

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
JAN 25 2019
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
THE 20 TH WARD OPEN DEMOCRATIC ORGANIZATION,)	Case No. 18-0055-I
)	
LANEL CRUMP,)	
)	
and)	
)	
WENDY CAMPBELL,)	
)	
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 20th Ward Open Democratic Organization, Lanel Crump, and Wendy Campbell, 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 Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.
2. The 20th Ward Open Democratic Organization is a Continuing Committee that registered with the Missouri Ethics Commission on April 3, 2017, by filing a Statement of Committee Organization.
3. Elizabeth Kucharski was named as the committee's Treasurer on the Statement of Committee Organization.
4. The committee's official fund depository was listed at US Bank at 3430 South Grand Boulevard, St. Louis, MO 63118, with account number ending with *8405 in the name of Wendy R. Campbell DBA The 20th Ward Open Democratic Organization.
5. The Statement of Committee Organization was amended on December 4, 2017, and on February 2, 2018, listing Byron Brown as the treasurer.

6. The Statement of Committee Organization was amended again on March 8, 2018, listing Respondent Crump as the treasurer.

7. 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.

8. 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

Cash contributions and expenditures in excess of limits

9. On July 26, 2017, Respondents accepted and deposited a \$300.00 cash contribution into the official fund depository account. This amount exceeded the allowable \$100.00 limit for a cash contribution.

10. There were no committee records provided to substantiate whether or not this contribution was from a single contributor or multiple contributors.

11. On September 14, 2017, Respondents made a \$279.00 cash withdrawal from the official fund depository account. This amount exceeded the allowable \$50.00 limit for cash expenditures.

COUNT II

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

12. Respondents inaccurately reported beginning money on hand on two reports in 2017 and three reports in 2018.

13. Respondents inaccurately reported ending money on hand on three reports in 2017 and three reports in 2018.

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
2017						
April Quarterly	1/1/17	3/31/17	\$0.00	\$365.00	\$0.00	\$365.00
July Quarterly	4/1/16	6/30/17	\$365.00	\$365.00	\$365.00	\$495.00
8 Day Before Election Report	7/1/16	7/27/17	\$365.00	\$315.00	\$495.00	\$584.19
October Quarterly	7/1/17	9/30/17	\$365.00	\$365.00	\$584.19	\$295.19
2018						
January Quarterly	10/1/17	12/31/17	\$365.00	\$365.00	\$295.19	\$263.34
April Quarterly	1/31/18	3/31/18	\$365.00	\$1,284.00	\$263.34	\$1,117.34
July Quarterly	4/1/18	6/30/18	\$0.00	\$0.00	\$1,117.34	\$117.34

14. Respondents inaccurately filed a July 2018 Limited Activity Statement that should have been filed as a full disclosure report because the monetary threshold was exceeded.

15. Respondents failed to accurately report the proper reporting periods on three reports in 2017.

Report Name	Year	Reported Period Dates		Actual Period Dates	
		From	To	From	To
July Quarterly	2017	4/1/16	6/30/17	4/1/17	6/30/17
8 Day Before Election Report	2017	7/1/16	7/27/17	7/1/17	7/27/17
October Quarterly	2017	7/1/17	9/30/17	7/28/17	9/30/17

COUNT III

Failure to timely and accurately report contributions received

16. Respondents failed to report two non-itemized contributions totaling \$140.00.

Date	Contribution	Amount	Should've been Reported on
11/29/17	Deposited Cash	\$40.00	January 2018 Quarterly
3/19/18	Team Butler	\$100.00	April 2018 Quarterly
Total		\$140.00	

17. Respondents failed to report two itemized contributions totaling \$450.00.

Date	Contribution	Amount	Should've been Reported on
4/10/17	Media Magic Public Relations	\$150.00	January 2018 Quarterly
7/26/17	Deposited Cash	\$300.00	April 2018 Quarterly
Total		\$450.00	

18. Respondents inaccurately reported a \$100.00 monetary contribution as an in-kind contribution.

Date	Contribution	Amount	Reported on
03/02/18	Jack Pitman	\$100.00	April 2018 Quarterly Report

COUNT IV

Failure to timely and accurately report expenditures made

19. Respondents failed to report sixteen non-itemized expenditures totaling \$162.00.

Date	Expenditure	Amount	Should've been Reported On
5/12/17	Analysis Service Charge	\$15.00	July 2017 Quarterly
6/14/17	Analysis Service Charge	\$5.00	July 2017 Quarterly
7/17/17	Analysis Service Charge	\$5.00	October 2017 Quarterly
7/20/17	Overdraft paid fee	\$36.00	October 2017 Quarterly
8/14/17	Analysis Service Charge	\$5.00	October 2017 Quarterly
9/15/17	Analysis Service Charge	\$5.00	October 2017 Quarterly
10/16/17	Analysis Service Charge	\$5.00	January 2018 Quarterly
11/14/17	Analysis Service Charge	\$5.00	January 2018 Quarterly

