

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.) Case No. 20-0004-A
)
ZECH HOCKERSMITH,)
)
and)
)
COMMITTEE TO ELECT ZECH)
HOCKERSMITH,)
)
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., 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 Zech Hockersmith and Committee to Elect Zech Hockersmith 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. Committee to Elect Zech Hockersmith is a candidate committee established with the Missouri Ethics Commission on January 8, 2015, by filing a Statement of Committee Organization.

3. 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 investigation findings to the Commission.

4. 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 timely and accurately file campaign finance disclosure reports

5. Respondents failed to file three quarterly reports in 2018, three in 2019, and four in 2020.

Report Not Filed	Year	Due Date
April Quarterly Report	2018	4/16/18
July Quarterly Report	2018	7/16/18
October Quarterly Report	2018	10/15/18
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

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

October Quarterly Report	2020	10/15/20
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6. Respondents untimely filed the April 2017 Quarterly Report and two Statements of Limited Activity: one in 2017 and one in 2018.

Report Untimely Filed	Year	Due Date	Filed Date
April Quarterly Report	2017	4/14/17	4/25/17
July Quarterly - Statement of Limited Activity	2017	7/14/17	7/18/17
October Quarterly – Statement of Limited Activity	2017	10/16/17	10/25/17
January Quarterly – Statement of Limited Activity	2018	1/15/18	1/17/18

COUNT II

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

7. 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 timely and accurately file campaign finance disclosure reports

8. 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.”

9. 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.

10. There is probable cause to believe that Respondents violated Sections 130.046.1(3) and 130.046.5(2), RSMo, by failing to file ten quarterly reports and by untimely filing three statements of limited activity and a quarterly report.

COUNT II

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

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

12. “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.

13. “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.

14. 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.

ORDER

The Missouri Ethics Commission finds probable cause to believe that Respondents Zech Hockersmith and Committee to Elect Zech Hockersmith violated Sections 130.036.1, 130.036.8, 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 \$2,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$400 of that fee within forty-five days after the date of this 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.S. Walker, Chair