

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
JAN 25 2019
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.) Case No. 18-0072-I
)
COMMITTEE TO ELECT FLOYD)
BLACKWELL STATE REP 73rd)
DISTRICT,)
Committee,)
)
FLOYD BLACKWELL,)
Candidate,)
)
and)
)
VIOLA MURPHY,)
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, Committee to Elect Floyd Blackwell State Rep 73rd District, Floyd Blackwell, and Viola Murphy, 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.¹
2. Respondent Floyd Blackwell was an unsuccessful candidate for Missouri State Representative in the August 7, 2018 primary election.
3. On March 17, 2018, Respondents registered Committee to Elect Floyd Blackwell State Rep 73rd District as a candidate committee by filing a Statement of Committee Organization with the Missouri Ethics Commission.

¹ Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2018).

4. Respondent Viola Murphy was listed as treasurer on the Statement of Committee Organization.

5. The Statement of Committee Organization listed Gateway Metro Federal Credit Union at 1001 Pine Street St., St. Louis, MO 63101, with account number ending in *2008, as the official fund depository.

6. Pursuant to Sections 105.957 and 105.961, RSMo, the Commission's staff investigated a complaint 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 file a Statement of Committee Organization

8. Between September 8, 2017, and November 5, 2017, Respondents spent \$563.79 on Respondent Blackwell's campaign for State Representative in the August 7, 2018 primary election.

9. The Missouri Ethics Commission did not receive a Statement of Committee Organization for Respondent Blackwell's candidate committee, Committee to Elect Floyd Blackwell State Rep 73rd District, until April 24, 2018.

COUNT II

Cash expenditures in excess of limits

10. Respondents made fifteen cash expenditures totaling \$1,837.61.

Expenditure	Date	Amount	Report
Groenier Design	3/8/18	\$160.00	Not Reported

Cash withdrawal	Unknown	\$550.00	July Quarterly Report 2018
KFC	8/8/18	\$107.61	30 Day After Primary - 8/7/18
Ed Kaskowitz	8/8/18	\$100.00	30 Day After Primary - 8/7/18
JoAnn Allen	8/8/18	\$100.00	30 Day After Primary - 8/7/18
Winell Warren	8/8/18	\$100.00	30 Day After Primary - 8/7/18
Denise Vaughn	8/8/18	\$100.00	30 Day After Primary - 8/7/18
Jerrion Lee	8/8/18	\$100.00	30 Day After Primary - 8/7/18
Greg Person	8/8/18	\$100.00	30 Day After Primary - 8/7/18
Tavon Brooks	8/8/18	\$100.00	30 Day After Primary - 8/7/18
Lisa Holland	8/8/18	\$60.00	30 Day After Primary - 8/7/18
Viola Murphy	8/8/18	\$60.00	30 Day After Primary - 8/7/18
Elijah Karabell	8/8/18	\$60.00	30 Day After Primary - 8/7/18
Sean Anderson	8/8/18	\$60.00	30 Day After Primary - 8/7/18
Tyricke Davis	8/8/18	\$80.00	30 Day After Primary - 8/7/18
Total		\$1,837.61	

COUNT III

Failure to accurately report a fundraiser

11. Respondents reported a \$900.00 expenditure on a Fundraising Statement with the 2018 July Quarterly Report. This expenditure was not found in the official fund depository or reported in the Expenditure section of the 2018 July Quarterly Report.

COUNT IV

Failure to timely and accurately report money on hand

12. Respondents failed to accurately report the committee's beginning money on hand on three reports in 2018.

13. Respondents failed to accurately report the committee's ending money on hand on three reports in 2018.

14. Respondents incorrectly documented indebtedness on four reports in 2018 due to unreported incurred expenditures and the repayment of loans.

