

**Filed**  
**JAN 02 2019**  
Missouri Ethics  
Commission

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION, )  
)  
Petitioner, )  
)  
v. )  
)  
JEFFERSON COUNTY ) Case No. 18-0008-A  
ORGANIZATION TO REINFORCE )  
CITIZENS AWARENESS, )  
Committee, )  
)  
and )  
)  
DERRICK GOOD, )  
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, Jefferson County Organization to Reinforce Citizens Awareness and Derrick Good, 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.<sup>1</sup>
2. Respondent Jefferson County Organization to Reinforce Citizens Awareness (JCORCA) registered as a continuing committee by filing a Statement of Committee Organization with the Missouri Ethics Commission on July 25, 2012.
3. The Statement of Committee Organization was amended three times: October 23, 2012, April 28, 2014, and July 21, 2014, respectively.
4. Respondent Derrick Good was listed as treasurer on the Statement of Committee Organization amended on July 21, 2014.

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

5. The original Statement of Committee Organization listed Eagle Bank at 10596 Business 21, Hillsboro, MO 63050, with account number ending in \*7355, as the official fund depository. The official fund depository account has not been amended.

6. Pursuant to Sections 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 had occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

### COUNT I

#### *Failure to timely report changes in the official fund depository*

8. The official fund depository account at Eagle Bank, with an account number ending in \*7355, was closed on July 24, 2014.

9. Respondents did not file an amended Statement of Committee Organization reflecting the closing of the \*7355 account.

10. On August 17, 2014, Respondents opened a new account at Eagle Bank ending in \*4071 in the name of the committee. The account ending in \*4071 was closed on October 31, 2017.

11. Respondents did not file an amended Statement of Committee Organization reflecting the opening or closing of the \*4071 account.

12. Respondents failed to report changes in the official fund depository account within twenty days of closing and opening bank accounts.

13. The address and telephone number listed on the committee's July 25, 2012 Statement of Committee Organization are out of date.

14. Respondents failed to file an amended Statement of Committee Organization to reflect changes in the committee's telephone number and address.

**COUNT II**

*Failure to terminate committee upon closure of official fund depository account*

15. The committee's official fund depository account was closed on October 31, 2017, due to inactivity, but Respondents failed to file a termination statement within ten days after the committee dissolved. A termination statement was filed on June 15, 2018.

**COUNT III**

*Failure to timely and accurately file campaign finance disclosure reports and/or*

*Limited Activity Statements*

16. Between April 2015 and April 2018, Respondents failed to timely file eleven Limited Activity Statements.

| <b>Report Name</b>                                    | <b>Year</b> | <b>Due Date</b> | <b>Date Filed</b> |
|---|-------------|-----------------|-------------------|
| April Quarterly Report - Limited Activity Statement   | 2018        | 4/16/18         | 6/15/18           |
| October Quarterly Report - Limited Activity Statement | 2017        | 10/16/17        | 1/15/18           |
| July Quarterly Report - Limited Activity Statement    | 2017        | 7/17/17         | 1/15/18           |
| April Quarterly Report - Limited Activity Statement   | 2017        | 4/17/17         | 6/14/17           |
| October Quarterly Report - Limited Activity Statement | 2016        | 10/17/16        | 1/10/17           |
| July Quarterly Report - Limited Activity Statement    | 2016        | 7/15/16         | 7/29/16           |
| April Quarterly Report - Limited Activity Statement   | 2016        | 4/15/16         | 4/18/16           |
| January Quarterly Report - Limited Activity Statement | 2016        | 1/15/16         | 3/12/16           |

|   |      |          |          |
|---|------|----------|----------|
| October Quarterly Report - Limited Activity Statement | 2015 | 10/15/15 | 11/27/15 |
| July Quarterly Report - Limited Activity Statement    | 2015 | 7/15/15  | 7/16/15  |
| April Quarterly Report - Limited Activity Statement   | 2015 | 4/15/15  | 4/17/15  |

17. Respondents failed to file a full disclosure termination statement by November 10, 2017, ten days after the closure of the official fund depository account. Respondents filed the termination statement on June 15, 2018.

