

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,            )  
  )  
  )            Petitioner,            )  
  )  
v.    )  
  )  
MACFPD CAMPAIGN COMMITTEE,            )            Case No. 20-0002-A  
Continuing Committee,                    )  
  )  
and    )  
  )  
GARY DONOVAN, Treasurer,                )  
  )  
  )            Respondents.        )

**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**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondents, MACFPD Campaign Committee and Gary Donovan, acknowledge that they have received and reviewed a copy of the legal complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission. The undersigned Respondents further acknowledge that they are aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all allegations against Respondents be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondents; the right to present evidence on Respondents' behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondents by operation of law, the undersigned Respondents

knowingly and voluntarily waive 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. MACFPD Campaign Committee registered as a continuing committee by filing a Statement of Committee Organization with the Missouri Ethics Commission in 2011.
2. MACFPD Campaign Committee's Statement of Committee Organization was last amended in 2015 and listed Gary Donovan as the committee's treasurer.
3. MACFPD Campaign Committee filed a Termination Statement on October 10, 2019.
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 audit report, the Commission determined that there were reasonable grounds to believe that violations of had law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

**COUNT I**

*Failure to accurately report the source of a \$250,000 contribution*

6. Respondents reported receiving a \$250,000 contribution from MACFPD (an entity separate from MACFPD Campaign Committee) on their 8 Day Before November 6, 2018 General Election Report and on a 48 Hour Report of Contribution Received Over \$5,000.

7. On November 15, 2019, over a year later, Respondents amended their 8 Day Before November 6, 2018 General Election Report to show the contribution was actually from Great St. Louis, Inc., not MACFPD.

**COUNT II**

*Failure to accurately report money on hand*

8. Respondents inaccurately reported the beginning and ending money on hand on four reports in 2017, twelve in 2018, and one in 2019. Of these, six reports were inaccurate due to errors made in previous reporting periods causing those future reports to have inaccurate beginning money on hand.

9. Due to errors in reporting fees and credit card payments as incurred expenditures, the committee's indebtedness was incorrectly documented on twelve reports in 2018.

**COUNT III**

*Failure to file campaign finance disclosure reports*

10. Respondents failed to file a 40 Day Before General Election Report and two 24 Hour Expenditure Reports for the April 4, 2017 general election.

<b>Report Name</b>	<b>Year</b>	<b>Due Date</b>
40 Day After General Election Report - 4/4/17	2017	2/23/17
24 Hour Expenditure Report - 4/2/19	2019	3/24/19
24 Hour Expenditure Report - 4/2/19	2019	3/30/19

**COUNT IV**

*Failure to timely and accurately report contributions received*

11. Respondents failed to report fifteen monetary contributions totaling \$14,675.00.

<b>Contributor Name</b>	<b>Amount</b>	<b>Date</b>	<b>Contribution Should have been Reported On:</b>
Missouri Employers Mutual	\$1,500	5/31/17	July 2017 Quarterly Report
Heath Greer	\$40	10/24/17	January 2018 Quarterly Report
Stacey Dohman	\$40	10/24/17	January 2018 Quarterly Report
Steven Grote	\$40	10/24/17	January 2018 Quarterly Report
Unknown (blank)	\$40	10/24/17	January 2018 Quarterly Report
Justin Crady	\$40	10/24/17	January 2018 Quarterly Report
Matthew Rankey	\$150	10/2/18	8 Day Before General Election Report
Tim Omara	\$125	10/2/18	8 Day Before General Election Report
Chris Gelven	\$540	10/2/18	8 Day Before General Election Report
Heath Greer	\$640	10/2/18	8 Day Before General Election Report
Mark Jones	\$125	10/2/18	8 Day Before General Election Report
Richard Johns	\$640	10/2/18	8 Day Before General Election Report
Dave Christoff	\$640	10/2/18	8 Day Before General Election Report
Justin Gaffron	\$125	10/2/18	8 Day Before General Election Report
Simmons Hanly Conroy	\$10,000	12/17/18	30 Day After General Election Report
<b>Total</b>	<b>\$14,675.00</b>		

12. Respondents inaccurately reported seven itemized contributions totaling \$15,900.00. These contributions were reported with the wrong contributor's name or were on the wrong report.

