

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**

**SEP 4 2024**

Missouri Ethics  
Commission

MISSOURI ETHICS )  
COMMISSION, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
COLE COUNTY CONCERNED )  
CITIZENS, Continuing )  
Committee, )  
 )  
and )  
 )  
EDITH VOGEL, Treasurer, )  
 )  
Respondents. )

Case No. 23-0040-I

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

The Missouri Ethics Commission (“MEC”), together with Cole County Concerned Citizens and Edith Vogel (“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. Cole County Concerned Citizens is a continuing committee registered with the MEC on August 7, 2023.
2. At all times relevant, Edith Vogel was treasurer for Cole County Concerned Citizens.
3. 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.
4. 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 File Statement of Committee Organization**

5. On or about August 1, 2023, Respondents incurred an expenditure for mailers with Colonial Printing in the amount of \$251.29.

6. On or about August 3, 2023, Respondents incurred an expenditure to Palm Strategic Group in the amount of \$3,661.68 for an August 4, 2023, mailer, which cost \$2,780.48 and \$881.20 for the August 6 and 7, 2023, News Tribune advertisement placements.

7. Respondents made expenditures during the period described in § 130.046.3(2) (24-Hour Late Expenditure Report).

8. Respondents filed a Statement of Committee Organization for the committee, Cole County Concerned Citizens on August 7, 2023.

### **Count II – Failure to Timely File Reports**

9. On August 4, 2023, Respondents received five (5) contributions totaling \$1,828.75. These contributions should have been on a 24-Hour Late Expenditure Report. Respondents did not file a 24-Hour Late Expenditure Report. Alternatively, these contributions should have been on a 24-Hour Notice of Late Contribution Received. Respondents did not file a 24-Hour Notice of Late Contribution Received.

10. On August 7, 2023, Respondents received three (3) contributions of more than \$250 each, totaling \$5,500. These contributions should have been on a 24-Hour Notice of Late Contribution Received. Respondents did not file a 24-Hour Notice of Late Contribution Received.

11. These contributions were not reported until Respondents filed the 30-Day After August 8, 2023 Election Report on September 7, 2023.

12. Between August 1, 2023 and August 3, 2023, Respondents incurred at least two (2) expenditures totaling \$3,917.97. These expenditures should have been on a 24-Hour Late Expenditure Report. Respondents did not file a 24-Hour Late Expenditure Report.

13. On August 4, 2023, Respondents incurred one (1) expenditure of \$1,421.92. This expenditure should have been on a 24-Hour Late Expenditure Report. Respondents did not file a 24-Hour Late Expenditure Report.

14. These expenditures were not reported until Respondents filed the 30-Day After August 8, 2023 Election Report on September 7, 2023.

### **Count III – Acceptance of Unregistered LLC Contribution**

15. Respondents indicated they received a contribution from Continental Investment, LLC on August 7, 2023, in the amount of \$4,000 on their 30-Day After August 8, 2023 Election Report filed on September 7, 2023.

16. Continental Investment, LLC is not classified as a corporation under the federal tax code.

17. As of the date of the contribution received, Continental Investment, LLC was not registered with MEC as required by § 130.029.4.

**Count IV – Failure to Include an Accurate “Paid for by” Disclosure**

18. Carolyn McDowell used personal funds to purchase campaign yard signs and gave those signs to Respondents as an in-kind contribution as reported by Respondents on their 30-Day After August 8, 2023 Election Report.

19. The signs included a disclosure which read, “Paid for by Cole County Concerned Citizens.” A true and accurate copy of which is attached hereto as Exhibit A.

20. The signs should have contained the clear and conspicuous statement, “Paid for by Carolyn McDowell” followed by her mailing address but did not.

21. Respondents distributed the signs with the inaccurate paid for by disclosure.

**CONCLUSIONS OF LAW**

**Count I – Failure to Timely File Statement of Committee Organization**

22. Petitioner incorporates all paragraphs in this Complaint as if fully set forth here.

23. Section 130.011(7) defines a committee as:

a person or any combination of persons, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates.

24. In evaluating whether activity reaches the threshold of requiring a committee, the definition of contribution is probative, § 130.011(12) defines a contribution as any:

payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office[.]