12/14/17	Analysis Service Charge	\$5.00	January 2018 Quarterly
1/16/18	Analysis Service Charge	\$5.00	April 2018 Quarterly
2/14/18	Analysis Service Charge	\$5.00	April 2018 Quarterly
3/2/18	Customer withdrawal	\$50.00	April 2018 Quarterly
3/14/18	Analysis Service Charge	\$5.00	April 2018 Quarterly
4/13/18	Analysis Service Charge	\$7.00	July 2018 Quarterly
5/14/18	Analysis Service Charge	\$2.00	July 2018 Quarterly
6/14/18	Analysis Service Charge	\$2.00	July 2018 Quarterly
Total		\$162.00	

20. Respondents failed to report three itemized expenditures totaling \$1,109.00.

Date	Expenditure	Amount	Should've been Reported On
5/7/18	Team Butler	\$100.00	July 2018 Quarterly
3/27/18	Missouri Ethics Commission	\$120.00	April 2018 Quarterly
4/23/18	Missouri Ethics Commission	\$889.00	April 2018 Quarterly
Total		\$1,109.00	

COUNT V

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

21. 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

Cash contributions and expenditures in excess of limits

22. 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.

23. “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 ... committee.” § 130.031.1, RSMo.

24. “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.

25. There is probable cause to believe that Respondents violated Sections 130.031.1 and 130.031.2, RSMo, by accepting a single cash contribution of \$300.00 and by making a \$279.00 expenditure, which exceeded the allowable limits for cash contributions and expenditures, and that Respondents did so knowingly.

COUNT II

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

26. The 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.

27. 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.

28. 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 expenditures 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.

29. "The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September." § 130.046.3, RSMo.

30. There is probable cause to believe that that Respondents violated Sections 130.041.1, 130.046.1, 130.046.5(2), and 130.046.3, RSMo, by failing to accurately report beginning money on hand on five reports and ending money on hand on six reports, by inaccurately filing a Limited Activity Statement that should have been filed as a full disclosure report, and by failing to accurately report the proper reporting periods on three reports, and that Respondents did so knowingly.

COUNT III

Failure to timely and accurately report contributions received

31. 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;

...

(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[.]

§ 130.041.1(3), RSMo.

32. There is probable cause to believe that Respondents violated Section 130.041.1(3), RSMo, by failing to report four contributions totaling \$590.00 and inaccurately reporting a \$100.00 contribution, and that Respondents did so knowingly.

COUNT IV

Failure to timely and accurately report expenditures made

33. 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.

34. There is probable cause to believe that Respondents violated Section 130.041.1(4), RSMo, by failing to report nineteen expenditures totaling \$1,271.00, and that Respondents did so knowingly.

COUNT V

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

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

36. "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.

37. “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.

38. There is probable cause to believe that Respondents violated Section 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. Prior to finalizing settlement, Respondents would 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 \$4,440, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$695 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 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.
 - e. By signing this joint stipulation Respondents are agreeing they have violated the two year provision in case numbers 17-0026-I and 17-0028-I. This violation results in the remainder of the fee, \$5,306, being due immediately upon the execution of this Joint Stipulation.

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 THE 20TH WARD OPEN
DEMOCRATIC ORGANIZATION

By: Lanel Crump
Lanel Crump, Treasurer Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: Elizabeth L. Ziegler 1/25/19
Elizabeth L. Ziegler Date
Executive Director

RESPONDENT LANEL CRUMP

By: Lanel Crump
Lanel Crump Date

By: Brian Hamilton 1/24/19
Brian Hamilton Date
Attorney for Petitioner

RESPONDENT WENDY CAMPBELL

By: Wendy Campbell
Wendy Campbell Date

**BEFORE THE
MISSOURI ETHICS COMMISSION**

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THE 20TH WARD OPEN DEMOCRATIC)
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WENDY CAMPBELL,)
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Respondents.)

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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 130.031.1, 130.031.2, 130.036, 130.041.1, 130.041.1(3), 130.041.1(4), 130.046.1, 130.046.3, and 130.046.5(2), RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$4,440.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$695.00 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.
5. Respondents have violated the two year provision in case numbers 17-0026-I and 17-0028-I. This violation results in the remainder of the 17-0026-I and 17-0028-I fee, \$5,306.00, being due immediately. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

SO ORDERED this 26th day of January, 2019

By:



Don Summers, Chair
Missouri Ethics Commission