**JOINT PROPOSED CONCLUSIONS OF LAW**

**COUNT I**

*Failure to timely report changes in the official fund depository*

18. The Statement of Committee Organization must include the “name and mailing address of [the committee’s] depository, and the name and account number of each account the committee has in the depository.” § 130.021.5, RSMo.

19. 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.

20. There is probable cause to believe that Respondents violated Sections 130.021.5 and 130.021.7, RSMo, by failing to report a change in the official fund depository account within twenty days of opening or closing the bank account as well as the change in the committee’s telephone number and address, and that Respondents did so knowingly.

## COUNT II

### *Failure to terminate committee upon closure of official fund depository account*

21. "Upon termination of a committee, a termination statement indicating dissolution shall be filed not later than ten days after the date of dissolution with the appropriate officer or officers with whom the committee's statement of organization was filed." § 130.021.8, RSMo.

22. "In the case of a committee which disbands and is required to file a termination statement . . . the candidate, committee treasurer or deputy treasurer shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution." § 130.046.7, RSMo

23. There is probable cause to believe that Respondents violated Sections 130.021.8, and 130.046.7, RSMo, by failing to terminate the committee within ten days upon the closure of the official fund depository account, and that Respondents did so knowingly.

## COUNT III

### *Failure to timely and accurately file campaign finance disclosure reports and/or*

#### *Limited Activity Statements*

24. 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.

§130.046.1, RSMo.

25. 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."

26. "Upon termination of a committee, a termination statement indicating dissolution shall be filed not later than ten days after the date of dissolution with the appropriate officer or officers with whom the committee's statement of organization was filed." § 130.021.8, RSMo.

27. "In the case of a committee which disbands and is required to file a termination statement . . . the candidate, committee treasurer or deputy treasurer shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution." § 130.046.7, RSMo.

28. There is probable cause to believe that Respondents violated Sections 130.046.1, 130.046.5(2), 130.021.8, and 130.046.7, RSMo, by failing to timely file eleven Limited Activity Statements and the Termination Statement, 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. Prior to finalizing settlement, Respondents will be required to file and amend reports and statements with the Commission.
3. 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 \$3,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$300 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 3.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 the Respondent who committed the violation will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that such Respondent has committed such a violation.
  - d. Respondents shall be jointly and severally liable for all fees imposed under this order.
4. 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.




5. 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:

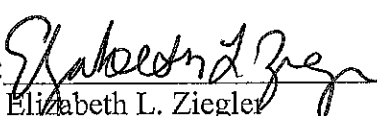
RESPONDENT JEFFERSON COUNTY  
ORGANIZATION TO REINFORCE  
CITIZENS AWARENESS


By:   
Derrick Good Date

RESPONDENT DERRICK GOOD

By:   
Derrick Good Date

PETITIONER MISSOURI ETHICS  
COMMISSION

By:  1/2/19  
Elizabeth L. Ziegler Date  
Executive Director

By:  1/2/19  
Brian Hamilton Date  
Attorney for Petitioner

**Filed**  
**JAN 02 2019**  
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**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,            )  
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  Petitioner,    )  
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JEFFERSON COUNTY                            )    Case No. 18-0008-A  
ORGANIZATION TO REINFORCE            )  
CITIZENS AWARENESS,                    )  
  )  
and    )  
  )  
DERRICK GOOD,                                )  
  )  
  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 violated Sections 130.021.5, 130.021.7, 130.021.8, 130.046.1, 130.046.5(2), and 130.046.7, RSMo.


The Commission directs that the Joint Stipulation be adopted.

1. Respondent 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 \$3,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$300.00 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.
3. 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 the Respondent who committed the violation will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that such Respondent has committed such a violation.

4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 2nd day of January, 2019

By:   
\_\_\_\_\_  
Don Summers, Chair  
Missouri Ethics Commission