

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed

MAR 13 2024

Missouri Ethics
Commission

MISSOURI ETHICS)
COMMISSION,)

Petitioner,)

Case No. 23-0005-I

v.)

SHURITA THOMAS-TATE,)

Springfield R-XII School)

District School Board Member,)

Respondent.)

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

The Missouri Ethics Commission (“MEC”), together with Shurita Thomas-Tate (“Respondent”), collectively the “parties” jointly stipulate and consent to action as set forth here (the “Agreement”).

Respondent acknowledges her right to have this Agreement reviewed by counsel. Respondent further acknowledges she has received actual notice of the legal complaint filed by the MEC in this case, has reviewed the contents of the Complaint, and submit to the jurisdiction of the Missouri Ethics Commission.

Respondent further acknowledges she is 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 Respondent proven upon the record by competent and

substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights, Respondent knowingly and voluntarily waives 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. Springfield R-XII School District is an urban school district and a political subdivision of the State of Missouri with an annual operating budget of over \$1 million.
2. Respondent Shurita Thomas-Tate was appointed to the Springfield R-XII School District School Board as a member in April 2020.
3. Pursuant to § 105.961, the MEC's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.

4. The Commission determined there were reasonable grounds to believe a violation of the law had occurred and authorized a hearing pursuant to § 105.961.3.

5. Springfield R-XII School District adopted Policy BBFA on August 20, 2019 and August 17, 2021.

6. As a member of the Springfield R-XII School District School Board since April 2020, Respondent was required to file a Financial Disclosure Statement for Political Subdivisions for 2020 by May 3, 2021, and a Financial Disclosure Statement for Political Subdivisions for 2021 by May 2, 2022.

7. Respondent reported that the untimely filing of the 2020 and 2021 Financial Disclosure Statements was not willful or purposeful.

CONCLUSIONS OF LAW

8. Section 105.483 details who is required to file a financial interest statement:

(11) Each elected official ... of each political subdivision with an annual operating budget in excess of one million dollars, and each official or employee of a political subdivision who is authorized by the governing body of the political subdivision to promulgate rules and regulations with the force of law or to vote on the adoption of rules and regulations with the force of law; unless the political subdivision adopts an ordinance, order or resolution pursuant to subsection 4 of section 105.485[.]

9. Upon meeting the requirements to file an annual personal financial disclosure, § 105.487(3) and (4) requires elected officials to submit their annual personal financial disclosure by May 1.

10. Section 105.485 states in relevant part:

4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section[.]

(1) Disclosure in writing of the following described transactions, if any such transactions were engaged in during the calendar year:

...

(b) The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

11. Policy BBFA is Springfield R-XII School District's conflict of interest and financial disclosure policy and states, in part, the following:

Financial Interest Statements

Financial interest statements (also known as personal financial disclosure statements) as described below shall be filed with the Missouri Ethics Commission (MEC) and the School District of Springfield R-XII Board of Education on or before May 1 for the preceding calendar year, unless the person filing is a Board candidate.

Board Member Disclosure

All School Board members and candidates for School Board will file the short form version of the MEC's financial interest statement each year.

12. Where Respondent was required to file Financial Disclosure Statements for Political Subdivisions for 2020 and 2021; and where Respondent has failed to do so, there is probable cause to believe Respondent violated § 105.483(11) and Springfield R-XII School District Policy BBFA, 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

Missouri Ethics Commission finds probable cause to believe Respondent violated § 105.483(11) and Springfield R-XII School District Policy BBFA, and pursuant to § 105.961.4, hereby **ORDERS**:

1. Respondent shall comply with all relevant sections of Chapter 105 and the Springfield R-XII School District Policy BBFA.
2. Respondent shall file her personal financial disclosure statements for 2020 and 2021 with the Missouri Ethics Commission.
3. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondent in the amount of \$2,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$200.00 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 105 or 130, RSMo, within the two-year period from the date of this order, then Respondent 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.

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 her 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 existing 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 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.

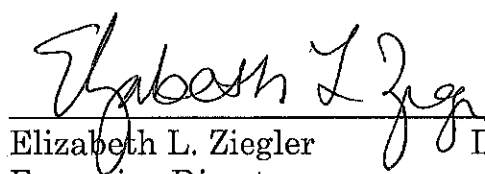
5. This Agreement shall become effective immediately upon (1) the signature of all parties; (2) adoption of the Joint Proposed Findings of Fact, Conclusions of Law by the Missouri Ethics Commission; and (3) issuance of a Final Order by the Commission, without any further action of the parties.

SO AGREED:

RESPONDENT SHURITA
THOMAS-TATE

MISSOURI ETHICS COMMISSION



 3/13/24

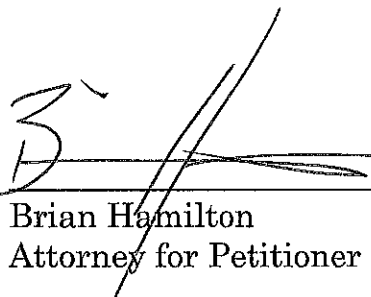
Shurita Thomas-Tate Date

Elizabeth L. Ziegler Date
Executive Director

ATTORNEY FOR RESPONDENTS

/s/ Bryan D. Fisher

3-13-24

 3/13/24

Bryan D. Fisher Date
Neale & Newman

Brian Hamilton Date
Attorney for Petitioner

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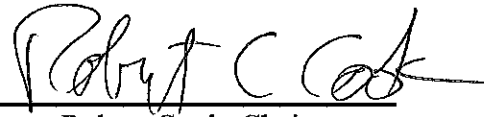
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3. Regardless of the stay in paragraph 2 above, if there is probable cause to believe that any Respondent commits any further violation of the campaign finance laws under Chapter 105, RSMo, within the two-year period from the date of this order, then Respondent 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.

SO ORDERED this 14th day of March, 2024

A handwritten signature in black ink, appearing to read "Robert Cook", written over a horizontal line.

Robert Cook, Chair
Missouri Ethics Commission