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Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)
)
 Petitioner,)
)
v.) Case No. 19-0041-I
)
BRIAN TREECE,)
 Respondent.)

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, Helene J. Frischer, and Wayne Henke.

The Commission held the closed hearing at the offices of the Missouri Ethics Commission at 3411A Knipp Drive, Jefferson City, Missouri 65109. The Commission was represented by Brian Hamilton and Laura Elsbury. Respondent Brian Treece was represented by Jeremy Root of Stinson LLP. The matter was taken under advisement, and the Commission issued its final decision on October 1, 2021.

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

FINDINGS OF FACT

1. The MEC 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 105, RSMo.¹
2. Brian Treece is the current mayor of Columbia, Missouri.
3. Pursuant to Section 105.961, RSMo, the Commission's staff investigated a complaint that was filed with the Commission and reported the investigation findings to the Commission.
4. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that violations of law had occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.
5. Treece registered a candidate committee, Treece for Mayor, with the MEC on December 1, 2015.
6. During the 2016 legislative session, the Missouri General Assembly enacted Section 105.465, RSMo.
7. After enactment, but prior to the new law taking effect, Treece sought advice from the MEC's Executive Director at that time.
8. Based upon that discussion with the MEC's Executive Director, Treece did not terminate his candidate committee in 2016.
9. Treece did not dissolve his candidate committee, Treece for Mayor, prior to registering as a lobbyist in 2017, 2018, 2019, or 2020.

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

CONCLUSIONS OF LAW

10. Pursuant to Section 130.021.2, RSMo, every candidate who has not filed a statement of exemption as authorized by Section 130.016, RSMo, is required to register his or her candidate committee with the MEC, if the candidate has met the minimum threshold for contributions and expenditures.

11. A “candidate committee” is defined as “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[.]” Section 130.011(8), RSMo.

12. Pursuant to Section 105.473.1, RSMo, lobbyists are required to annually register with the MEC.

13. Pursuant to Section 105.465.1, RSMo, “any person who registers as a lobbyist shall dissolve his or her candidate committee.”

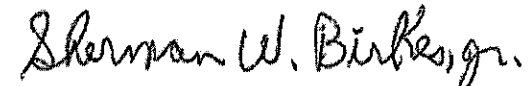
14. There is probable cause to believe that Brian Treece violated Section 105.465.1, RSMo, by failing to dissolve his candidate committee while being a registered lobbyist for 2017, 2018, 2019, 2020, and 2021.

ORDER

The Missouri Ethics Commission finds probable cause to believe that Respondent Brian Treece violated Section 105.465, RSMo. Based upon the language of Section 105.465, RSMo, the fact that in 2016 Mr. Treece sought guidance on the application of the statute, and given that he has publicly announced he does not intend to seek re-election, the Commission orders that:

1. Respondent Brian Treece terminate his candidate committee in the manner required by Missouri law; and,
2. Upon termination, a letter of no further action be issued to Respondent Brian Treece pursuant to Section 105.961.4(4), RSMo.

SO ORDERED, this 1st day of October 2021.


Sherman W. Birkes, Jr., Vice Chair