

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed

OCT 16 2024

Missouri Ethics
Commission

MISSOURI ETHICS)
COMMISSION,)
)
Petitioner,)
)
v.)
)
COMMITTEE FOR MICHAEL)
HOPPER, Candidate Committee,)
)
and)
)
MICHAEL HOPPER, Candidate,)
)
Respondents.)

Case No. 22-0014-A

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This is the decision and Order of the Missouri Ethics Commission following a hearing on a Complaint filed by Petitioner, by and through counsel, pursuant to Section 105.961, RSMo, and Chapter 536, RSMo. The hearing was conducted before the following members of the Missouri Ethics Commission: Robin Wheeler Sanders, Whitney Smith, Jeremy Schneider, and Jim W. Martin.

The Commission held the closed hearing on October 16, 2024, at the offices of the Missouri Ethics Commission at 3411A Knipp Drive, Jefferson City, Missouri 65109. The Commission was represented by Brian Hamilton. Respondents Michael Hopper and Committee for Michael Hopper did not appear after due notice.

Having considered all the competent and substantial evidence upon the whole record, the Commission finds by a unanimous vote as follows:

FINDINGS OF FACT

1. Committee For Michael Hopper is a candidate committee that filed a Statement of Committee Organization with the Missouri Ethics Commission on October 1, 2020.

2. Michael Hopper was an unsuccessful candidate for Randolph County Sheriff in the November 3, 2020 general election.

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

Failure to timely and accurately file campaign finance disclosure reports.

5. Between 2020 and 2023, Respondents failed to file twelve quarterly reports and/or limited activity statements.

Report Name	Report Year
8 Day Before General Election 11/3/20	2020
30 Day After General Election 11/3/20	2020
April Quarterly Report	2021
July Quarterly Report	2021
October Quarterly Report	2021
January Quarterly Report	2022
April Quarterly Report	2022
July Quarterly Report	2022
October Quarterly Report	2022
April Quarterly Report	2023
July Quarterly Report	2023
October Quarterly Report	2023

COUNT II

Failure to terminate committee upon closure of official fund depository.

6. Central Bank of Moberly closed Respondents' account on January 20, 2022 and issued a disbursement check for \$1,129.51.
7. The committee remains active with the Missouri Ethics Commission.

COUNT III

Failure to timely and accurately report contributions received.

8. Respondents failed to timely and accurately report two monetary contributions, greater than \$100, totaling \$1,129.51.

Contributor Name	Amount	Date	Report Not Showing Contribution
Unknown	\$600.00	9/18/20	8 Day Before General 11/3/20
Unknown	\$529.51	9/29/20	8 Day Before General 11/3/20
Total	\$1,129.51		

COUNT IV

Failure to timely and accurately report expenditures.

9. Respondents failed to report a \$1,129.51 disbursement check from Central Bank Moberly.
10. Respondents failed to report how the surplus funds were distributed.

CONCLUSIONS OF LAW

COUNT I

Failure to timely and accurately file campaign finance disclosure reports.

11. 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:

(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;

(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.

12. Pursuant to Section 130.046.5(2), RSMo:

No disclosure report needs to be filed for any reporting period if during that reporting period the committee has neither received contributions aggregating more than five hundred dollars nor made expenditure aggregating more than five hundred dollars and has not received contributions aggregating more than three hundred dollars from any single contributor and if the committee's treasurer files a statement with the appropriate officer that the committee has not exceeded the identified thresholds in the reporting period.

13. There is probable cause to believe Respondents violated §§ 130.046.1(3) and 130.046.5(2), RSMo, by failing to file twelve quarterly reports and/or limited activity statements.

COUNT II

Failure to terminate committee upon closure of official fund depository.

14. Upon termination of a committee, a termination statement indicating dissolution shall be filed not later than ten days after the date of dissolution with the appropriate officer or officers with whom the committee's statement of organization

was filed. The termination statement shall include: the distribution made of any remaining surplus funds and the disposition of any deficits; and the name, mailing address and telephone number of the individual responsible for preserving the committee's records and accounts as required in section 130.036. § 130.021.8, RSMo.

15. In the case of a committee which disbands and is required to file a termination statement pursuant to the provisions of section 130.021 with the appropriate officer not later than the tenth day after the committee was dissolved, the candidate, ~~committee treasurer or deputy treasurer~~ shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the reporting requirements of subsection 6 or 7 of this section. § 130.046.7, RSMo

16. There is probable cause to believe that Respondents violated §§ 130.021 and 130.046, RSMo, by failing to timely terminate their committee upon closure of the official depository account.

COUNT III

Failure to timely and accurately report contributions received.

17. All committees are required to report receipts for each reporting 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;

(b) Total amount of all anonymous contributions accepted;

(c) Total amount of all monetary contributions received through fund-raising events or activities from participants whose names and addresses were not obtained with such contributions, with an attached statement or copy of the statement describing each fund-raising event as required in subsection 6 of section 130.031;

...
(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.

18. There is probable cause to believe that Respondents violated § 130.041.1(3), RSMo, by failing to report two contributions.

COUNT IV

Failure to timely and accurately report expenditures.

19. 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;

(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;

(e) A list of each loan made, by name and mailing address of the person receiving the loan, together with the amount, terms and date[.]

§ 130.041.1(4), RSMo.

20. There is probable cause to believe that Respondents violated § 130.041.1(4), RSMo, by failing to report one or more expenditures.

ORDER

The Missouri Ethics Commission finds probable cause to believe Respondents violated §§ 130.021, 130.041.1, and 130.046, RSMo 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 **\$4,129**, pursuant to § 105.961.4(6), RSMo. However, if Respondents pay **\$412** within forty-five days after the date of the 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.
3. Regardless of the stay in paragraph 2 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.
4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED, this 16th day of October, 2024.

Robin Wheeler Sanders

Robin Wheeler Sanders, Chair
Missouri Ethics Commission