

BEFORE THE  
MISSOURI ETHICS COMMISSION

Filed

FEB 20 2024

Missouri Ethics  
Commission

MISSOURI ETHICS  
COMMISSION,

Petitioner,

v.

MIKE ENGLERT FOR STATE  
REPRESENTATIVE,  
Candidate Committee,

and

MIKE ENGLERT, Candidate,

Respondents.

Case No. 22-0012-A

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

The Missouri Ethics Commission ("MEC"), together with Mike Englert and Mike Englert for State Representative ("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. Mike Englert for State Representative was a candidate committee first registered with the MEC on August 22, 2020, it continues to be active.
2. Mike Englert was an unsuccessful candidate for State Representative in District 20 in the 2020 general election.

3. Pursuant to § 105.959, the Commission staff conducted an audit of the reports and statements filed with the Commission. Upon investigation, a report was presented to the Commission.

4. Upon consideration of the report, the Commission determined there were reasonable grounds to believe violations of the Missouri Constitution occurred and authorized a hearing pursuant to § 105.961.3.

**Count I**  
*Failure to Terminate*

5. Respondents did not have any debts at the time of the termination requirement.

6. Under the definition of candidate committee in § 130.011(9), where the committee was without debt, Respondents were required to terminate within 30 days of the election on December 4, 2022.

7. Mike Englert for State Representative is still an active committee with the Commission.

**Count II**  
*Failure to Timely File Reports*

8. Respondents failed to timely file ten (10) reports required by §§ 130.041, detailed here:

Reports Not Filed	
Report	Due Date
April 2021 Quarterly	April 15, 2021
July 2021 Quarterly	July 15, 2021
October 2021 Quarterly	October 15, 2021

January 2022 Quarterly	January 18, 2022
April 2022 Quarterly	April 15, 2022
July 2022 Quarterly	July 15, 2022
30 Day After 2022 General Election	December 8, 2022
April 2023 Quarterly	April 17, 2023
July 2023 Quarterly	July 17, 2023
October 2023 Quarterly	October 16, 2023

### Count III

#### *Failure to Timely and Accurately Report Contributions*

##### Individual Contributions Unreported

9. In September of 2020, Respondents received two contributions from IST-MO Nominee PAC Number One, totaling \$106.41, which were never reported to the Commission.

##### Individual Contributions Improperly Reported

10. On the Eight Day Before Election – 2020 Primary, Respondents failed to properly report details, as required by Section 130.041.1(3)(e) on two contributions received in August of 2020. A total of \$733.24 from IST-MO Nominee PAC Number Two was improperly reported as being received from IST-MO Nominee PAC Number One. Further, the two contributions were improperly aggregated.

11. Further, on the same report, which was the first report filed by Respondents, \$351.59 in “previous contributions” was entered as a starting value for the account. The details of these “previous contributions” were never reported.

#### Count IV

##### *Failure to Timely and Accurately Report Expenditures*

12. Respondents failed to report two service charges to Central Bank, totaling \$6, one on the 8 Day Before 11/3/20 General Election Report, and the other on the 30 Day After 11/3/20 General Election Report.

13. Respondents incurred a \$250 expenditure to TJP Media, LLC on October 5, 2020. Respondents paid this invoice on October 28, 2020. Respondents should have reported the incurred expenditure on the 8 Day Before 11/3/20 General Election Report and reported the payment on the 30 Day After 11/3/20 General Election Report.

#### **CONCLUSIONS OF LAW**

##### Count I

##### *Failure to Terminate*

14. Section 130.011(9) defines the limits of a candidate committee under Missouri's campaign finance scheme, stating in part:

(9) "Candidate committee", a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed[.]

15. Where Respondent Englert was an unsuccessful candidate in the 2022 general election, where his candidate committee Mike Englert for State Representative had no debt, and finally, where Mike Englert for State Representative failed to terminate by December 4, 2022, there is probable cause to believe Respondents violated § 130.011(9), giving this Commission the power to take actions as permitted under § 105.961.

**Count II**  
*Failure to Timely File Reports*

16. Section 130.046 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:

...

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office; and

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

...

3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file disclosure reports pursuant to this section, except

for any calendar quarter in which the contributions received by the committee or the expenditures or contributions made by the committee do not exceed five hundred dollars. The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September... Every candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding the date of the election[.]

