

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed

JAN 27 2023

Missouri Ethics
Commission

MISSOURI ETHICS)	
COMMISSION,)	
)	
Petitioner,)	
)	
v.)	Case No.: 22-0028-I & 22-0029-I
)	
DUANE BARTSCH,)	
)	
and)	
)	
BARTSCH FOR NKC SCHOOLS,)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter stems from a complaint reported to the Commission by staff pursuant to § 105.961, RSMo¹, after investigation. Acting on the report, the Commission found reasonable grounds to believe violations of the law had occurred, referred the matter to commission counsel, and ordered a hearing pursuant to § 105.961.3. Upon referral, a Complaint was filed in this matter by commission counsel and the Commission held a closed hearing on January 24, 2023, at the offices of the Missouri Ethics Commission at 3411A Knipp Drive, Jefferson City, Missouri 65109.

¹ All statutory references are to the current version of the Revised Statutes of Missouri, unless otherwise noted.

The Commission was represented by commission counsel Brian Earll. Respondents Duane Bartsch and Bartsch for NKC Schools appeared in person through Duane Bartsch, *pro se*, upon due notice under 1 CSR 50-2.015(2) and § 536.067. The hearing was conducted before the following commissioners: Commission Chair Robert C. Cook, Commission Vice Chair Helene J. Frischer, Commissioner Kathie Conway, Commissioner Robin Wheeler Sanders, and Commissioner William Villapiano. The Commission offered Exhibits A-D, which were admitted in this matter. Further, the Commission took judicial notice of the final action in Case No. 22-0029-I before the Commission, issued on August 22, 2022.

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

FINDINGS OF FACT

1. Respondent Duane Bartsch was a candidate for the North Kansas City School Board in the April 5, 2022, election.
2. Respondent Bartsch for NKC Schools is a candidate committee that registered with the Missouri Ethics Commission on January 9, 2022.
3. Respondents created and distributed campaign yard signs and pamphlets in support of Bartsch's candidacy in the April 2022 election.

4. On both yard signs and campaign pamphlets, Respondents included the disclosure “Paid for by Bartsch for NKC Schools.”

5. Certain yard signs and campaign pamphlets distributed in support of Bartsch’s candidacy did not contain the name or title of Bartsch for NKC Schools’ treasurer.

6. Friends of Josiah Bechthold is a candidate committee that registered with the Missouri Ethics Commission of February 6, 2022.

7. Respondents ordered campaign pamphlets that stated, “Also vote for Josiah Bechthold” and provided the URL for Bechthold’s website.

8. Respondents and Josiah Bechthold coordinated the inclusion of the language in support of Bechthold’s candidacy.

CONCLUSIONS OF LAW

9. The Missouri Ethics Commission is an agency of the State of Missouri established pursuant to § 105.955, in part for the purpose of enforcing provisions of Chapter 130.

10. Pursuant to § 105.961.3-4, the Commission has authority to take action upon a finding of probable cause to believe a violation of the campaign finance disclosure requirements in Chapter 130 or the Missouri Constitution has occurred.

Count 1 – Failure to Include Accurate “paid for by” Disclosure

11. Section 130.031.8 requires “paid for by” disclosures on certain materials, stating, in relevant part:

Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office of 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.

12. The provision goes on to define printed matter to explicitly include signs and pamphlets in the definition of “printed matter.” § 130.031.8

13. In detailing the specific “paid for by” disclosure required, the statute gives the following requirements:

In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.

§ 130.031.8(2).

14. There is probable cause to believe Respondent’s violated § 130.031.8, by failing to include the title and name of the committee treasurer on signs and pamphlets distributed in support of candidates for election.

Count II – Making a Contribution to a Candidate Committee

15. The Missouri Constitution, in Article VIII, Section 23.3(4) details a prohibition on certain contributions by candidate committees, stating:

No candidate's candidate committee shall accept contributions from, or make contributions to, another candidate committee, including any candidate committee, or equivalent entity, established under federal law.

16. The definition of contribution is probative here, § 130.011(12) defines a contribution as any:

payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office[.]

17. The inclusion of advertising for Bechthold and his campaign website was something of value, making the pamphlets inclusion of it a contribution, paid for by Bartsch for NKC Schools, on behalf of Bechthold.

18. There is probable cause to believe Respondents violated Article VIII, Section 23.3(4), where Respondents provided something of value, to wit: advertising, to Bechthold, after coordinating such actions with him.

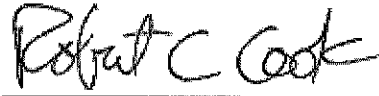
ORDER

The Missouri Ethics Commission finds probable cause to believe Respondents violated § 130.031.8 as well as Article VIII, Section 23.3(4) of the Missouri Constitution, and pursuant to § 105.961.4, hereby **ORDERS**:

1. Respondent shall comply with all relevant sections of Chapter 130;
2. Respondent is assessed a fee in the amount of \$2,000, pursuant to Section 105.961.4(6), due by check or money order and payable to the Missouri Ethics Commission within sixty (60) days of the issuance of this Order, and a letter of concern shall be issued and maintained in a public manner;
3. If Respondent's pay \$200 of the assessed fee within forty-five (45) days of the issuance of this Order, the remainder of the fee will be stayed for a period of two years. If Respondents do not commit any further violations of Chapter 130 or the Missouri Constitution, the remainder of the fee shall be dissolved. If there is probable cause to believe Respondents committed any further violations of the campaign finance laws under Chapter 130 or the Missouri Constitution within the two-year period, the remainder of the fee shall be due immediately upon such a finding.

SO ORDERED, this 21TH day of January, 2023.

By:



Robert Cook, Chair
Missouri Ethics Commission