

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**

**OCT 16 2024**

Missouri Ethics  
Commission

MISSOURI ETHICS )  
COMMISSION, )

Petitioner, )

v. )

Case No. 22-0017-A

DR. NIEWALD FOR LSR7 )  
TEACHERS AND STUDENTS, )  
Candidate Committee, )

and )

MATTHEW NIEWALD, )  
Candidate, )

Respondents. )

**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 Matthew Niewald and Dr. Niewald for LSR7 Teachers and Students 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. Dr. Niewald for LSR7 Teachers and Students is a candidate committee that registered with the Missouri Ethics Commission on February 11, 2020.

2. Respondent Matthew Niewald was an unsuccessful candidate for the Lee's Summit R-VII School District in the June 2, 2020, election.

~~3. Respondent Niewald is also listed as treasurer on the Statement of Committee Organization.~~

4. 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.

5. 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**

*Cash contributions is excess of allowable amounts.*

6. On May 28, 2020, \$1,000 cash from an unknown source was deposited in the committee's bank account.

**COUNT II**

*Failure to accurately report beginning money on hand and indebtedness.*

7. Respondents inaccurately reported the beginning money on hand for the April 2020 Quarterly Report.

8. Respondents' beginning reported indebtedness on the April 2020 Quarterly Report was \$0 when the actual beginning indebtedness was \$1,500.

**COUNT III**

*Failure to timely and accurately file campaign finance disclosure reports.*

9. Respondent filed Statements of Limited Activity for the 8 Day Before 6/2/20 Election and the 30 Day After General 6/2/20 Election, though contributions and/or expenditures exceeded \$500 in the reporting periods.

10. The 30 Day After 6/2/20 Election Report was due July 2, 2020. On August 11, 2020, Respondents filed the 30 Day After 6/2/20 Election.

11. Between 2020 and 2022, Respondents failed to file nine reports.

<b>Report Name</b>	<b>Report Year</b>
July Quarterly Report	2020
October Quarterly Report	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
24 Hour Late Contribution Notice	2022

**COUNT IV**

*Failure to timely and accurately report contributions received.*

12. Respondents failed to report a \$1,000 monetary contribution received from Matthew Niewald on May 28, 2020.

**COUNT V**

*Failure to timely and accurately report expenditures made.*

13. Respondents failed to timely and accurately report six expenditures for on the 8 Day Before 6/2/20 General Election Report totaling \$153.48 to Wix.com.

14. Respondents failed to timely and accurately report two expenditures, on the 30 Day After 6/2/20 General Election Report totaling \$940 to Adversign and LS Tribune.

## CONCLUSIONS OF LAW

### COUNT I

*Cash contributions is excess of allowable amounts.*

15. Pursuant to § 130.031.1, RSMo, “No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.”

16. There is probable cause to believe that Respondents violated § 130.031, RSMo, by accepting a cash contribution in excess of \$100.00.

### COUNT II

*Failure to accurately report beginning money on hand and indebtedness.*

17. Reports shall state “[t]he amount of money, including cash on hand at the beginning of the reporting period [.]” § 130.041.1(2), RSMo.

18. Reports shall state “[t]he total amount of outstanding indebtedness as of the closing date of the reporting period covered [.]” § 130.041.1(6), RSMo.

19. There is probable cause to believe that Respondents violated §§ 130.041.1(2) and 130.041.1(6), RSMo, by failing to accurately report the beginning money on hand and indebtedness on the April 2020 Quarterly Report.

### COUNT III

*Failure to timely and accurately file campaign finance disclosure reports.*

20. Pursuant to § 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.

21. Pursuant to § 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.

22. Pursuant to § 130.050.3, RSMo:

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. For

purposes of this subsection the term "late contribution or loan" means a contribution or loan received after the closing date of the last disclosure report required to be filed before an election but received prior to the date of the election itself.

23. There is probable cause to believe Respondents violated §§ 130.046.1, 130.046.5(2) and 130.050.3, RSMo, by filing two Limited Activity Statements in lieu of full reports, failing to timely file one report, and by failing to file nine reports.

#### COUNT IV

*Failure to timely and accurately report contributions received.*

24. 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.

...

(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.

25. There is probable cause to believe that Respondents violated § 130.041.1(3), RSMo, by failing to report a \$1,000 contribution.

COUNT V

*Failure to timely and accurately report expenditures made.*

26. 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;

...

(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[.]

§ 130.041.1(4), RSMo.

27. There is probable cause to believe that Respondents violated § 130.041.1(4), RSMo, by failing to timely and accurately report eight expenditures.

## ORDER

The Missouri Ethics Commission finds probable cause to believe Respondents violated §§ 130.041.1, 130.046.1, 130.046.5, and 130.050.3, 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 **\$4,093**, pursuant to § 105.961.4(6), RSMo. However, if Respondents pay **\$409** 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 16<sup>th</sup> day of October, 2024.

*Robin Wheeler Sanders*

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Robin Wheeler Sanders, Chair  
Missouri Ethics Commission