**COUNT V**

*Failure to timely and accurately report expenditures*

13. Respondents failed to report five expenditures totaling \$2,282.00, which includes a \$500.00 contribution made to another committee.

<b>Expenditure Name</b>	<b>Amount</b>	<b>Date</b>	<b>Expenditure Should have Been Reported On:</b>
Rizzo for Missouri	\$500	2/22/17	8 Day Before General Election Report
Terry Thompson	\$250	10/1/17	January 2018 Quarterly Report
St. Louis Bank	\$10	7/26/18	8 Day Before Primary Election Report
St. Louis Bank	\$22	7/26/18	8 Day Before Primary Election Report
MACFPD	\$1,500	8/30/18	October 2018 Quarterly Report
<b>Total</b>	<b>\$2,282</b>		

14. Respondents inaccurately reported twelve expenditures totaling \$6,331.33. Included were expenditures reported on the wrong report and those reported as incurred instead of paid. Others were reported with an expenditure of a different category. Also, one expenditure was reported twice.

15. On July 26, 2018, Respondents made a \$180,000.00 expenditure. This expenditure should have been reported on the 8 Day Before Primary Election Report, but was not reported until July 31, 2018, on a 24 Hour Expenditure Report

## **JOINT PROPOSED CONCLUSIONS OF LAW**

### **COUNT I**

*Respondents failed to accurately report the source of a \$250,000 contribution*

16. All committees are required to report the “total amount of all monetary contributions received which can be identified in the committee’s records by name and address of each contributor.” § 130.041.1(3)(a), RSMo.

17. There is probable cause to believe that Respondents violated Section 130.041.1(3)(a), RSMo, by failing to accurately report a contributor’s name for a \$250,000.00 contribution received.

### **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 of the reporting period and the closing date of the reporting period.

19. Pursuant to Section 130.041.1(6), RSMo, “every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts

and expenditures... [E]ach report shall set forth: the total amount of outstanding indebtedness as of the closing date of the reporting period covered[.]”

20. There is probable cause to believe that Respondents violated Sections 130.041.1(2), 130.041.1(5), and 130.041.1(6), RSMo, by failing to accurately report beginning and ending money on hand on four reports in 2017, twelve in 2018, and one in 2019 and by failing to accurately document indebtedness on twelve reports in 2018.

### **COUNT III**

#### *Failure to file campaign finance disclosure reports*

21. “[I]f any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election” §130.046.1(3), RSMo.

22. “A continuing committee shall submit additional reports if it makes aggregate expenditures, other than contributions to a committee, of five hundred dollars or more, within the reporting period at the following times for the following periods... (2) Not later than twenty-four hours after aggregate expenditures of two hundred fifty dollars or more are made after the twelfth day before the election[.]” §130.046.3(2), RSMo.

23. There is probable cause to believe that Respondents violated Sections 130.046.1(3) and 130.046.3(2), RSMo, by failing to file three full disclosure reports.

### **COUNT IV**

#### *Failure to timely and accurately report contributions received*

24. 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.

25. There is probable cause to believe that Respondents violated Section 130.041.1(3), RSMo, by failing to report fifteen contributions and by inaccurately reporting seven contributions.

#### COUNT V

##### *Failure to timely and accurately report expenditures*

26. 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.

27. There is probable cause to believe that Respondents violated Section 130.041.1(4), RSMo, by failing to report five expenditures and by inaccurately reporting thirteen expenditures.



## 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 \$10,978.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$1,997.00 within forty-five days after the date of the Consent 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 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 fees. 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 legal complaint filed by the Petitioner in this 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 this case.

RESPONDENT MACFPD CAMPAIGN  
COMMITTEE

By: Gary Donovan 11/5/21  
Gary Donovan Date

PETITIONER MISSOURI ETHICS  
COMMISSION

By: Elizabeth L. Ziegler 11/22/21  
Elizabeth L. Ziegler Date  
Executive Director

RESPONDENT GARY DONOVAN

By: Gary Donovan 11/5/21  
Gary Donovan Date

By: Brian Hamilton 11/22/21  
Brian Hamilton Date  
Attorney for Petitioner


ATTORNEY FOR RESPONDENTS

By: Charles Hatfield 11/15/21  
Charles Hatfield Date  
Stinson LLP



4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 22nd day of November, 2021

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