

Filed

MAR 29 2024

Missouri Ethics
Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS)
 COMMISSION,)
)
 Petitioner,)
)
 v.)
)
 CIVIL PAC,)
 Continuing Committee,)
)
 and)
)
 LINDA PRIMER,)
 Treasurer,)
)
 Respondents.)

Case No. 23-0021-I

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

The Missouri Ethics Commission (“MEC”), together with Civil PAC and Linda Primer (“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. Civil PAC is a continuing committee registered with the MEC on July 18, 2018.
2. At all times relevant, Linda Primer was treasurer of Civil PAC.
3. Civil PAC terminated on October 18, 2023.

4. Pursuant to § 105.961, the MEC's staff received a complaint against Respondents. Upon investigation of the allegations, a report was presented to the Commission.

5. The Commission determined there were reasonable grounds to believe violations of Missouri statutes had occurred and authorized a hearing pursuant to § 105.961.3.

Count I – Failure to Timely and Accurately File Reports

6. When Respondents filed their 40 Day Before April 4, 2023, Election Report, forty (40) days after the deadline, it reflected \$2,000 in contributions and \$3,500 in expenditures for the period.

7. When Respondents filed their 8 Day Before April 4, 2023 Election Report, eight (8) days after the deadline, it reflected \$2,000 in contributions for the period.

8. When Respondents filed their 24-Hour Expenditure Report, seven (7) days after the deadline, it reflected a \$900 contribution made for the period.

Count II – Failure to Timely and Accurately Report Expenditures

9. Respondents failed to report a contribution made of \$1,800 on March 8, 2023 to Friends of Ella Jones on their 8-Day Before Election Report.

10. Respondents then failed to timely report a March 27, 2023 contribution made of \$900 to Friends of Ella Jones within 24 hours.

CONCLUSIONS OF LAW

Count I – Failure to Timely and Accurately File Reports

11. Section 130.041 requires the candidate and/or treasurer or deputy treasurer of every committee to file disclosure reports of all receipts and expenditures, as prescribed in § 130.046.

12. Section 130.046 lists the timing for filing reports and when they are 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:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

...

(3) Not later than the fifteenth day following the close of each calendar quarter. Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election.

13. Pursuant to § 130.046.3, RSMo, a continuing committee shall submit additional reports if it makes aggregate expenditures, other than contributions to a committee, of five hundred dollars or more, within the reporting period at the following times for the following periods:

- (1) Not later than the eighth day before an election for the period closing on the twelfth day before the election;
- (2) Not later than twenty-four hours after aggregate expenditures of two hundred fifty dollars or more are made after the twelfth day before the election[.]

14. Where Respondents failed to timely file the 40 Day Before Election Report, 8 Day Before Election Report, and 24-Hour Expenditure Report, there is probable cause to believe Respondents violated § 130.046, giving this Commission power to act, as permitted under § 105.961.

Count II – Failure to Timely and Accurately Report Expenditures

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

- (4) Expenditures for the period, including:
 - (a) The total dollar amount of expenditures made by check drawn on the committee's depository;
 - (b) The total dollar amount of expenditures made in cash;
 - (c) The total dollar value of all in-kind expenditures made;
 - (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[.]

16. Where Respondents should have reported the \$1,800 contribution made on their 8-Day Before Election Report; where Respondents should have timely reported the \$900 contribution made within 24 hours; and where Respondents failed to do so accurately; there is probable cause to believe they violated § 130.041, 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 §§ 130.041 and 130.046, RSMo, and pursuant to § 105.961.4, hereby **ORDERS**:

1. Respondents shall comply with all relevant sections of Chapter 130.
2. Respondents are assessed a fee in the amount of \$3,700, pursuant to § 105.961.4(6), due by check or money order and payable to the Missouri Ethics Commission within sixty (60) days of the issuance of this Order.
3. If Respondents pay \$370 of the assessed fee within forty-five (45) days of the issuance of this Order, the remainder of the fee will be stayed for a period of two years. If Respondents do not commit any further violations of Chapter 130, the remainder of the fee shall be dissolved. If there is probable cause to believe any Respondent committed any further violations of the campaign finance laws under Chapter 130

within the two-year period, the remainder of the fee shall be due immediately upon such a finding.

4. 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.

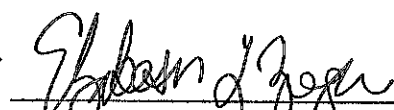
SO AGREED:

RESPONDENTS


MISSOURI ETHICS COMMISSION


Linda Primer

3-18-2024
Date


Elizabeth L. Ziegler
Executive Director

3/22/24
Date


Brian Hamilton
Attorney for Petitioner

3/22/24
Date

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within the two-year period, the remainder of the fee shall be due immediately upon such a finding.

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