1), RSMo.

35. 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(6), RSMo.

36. If there is any change to the account number, “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.

37. There is probable cause to believe that Respondents violated Sections 130.021.4(1), 130.021.5(6), and 130.021.7, RSMo, by failing to have an official fund depository account until June 27, 2014 and failing to amend the Statement of Committee Organization to reflect the change

in official fund depository account number within twenty days, and that Respondents did so knowingly.

## **COUNT II**

### *Unauthorized use of committee funds*

8. Contributions received by any committee shall not be converted to any personal use. § 130.034, RSMo.

9. Contributions may be used for any ordinary expenses incurred relating to a campaign. § 130.034.2, RSMo.

10. There is probable cause to believe that Respondents violated Section 130.034, RSMo, by making four expenditures, totaling \$1,146.73, which were not authorized for committee use, and that Respondents did so knowingly.

## **COUNT III**

### *Cash expenditures in excess of limits*

11. 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.

12. “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.” § 130.031.2, RSMo.



13. There is probable cause to believe that Respondents violated Section 130.031.2, RSMo, by making fifteen cash expenditures, totaling \$8,050.00, which exceeded the \$50.00 allowable amount for each expenditure made, and that Respondents did so knowingly.

**COUNT IV**

*Failure to accurately report money on hand*

14. Pursuant to Sections 130.041.1(2) and 130.041.1(5), RSMo, Respondents were required to disclose the amount of cash on hand as of the beginning of the reporting period and the closing date of the reporting period.

15. There is probable cause to believe that Respondents violated Sections 130.041.1(2) and 130.041.1(5), RSMo, by failing to accurately report beginning money on hand on seven reports, and by failing to accurately report ending money on hand on six reports, and that Respondents did so knowingly.

**COUNT V**

*Failure to timely file campaign finance disclosure reports and Limited Activity Statements*

16. Pursuant to Section 130.046.1, RSMo, Respondents were required to file 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.

17. Pursuant to Section 130.046.5(2), RSMo, 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. Any contributions received or expenditures made which are not reported because this statement is filed in lieu of a disclosure report shall be included in the next disclosure report filed by the committee.

18. Pursuant to Section 130.050.3, RSMo, the receipt of any late contribution or loan of more than two hundred fifty dollars by any committee shall be reported to the appropriate officer no later than twenty-four hours after receipt.

19. There is probable cause to believe that Respondents violated Sections 130.046.1, 130.046.5(2), and 130.050.3, RSMo, by failing to file two Limited Activity Statements and three full disclosure reports, by filing four Limited Activity Statements that should have been full

disclosure quarterly reports, by failing to timely file one Limited Activity Statement and two 30 Day After Primary Election Reports, and failing to file two 24 Hour Notices of Late Contributions/Loans Received, and that Respondents did so knowingly.

**COUNT VI**

*Failure to timely and accurately report contributions received*

20. Respondents were required to file campaign finance disclosure reports that set forth receipts for the period, including the:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received one or more contributions which in the aggregate total in excess of one hundred dollars and shall make a reasonable effort to obtain and report a description of any contractual relationship over five hundred dollars between the contributor and the state if the candidate is seeking election to a state office or between the contributor and any political subdivision of the state if the candidate is seeking election to another political subdivision of the state;

...

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money or any

other thing of value, aggregating more than one hundred dollars,  
together with the date and amount of each such contribution[.]

§ 130.041.1(3), RSMo.

21. There is probable cause to believe that Respondents violated Section 130.041.1(3), RSMo, by failing to report sixteen monetary contributions received, totaling \$6,142.00, failing to report a \$75.00 miscellaneous receipt, inaccurately reporting five contributions, totaling \$4,950.00, and untimely reporting four contributions received, totaling \$2,250.00, and that Respondents did so knowingly.

### COUNT VII

#### *Failure to timely and accurately report expenditures*

22. 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.

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

24. There is probable cause to believe that Respondents violated Sections 130.041.1(4)(d) and 130.021.4(1), RSMo, by failing to report ninety-five monetary expenditures, totaling \$16,408.78, inaccurately reporting two expenditures, totaling \$484.18, and reporting five expenditures made to campaign workers, totaling \$600.00, that were not found in the official fund depository account, and that Respondents did so knowingly.

### COUNT VIII

#### *Failure to file direct expenditure reports and Independent Contractor forms*

25. Pursuant to Section 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[.]”

26. “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.

27. There is probable cause to believe that Respondents violated Sections 130.041.1(7) and 130.041.4, RSMo, by failing to file Direct Expenditure Reports for forty-five expenditures, totaling \$7,176.27, and failing to file an Independent Contractor form for a \$500.00 payment to LionHeart Media, and that Respondents did so knowingly.

### COUNT IX

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

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

29. “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.

30. “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.

31. There is probable cause to believe that Respondents violated Sections 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.

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**ORDER**

The Missouri Ethics Commission finds probable cause that Respondents Andre Williams and 22<sup>nd</sup> Ward Democratic Org violated, and have knowingly violated, Sections 130.021.4(1), 130.021.5(6), 130.021.7, 130.034, 130.031.2, 130.041.1(2), 130.041.1(5), 130.046.1, 130.046.5(2), 130.050.3, 130.041.1(3), 130.041.1(4)(d), 130.041.1(7), 130.041.4, 130.036.1 and 130.036.8, RSMo.

1. The Commission orders Respondents to file accurately all necessary campaign finance reports and statements.
2. The Missouri Ethics Commission further orders a fee be imposed against Respondents as follows:

<b>Counts</b>	<b>Violation Fee</b>	<b>Payment Amount</b>
Count I	\$1,000	\$100
Count II	\$1,146	\$114
Count III	\$8,050	\$8,050
Count IV	\$0	\$0
Count V	\$1,000	\$100
Count VI	\$7,217	\$721
Count VII	\$17,408	\$1,740
Count VIII	\$1,000	\$100
Count IX	\$1,000	\$100
<b>Total</b>	<b>\$37,821</b>	<b>\$11,025</b>

The total fee ordered is \$37,821, if any Respondent pays \$11,025 of the fee within 45 days of the date of this Order and files all required campaign finance disclosure reports, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to and sent to the Missouri Ethics Commission.

3. Regardless of the stay in paragraph 2 above, if any Respondent commits any further violation of the campaign finance laws pursuant to Chapter 130, RSMo, as amended, within the




two-year period from the date of this order, then Respondents 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 24<sup>th</sup> day of August, 2018.

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Don Summers, Chair  
MISSOURI ETHICS COMMISSION