

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
NOV 19 2024
Missouri Ethics
Commission

MISSOURI ETHICS)	
COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
COMMUNITY TO ELECT)	Case No. 22-0008-A
SPARKL WEST-PRUITT, LLC,)	
Candidate Committee,)	
)	
and)	
)	
SPARKL WEST-PRUITT,)	
Candidate,)	
)	
Respondents.)	

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

The Missouri Ethics Commission (“MEC”), together with Sparkl West-Pruitt and Community to Elect Sparkl West-Pruitt, LLC (“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. Respondent Community to Elect Sparkl West-Pruitt, LLC is a candidate committee registered with the MEC on April 1, 2021.
2. Respondent West-Pruitt was a candidate for Hazelwood School Board in the April 6, 2021, and the April 5, 2022, elections and both were unsuccessful.
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 terminate committee after an unsuccessful April 6, 2021, election.

5. Respondents had \$3,332.45 in debt at the time of the termination requirement.

6. Respondents did not register the candidate committee as a debt service committee.

7. Respondents did not terminate the committee within eighteen months of May 6, 2021.

Failure to timely register a new committee for the April 5, 2022, election.

8. Respondents used the committee's official depository account for the April 5, 2022, election.

9. Respondent's contributions for the April 5, 2022, election exceeded \$1,000.00.

Failure to maintain an official depository account.

10. On or about April 19, 2022, the official depository account was closed.

COUNT II

Failure to accurately report beginning and ending money on hand.

11. Respondents failed to accurately report its beginning money on hand on its 30 Day After Report for the April 6, 2021, election.

12. Respondents failed to accurately report its ending money on hand on its April 2021 Quarterly Report and 30 Day After Report for the April 6, 2021, election.

COUNT III

Failure to timely and accurately file campaign finance disclosure reports.

13. Respondents failed to timely file three (3) quarterly reports.

Report Name	Report Year	Due Date	Date Filed
April Quarterly Report	2021	4/15/21	3/9/22
July Quarterly Report - Limited Activity	2021	7/15/21	5/5/22
October Quarterly Report - Limited Activity	2021	10/15/21	5/5/22

COUNT IV

Failure to timely and accurately report contributions.

14. Respondents failed to report four (4) contributions totaling \$1,420.00 on the April 2021 Quarterly Report.

Contributor Name	Amount	Type	Date	Report Not Showing Contribution
Sparkl West-Pruitt	\$20.00	In-k	3/26/21	Apr Quarterly 2021
Sparkl West-Pruitt	\$1,000.00	In-k	3/2/21	
Cynthia Moore	\$150.00	Mon	3/7/21	
Unknown	\$250.00	Mon	n/a	
Total	\$1,420.00			

15. Respondents failed to accurately report three (3) contributions totaling \$273.00 on two reports.

COUNT V

Failure to timely and accurately report expenditures.

16. Respondents failed to report eight (8) expenditures/contributions made totaling \$1,067.55.

Expenditure Name	Purpose	Amount	Report Not Showing Expenditure
USPS	PO box rental	\$50.00	Apr 2022 Quarterly
Busey Bank	Statement fees	\$45.00	
Treasurer of St. Louis County	Past election results	\$45.00	
ActBlue	Fees	\$100.00	
Community to Elect Sparkl West-Pruitt	Contribution made	\$80.00	
St. Louis County Treasurer	District map	\$100.00	
Pelican Print	Campaign Printing	\$45.00	

Unknown	Unknown	\$308.00	July 2022 Quarterly
Total		\$1,067.55	

CONCLUSIONS OF LAW

COUNT I

Failure to terminate committee after an unsuccessful April 6, 2021 election.

17. Section 130.011(9) defines the limits of a candidate committee under Missouri's campaign finance statutory scheme, stating in part:

Candidate committee... shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed[.]

18. Under the definition of candidate committee in § 130.011(9), if the committee is without debt, Respondents would be required to terminate within thirty days of the general election on May 6, 2021.

19. Pursuant to Section 130.037, RSMo, if a candidate committee has debt, ...may convert their campaign committee to a debt service committee as provided in this section. If a debt service committee is formed, the committee may accept contributions from any person. A person who contributes to a debt service committee of a candidate may also contribute to the candidate's campaign committee for a succeeding election. The treasurer and the candidate shall terminate the debt service committee pursuant to section 130.021 when the contributions received exceed the amount of the debt, and within thirty days the committee shall file disclosure reports pursuant to section 130.041 and shall return any excess moneys received to the contributor or contributors, if known, otherwise such moneys shall escheat to the state. No debt service committee shall be in existence more than eighteen months.