17. Where Respondents failed to timely file ten reports, there is probable cause to believe they violated § 130.046, giving this Commission power to take action, as permitted under § 105.961.

### Count III

#### *Failure to Timely and Accurately Report Contributions*

18. Section 130.041(3)(d) requires committees to report the “[t]otal dollar value of all in-kind contributions received[.]”

19. Section 130.041.1(3)(e) goes on to require committees to report receipts for each reporting period on all disclosure reports, requiring, in part:

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[.]

20. Where Respondents failed to report \$106.41 in contributions and misreported another \$1,084.83 in contributions, there is probable cause to

believe they violated § 130.041, giving this Commission power to take action, as permitted under § 105.961.

#### Count IV

##### *Failure to Timely and Accurately Report Expenditures*

21. Section 130.041.1 lays out what is required of committees in disclosure reports, including:

...

(3) Expenditures for the period, including:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

...

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker[.]

22. Where Respondents failed to timely report three (3) expenditures, there is probable cause to believe Respondents violated § 130.041 empowering this Commission to act, as permitted by law.



## 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 §§ 130.011(9), 130.041, and 130.046, 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.
3. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$4,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$400.00 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, 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

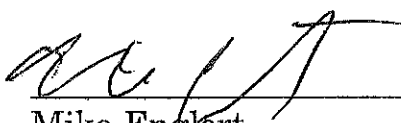
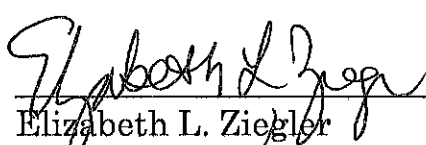
it survives in perpetuity even in the event that any court or administrative tribunal deems this agreement or any portion thereof void or unenforceable.

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.

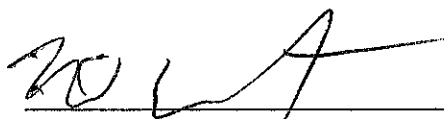
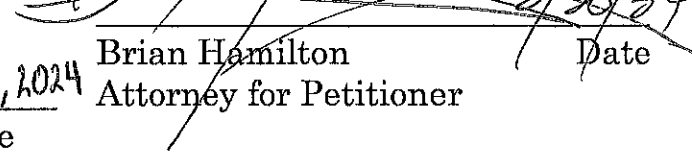
SO AGREED:

RESPONDENT MIKE ENGLERT

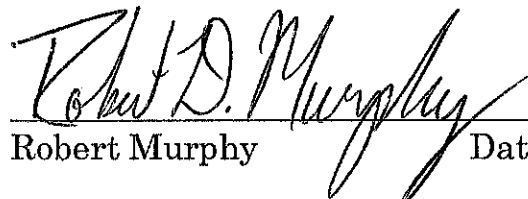
MISSOURI ETHICS COMMISSION

 Feb. 9, 2024  2/20/24  
Mike Englert Date Elizabeth L. Ziegler Date  
Executive Director

RESPONDENT MIKE ENGLERT  
FOR STATE REPRESENTATIVE

 Feb. 9, 2024  2/26/24  
Mike Englert Date Brian Hamilton Date  
Attorney for Petitioner

ATTORNEY FOR RESPONDENTS

 Feb. 9, 2024  
Robert Murphy Date

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**Filed**

**FEB 22 2024**

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COMMISSION,	)	
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MIKE ENGLERT FOR STATE	)	
REPRESENTATIVE,	)	
Candidate Committee,	)	
	)	
and	)	
	)	
MIKE ENGLERT, Candidate,	)	
	)	
Respondents.	)	

**CONSENT ORDER**

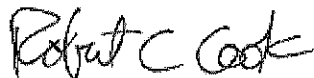
The Missouri Ethics Commission finds probable cause to believe Respondents violated §§ 130.011(9), 130.041, and 130.046, and pursuant to § 105.961.4, hereby

**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 \$4,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$400.00 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.
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 22<sup>nd</sup> day of February, 2024

A handwritten signature in black ink, appearing to read "Robert C. Cook". The signature is written in a cursive, somewhat stylized font. The first name "Robert" is written in a larger, more prominent script, followed by "C" and "Cook".

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Robert Cook, Chair  
Missouri Ethics Commission