

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. On September 16, 2016, America Forward registered as a continuing committee by filing a Statement of Committee Organization with the Missouri Ethics Commission.

3. Respondent Gates was listed as the committee's Treasurer on an amended Statement of Committee Organization filed with the Missouri Ethics Commission on June 13, 2017.

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 investigation findings to the Commission.

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

5. 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

Personal use of committee funds

6. Respondents made thirty-four purchases, totaling \$2,952.35, that were for personal use. This included purchases for electric utilities, credit card payments, event tickets, grooming and veterinary services, pet supplies, and various sports, shoe, and clothing purchases. There were also recurring payments to three websites.

Expenditure Name	Amount	Date
Dogs World of Fun 816-931-5822	\$15.00	7/13/18
DSW Summitt Fair Lee's Summit, MO	\$90.27	9/10/18
DSW Summitt Fair Lee's Summit, MO	\$81.57	9/13/18
Kansas City Veterinary KCMO	\$137.81	9/19/18
Stray Deal Singapore	\$49.85	10/10/18
Axs.com Sprint Center	\$356.25	10/17/18
Central Ticket Ofc Eco 816-235-6222	\$89.00	10/19/18
Chewy.com	\$24.26	11/9/18
Chewy.com	\$36.77	11/11/18
KCP&L bill payment	\$331.94	11/20/18
American Express bill payment	\$436.00	11/20/18
Spanx Inc.	\$90.72	11/23/18
Repwallet.com (recurring)	\$39.95	11/28/18
Sports Fan Island	\$37.94	11/30/18
Stateline Jeep KCMO	\$117.39	12/1/18
Gomers Lee's Summit, MO	\$78.69	12/2/18
Acctrates.com (recurring)	\$49.61	12/2/18
Chewy.com	\$49.19	12/7/18
Adminbuys.com (recurring)	\$49.87	12/7/18
DSW Lee's Summit, MO	\$18.49	12/10/18
Chewy.com	\$59.62	12/21/18
Repwallet.com (recurring)	\$39.95	12/28/18
Acctrates.com (recurring)	\$49.61	1/2/19
Adminbuys.com (recurring)	\$49.87	1/6/19
Repwallet.com (recurring)	\$39.95	1/28/19
Acctrates.com (recurring)	\$49.61	2/3/19

Adminbuys.com (recurring)	\$49.87	2/5/19
Repwallet.com (recurring)	\$39.95	3/1/19
Acctrates.com (recurring)	\$49.61	3/2/19
Adminbuys.com (recurring)	\$49.87	3/5/19
Jenny Craig Shawnee, KS	\$154.44	3/20/19
Repwallet.com (recurring)	\$39.95	3/29/19
Acctrates.com (recurring)	\$49.61	4/3/19
Adminbuys.com (recurring)	\$49.87	4/6/19
Total	\$2,952.35	

COUNT II

Cash expenditures in excess of limits

7. Respondents made two cash withdrawals totaling \$2,098.00.

Expenditure:	Amount	Date
Cash withdrawal	\$1,898.00	4/18/19
Cash withdrawal	\$200.00	6/13/20
Total	\$2,098.00	

COUNT III

Failure to accurately report money on hand

8. Respondents inaccurately reported the beginning money on hand on one report in 2017 and one in 2018.

COUNT IV

Failure to timely and accurately file campaign finance disclosure reports

9. Respondents failed to timely file three reports.

Report Name	Year	Due Date	Date Filed
July Quarterly Report - Limited Activity	2017	7/17/17	9/4/17
January Quarterly Report - Limited Activity	2018	1/15/18	4/16/18
October Quarterly Report	2018	4/16/18	4/30/18

10. Respondents failed to file eleven reports.

Report Name	Year	Start Date	End Date	Due Date
July Quarterly Report	2018	4/1/18	6/30/18	7/15/18
October Quarterly Report	2018	7/1/18	9/30/18	10/15/18
April Quarterly Report	2019	10/1/18	3/31/19	4/15/19
July Quarterly Report	2019	4/1/19	6/30/19	7/15/19
October Quarterly Report	2019	7/1/19	9/30/19	10/15/19
January Quarterly Report	2020	10/1/19	12/31/19	1/15/20
April Quarterly Report	2020	1/1/20	3/31/20	4/15/20
8 Day Before General Election 6/2/20	2020	7/1/19	5/21/20	5/25/20
30 Day After General Election 6/2/20	2020	5/22/20	6/27/20	7/2/20
July Quarterly Report	2020	6/28/20	6/30/20	7/15/20
October Quarterly Report	2020	7/1/20	9/30/20	10/15/20

11. Respondents filed a Statement of Limited Activity for the 2018 January Quarterly Report. A full disclosure report should have been filed since the reporting period included contributions and/or expenditures that exceeded \$500.00.

