

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed

SEP 14 2023

**Missouri Ethics
Commission**

MISSOURI ETHICS)	
COMMISSION,)	
)	
Petitioner,)	
)	
v.)	Case No. 23-0020-I
)	
CITIZENS FOR DAVIS-)	
WARD 2,)	
Candidate Committee,)	
)	
and)	
)	
MARIE DAVIS,)	
Candidate)	
)	
Respondents.)	

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

The Missouri Ethics Commission ("MEC"), together with Citizens for Davis-Ward 2 and Marie Davis ("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. Citizens for Davis - Ward 2 was a candidate committee registered with the Missouri Ethics Commission on February 7, 2023.
2. Marie Davis was a candidate for Ward 2 councilmember in Sunset Hills, Missouri, in the April 2023 election.

3. Pursuant to § 105.961, the Commission's staff received a complaint against Respondents. Upon investigation of the allegations, a report was presented to the Commission.

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

Count I – Failure to File Eight Day Before Election Report

5. Respondents made expenditures and accepted contributions in support of Davis's candidacy within the period covered by the Eight Day Before Election Report for the 2023 municipal election, due March 27, 2023.

6. Respondents failed to file the Eight Day Before Election Report until after the investigation into this matter.

7. When Respondents filed the Eight Day Before Election Report on June 30, 2023, it reflected \$ 1,000 in contributions and \$ 390.83 in expenditures for the period.

Count II – Untimely and Improper Reporting

8. The April 2023 Quarterly Report was due on April 17, 2023.

9. On April 18, 2023, Respondents filed a statement of limited activity for the April 2023 Quarterly Report.

10. Respondents made expenditures totaling \$735.77 from March 24, 2023, through March 31, 2023, the period covered by the April 2023 Quarterly Report.

11. On April 25, 2023, Respondents filed a full disclosure report reflecting the \$735.77 in expenditures during the period of the April Quarterly Report.

CONCLUSIONS OF LAW

Count I – Failure to File Eight Day Before Election Report

12. Section 130.041 requires the candidate and/or treasurer or deputy treasurer of every committee to file disclosure reports of all receipts and expenditures, as prescribed in § 130.046.

13. Section 130.046.1 lists the timing for the filing of reports required by § 130.041, stating, in part:

1. The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period 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[.]

14. Where Respondents failed to file the Eight Day Before Election Report when it was due, there is probable cause to believe they violated

§§ 130.041 & 130.046, giving this Commission power to act, as permitted under § 105.961.

Count II – Untimely and Improper Reporting

15. Section 130.046.1 lists the timing for the filing of quarterly reports required by § 130.041, stating, in part:

1. The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(3) Not later than the fifteenth day following the close of each quarter.

16. Section 130.046.5 permits a committee to file a limited activity report when aggregated contributions or expenditures do not exceed \$500, stating in part:

5. Notwithstanding any other provisions of this chapter to the contrary:

(2) 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 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.

17. Where Respondents filed a statement of limited activity for the April 2023 Quarterly Report and where they had over \$500 in expenditures during the period, there is probable cause to believe they violated § 130.046, giving this Commission the power to act, as permitted under § 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 §§ 130.041 & 130.046, RSMo, and pursuant to § 105.961.4 RSMo, hereby **ORDERS**:

1. Respondents shall comply with all relevant sections of the Missouri Constitution and Chapter 130;
2. Respondents are 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;
3. If Respondents 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 the Missouri Constitution or 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 the Missouri Constitution or 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

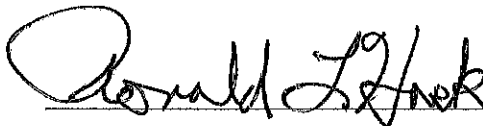
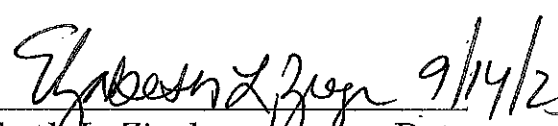
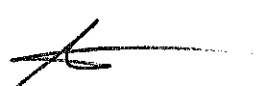

or execution of this Joint Stipulation. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court or administrative tribunal deems this agreement or any portion thereof void or unenforceable.

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

SO AGREED:

RESPONDENTS

MISSOURI ETHICS COMMISSION

 _____ Ronald L. Hack Attorney for the Respondent	<u>9/8/2023</u> Date	 _____ Elizabeth L. Ziegler Executive Director	<u>9/14/23</u> Date
 _____ Marie Davis Respondent and Candidate	<u>9/8/2023</u> Date	 _____ Brian Hamilton Attorney for Petitioner	<u>9/14/23</u> Date

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2. Respondents are 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;
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of the fee shall be dissolved. If there is probable cause to believe Respondents committed any further violations of the campaign finance laws under the Missouri Constitution or 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 19th day of September, 2023

A handwritten signature in black ink, appearing to read "Robert C. Cook". The signature is written in a cursive, somewhat stylized font. It is positioned above a horizontal line.

Robert Cook, Chair
Missouri Ethics Commission