

Filed

JAN 15 2019

Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
)
 v.)
)
 THE MIGHTY 5TH WARD)
 DEMOCRATIC ORGANIZATION,)
 Committee,)
)
 DOROTHY FINLEY, Treasurer,)
)
 and)
)
 RASHEEN ALDRIDGE, Deputy Treasurer,)
)
 Respondents.)

Case No. 18-0003-A

**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 Mighty 5th Ward Democratic Organization, Dorothy Finley and Rasheen Aldridge, 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 Mighty 5th Ward Democratic Organization registered as a continuing committee by filing a Statement of Committee Organization with the Missouri Ethics Commission on March 31, 2017.
3. Respondent Finley was listed as treasurer on the Statement of Committee Organization.
4. Respondent Aldridge was listed as deputy treasurer on the Statement of Committee Organization.

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

5. The Statement of Committee Organization listed Commerce Bank, at 3134 S. Grand Blvd, St. Louis, MO 63115 with account number ending in *8318 as the official fund depository.

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

COUNT I

Failure to timely file a Statement of Committee Organization

8. Respondents deposited a \$300.00 contribution on March 6, 2017, but did not file the Statement of Committee Organization until March 31, 2017. The committee should have file the Statement of Committee Organization by March 26, 2017.

Failure to terminate the committee upon closure of official fund depository

9. The committee's official fund depository account was closed on July 31, 2017.

10. Respondents failed to file a Termination Statement within ten days after the committee dissolved when it closed its official fund depository account on July 31, 2017.

Making expenditures by a party other than the treasurer

11. On March 6, 2017, there was a \$173.89 check written from the committee's account to Creative Litho. On information and belief, this check was not signed by the committee's treasurer or deputy treasurer.

COUNT II

Cash expenditures in excess of limits

12. Respondents made two cash expenditures, totaling \$275.00, to pay campaign workers, which exceeded the \$50.00 allowable amount for each expenditure made.

Report	Name	Purpose	Amount	Date
Not Reported	Cash Withdrawal	Campaign workers	\$175.00	1/11/17
Not Reported	Cash Withdrawal	Campaign workers	\$100.00	3/28/17
Total			\$275.00	

COUNT III

Failure to timely and accurately file campaign finance disclosure reports and/or limited activity statements

13. Respondents failed to file two Limited Activity Statements for the 2017 April Quarterly Report and the 2017 July Quarterly Report.

14. Respondents failed to file a full disclosure termination statement by August 10, 2017, ten days after the closure of the official fund depository account.

COUNT IV

Failure to timely and accurately report contributions received

15. Respondents failed to report two contributions, totaling \$500.00.

Contributor Name	Amount	Date	Report Not Showing Contribution
Citizens for Vernon Betts	\$200.00	11/26/16	40 Day Before Special Election
Tim Person & Associates, LLC	\$300.00	3/2/17	30 Day After Special Election
Total		\$500.00	

COUNT V

Failure to timely and accurately report expenditures made

16. Respondents failed to report two monetary expenditures over \$100.00 each totaling \$348.89.

Expenditure Name	Amount	Date	Report Not Showing Expenditure
Cash Withdrawal	\$175.00	1/11/17	40 Day Before Special Election
Creative Litho	\$173.89	3/17/17	30 Day After Special Election
Total	\$348.89		

17. Respondents failed to report nine monetary expenditures of \$100 or less, totaling \$151.11.

Expenditure Name	Amount	Date	Report Not Showing Expenditure
Commerce Bank	\$8.00	1/31/17	30 Day After Special Election
Commerce Bank	\$8.00	2/28/17	30 Day After Special Election
Commerce Bank	\$2.00	3/6/17	30 Day After Special Election
Cash Withdrawal	\$100.00	3/28/17	30 Day After Special Election
Commerce Bank	\$8.00	3/31/17	30 Day After Special Election
Commerce Bank	\$8.00	4/28/17	July Quarterly 2017
Commerce Bank	\$8.00	5/31/17	July Quarterly 2017
Commerce Bank	\$8.00	6/30/17	July Quarterly 2017
Commerce Bank	\$1.11	7/31/17	Termination Statement
Total	151.11		

COUNT VI

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

18. 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

19. 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.