COUNT Y

Failure to timely and accurately report contributions received

12. Respondents failed report the receipt of eleven contributions, totaling \$19,273.20.

Contributor Name	Amount	Date
Marvin & Eula Williams	\$1,000.00	11/1/17
Unison Consulting, Inc.	\$1,000.00	11/1/17
Carollo Engineers	\$1,000.00	11/7/17
Blue Nile Contractors, Inc.	\$3,573.20	4/11/18
White Goss	\$1,000.00	5/2/18
Blue Nile Contractors, Inc.	\$5,000.00	8/22/18
Kansas City Live, LLC	\$2,000.00	1/18/19
Rouse Frets White Goss Gentile Rhodes PC	\$1,000.00	3/15/19
Heavy Constructors Association Industry Advancement Fund	\$2,000.00	4/7/20
Missouri First	\$500.00	4/28/20
Heavy Constructors Association Industry Advancement Fund	\$1,200.00	8/1/20
Total	\$19,273.20	

13. Respondents failed to report a \$15.44 unknown miscellaneous receipt.

14. Respondents inaccurately reported the receipt of a \$3,000.00 contribution from The Heavy Construction Association of Greater Kansas City on their October 2017 Quarterly Report, when it was actually from Kansas Policies Institute, Inc.

COUNT VI

Failure to timely and accurately report expenditures

15. Respondents failed to report one hundred fifty-two expenditures, totaling \$22,767.81. Attachment 1.

COUNT VII

Failure to file a direct expenditure report

16. Respondents made two expenditures for printing services, totaling \$2,339.77. On information and belief, it appears these expenditures were used for the June 2, 2020 general election.

Expenditure Name	Purpose	Amount	Date
Service Printing & Graphics, Inc.	Printing	\$1,542.64	5/26/20
Service Printing & Graphics, Inc.	Printing	\$797.13	8/25/20
Total		\$2,339.77	

COUNT VIII

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

17. 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

Personal use of committee funds

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

19. There is probable cause to believe that Respondents violated Sections 130.034.1, RSMo, by making thirty-four purchases, with committee funds, that were for personal use.

COUNT II

Cash expenditures in excess of limits

20. 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.

21. “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 requirement 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.

22. There is probable cause to believe that Respondents violated Section 130.031.2, RSMo, by making two cash withdrawals, each more than \$50.00.

COUNT III

Failure to accurately report money on hand

23. 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 of the reporting period and the closing date of the reporting period.

24. 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 ending money on hand on two different reports.

COUNT IV

Failure to timely and accurately file campaign finance disclosure reports

25. 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;
- (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.

§ 130.046.1, RSMo.

26. 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 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. 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.

27. There is probable cause to believe that Respondents violated Section 130.046.1 and 130.046.5(2), RSMo, by failing to file eleven reports, by failing to timely file three reports, and by filing a Statement of Limited Activity that should have been a full disclosure report.

COUNT V

Failure to timely and accurately report contributions received

28. 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, or 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;

...

(c) 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.

29. There is probable cause to believe that Respondents violated Section 130.041.1(3), RSMo, by failing to report eleven contributions and a miscellaneous receipt, and by inaccurately reporting the contributor's name on one contribution.

COUNT VI

Failure to timely and accurately report expenditures

30. 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;

(b) The total dollar amount of expenditures made in cash;

...

(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.

31. There is probable cause to believe that Respondents violated Section 130.041.1(4), RSMo, by failing to report one hundred fifty-two expenditures.

COUNT VII

Failure to file a direct expenditure report

32. 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."

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

COUNT VIII

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

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

35. “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.

36. “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.

37. 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.

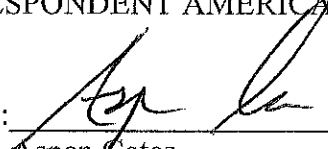
Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further 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. 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 a fee is imposed against Respondents in the amount of \$50,105.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$9,554.00 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 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.
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.

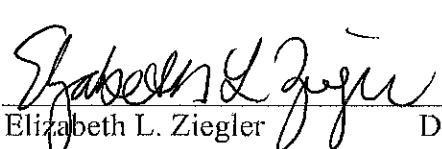
5. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees 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 AMERICA FORWARD

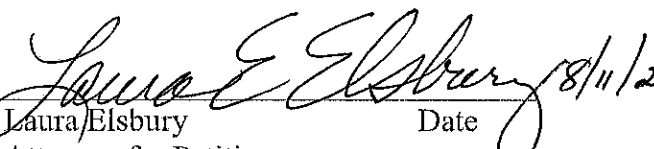
By:  8/3/21
Aspen Gates Date

PETITIONER MISSOURI ETHICS COMMISSION

By:  Date
Elizabeth L. Ziegler
Executive Director

RESPONDENT ASPEN GATES

By:  8/3/21
Aspen Gates Date

By:  8/11/21
Laura Elsbury Date
Attorney for Petitioner

Filed

AUG 11 2021

Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	Case No. 20-0008-A
AMERICA FORWARD,)	
)	
and)	
)	
ASPEN GATES,)	
)	
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 there is probable cause to believe that Respondents violated Sections 130.031.2, 130.034.1, 130.036.1, 130.036.8 130.041.1(2), 130.041.1(3), 130.041.1(4), 130.041.1(5), 130.041.1(7), 130.046.1, and 130.046.5(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 \$50,105.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$9,554.00 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 11th day of August, 2021

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