Report Name	From	To	Reported		Actual	
			MOH Beginning of Period	MOH End of Period	MOH Beginning of Period	MOH End of Period
2018						
Amended April Quarterly Report	3/16/18	3/31/18	\$0.00	\$2,815.00	\$0.00	\$3,689.50
July Quarterly Report	4/1/18	6/30/18	\$2,600.00	\$6,547.00	\$3,689.50	\$6,040.47
Amended 8 Day Before Primary - 8/7/18	4/1/18	7/26/18	\$6,547.00	\$5,510.21	\$6,040.47	\$5,452.68
30 Day After Primary - 8/7/18	8/8/18	9/1/18	\$4,000.00	\$2,745.11	\$5,452.68	unknown

COUNT V

Failure to timely and accurately file campaign finance disclosure reports

15. Between September 8, 2017, and December, 2017, Respondents spent \$616.15 on Respondent Blackwell's campaign for State Representative in the August 7, 2018 primary election.

16. Respondents did not file a 2018 January Quarterly Report.

17. Respondents failed to timely file the 2018 April Quarterly Report and the 8 Day Before Primary Election Report for the August 7, 2018 primary election.

Report	Year	Due Date	Date Submitted
April Quarterly Report	2018	4/15/18	4/25/18
8 Day Before Primary - 8/7/18	2018	7/30/18	7/31/18

18. Respondents reported expenditures outside of the reporting period of the Amended 8 Day Before Primary Election Report for the August 7, 2018 primary election.

COUNT VI

Failure to timely and accurately report contributions received

19. Respondents failed to report four contributions over \$100.00, totaling \$850.00.

Contributor	Date	Amount	Report Not Showing Contribution
Ronnie & Donna Fredman	2/28/18	\$250.00	April Quarterly Report 2018

Elbert McDaniel, Jr.	3/19/18	\$150.00	April Quarterly Report 2018
Shared branch deposit	3/30/18	\$200.00	April Quarterly Report 2018
Jim Murphy	5/2/18	\$250.00	July Quarterly Report 2018
Total		\$850.00	

20. Respondents failed to report nineteen contributions at \$100.00 or less, totaling \$682.41.

Contributor	Date	Amount	Report Not Showing Contribution
Deposit cash	2/28/18	\$20.00	April Quarterly Report 2018
Pamela Hughes	3/8/18	\$25.00	April Quarterly Report 2018
Jacqueline & Melvin Brown	3/12/18	\$25.00	April Quarterly Report 2018
John Chambers	3/12/18	\$25.00	April Quarterly Report 2018
Deposit cash	3/19/18	\$80.00	April Quarterly Report 2018
James Clancy & Julie Jokisch	3/19/18	\$50.00	April Quarterly Report 2018
Jeffrey Turner	3/19/18	\$50.00	April Quarterly Report 2018
James Gillespie II	3/19/18	\$25.00	April Quarterly Report 2018
Deposit cash	3/20/18	\$30.00	April Quarterly Report 2018
Danny Jefferson	3/20/18	\$30.00	April Quarterly Report 2018
Deposit cash	3/26/18	\$40.00	April Quarterly Report 2018
G&M Professional Cleaning Services	3/26/18	\$20.00	April Quarterly Report 2018
Dr. Gregory & Jane Johnson Hoeltzel	3/26/18	\$25.00	April Quarterly Report 2018
Deposit cash	4/9/18	\$20.00	July Quarterly Report 2018
Rhonda Gainey	5/2/18	\$25.00	July Quarterly Report 2018
Shared branch deposit	5/11/18	\$47.41	July Quarterly Report 2018
Deposit cash	6/18/18	\$45.00	July Quarterly Report 2018
Willie Kilpatrick	6/23/18	\$25.00	July Quarterly Report 2018
Shared branch deposit	6/29/18	\$75.00	July Quarterly Report 2018
Total		\$682.41	

21. Respondents inaccurately reported five contributions, totaling \$2,940.00.

Contributor	Date	Amount	Report
Floyd Blackwell	3/3/18	\$290.00	Amended April Quarterly Report 2018
Reggie Blackwell	3/20/18	\$2,000.00	Amended April Quarterly Report 2018
Thomas Levenhagen	7/9/18	\$100.00	Amended 8 Day Before Primary - 8/7/18
Mark Mantovani	7/15/18	\$500.00	Amended 8 Day Before Primary - 8/7/18
Harold Karabell	8/8/18	\$50.00	30 Day After Primary - 8/7/18
Total		\$2,940.00	

22. Respondent reported four contributions, totaling \$200.00, which could not be found in the official fund depository account.

