

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed

MAR 29 2024

**Missouri Ethics
Commission**

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	Case No. 22-0007-A
1 ST WARD DEMOCRATIC)	
ORGANIZATION, Continuing)	
Committee,)	
)	
and)	
)	
JAMES BROWN, Treasurer,)	
)	
Respondents.)	

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

The Missouri Ethics Commission (“MEC”), together with 1st Ward Democratic Organization and James Brown (“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. 1st Ward Democratic Organization registered as a continuing committee with the Missouri Ethics Commission in November 2016.
2. James Brown was listed as the committee's treasurer on the Statement of Committee Organization.
3. Pursuant to Sections 105.959 and 105.961, RSMo, the Commission's staff audited the reports and statements filed with the Commission and reported the findings to the Commission.
4. Based on the audit report, the Commission determined that there were reasonable grounds to believe that violations of the law had occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

COUNT I

Making expenditures by a party other than the treasurer.

5. On or about January 16, 2021, and February 2, 2021, Yolanda Brown signed two checks -- one for \$200 and one for \$100 -- making contributions to her candidate committee from 1st Ward Democratic Organization.

6. While Yolanda Brown was an authorized signatory on the bank account, she is neither the treasurer nor deputy treasurer of 1st Ward Democratic Organization.

COUNT II

Failure to accurately report beginning and ending money on hand.

7. Respondents failed to accurately report its beginning and/or ending money on hand balances on two reports in 2020 and two reports in 2022.

COUNT III

Failure to timely and accurately file campaign finance disclosure reports.

8. Respondents filed a Statement of Limited Activity in lieu of filing the October 2020 Quarterly report though activity in the reporting period required the filing of a full disclosure report.

9. Respondents untimely filed nine reports.

Report Name	Report Year	Due Date	Date Filed
April Quarterly Report - Limited Activity	2019	4/15/19	4/30/19
July Quarterly Report - Limited Activity	2019	7/15/19	7/16/19
October Quarterly Report - Limited Activity	2019	10/15/19	10/21/19
January Quarterly Report	2020	1/15/20	1/21/20
July Quarterly Report - Limited Activity	2020	7/15/20	7/16/20
30-Day After 11-3-20 General Election	2020	12/3/20	12/10/20
April Quarterly Report - Limited Activity	2021	4/15/21	4/18/21
January Quarterly Report	2022	1/18/22	1/19/22
April Quarterly Report	2022	4/15/22	4/18/22

COUNT IV

Failure to timely and accurately report contributions.

10. Respondents failed to report a \$6.00 contribution received from Democratic Campaign Committee of St. Louis City PAC on or about October 29, 2020, and a \$100 contribution received from Lyda Krewson Leadership PAC on or about March 25, 2021.

11. Respondents failed to report a \$300 contribution received from Jeffrey Boyd on or about July 28, 2020, and a \$460 contribution received from Roberts for St. Louis on or about July 30, 2020.

COUNT V

Failure to timely and accurately report expenditures.

12. Respondents failed to report nineteen (19) expenditures/contributions made that were \$100 or less, totaling \$831.98.

Expenditure Name	Purpose	Amount	Report Not Showing Expenditure
Committee to Elect Pam Boyd	Contribution Made	\$50.00	Jan. 2020 Quarterly
Bank Service Charge	Commerce Bank fee	\$45.00	
Bank Statement Fee	Commerce Bank fee	\$45.00	
Ronna Edwards	Poll Worker	\$100.00	Oct. 2020 Quarterly
Kametria Scott	Poll Worker	\$80.00	
Willie Griffin	Poll Worker	\$100.00	
Bank Service Charge	Commerce Bank fee	\$45.00	
Bank Statement Fee	Commerce Bank fee	\$45.00	
ACH Debit	Poll Worker Lunch	\$20.00	30-Day After Nov. 20
Bank Service Charge	Commerce Bank fee	\$5.00	
Bank Statement Fee	Commerce Bank fee	\$5.00	
Aldi		\$25.44	Jan. 2022 Quarterly
Walmart		\$20.58	
Save-a-Lot		\$14.66	
Committee to Elect Yolanda Brown	Contribution Made	\$100.00	
Bank Service Charge	Commerce Bank fee	\$60.00	April 2022 Quarterly
Bank Statement Fee	Commerce Bank fee	\$60.00	
Bank Service Charge	Commerce Bank fee	\$6.30	
Bank Statement Fee	Commerce Bank fee	\$5.00	
Total		\$831.98	

13. Respondents failed to report three (3) expenditures over \$100 each, totaling \$980.50.

Expenditure Name	Purpose	Amount	Report Not Showing Expenditure
Mark's Quick Printing		\$600.00	Oct. 2020 Quarterly
Mark's Quick Printing		\$260.50	
Marvin Echols	Poll Worker	\$120.00	
Total		\$980.50	

14. The \$120 expenditure to Marvin Echols reported on the 30-Day After 11-3-20 General Election report contained an inaccurate aggregate amount because it did not include the amount of the first \$120 expenditure the committee made to the poll worker in August 2020.

15. Respondents failed to file Direct Expenditure Reports to indicate which candidates and/or ballot measures it was supporting or opposing when it made three expenditures totaling \$1,178.40 to Mark's Quick Printing and when it made six expenditures totaling \$610 to poll workers.

CONCLUSIONS OF LAW

COUNT I

Making expenditures by a party other than the treasurer.

