

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
)
v.)
)
RITA HEARD DAYS, Candidate,)
)
and)
)
COMMITTEE TO ELECT RITA)
DAYS, Candidate Committee,)
)
Respondents.)

JAN 9 2023

Missouri Ethics
Commission

Case No. 22-0053-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, Rita Heard Days and Committee to Elect Rita Days, 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 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. Respondent Rita Heard Days was a candidate for St. Louis County Council in the August 2022 primary election.
3. Committee to Elect Rita Days is a candidate committee that registered with the Missouri Ethics Commission on July 8, 2019.
4. Pursuant to Section 105.961, RSMo, the Commission's staff received a complaint filed with the Commission. The Commission's staff investigated the complaint and reported the investigation findings to the Commission.

¹ Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2020).

5. 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.

6. Respondents filed an Amended Statement of Committee Organization on August 30, 2021 naming Evelyn Days as treasurer.

7. On August 30, 2021 and September 2, 2021, emails were sent by Respondents to members of the public that identified Louis Erby as the treasurer.

8. Respondents do not have a Statement of Committee Organization on file with the Missouri Ethics Commission identifying Louis Erby as the committee's treasurer.

JOINT PROPOSED CONCLUSIONS OF LAW

9. "A committee which has filed a statement of organization and has not terminated shall not be required to file another statement of organization, except that when there is a change in any of the information previously reported as required by subdivisions (1) to (8) of subsection 5 of this section, an amended statement of organization shall be filed within twenty days after the change occurs, but no later than the date of the filing of the next report required to be filed by that committee by section 130.046." § 130.021.7, RSMo.

10. "The statement of organization shall contain the following information:...The name, mailing address and telephone number of the committee treasurer, and the name, mailing address and telephone number of its deputy treasurer if the committee has named a deputy treasurer [.]" § 130.021.5(3), RSMo.

11. There is probable cause to believe that Respondents violated Section 130.021.7, RSMo, by failing to timely amend the Statement of Committee Organization to reflect a change in treasurer.

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 \$1,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$100.00 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 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 RITA HEARD DAYS

By: Rita Heard Days 12/19/22
Rita Heard Days Date

PETITIONER MISSOURI ETHICS
COMMISSION

By: Elizabeth L. Ziegler 1/9/23
Elizabeth L. Ziegler Date
Executive Director

RESPONDENT COMMITTEE TO ELECT
RITA DAYS

By: Rita Heard Days 12/19/22
Rita Heard Days Date

By: Brian Hamilton 1/9/23
Brian Hamilton Date
Attorney for Petitioner

ATTORNEY FOR RESPONDENT

By: Donnell Smith 44570 12/19/22
Donnell Smith Date
Donnell Smith and
Associates LLC

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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 Section 130.021.7, 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 \$1,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$100.00 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.
3. Regardless of the stay in paragraph 2 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 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.

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

SO ORDERED this 9TH day of January, 2023

By:



Robert Cook, Chair
Missouri Ethics Commission