

Filed
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Missouri Ethics
Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
)
 v.) Case No. 20-0006-A
)
 VOICES OF THE PEOPLE,)
)
 and)
)
 ROSALYN WINSTON,)
)
 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 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., Robert C. Cook, Wayne Henke, and Helene J. Frischer.

The Commission held the closed hearing on April 29, 2021, at the offices of the Missouri Ethics Commission at 3411A Knipp Drive, Jefferson City, Missouri 65109. The Commission was represented by Brian Hamilton. Respondents Rosalyn Winston and Voices of the People 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

2. Voices of the People registered as a continuing committee by filing a Statement of Committee Organization with the Missouri Ethics Commission on January 12, 2018.

3. Respondent Rosalyn Winston was listed as the committee's Treasurer on the Statement of Committee Organization.

4. Respondents listed Regions Bank located at 1512 Kienlen Ave, in Wellston, MO, with account number ending in *5157, as the official depository account on the Statement of Committee Organization.

5. 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.

6. Based on 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.

COUNT I

Failure to maintain an official depository account and to amend the Statement of Committee Organization

7. The committee's official depository account at Regions Bank ending in *5157 was closed on October 31, 2018.

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

8. Respondents opened a new depository account ending in *1458 at Regions Bank on January 14, 2019.

9. Respondents failed to maintain an official depository account between October 31, 2018, and January 14, 2019.

10. Respondents did not amend the Statement of Committee Organization to reflect the change in the committee's official depository account within twenty days of closing the previous account or opening the new account.

COUNT II

Failure to timely and accurately file campaign finance disclosure reports

11. Respondents failed to timely file eight quarterly disclosure reports.

Report Name	Report Year	Due Date	Date Filed
January Quarterly - Limited Activity	2018	1/15/18	2/17/18
April Quarterly - Limited Activity	2018	4/16/18	4/30/18
October Quarterly - Limited Activity	2018	10/15/18	11/19/18
April Quarterly - Limited Activity	2019	4/15/19	10/1/19
July Quarterly - Limited Activity	2019	7/15/19	10/1/19
January Quarterly	2020	1/15/20	9/29/20
April Quarterly	2020	4/15/20	9/29/20
July Quarterly	2020	7/15/20	9/29/20

12. Respondents filed a Statement of Limited Activity for the 2019 April Quarterly Report. It should have been filed as a full disclosure report, since there were contributions and/or expenditures in the reporting period that exceeded \$500.00. On September 29, 2020, Respondents amended the report to a full disclosure report.

COUNT III

Failure to timely and accurately report contributions received

13. Respondents failed to report a \$50.00 contribution received on January 5, 2018. This contribution should have been reported on the April 2019 Quarterly Report.

14. Respondents failed to report a \$6.00 deposit from Regions Bank on October 31, 2018.

15. Respondents failed to timely report a \$1,000.00 monetary contribution received on January 22, 2019 on the 2019 April Quarterly Report. This contribution should have been reported by April 15, 2020 but was not reported until September 29, 2020.

COUNT IV

Reported a contribution in a fictitious name

16. Respondents received a \$1,500.00 contribution on February 10, 2020, from Alliance for Progress, LLC.

17. Respondent did not report receipt of the \$1,500.00 contribution from Alliance for Progress, LLC on a financial disclosure report. The contribution should have been reported on the April 2020 Quarterly Report.

18. During the same reporting period, Respondents reported the receipt of \$1,500.00 in anonymous contributions on the April 2020 Quarterly Report. These anonymous contributions were not found in the official depository account.

COUNT V

Failure to timely and accurately report expenditures

19. Respondents failed to report seven monetary expenditures totaling \$56.00.

Expenditure Name	Amount	Date	Expenditure Should have Been Reported On:
Harland Clarke	\$20.00	1/19/18	April 2019 Quarterly
Regions Bank	\$5.00	3/30/18	April 2019 Quarterly
Regions Bank	\$5.00	4/30/18	April 2019 Quarterly
Regions Bank	\$5.00	5/31/18	April 2019 Quarterly
Regions Bank	\$7.00	6/30/18	April 2019 Quarterly
Regions Bank	\$7.00	7/31/18	April 2019 Quarterly
Regions Bank	\$7.00	8/31/18	April 2019 Quarterly
Total	\$56.00		

20. Respondents failed to timely report eight monetary expenditures, totaling \$69.00, in 2019. The expenditures were all reported on September 29, 2020.

