

Filed

SEP 14 2023

Missouri Ethics
Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS)	
COMMISSION,)	
)	
Petitioner,)	
)	
v.)	Case No. 22-0003-A
)	
DAVE THOMAS,)	
Candidate,)	
)	
and)	
)	
CITIZENS FOR DAVE)	
THOMAS,)	
Candidate Committee,)	
)	
Respondents.)	

**JOINT FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER**

The Missouri Ethics Commission (“MEC”), together with Dave Thomas and Citizens for Dave Thomas (“Respondents”), collectively the “parties” jointly stipulate and consent to action as set forth here (the “agreement”).

Respondents acknowledge their right to have this agreement reviewed by counsel. Respondents further acknowledge they have received actual notice of the legal complaint filed by the MEC in this case, have reviewed the contents of the Complaint, and submit to the jurisdiction of the Missouri Ethics Commission.

Respondents further acknowledge 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 at a hearing before the MEC; the right to have all allegations against Respondents 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, Respondents knowingly and voluntarily waive each one of these rights and freely enter into this agreement and agree to abide by its terms.

I.

The parties mutually agree and stipulate, subject to adoption by the Missouri Ethics Commission, the following shall constitute the Findings of Fact and Conclusions of Law in this matter:

FINDINGS OF FACT

1. Dave Thomas was an unsuccessful candidate for Ward 1 Alderman for the City of St. Peters, Missouri, April 2, 2019 General Election, where he was an incumbent.

2. Citizens for Dave Thomas (the "Committee") was a candidate committee registered with the Missouri Ethics Commission on February 23, 2007.

3. Pursuant to § 105.959, the Commission's staff audited the reports and statements filed with the Commission and reported the audit findings to the Commission.

4. The Commission determined there was reasonable grounds to believe violations of the Missouri Constitution and statutes occurred and authorized a hearing pursuant to § 105.961.3.

5. At the time of his defeat, Respondent's candidate committee was \$4,600 in debt to Respondent Thomas.

6. Respondents closed the official fund depository account on file with the Commission on July 15, 2019, and paid \$277.64 to Respondent Thomas as partial repayment of the previously mentioned loan.

7. From July 15, 2019, through termination of the Committee on April 14, 2022, Respondents maintained Citizens for David Thomas as a committee with the Commission after having closed the Committee's official fund depository account.

8. A new official depository fund account was never designated with the MEC during the period after the closure of the original account, nor was the information on the statement of committee organization updated to reflect a replacement account.

9. On April 14, 2022, Citizens for Dave Thomas terminated and filed a termination report forgiving the remainder of the loan from Thomas.

CONCLUSIONS OF LAW

10. Section 130.021.4(1) lays out the requirements for maintenance of an official fund depository for committees, stating, in relevant part:

Every committee shall have a single official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan association, or a federally or state-chartered credit union in which the committee shall open and thereafter maintain at least one official depository account in its own name.

11. Where Respondents failed to maintain an official depository fund account, there is probable cause to believe they violated § 130.021 RSMo., giving this Commission the power to act as permitted by § 105.961,

II.

Based on the foregoing, the parties mutually agree and stipulate, subject to adoption by the Missouri Ethics Commission, the following shall constitute the Order issued by the Missouri Ethics Commission in this matter:

CONSENT ORDER

The Missouri Ethics Commission finds probable cause to believe Respondents violated § 130.021 RSMo., and pursuant to § 105.961.4, hereby **ORDERS:**

1. Respondents shall comply with all relevant sections of Chapter 130;
2. Respondents are assessed a fee in the amount of \$1,000, pursuant to § 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;

3. If Respondents pay \$100 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, 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 within the two-year period, the remainder of the fee shall be due immediately upon such a finding.
4. Respondents shall be jointly and severally liable for all fees imposed under this Order.

III.

1. The parties understand the Missouri Ethics Commission will maintain this agreement as an open record of the Commission.

2. This agreement does not bind the Missouri Ethics Commission or restrict the remedies available concerning any violations not expressly detailed here, including any future violations.

3. Each party agrees to pay all of their own fees and expenses incurred as a result of this case, its litigation, and/or its disposition.

4. Respondents, together with their heirs, assigns, agents, representatives and attorneys, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission, the Commission's respective members, employees, agents and attorneys including former members, employees, agents and attorneys, of, or from any liability, claim, actions,

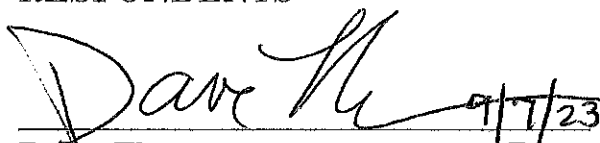
causes of action, fees, costs, expenses and compensation, including, but not limited to, any claim for attorney's fees and expenses, whether or not now known or contemplated, including, but not limited to, any claims pursuant to Section 536.087, RSMo, as amended, or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case or its litigation or from the negotiation or execution of this Joint Stipulation. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court or administrative tribunal deems this agreement or any portion thereof void or unenforceable.

5. This agreement shall become effective immediately upon (1) the signature of all parties; (2) adoption of the Joint Proposed Findings of Fact, Conclusions of Law by the Missouri Ethics Commission; and (3) issuance of a Final Order by the Commission, without any further action of the parties.

SO AGREED:

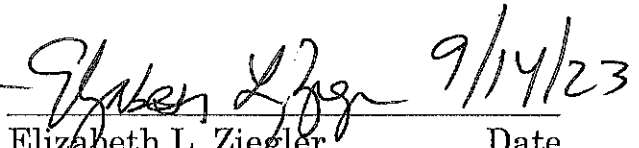
RESPONDENTS

MISSOURI ETHICS COMMISSION



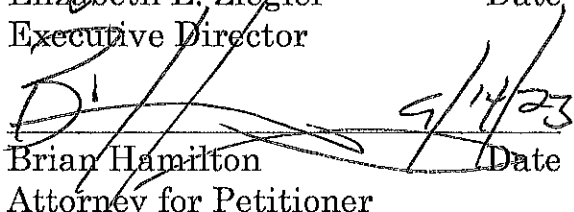
Dave Thomas
Respondent and Candidate

9/17/23
Date



Elizabeth L. Ziegler
Executive Director

9/14/23
Date



Brian Hamilton
Attorney for Petitioner

9/14/23
Date

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed

SEP 14 2023

Missouri Ethics
Commission

MISSOURI ETHICS)	
COMMISSION,)	
)	
Petitioner,)	
)	
v.)	Case No. 22-0003-A
)	
DAVE THOMAS,)	
Candidate,)	
)	
and)	
)	
CITIZENS FOR DAVE)	
THOMAS,)	
Candidate Committee,)	
)	
Respondents.)	

CONSENT ORDER

The Missouri Ethics Commission finds probable cause to believe Respondents violated § 130.021 RSMo., and pursuant to § 105.961.4, hereby

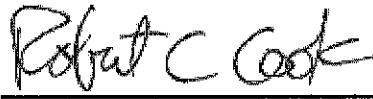
ORDERS:

1. Respondents shall comply with all relevant sections of Chapter 130;
2. Respondents are assessed a fee in the amount of \$1,000, pursuant to § 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;
3. If Respondents pay \$100 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, 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 within the two-year period, the remainder of the fee shall be due immediately upon such a finding.

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

SO ORDERED this 14th day of September, 2023

A handwritten signature in black ink that reads "Robert C. Cook". The signature is written in a cursive style with a horizontal line underneath it.

Robert Cook, Chair
Missouri Ethics Commission