Contributor	Date	Amount	Report
Lealia Horton	6/27/18	\$40.00	8 Day Before Primary - 8/7/18
Sahra Blue	6/27/18	\$20.00	8 Day Before Primary - 8/7/18
Dr. Lee Hill	6/29/18	\$75.00	8 Day Before Primary - 8/7/18
Anonymous Contributions	N/A	\$65.00	30 Day After Primary - 8/7/18
Total		\$200.00	

COUNT VII

Failure to timely and accurately report expenditures

23. Respondents failed to report five expenditures over \$100.00, totaling \$2,579.73.

Expenditure	Date	Amount	Report
Cash withdrawal	3/8/18	\$161.00	April Quarterly Report 2018
Cash withdrawal	5/2/18	\$550.00	July Quarterly Report 2018
Karabell Industries, LLC	7/13/18	\$250.00	8 Day Before Primary - 8/7/18
Sportsprint	7/30/18	\$222.51	30 Day After Primary - 8/7/18
Floyd Blackwell	7/30/18	\$1,396.22	30 Day After Primary - 8/7/18
Total		\$2,579.73	

24. Respondents failed to report two incurred expenditures over \$100.00, totaling \$605.15.

Expenditure	Date	Amount	Report
Best Buy	10/20/17	\$412.45	January Quarterly Report 2018
Fedex Office	3/22/18	\$192.70	April Quarterly Report 2018
Total		\$605.15	

25. Respondents failed to report twenty-one expenditures of \$100.00 or less, totaling \$431.32.

Expenditure	Date	Amount	Report
Gateway Metro Federal Credit Union	3/2/18	\$2.00	April Quarterly Report 2018
Gateway Metro Federal Credit Union	3/31/18	\$2.50	April Quarterly Report 2018

Gateway Metro Federal Credit Union	4/2/18	\$2.00	July Quarterly Report 2018
Sherry McIntee	4/11/18	\$30.00	July Quarterly Report 2018
City of Cool Valley	4/27/18	\$50.00	July Quarterly Report 2018
City of Cool Valley	5/1/18	\$50.00	July Quarterly Report 2018
Gateway Metro Federal Credit Union	5/2/18	\$2.00	July Quarterly Report 2018
Actblue	5/2/18	\$9.88	July Quarterly Report 2018
Actblue	5/2/18	\$0.99	July Quarterly Report 2018
State of Missouri	5/3/18	\$90.00	July Quarterly Report 2018
Actblue	5/3/18	\$1.98	July Quarterly Report 2018
City of Cool Valley	5/15/18	\$25.00	July Quarterly Report 2018
Old Town Donuts	5/26/18	\$38.45	July Quarterly Report 2018
Spencer's Bakery	5/26/18	\$13.60	July Quarterly Report 2018
Gateway Metro Federal Credit Union	6/2/18	\$2.00	July Quarterly Report 2018
Actblue	6/23/18	\$0.99	July Quarterly Report 2018
Gateway Metro Federal Credit Union	7/2/18	\$2.00	8 Day Before Primary - 8/7/18
Actblue	7/23/18	\$3.95	8 Day Before Primary - 8/7/18
Gateway Metro Federal Credit Union	8/2/18	\$2.00	30 Day After Primary - 8/7/18
Actblue	8/5/18	\$1.98	30 Day After Primary - 8/7/18
State of Missouri	8/9/18	\$100.00	30 Day After Primary - 8/7/18
Total		\$431.32	