Expenditure Name	Amount	Date Paid	Report Name	Date Due
Harland Clarke	\$20.00	2/1/19	Amended April 2019 Quarterly	4/15/19
Regions Bank	\$7.00	3/29/19	Amended April 2019 Quarterly	4/15/19
Regions Bank	\$7.00	4/30/19	Amended July 2019 Quarterly	7/15/19
Regions Bank	\$7.00	5/31/19	Amended July 2019 Quarterly	7/15/19
Regions Bank	\$7.00	6/28/19	Amended July 2019 Quarterly	7/15/19
Regions Bank	\$7.00	7/31/19	Amended October 2019 Quarterly	10/15/19
Regions Bank	\$7.00	8/30/19	Amended October 2019 Quarterly	10/15/19
Regions Bank	\$7.00	9/30/19	Amended October 2019 Quarterly	10/15/19
Total	\$69.00			

COUNT VI

Failure to file a direct expenditure report

21. On August 4, 2020, Respondents made seventeen expenditures to campaign workers totaling \$2,000.00. These payments were made on the day of an election.

22. Respondents did not report whether these expenditures were made for or against a candidate or ballot measure.

COUNT VII

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

23. 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 maintain an official depository account and amend the Statement of Committee Organization

24. “Every committee shall have a single official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan association, or a federally or state-chartered credit union in which the committee shall open and thereafter maintain at least one official depository account in its own name.” §130.021.4(1), RSMo.

25. “An ‘official depository account’ shall be a checking account or some type of negotiable draft or negotiable order of withdrawal account, and the official fund depository shall, regarding an official depository account, be a type of financial institution which provides a record of deposits, cancelled checks or other cancelled instruments of withdrawal evidencing each transaction by maintaining copies within this state of such instruments and other transactions.” §130.021.4(1), RSMo.

26. “A committee which has filed a statement of organization and has not terminated shall not be required to file another statement of organization, except that when there is a change in any of the information previously reported as required by subdivisions (1) to (8) of subsection 5 of this section an amended statement of organization shall be filed within twenty days after the change occurs, but no later than the date of the filing of the next report required to be filed by that committee by section 130.046.” § 130.021.7, RSMo.

27. There is probable cause to believe that Respondents violated Sections 130.021.4(1) and 130.021.7, RSMo, by failing to maintain an official depository account between October 31,

2018 and January 14, 2019 and by failing to amend the Statement of Committee Organization to reflect a change in the official depository account within twenty days of said change.

COUNT II

Failure to timely and accurately file campaign finance disclosure reports

28. Pursuant to Section 130.046.1(3), RSMo., all committees must file regular campaign finance disclosure reports at the following times and for the following periods: “(3) Not later than the fifteenth day following the close of each calendar quarter.”

29. 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.

30. There is probable cause to believe that Respondents violated Sections 130.046.1(3) and 130.046.5(2), RSMo, by failing to timely file eight quarterly disclosure reports and by filing a Statement of Limited Activity that should have been filed as a full disclosure report.

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;

(b) Total amount of all anonymous contributions accepted;

...

(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 a contribution and a miscellaneous receipt, and by untimely reporting a contribution.

COUNT IV

Reported a contribution in a fictitious name

33. “No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure.” §130.031.3, RSMo.

34. Pursuant to Section 130.021.4(1), RSMo., “All contributions which the committee receives in money, checks and other negotiable instruments shall be deposited in a committee's official depository account.”

35. There is probable cause to believe that Respondents violated Section 130.031.3, RSMo, by reporting the receipt of \$1,500.00 in anonymous contributions on the April 2020 Quarterly Report, when in fact, Respondent actually received a \$1,500.00 contribution in the form of a check from Alliance for Progress, LLC.

COUNT V

Failure to timely and accurately report expenditures

36. 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;

...

(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.

37. There is probable cause to believe that Respondents violated Section 130.041.1(4), RSMo, by failing to report expenditures and by untimely reporting expenditures.

COUNT VI

Failure to file a direct expenditure report

38. Pursuant to Section 130.041.1(7), RSMo, "every committee... shall file a legibly printed or typed disclosure report of receipts and expenditures... each report shall set forth... the amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought."

39. There is probable cause to believe that Respondents violated Section 130.041.1(7), RSMo, by failing to report the amount of expenditures made to campaign workers that were either for or against a candidate or ballot measure in the form of a Direct Expenditure Report.

COUNT VII

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

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

41. “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.

42. “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.

43. 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 required under Chapter 130, RSMo.

ORDER

The Missouri Ethics Commission finds probable cause to believe that Respondents Rosalyn Winston and Voices of the People violated Sections 130.021.4(1), 130.021.7, 130.031.3, 130.036.1, 130.036.8, 130.041.1(3), 130.041.1(4), 130.041.1(7), 130.046.1(3) and 130.046.5(2), RSMo.

1. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
2. Respondents shall file and amend all reports and statements with the Commission in accordance with this Order.

3. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$7,500.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$1,500.00 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.
4. Regardless of the stay in paragraph 3 above, if there is probable cause to believe that any Respondent 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 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 May, 2021.


Cheryl D. Walker, Chair