25. The definition of expenditure is similarly relevant, defined in §130.011(16), as any:

payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office[.]

26. Lastly, upon meeting the definition of a committee, § 130.021.5 requires formation to be undertaken, stating, in relevant part:

any person or organization or group of persons which is a committee by virtue of the definitions of committee in section 130.011...shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046.

27. Pursuant to § 130.046.3(2), 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:

(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[.]

28. Where Respondents met the requirements to register a committee on August 3, 2023; where Respondents had a report due on August 4, 2023; where Respondents were required to register their committee by August 4, 2023; and where Respondents did not register their committee until August 7, 2023, there is probable

cause to believe Respondents violated § 130.021.5, giving this Commission power to act, as permitted under § 105.961.

### **Count II – Failure to Timely File Reports**

29. 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.

30. Section 130.046 lists the timing for the filing of reports required by § 130.041, stating, in part:

3. 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:

(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[.]

31. Section 130.050 further requires committees to report contributions:

3. 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.

32. Where Respondents failed to timely report eight (8) contributions and three (3) expenditures on 24-Hour Late Expenditure Reports and 24-Hour Notices of Late Contribution Received; there is probable cause to believe they violated §§ 130.046.3(2) and 130.050.3, giving this Commission the power to act, as permitted under § 105.961.

**Count III – Acceptance of Unregistered LLC Contribution**

33. Section 130.029.4 allows for a continuing committee's acceptance of a contribution from a limited liability company (LLC), stating:

4. (1) Any limited liability company that is duly registered pursuant to chapter 347 and that has not elected to be classified as a corporation under the federal tax code may make contributions to any committee if the limited liability company has:

- (a) Been in existence for at least one year prior to such contribution; and
- (b) Electronically filed with the Missouri ethics commission indicating that the limited liability company is a legitimate business with a legitimate business interest and is not created for the sole purpose of making campaign contributions.

34. Section 130.036.2 defines when a contribution is considered to have been accepted:

Unless a contribution is rejected by the candidate or committee and returned to the donor or transmitted to the state treasurer within ten business days after its receipt, it shall be considered received and accepted on the date received, notwithstanding the fact that it was not deposited by the closing date of a reporting period.

35. Where Respondents accepted a \$4,000 contribution from Continental Investment, LLC on August 7, 2023; there is probable cause to believe Respondents violated § 130.029.4 giving this Commission the power to act as permitted by § 105.961.



#### Count IV – Failure to Include an Accurate “Paid for by” Disclosure

36. “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.

37. “[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.

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

(4) In regard to any printed matter paid for by an individual or individuals, it shall be sufficient identification to print the name of the individual or individuals and the respective mailing address or addresses[.]

39. There is probable cause to believe that Respondents violated § 130.031.8, by distributing signs which failed to include an accurate “Paid for by” disclosure.

## 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 §§ 130.021.5, 130.029.4, 130.031.8, 130.046.3(2), and 130.050.3, 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 return the \$4,000 contribution received to Continental Investment, LLC.
3. Respondents shall comply with all relevant sections of Chapter 130.
4. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$2,100.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$300.00 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.
5. Regardless of the stay in paragraph 4 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.
6. 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 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 COLE COUNTY  
CONCERNED CITIZENS

Edith Vogel  
Edith Vogel Date 8-26-24

MISSOURI ETHICS COMMISSION

Stacey Heislen 9.4.24  
Stacey Heislen Date  
Interim Executive Director

RESPONDENT EDITH VOGEL

Edith Vogel 8-26-24  
Edith Vogel Date

Brian Hamilton 9/4/24  
Brian Hamilton Date  
Attorney for Petitioner

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Missouri Ethics  
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**CONSENT ORDER**

The Missouri Ethics Commission finds probable cause to believe Respondents violated §§ 130.021.5, 130.029.4, 130.031.8, 130.046.3(2), and 130.050.3, RSMo and pursuant to § 105.961.4, hereby **ORDERS**:

1. Respondents shall return the \$4,000 contribution received to Continental Investment, LLC.
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 \$2,100.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$300.00 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.

SO ORDERED this 16th day of September,  
2024

*Robin Wheeler Sanders*

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Robin Wheeler Sanders, Chair  
Missouri Ethics Commission