

Filed

JUL 11 2024

Missouri Ethics
Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS)
 COMMISSION,)
)
 Petitioner,)
)
 v.)
)
 MARIE DAVIS,)
 Candidate,)
)
 and)
)
 CITIZENS FOR DAVIS – WARD 2,)
 Candidate Committee,)
)
 Respondents.)

Case No. 23-0046-I

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

The Missouri Ethics Commission (“MEC”), together with Marie Davis and Citizens for Davis – Ward 2 (“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. Marie Davis was an unsuccessful candidate for Sunset Hills alderperson in April 2021.
2. Citizens for Davis-Ward 2 was her candidate committee registered with the Missouri Ethics Commission on or about February 17, 2021. The candidate committee was terminated on May 20, 2022.

3. Marie Davis was a successful candidate for Sunset Hill alderperson in April 2023.

4. Citizens for Davis – Ward 2 was her candidate committee registered with the Missouri Ethics Commission on or about February 7, 2023. The candidate committee was terminated on May 11, 2023.

5. Pursuant to § 105.961, RSMo, the MEC's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.

6. Based upon the investigation report, the Commission determined there were reasonable grounds to believe violations of the law occurred and authorized a hearing pursuant to § 105.961.3, RSMo.

7. Respondents purchased and distributed campaign materials in support of Davis's candidacy.

8. Respondents campaign materials include the following paid for by disclosures:

Paid for by the Citizens of Davis
Paid for by Citizens for Davis, Ron Hack, Treasurer
Paid for by The Marie Davis for Alderwoman Committee,
Ron Hack, Treasurer

9. An accurate paid for by disclosure should have read, "Paid for by Citizens for Davis – Ward 2, Ronald Hack, Treasurer."

CONCLUSIONS OF LAW

10. “Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words ‘Paid for by’ followed by the proper identification of the sponsor pursuant to this section.” § 130.031.8, RSMo.

11. “[P]rinted matter’ shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material[.]” § 130.031.8, RSMo.

12. Section 130.031.8, RSMo, further states the following:

(2) In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.

13. There is probable cause to believe that Respondents violated § 130.031.8, RSMo, by purchasing and displaying campaign materials which failed to include accurate “Paid for by” disclosures.

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 § 130.031.8, 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 \$100.00, pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
3. 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.

**BEFORE THE
MISSOURI ETHICS COMMISSION**

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MARIE DAVIS,)
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CITIZENS FOR DAVIS – WARD 2,)
Candidate Committee,)
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 Respondents.)

Case No. 23-0046-I

CONSENT ORDER

The Missouri Ethics Commission finds probable cause to believe Respondents violated § 130.031.8, 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 \$100.00, pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
3. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 12th day of July, 2024

Robin Wheeler Sanders

Robin Wheeler Sanders, Chair
Missouri Ethics Commission