

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed

MISSOURI ETHICS)
COMMISSION,)

MAY 08 2024

Missouri Ethics
Commission

Petitioner,)

v.)

Case No. 23-0015-I

RACHL AGUIRRE,)
Candidate,)

and)

CITIZENS FOR RACHL)
AGUIRRE,)
Candidate Committee,)

Respondents.)

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

The Missouri Ethics Commission (“MEC”), together with Rachl Aguirre and Citizens for Rachl Aguirre (“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. Rachl Aguirre was an unsuccessful candidate in the August 2, 2022, primary election for State Senate, District 8.
2. Citizens for Rachl Aguirre was a candidate committee registered with the MEC on November 16, 2021 and terminated on October 18, 2022.
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. Respondents failed to report an expenditure of \$635 made on May 3, 2022 for a vendor booth at Downtown Lee's Summit Street Festival on their 2022 July Quarterly Report.

6. Respondents inaccurately reported and itemized four (4) incurred expenditures totaling \$1,154.00, to Summit Litho, Inc. Respondents reported two (2) expenditures totaling \$1,242.86; however, they should have been itemized as four (4) payments for the incurred expenditures.

7. Respondents inaccurately reported an expenditure of \$2,281.09 paid to Diane Forte Enterprises on June 1, 2022; when in fact there were three (3) expenditures which should have been itemized as expenditures incurred.

CONCLUSIONS OF LAW

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

(4) Expenditures for the period, including:

(a) The 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[.]

9. Where Respondents should have reported a \$635 expenditure and should have accurately reported and itemized seven (7) expenditures; there is probable cause to believe that Respondents violated § 130.041.1(4), giving this commission 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 § 130.041.1(4), 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. Respondents are assessed a fee in the amount of \$ 1,635, 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.
4. If Respondents pay \$163 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 Respondents committed any further violations of the campaign finance laws under the Missouri Constitution or Chapter 130 within the two-year period, the remainder of the fee shall be due immediately upon such a finding.
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.



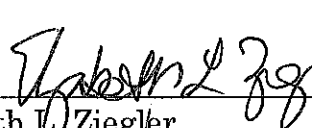
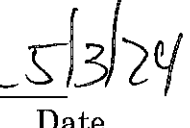
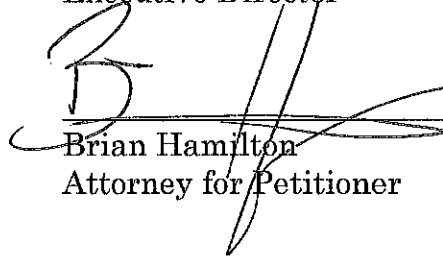
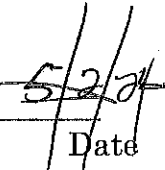
5. This agreement shall become effective immediately upon (1) the signature of all parties; (2) adoption of the Joint Proposed Findings of Fact,

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:

RESPONDENTS

MISSOURI ETHICS COMMISSION

			
Rachl Aguirre	Date	Elizabeth L. Ziegler Executive Director	Date
			
		Brian Hamilton Attorney for Petitioner	Date

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

SO ORDERED this 6th day of May, 2024

Robin Wheeler Sanders

Robin Wheeler Sanders, Chair
Missouri Ethics Commission