20. Pursuant to Section 130.021.5, RSMo, a committee shall file a Statement of Committee 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 Section 130.046, RSMo.

21. Pursuant to Section 130.026.5, RSMo, the appropriate officer for the committee was the Missouri Ethics Commission.

Failure to terminate the committee upon closure of official fund depository

22. “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.

23. “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.

Making expenditures by a party other than the treasurer

24. “[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.

25. Except for expenditures from a petty cash fund, “each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee’s depository and signed by the committee treasurer, deputy treasurer, or candidate.” § 130.031.2, RSMo.

26. There is probable cause to believe that Respondents violated Sections 130.021.8, 130.046.7, 130.021.5, 130.021.4(1), and 130.031.2, RSMo, by failing to timely file a Statement of Committee Organization within twenty days of forming, failing to terminate the committee upon

the closure of the official fund depository, and by making an expenditure by a party other than the committee's treasurer, and that Respondents did so knowingly.

COUNT II

Cash expenditures in excess of limits

27. 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.

28. "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.

29. There is probable cause to believe that Respondents violated Section 130.031.2, RSMo, by making two cash expenditures totaling \$275.00, which exceeded the \$50.00 allowable amount for a cash expenditure, and that Respondents did so knowingly.

COUNT III

Failure to timely and accurately file campaign finance disclosure reports and/or limited activity statements

30. 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.

31. 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.

32. "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.

33. "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.

34. 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 file two Limited Activity Statements in 2017, and failing to file a full disclosure Termination Statement, and that Respondents did so knowingly.

COUNT IV

Failure to timely and accurately report contributions received

35. 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;

...

(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.

36. There is probable cause to believe that Respondents violated Section 130.041.1(3), RSMo, by failing to report two monetary contributions totaling \$500.00 and that Respondents did so knowingly.

COUNT V

Failure to timely and accurately report expenditures made

37. 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;
- ...
- (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.

38. There is probable cause to believe that Respondents violated Section 130.041.1(4) RSMo, by failing to report eleven monetary expenditures totaling \$500.00 and that Respondents did so knowingly.

COUNT VI

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

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

40. “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.

41. “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.

42. There is probable cause to believe that Respondents violated § 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. 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 \$5,275, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$775 of that fee within forty-five days after the date of the Order, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
 - c. Regardless of the stay in paragraph 2.b above, if any Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo, within the two-year period from the date of this order, then Respondents will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that any Respondent has committed such a violation.

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

4. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondents or Respondents' attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

SO AGREED:

RESPONDENT THE MIGHTY 5TH WARD
DEMOCRATIC ORGANIZATION

By: Dorothy Finley 12-9-18
Dorothy Finley, Treasurer Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: Elizabeth L. Ziegler 1/15/19
Elizabeth L. Ziegler Date
Executive Director

RESPONDENT DOROTHY FINLEY

By: Dorothy Finley 12-9-18
Dorothy Finley Date

By: Brian Hamilton 1/15/19
Brian Hamilton Date
Attorney for Petitioner

RESPONDENT RASHEEN ALDRIDGE

By: Rasheed Aldridge 12-9-18
Rasheed Aldridge Date

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
JAN 15 2019
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
THE MIGHTY 5 th WARD DEMOCRATIC ORGANIZATION,)	Case No. 18-0003-A
)	
DOROTHY FINLEY,)	
)	
and)	
)	
RASHEEN ALDRIDGE,)	
)	
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 130.021.4(1), 130.021.5, 130.021.8, 130.031.2, 130.036, 130.041.1(3), 130.041.1(4), and 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 \$5,275.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$775.00 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 13th day of January, 2019

By:



Don Summers, Chair
Missouri Ethics Commission