

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**

MISSOURI ETHICS COMMISSION, )  
)  
Petitioner, )  
)  
v. )  
)  
HERBERT CROSBY, Candidate )  
)  
Respondent. )

Case No. 23-0011-I

FEB 16 2024

Missouri Ethics  
Commission

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

This is the decision and Order of the Missouri Ethics Commission following a hearing on a Complaint filed by Petitioner, by and through counsel, pursuant to § 105.961, RSMo, and Chapter 536, RSMo. The hearing was conducted before the following members of the Missouri Ethics Commission: Commission Chair Robert C. Cook, Commissioner Vice Chair Helene J. Frischer, Commissioner Robin Wheeler Sanders, and Commissioner William Villapiano.

The Commission held the closed hearing on February 14, 2024. The Commission was represented by General Counsel Brian Hamilton. Respondent Herbert Crosby appeared *pro se*.

The sole issue to be decided by the Missouri Ethics Commission at this hearing was whether there was probable cause to believe a violation of the “paid for by” provision had occurred, found in § 130.031.8(1), RSMo.

Having considered all the competent and substantial evidence upon the whole record on the issue within the Commission’s jurisdiction, the Commission finds by a unanimous vote as follows:

**FINDINGS OF FACT**

1. Respondent Herbert Crosby was a mayoral candidate for the City of Winfield, in the April 2023 election.

2. Respondent created and purchased twenty (20) yard signs in support of his own candidacy.

3. Respondent distributed the signs for display.

4. The yard signs should have contained the clear and conspicuous statement: "Paid for by Herbert Crosby" but did not.

### **CONCLUSIONS OF LAW**

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

§ 130.031.8, RSMo.

6. "[P]rinted matter' shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material[.]" § 130.031.8, RSMo.

7. Section 130.031.8(1), RSMo, further states the following:

(1) In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.

8. There is probable cause to believe that Respondent Herbert Crosby violated § 130.031.8(1), RSMo, by creating and purchasing yard signs which failed to include an accurate "Paid for by" disclosure statement.

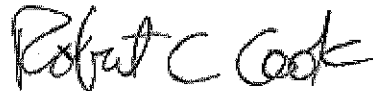
**ORDER**

The sole issue within the Commission's jurisdiction was whether Respondent Herbert Crosby violated § 130.031.8(1), RSMo. The Missouri Ethics Commission finds probable cause to believe Respondent Herbert Crosby violated § 130.031.8(1), and pursuant to § 105.961.4, hereby **ORDERS:**

1. Respondent 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 Respondent Herbert Crosby in the amount of \$100.00, pursuant to § 105.961.4(6), RSMo. The fee will be paid by check or money order made payable to the Missouri Ethics Commission within sixty days of this Order.

SO ORDERED, this 16th day of February, 2024.

By:



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Robert Cook, Chair  
Missouri Ethics Commission