26. Respondents failed to report thirteen incurred expenditures of \$100.00 or less, totaling \$646.65.

Expenditure	Date	Amount	Report
Food & drink	N/A	\$72.81	January Quarterly Report 2018
Voter history & maps	N/A	\$85.00	January Quarterly Report 2018
Gas	N/A	\$35.00	January Quarterly Report 2018
Supplies	N/A	\$10.89	January Quarterly Report 2018
Supplies	N/A	\$10.91	April Quarterly Report 2018
Food & drink	N/A	\$32.34	April Quarterly Report 2018
Printing/copies	N/A	\$92.92	April Quarterly Report 2018
Gas	N/A	\$33.63	April Quarterly Report 2018
Mailing	N/A	\$20.00	April Quarterly Report 2018
Supplies	N/A	\$52.50	July Quarterly Report 2018
Food & drink	N/A	\$99.27	July Quarterly Report 2018
Printing/copies	N/A	\$59.55	July Quarterly Report 2018
Gas	N/A	\$41.83	July Quarterly Report 2018
Total		\$646.65	

27. Respondents failed to accurately report six expenditures, totaling \$3,641.55.

Expenditure	Date	Amount	Report
Hummert Graphics	4/23/18	\$592.27	July Quarterly Report 2018
Floyd Blackwell	5/3/18	\$507.41	July Quarterly Report 2018
Madco Printing	5/14/18	\$2,050.00	July Quarterly Report 2018
Madco Printing	5/15/18	\$213.87	July Quarterly Report 2018
City of Cool Valley	6/6/18	\$105.00	Amended 8 Day Before Primary - 8/7/18
Dave's Wholesale Fireworks	6/18/18	\$173.00	8 Day Before Primary - 8/7/18
Total		\$3,641.55	

28. Respondents reported two expenditures, totaling \$165.00, which could not be found in the official fund depository account.

Expenditure	Date	Amount	Report
Display	N/A	\$80.00	July Quarterly Report 2018
Entertainment	N/A	\$85.00	July Quarterly Report 2018
Total		\$165.00	

COUNT VIII

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

29. Respondents did not maintain records in accordance with accepted normal bookkeeping procedures, and failed to maintain records necessary to prepare and substantiate some of the contributions that Respondents received and expenditures that Respondents made.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to timely file a Statement of Committee Organization

30. 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.

31. 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.

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

33. There is probable cause to believe that Respondents violated Section 130.021.5, RSMo, by failing to timely file a Statement of Committee Organization, and that Respondents did so knowingly.

COUNT II

Cash expenditures in excess of limits

34. 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.

35. “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.

36. There is probable cause to believe that Respondents violated Section 130.031.2, RSMo, by making fifteen cash expenditures, each exceeding the \$50.00 allowable amount, and that Respondents did so knowingly.

COUNT III

Failure to accurately report a fundraiser

37. "[C]ontributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

- (1) There are twenty-five or more contributing participants in the activity or event;
- (2) The candidate, committee treasurer, deputy treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of one hundred dollars unless the contribution is accompanied by the name and address of the contributor;
- (3) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than one hundred dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the record-keeping requirements of section 130.036;
- (4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:
 - (a) The name and mailing address of the person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;
 - (b) The date on which the event occurred;
 - (c) The name and address of the location where the event occurred and the approximate number of participants in the event;
 - (d) A brief description of the type of event and the fund-raising methods used;

- (e) The gross receipts from the event and a listing of the expenditures incident to the event;
- (f) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions and an explanation of why it was not possible to obtain the names and addresses of such participants;
- (g) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained pursuant to section 130.036.

§130.031.6, RSMo.

38. There is probable cause to believe that Respondents violated Section 130.031.6, RSMo, by failing to accurately report a \$900.00 expenditure for a fundraiser on the 2018 July Quarterly Report, and that Respondents did so knowingly.