16. "[E]xpenditures shall not be made by a committee except through an official depository account and the committee treasurer, deputy treasurer or candidate." § 130.021.4(1), RSMo.

17. Except for expenditures from a petty cash fund, "each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer, or candidate." § 130.031.2, RSMo.

18. There is probable cause to believe that Respondents violated Sections 130.021.4(1) and 130.031.2, RSMo, by making expenditures by and through a party other than the committee's treasurer.

COUNT II

Failure to accurately report beginning and ending money on hand.

19. Reports shall state “[t]he amount of money, including cash on hand at the beginning of the reporting period [.]” § 130.041.1(2), RSMo.

20. Reports shall state “[t]he total amount of cash on hand as of the closing date of the reporting period covered, including amounts in depository accounts and in petty cash fund[.]” § 130.041.1(5), RSMo.

21. Where Respondents failed to accurately report the beginning and ending money on hand on four reports, there is probable cause to believe Respondents violated §§ 130.041.1(2) and 130.041.1(5), RSMo giving this Commission the power to act as permitted under § 105.961.

COUNT III

Failure to timely and accurately file campaign finance disclosure reports.

22. Pursuant to Section 130.046.1, RSMo, all committees must file regular campaign finance disclosure reports 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[.]

23. Pursuant to Section 130.050.3, RSMo,

The receipt of any late contribution or loan of more than two hundred fifty dollars by a candidate committee supporting a candidate for statewide office or by any other committee shall be reported to the appropriate officer no later than twenty-four hours after receipt. For purposes of this subsection the term "late contribution or loan" means a contribution or loan received after the closing date of the last disclosure report required to be filed before an election but received prior to the date of the election itself. The disclosure report of a late contribution may be made

by any written means of communication, setting forth the name and address of the contributor or lender and the amount of the contribution or loan and need not contain the signatures and certification required for a full disclosure report described in section 130.041. A late contribution or loan shall be included in subsequent disclosure reports without regard to any special reports filed pursuant to this subsection.

24. Where Respondents untimely filed nine reports and filed a statement of limited activity that should have been a full disclosure report, there is probable cause to believe Respondents violated §§ 130.046 and 130.050, RSMo, giving this Commission the power to act as permitted under § 105.961.

COUNT IV

Failure to timely and accurately report contributions.

25. All committees are required to report contributions for each reporting period, receipts for the period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received one or more contributions which in the aggregate total in excess of one hundred dollars and shall make a reasonable effort to obtain and report a description of any contractual relationship over five hundred dollars between the contributor and the state if the candidate is seeking election to a state office or between the contributor and any political subdivision of the state if the candidate is seeking election to another political subdivision of the state;

...

(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;

(f) A listing of each loan received by name and address of the lender and date and amount of the loan. For each loan of more than one hundred dollars, a separate statement shall be attached setting forth the name and address of the lender and each person liable directly, indirectly or contingently, and the date, amount and terms of the loan[.]

§ 130.041.1(3), RSMo.

26. Where Respondents failed to timely report four (4) contributions totaling \$866, there is probable cause to believe Respondents violated § 130.041.1(3), RSMo, giving this Commission the power to act as permitted under § 105.961.

COUNT V

Failure to timely and accurately report expenditures.

27. All committees are required to report expenditures for each reporting 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[.]

§ 130.041.1(4), RSMo.

28. Pursuant to § 130.041.1(7), RSMo:

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.

29. Where Respondents failed to report twenty-two (22) expenditures/contributions made, failed to accurately report one (1) expenditure, and failed to file Direct Expenditure Reports, there is probable cause to believe Respondents violated §§ 130.041.1(4) and 130.041.1(7), RSMo, 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 §§ 130.021.4(1), 130.031(2), 130.041.1, 130.046, and 130.050, RSMo 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 \$5,678.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$567.00 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.

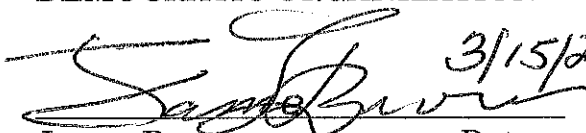
4. Respondents, together with their heirs, assigns, agents, representatives and attorneys, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission, the Commission's respective members, employees, agents and attorneys including former members, employees, agents and attorneys, 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.

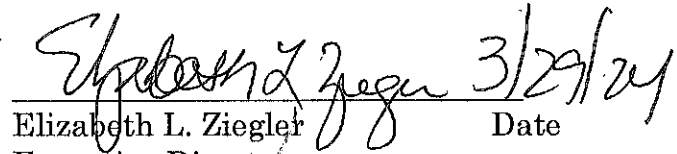
5. This agreement shall become effective immediately upon (1) the signature of all parties; (2) adoption of the Joint Proposed Findings of Fact, Conclusions of Law by the Missouri Ethics Commission; and (3) issuance of a Final Order by the Commission, without any further action of the parties.

SO AGREED:

RESPONDENT 1ST WARD
DEMOCRATIC ORGANIZATION



James Brown Date 3/15/24

MISSOURI ETHICS COMMISSION


Elizabeth L. Ziegler Date 3/29/24
Executive Director

RESPONDENT JAMES BROWN


James Brown Date 3/15/24


Brian Hamilton Date 3/29/24
Attorney for Petitioner

4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 29th day of March, 2024

Robin Wheeler Sanders

Robin Wheeler Sanders, Chair
Missouri Ethics Commission