

Filed

JAN 12 2022

Missouri Ethics Commission

BEFORE THE MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,
Petitioner,
v.
SAMUEL SNIDER, Candidate,
and
FRIENDS OF SAMUEL SNIDER,
Candidate Committee,
Respondents.

Case No. 21-0025-I

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, Samuel Snider and Friends of Samuel Snider, 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. The Missouri Ethics Commission (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 130, RSMo.¹

2. Snider registered a candidate committee, Friends of Samuel Snider, on July 8, 2019, by filing a Statement of Committee Organization with the MEC.

3. The Statement of Committee Organization shows the office sought as “State Representative in the 130th District.”

4. Samuel Snider was an unsuccessful candidate for State Representative in the August 4, 2020 primary election.

5. Snider was then elected Mayor in the City of Willard in the April 6, 2021 general election.

6. Pursuant to Section 105.961, RSMo, the Commission’s staff investigated a complaint 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).

7. Based on the investigation 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 terminate candidate committee

8. Snider's candidate committee, Friends of Samuel Snider, has not been terminated.

COUNT II

Failure to file a Statement of Committee Organization

9. Snider used his own money to purchase printed campaign materials in support of his mayoral candidacy. These expenditures totaled \$1,062.76.

10. Snider donated t-shirts valued at \$27.00.

11. Snider also received an in-kind contribution of \$90.00.

COUNT III

Failure to timely and accurately file campaign finance disclosure reports

12. Respondent failed to file three reports for the friends of Samuel Snider committee.

Report Name	Due Date
2020 October Quarterly Report	October 15, 2020
2021 April Quarterly Report	April 15, 2021
2021 July Quarterly Report	July 15, 2021

COUNT IV

Failure to include an accurate 'paid for by' disclosure

13. Snider created and placed signs and banners in support of his mayoral candidacy.

14. The signs and banners did not contain a "paid for by" disclosure statement.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Failure to terminate candidate committee

15. A “candidate committee” is “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[.] § 130.011(9), RSMo.

16. “Upon termination of a committee, a termination statement, indicating dissolution shall be filed not later than ten days after the date of dissolution[.] § 130.021.8, RSMo.

17. There is probable cause to believe that Respondents violated Section 130.011(9), RSMo, by failing to terminate Snider’s candidate committee within thirty days following the November 3, 2020 general election after being unsuccessful for State Representative in the August 4, 2020 primary election.

COUNT II

Failure to file a Statement of Committee Organization

18. Pursuant to Section 130.016.6, RSMo, “No candidate for . . . municipal office in a city of one hundred thousand or less . . . shall be required to file an exemption statement pursuant to this section in order to be exempted from forming a committee and filing disclosure reports required of committees pursuant to this chapter if the aggregate of contributions received or expenditures made by the candidate and any other person with the candidate’s knowledge and consent in support of the person’s candidacy does not exceed one thousand dollars and the aggregate of contributions from any single contributor does not exceed three hundred twenty-five dollars”

19. "Contribution' includes, but is not limited to: (a) A candidate's own money or property used in support of the person's candidacy other than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office[.]" § 130.011(12)(a), RSMo.

20. "If any candidate for an office listed in subsection 7 of this section exceeds the limits specified in subsection 6 of this section, the candidate shall form a committee no later than thirty days prior to the election for which the contributions were received or expended which shall comply with all provisions of this chapter for committees." § 130.016.7, RSMo.

21. Section 130.021.5, RSMo, states: "[A]ny candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046."

22. There is probable cause to believe that Snider violated Section 130.021.5, RSMo, by failing to file a Statement of Committee Organization with the MEC after the aggregate of contributions and expenditures for the mayoral election exceeded \$1,000.00.

COUNT III

Failure to timely and accurately file campaign finance disclosure reports

23. 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 periods 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.

Section 130.046.1, RSMo.

24. 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 any 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.

25. There is probable cause to believe that Respondents violated Section 130.046,

RSMo, by failing to timely file campaign finance disclosure reports.

COUNT IV

Failure to include an accurate "paid for by" disclosure

26. "Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words 'Paid for by' followed by the proper identification of the sponsor pursuant to this section." § 130.031.8, RSMo.

27. “[P]rinted matter’ shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material[.]”

§ 130.031.8, RSMo.

28. “In regard to any printed matter paid for by a candidate from the candidate’s personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.” § 130.031.8(1), RSMo.

29. There is probable cause to believe that Respondents violated Section 130.031.8, RSMo, by failing to include proper “paid for by” disclosure statements on campaign signs and banners.

II.

Based on the foregoing, the parties 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 reports, statements, and terminate the candidate committee.

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 \$3,100.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$400.00 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 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 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, which Respondents or Respondents' attorney may now have or hereafter have, based upon or arising out of this case.

SO AGREED:

RESPONDENT SAMUEL SNIDER

By: Samuel Snider 9-14-21
Samuel Snider Date

RESPONDENT FRIENDS OF SAMUEL
SNIDER

By: Samuel Snider 9-14-21
Samuel Snider Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: Elizabeth L. Ziegler 1/12/22
Elizabeth L. Ziegler Date
Executive Director

By: Laura E. Elsbury 1/12/22
Laura Elsbury Date
Attorney for Petitioner

Filed

JAN 12 2022

Missouri Ethics Commission

BEFORE THE MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,)
Petitioner,)
v.)
SAMUEL SNIDER,) Case No. 21-0025-I
and)
FRIENDS OF SAMUEL SNIDER,)
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 130.011(9), 130.021.5, 130.031.8 and 130.046, RSMo.

The Commission directs that the Joint Stipulation be adopted.

- 1. Respondents shall comply with all relevant sections of Chapters 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$3,100.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$400.00 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.
3. Regardless of the stay in paragraph 2 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 fee. The fee will be due immediately upon a final probable cause finding that such Respondent has committed a violation.
4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 12th day of January, 2022

By:



Cheryl D. S. Walker, Chair
Missouri Ethics Commission