COUNT IV

Failure to timely and accurately report money on hand

39. 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.

40. There is probable cause to believe that Respondents violated Sections 130.041.1 and 130.041.1, RSMo, by failing to accurately report the committee's beginning and ending money on hand on three reports in 2018 and by failing to accurately document indebtedness on four reports in 2018, and that Respondents did so knowingly.

COUNT V

Failure to timely and accurately file campaign finance disclosure reports

41. Candidate committees must file regular campaign finance disclosure reports at the following times and for the following periods:

- (1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office; and (3) Not later than the fifteenth day following the close of each calendar quarter. Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election.

§130.046.1, RSMo.

42. Pursuant to Section 130.046.3, RSMo: "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... Each report by such committee shall be cumulative from the date of the last report... Every candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this section."

43. There is probable cause to believe that Respondents violated Sections 130.046.1 and 130.046.3, RSMo, by failing to file the 2018 January Quarterly Report, failing to timely report two reports in 2018, and by reporting expenditures outside of the reporting period on the Amended 8 Day Before Primary Election Report, and that Respondents did so knowingly.

COUNT VI

Failure to timely and accurately report contributions received

44. Candidate committees are required to report receipts for each reporting period, including:

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

(b) Total amount of all anonymous contributions accepted;

(c) Total amount of all monetary contributions received through fund-raising events or activities from participants whose names and addresses were not obtained with such contributions, with an attached statement or copy of the statement describing each fund-raising event as required in subsection 6 of section 130.031;

(d) Total dollar value of all in-kind contributions received;

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution;

§ 130.041.1(3), RSMo.

45. "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.

46. There is probable cause to believe that Respondents violated Sections 130.041.1(3) and 130.021.4(1), RSMo, by failing to report twenty-three contributions, failing to accurately report five contributions, by reporting four contributions that could not found in the official fund depository account, and that Respondents did so knowingly.

COUNT VII

Failure to timely and accurately report expenditures

47. Candidate 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;
- (e) A list of each loan made, by name and mailing address of the person receiving the loan, together with the amount, terms and date;

§ 130.041.1(4), RSMo.

48. There is probable cause to believe that Respondents violated Section 130.041.1(4), RSMo, by failing to report twenty-six expenditures, failing to report fifteen incurred expenditures, failing to accurately report six expenditures, and by reporting two expenditures that could not be found in the official fund depository account, and that Respondents did so knowingly.

COUNT VIII

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

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

50. "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.

51. There is probable cause to believe that Respondents violated Section 130.036, RSMo, by failing to maintain Respondents' campaign finance records and accounts in accordance with accepted normal bookkeeping procedures, 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 \$10,380.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$1,037.00 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.

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.

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 COMMITTEE TO ELECT
FLOYD BLACKWELL STATE REP 73RD
DISTRICT

By: Floyd Blackwell - 1-18-19
Floyd Blackwell Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: Elizabeth L. Ziegler 1-23/19
Elizabeth L. Ziegler Date
Executive Director

RESPONDENT FLOYD BLACKWELL

By: Floyd Blackwell 1-18-19
Floyd Blackwell Date

By: Brian Hamilton 1/23/19
Brian Hamilton Date
Attorney for Petitioner

RESPONDENT VIOLA MURPHY

By: Viola Murphy 1-18-2019
Viola Murphy Date

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
JAN 25 2019
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	Case No. 18-0072-I
)	
COMMITTEE TO ELECT FLOYD)	
BLACKWELL STATE REP 73 rd)	
DISTRICT,)	
)	
FLOYD BLACKWELL,)	
)	
and)	
)	
VIOLA MURPHY,)	
)	
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, 130.031.2, 130.031.6, 130.036, 130.041.1, 130.041.1(3), 130.041.1(4), 130.046.1, and 130.046.3, 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 \$10,380.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$1,037.00 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 25th day of January, 2019

By: 

Don Summers, Chair
Missouri Ethics Commission