

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 Finklein was an unsuccessful candidate for the office of State Representative District 64 in the November 6, 2018 general election.

3. Respondent Committee to Elect Shawn Finklein registered as a candidate committee with the Missouri Ethics Commission by filing a Statement of Committee Organization on September 24, 2018.

4. Pursuant to Sections 105.959 and 105.961, RSMo, the Commission's staff audited the reports and statements filed with the Commission and reported the findings to the Commission.

5. Based on the investigation report and the audit report, the Commission determined that there were reasonable grounds to believe that violations of the law had occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

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

COUNT I

Failure to terminate the candidate committee

6. The Statement of Committee Organization, dated September 5, 2018, listed Shawn Finklein as seeking the office of State Representative District 64 in the November 2018 election.
7. Respondent Finklein was unsuccessful in the November 2018 general election.
8. Respondents have not filed a Termination Statement to terminate the candidate committee.

COUNT II

Failure to accurately report money on hand

9. Respondents inaccurately reported the beginning money on hand on two reports in 2018.
10. Respondents inaccurately reported the ending money on hand on three reports in 2018.

COUNT III

Failure to timely and accurately file campaign finance disclosure reports

11. Respondents failed to file seven quarterly reports between 2019 and 2020.

Report Name	Year	Due Date
April Quarterly Report	2019	4/15/19
July Quarterly Report	2019	7/15/19
October Quarterly Report	2019	10/15/19
January Quarterly Report	2020	1/15/20
April Quarterly Report	2020	4/15/20
July Quarterly Report	2020	7/15/20
October Quarterly Report	2020	10/15/20

12. Respondents failed to timely file three reports in 2018.

Report Name	Year	Due Date	Filed Date
15 Day After Caucus Nomination	2018	9/19/18	9/26/18
October Quarterly Report	2018	10/15/18	10/20/18
8 Day Before November 6, 2018 General Election Report	2018	10/29/18	11/2/18

COUNT IV

Failure to accurately report contributions received

13. Respondents failed to report a \$100.00 monetary contribution received on September 14, 2018.

14. Respondents inaccurately reported receipt of a \$32.40 monetary contribution as non-itemized. However, Respondents previously received a contribution in excess of \$100.00 from the same contributor.

COUNT V

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

15. Respondents did not provide invoices, checks, receipts, and deposit records necessary to verify some of the contributions that Respondents received and expenditures that Respondents made.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to terminate the candidate committee

16. "Candidate committee" is "a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed." § 130.011(9), RSMo.

17. There is probable cause to believe that Respondents violated Section 130.011(9), RSMo, by failing to terminate the candidate committee, Committee to Elect Shawn Finklein, thirty

days after Respondent Finklein was an unsuccessful candidate in the November 6, 2018 general election.

COUNT II

Failure to accurately report money on hand

18. Pursuant to Sections 130.041.1(2) and 130.041.1(5), RSMo, Respondents were required to disclose the amount of cash on hand as of the beginning and/or ending of each reporting period and the closing date of each reporting period.

19. There is probable cause to believe that Respondents violated Sections 130.041.1(2) and 130.041.1(5), RSMo, by failing to accurately report beginning and/or ending money on hand on three different reports in 2018.

COUNT III

Failure to timely and accurately file campaign finance disclosure reports

20. Pursuant to Section 130.046.1, RSMo, 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;

...

(3) Not later than the fifteenth day following the close of each calendar quarter.

21. “The first reporting date shall be no later than the fifteenth day after the date on which a nomination covered by this subsection was made and for the period beginning on the date the individual became a candidate, as the term candidate is defined in section 130.011, and closing on the tenth day after the date the nomination was made, with subsequent reports being made as closely as practicable to the times required in section 130.046.” § 130.050.2, RSMo.

22. There is probable cause to believe that Respondents violated Sections 130.046.1(1), 130.046.1(3), and 130.050.2, RSMo, by failing to file seven reports and by failing to timely file three reports.

COUNT IV

Failure to accurately report contributions received

23. 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.

24. There is probable cause to believe that Respondents violated Section 130.041.1(3), RSMo, by failing to report one contribution and inaccurately reporting another contribution.

COUNT V

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

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

26. "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.

27. "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.

28. There is probable cause to believe that Respondents violated Sections 130.036.1 and 130.036.8, RSMo, by failing to maintain the committee's finance records 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.

II.


Based on the foregoing, the parties 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 fee is imposed against Respondents in the amount of \$4,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$400.00 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 3.b above, if there is probable cause to believe that 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 be due immediately upon final adjudication finding that there was probable cause to believe 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, which Respondents or Respondents' attorney may now have or hereafter have, based upon or arising out of this case.

SO AGREED:

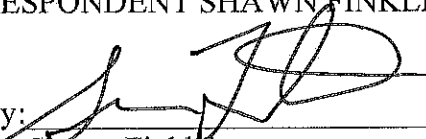
RESPONDENT COMMITTEE TO ELECT
SHAWN FINKLEIN

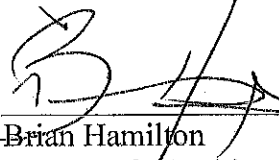
By:  04-13-2021
Shawn Finklein Date

PETITIONER MISSOURI ETHICS
COMMISSION

By:  Elizabeth L. Ziegler Date
Executive Director

RESPONDENT SHAWN FINKLEIN

By:  04-13-2021
Shawn Finklein Date

By:  Brian Hamilton Date
Attorney for Petitioner 4/28/21

Filed
APR 30 2021
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
)
v.)
)
SHAWN FINKLEIN,)
)
and)
)
COMMITTEE TO ELECT SHAWN)
FINKLEIN,)

)
 Respondents.)

Case No. 20-0005-A

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 there is probable cause to believe that Respondents violated Sections 130.011(9), 130.036.1, 130.036.8, 130.041.1(2), 130.041.1(3), 130.041.1(5), 130.046.1(1), 130.046.1(3), and 130.050.2, 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 \$4,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$400.00 of that fee within forty-five days after the date of this Order, the remainder of the fee will be stayed, subject to the provisions below. 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 there is probable cause to believe that any Respondent commits any further violation or violations 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 was probable cause to believe 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 30th day of April, 2021

By: 
Cheryl D. S. Walker, Chair
Missouri Ethics Commission
