

Filed

JAN 12 2024

Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

| | | |
|-------------------------|---|-----------------------|
| MISSOURI ETHICS |) | |
| COMMISSION, |) | |
| |) | |
| Petitioner, |) | |
| |) | Case No. 22-0043-I(B) |
| v. |) | |
| |) | |
| CITIZENS TO ELECT GRAY, |) | |
| Candidate Committee, |) | |
| |) | |
| and |) | |
| |) | |
| ROCHELLE GRAY, |) | |
| Candidate & Treasurer, |) | |
| |) | |
| Respondents. |) | |

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

The Missouri Ethics Commission (“MEC”), together with Rochelle Gray and Citizens to Elect Gray (“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 enters into this agreement and agrees 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. Rochelle Gray was an unsuccessful candidate for Saint Louis County Council District 4, in the 2020 municipal election.

2. Citizens to Elect Gray is a candidate committee first registered with the MEC on March 6, 2008. This committee was terminated on September 1, 2020.

3. Rochelle Gray is a candidate for Saint Louis County Council, in the 2024 municipal election.

4. Citizens to Elect Gray was newly registered as a candidate committee with the MEC on September 9, 2020.

5. 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.

6. The Commission determined there were reasonable grounds to believe violations of Chapter 130 occurred and authorized a hearing pursuant to § 105.961.3.

7. Unified Democratic Township Organization LLC ("Unified Township") is a continuing committee first registered with the Commission on June 16, 2016.

8. In July of 2020, Unified Township purchased card stock to use in printing materials in support of fourteen (14) candidates and two ballot measures, including Respondent Rochelle Gray, totaling \$1,287.09, from Veritiv.

9. Unified Township donated the postcards to Respondent Rochelle Gray and her committee.

10. The purchase of the card stock by Unified Township was something of value, given to the other, for the purpose of supporting candidates for election, making it an in-kind contribution to Respondents.

11. Respondents did not report the receipt of the postcards from Unified Township on any campaign finance report.

12. Respondents paid \$12,253 for the postage on the postcards that were mailed out to prospective voters.

13. Respondent did not report the amount of expenditures in support of each of the thirteen (13) other candidates listed on the postcards and the two ballot measures.

CONCLUSIONS OF LAW

14. Section 130.041.1 requires committees to report receipts for each reporting period on all disclosure reports, requiring, in part:

(3) Receipts for the period, including:

...
(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution[.]

(4) Expenditures for the period, including:

...
(7) The amount of expenditures for or against a candidate or ballot measure during the period covered and the

cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought. For the purpose of disclosure reports, expenditures made in support of more than one candidate or ballot measure or both shall be apportioned reasonably among the candidates or ballot measure or both. In apportioning expenditures to each candidate or ballot measure, political party committees and continuing committees need not include expenditures for maintaining a permanent office, such as expenditures for salaries of regular staff, office facilities and equipment or other expenditures not designed to support or oppose any particular candidates or ballot measures; however, all such expenditures shall be listed pursuant to subdivision (4) of this subsection[.]

15. Further relevant here, § 130.011(12) defines contribution to include anything of value, given for the purpose of supporting the election of a candidate for office.

16. Where Respondent's failed to report receiving an in-kind contribution and failed to report the amount of expenditures in support of candidates and ballot measures, there is probable cause to believe they violated §130.041.1, giving this Commission the power to act.

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 § 130.041.1, and pursuant to § 105.961.4, hereby

ORDERS:

1. Prior to finalizing settlement, Respondents will be required to file and amend reports and statements with the Commission.
2. Respondents shall comply with all relevant sections of Chapter 130 and the Missouri Constitution.
3. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$2,287.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$228.00 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.
4. Regardless of the stay in paragraph 3 above, if there is probable cause to believe that any Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo or the Missouri Constitution, 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.
5. 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:

RESPONDENT ROCHELLE GRAY MISSOURI ETHICS COMMISSION

| | | | |
|----------------------|---------------|--|----------------|
| <u>Rochelle Gray</u> | <u>1/8/23</u> | <u>Elizabeth L. Ziegler</u> | <u>1/12/24</u> |
| Rochelle Gray | Date | Elizabeth L. Ziegler Executive Director | Date |

RESPONDENT CITIZENS TO
ELECT GRAY

| | | | |
|----------------------|---------------|---|----------------|
| <u>Rochelle Gray</u> | <u>1/8/23</u> | <u>Brian Hamilton</u> | <u>1/12/24</u> |
| Rochelle Gray | Date | Brian Hamilton Attorney for Petitioner | Date |

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| ROCHELLE GRAY, |) | |
| Candidate & Treasurer, |) | |
| |) | |
| Respondents. |) | |

CONSENT ORDER

The Missouri Ethics Commission finds probable cause to believe Respondents Rochelle Gray and Citizens to Elect Gray violated § 130.041.1, and pursuant to § 105.961.4, hereby **ORDERS**:

1. Respondents shall comply with all relevant sections of Chapter 130.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$2,287, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$228 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 within sixty days of this Order.
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 16th day of January, 2024.

By:



Robert Cook, Chair
Missouri Ethics Commission