

Filed
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Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.) Case No. 19-0002-A
)
CITIZENS AGAINST BSL)
)
and)
)
ANDREA ROACH,)
)
Respondents.)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This is the decision and order of the Missouri Ethics Commission following a hearing on a legal complaint filed by Petitioner pursuant to Section 105.961, RSMo, and Chapter 536, RSMo. The hearing was conducted before the following members of the Missouri Ethics Commission: Cheryl D.S. Walker, Sherman W. Birkes, Jr., Wayne Henke, Robert C. Cook, and Helene J. Frischer.

The Commission held the closed hearing on August 31, 2020, at the offices of the Missouri Ethics Commission at 3411A Knipp Drive, Jefferson City, Missouri 65109. The Commission was represented by Brian Hamilton. Respondents did not appear after due notice.

Having considered all the competent and substantial evidence upon the whole record, the Commission finds by a unanimous vote as follows:

FINDINGS OF FACT

1. The Missouri Ethics Commission is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.¹

FACTS RELEVANT TO ALL COUNTS

2. Respondent Citizens Against BSL is a continuing committee that registered with the Missouri Ethics Commission on April 16, 2018.

3. Respondent Andrea Roach is listed as Treasurer on the Statement of Committee Organization that was filed with the Missouri Ethics Commission

4. Respondents listed Central Bank of the Ozarks at 1800 S. Glenstone Ave in Springfield, MO as the official fund depository, with an account number ending in *9263 on the Statement of Committee Organization.

COUNT I

Inaccurately reported a fundraiser event and exceeded the limit for a cash expenditure

5. On August 4, 2018, Respondents held a fundraiser event. Respondents reported this event on the Amended 24 Hour Expenditure Report for the August 7, 2018 primary election.

6. Respondents reported the receipt of anonymous contributions and the making of a \$68.00 cash expenditure to pay for the food at the August 4, 2018 fundraiser event.

7. The \$68.00 cash expenditure was taken out of the anonymous contributions received at the fundraiser event. The \$68.00 in cash was not first deposited into the official fund depository account.

¹ Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2019).

8. On July 29, 2018, Respondents filed the 8 Day Before Primary Election Report. On August 6, 2018 Respondents filed a 24 Hour Expenditure Report, later amended on August 7, 2018. Respondents filed Fund-Raising Statement forms with these reports.

9. On the Fund-Raising Statement forms, Respondents reported eight contributions, totaling \$212.00, as anonymous contributions; however, these contributions were received by check, so the contributor information had been obtained.

Report Name	Contributor Name	Amount	Date
8 Day Before Primary Election	Teresa Ollis	\$100.00	7/10/18
8 Day Before Primary Election	Samantha Elliott	\$15.00	7/16/18
8 Day Before Primary Election	Maggie Tuck	\$10.00	7/26/18
24 Hour Expenditure Report	Glenn & Jennifer Kimberlin	\$11.00	7/31/18
24 Hour Expenditure Report	Leslie Corell	\$21.00	8/6/18
24 Hour Expenditure Report	Maggie Tuck	\$25.00	8/6/18
24 Hour Expenditure Report	Sandra & Chris Stewart	\$20.00	8/7/18
24 Hour Expenditure Report	Tracey & James Cooper	\$10.00	8/7/18
		\$212.00	

COUNT II

Personal use of committee funds

10. Respondents made five purchases totaling \$122.49 that were for personal use.

Item Name	Amount	Date
Wal-Mart	\$5.20	10/19/18
Wal-Mart	\$40.44	10/19/18
Wal-Mart	\$20.12	10/23/18
Ehsan Company Springfield, MO	\$20.00	10/24/18
Ross Stores	\$36.73	10/24/18
		\$122.49

COUNT III

Failure to timely file campaign finance disclosure reports

11. Respondents failed to file a 24 Hour Notice of Late Contribution/Loans Received for a \$3,000.00 contribution received on July 30, 2018, for the August 7, 2018 primary election.

12. In 2018, Respondents failed to file three Statements of Limited Activity for the April, July, and October Quarterly Reports

COUNT IV

Failure to timely and accurately report contributions received

13. Respondents failed to report two miscellaneous receipts totaling \$53.78. A deposit of \$1.71 was the unused portion of a petty cash fund, and a deposit of \$52.07 was received as a transfer.

Receipt Name	Amount	Date	Report Not Showing Misc. Receipt
Petty cash remainder	\$1.71	8/31/18	30 Day After Primary Election
Transfer from Stripe	\$52.07	3/20/19	Apr Quarterly 2019
Total	\$53.78		

14. Respondents untimely reported a \$30.00 contribution received on June 29, 2018, on the 8 Day Before Primary Election Report. The contribution should have been reported on the 2018 July Quarterly Report.

CONCLUSIONS OF LAW

COUNT I

Inaccurately reported a fundraiser event and exceeded the limit for a cash expenditure

15. “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.

16. “(E)ach 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.” § 130.031.6(4)(g), RSMo.

17. Pursuant to Section 130.031.5, RSMo, “a [fundraiser] 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... (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.”

COUNT II

Personal use of committee funds

18. “Contributions... received by any committee shall not be converted to any personal use.” § 130.034.1, RSMo.

COUNT III

Failure to timely file campaign finance disclosure reports

19. “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." § 130.046.5(2), RSMo.

20. "The receipt of any late contribution or loan of more than two hundred fifty dollars by a candidate committee supporting a candidate for statewide office or by any other committee shall be reported to the appropriate officer no later twenty-four hours after receipt. For purposes of this subsection the term 'late contribution or loan' means a contribution or loan received after the closing date of the last disclosure report required to be filed before an election but received prior to the date of the election itself." § 130.050.3, RSMo.

COUNT IV

Failure to timely and accurately report contributions received

21. Committees are required to report receipts at the times and for the periods prescribed in section 130.046, 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 or 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 or 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[.]

§ 130.041.1(3), RSMo.

ORDER

The Missouri Ethics Commission finds probable cause to believe that Respondents Citizens Against BSL Committee and the committee's treasurer Andrea Roach have violated Sections 130.021.4(1), 130.031.2, 130.031.6(4)(g), 130.034.1, 130.041.1(3), 130.046.5(2), 130.050.3, RSMo.

1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. Respondents shall file and amend all reports and statements pertaining to this Order.
3. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$3,190.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$.490.00 of that fee within forty-five days after the date of the Order, and if Respondents comply with conditions detailed in paragraph 2, then the remainder of the fee will be stayed. The fee shall be paid by check or money order made payable to the Missouri Ethics Commission.
4. Regardless of the stay in paragraph 3 above, if there is probable cause to believe that any Respondent has committed 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 be due immediately upon final adjudication finding that there is probable cause to believe that such Respondent has committed such a violation.
5. Respondents shall be jointly and severally liable for all fees imposed under this Order.

SO ORDERED, this 3rd day of September, 2020.


Cheryl D.S. Walker, Chair