20. Where Respondents was an unsuccessful candidate in the April 6, 2021 general election, where the committee had debt but failed to register as a debt service

committee and terminate within eighteen months, there is probable cause to believe Respondents violated §§ 130.011(9) and 130.037, RSMo giving this Commission the power to act as permitted under § 105.961.

Failure to timely register a new committee for the April 5, 2022 election.

21. Section 130.016.6 defines the requirements for a candidate committee

as:

No candidate for supreme court, circuit court, or associate circuit court, or candidate for political party office, or for county office or municipal office in a city of one hundred thousand or less, or for any special purpose district office shall be required to file an exemption statement pursuant to this section in order to be exempted from forming a committee and filing disclosure reports required of committees pursuant to this chapter if the aggregate of contributions received or expenditures made by the candidate and any other person with the candidate's knowledge and consent in support of the person's candidacy does not exceed one thousand dollars and the aggregate of contributions from any single contributor does not exceed three hundred twenty-five dollars.

22. 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[.]

23. Upon meeting the definition of a committee, §130.021.2 requires formation to be undertaken, stating, in relevant part:

Every candidate for offices listed in subsection 6 of section 130.016 who is not excluded from filing a statement of organization and disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee and appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by such candidate and any of the candidate's own funds to be used in support of

the person's candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this section.

24. Where Respondents continued to use the committee from the April 6, 2021 election, after being unsuccessful, for the April 5, 2022 election and did not register a new committee by filing a new Statement of Committee Organization, there is probable cause to believe Respondents violated §§ 130.016.6 and 130.021.2 giving this Commission the power to act as permitted under § 105.961.

Failure to maintain an official depository account.

25. Pursuant to Section 130.021.4(1), RSMo, “every committee shall have a single official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan association, or a federally or state-chartered credit union in which the committee shall open and thereafter maintain at least one official depository account in its own name.”

26. Where Respondents closed the committee’s official depository account, but did not terminate the committee, there is probable cause to believe Respondents violated § 130.021.4(1) giving this Commission the power to act as permitted under § 105.961.

COUNT II

Failure to accurately report beginning and ending money on hand.

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

28. Reports shall state “[t]he total amount of cash on hand as of the closing date of the reporting period covered, including amounts in depository accounts and in petty cash fund[.]” § 130.041.1(5), RSMo.

29. Where Respondents failed to accurately report the beginning and ending money on hand on two (2) reports, there is probable cause to believe Respondents violated §§ 130.041.1(2) and 130.041.1(5), RSMo giving this Commission the power to act as permitted under § 105.961.

COUNT III

Failure to timely and accurately file campaign finance disclosure reports.

30. Pursuant to Section 130.046.1(3), RSMo, all committees must file regular campaign finance disclosure reports “not later than the fifteenth day following the close of each calendar quarter[.]”

31. Where Respondents untimely filed three (3) reports, there is probable cause to believe Respondents violated § 130.046.1(3), RSMo, giving this Commission the power to act as permitted under § 105.961.

COUNT IV

Failure to timely and accurately report contributions.

32. All committees are required to report contributions for each reporting period, receipts for the 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;

...

(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.

33. Where Respondents failed to report four (4) contributions totaling \$1,420, there is probable cause to believe Respondents violated § 130.041.1(3), RSMo, giving this Commission the power to act as permitted under § 105.961.

COUNT V

Failure to timely and accurately report expenditures.

34. 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.

35. Where Respondents failed to report eight (8) expenditures/contributions made totaling \$1,067.55, there is probable cause to believe Respondents violated § 130.041.1(4), RSMo, giving this Commission the 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 §§ 130.011(9), 130.016.6, 130.021.2, 130.021.4(1), 130.037, 130.041.1(2), 130.041.1(3), 130.041.1(4), 130.041.1(5), and 130.046.1(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 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 \$4,487.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$448.00 within sixty 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.

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.

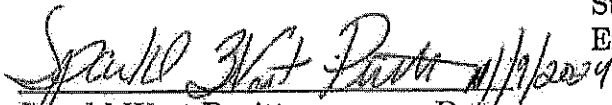
4. Respondents, together with their heirs, assigns, agents, representatives and attorneys, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission, the Commission's respective members, employees, agents and attorneys including former members, employees, agents and attorneys, 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.

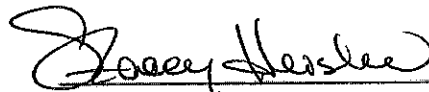
5. This agreement shall become effective immediately upon (1) the signature of all parties; (2) adoption of the Joint Proposed Findings of Fact, Conclusions of Law by the Missouri Ethics Commission; and (3) issuance of a Final Order by the Commission, without any further action of the parties.


SO AGREED:

RESPONDENTS
SPARKL WEST-PRUITT
COMMUNITY TO ELECT SPARKL
WEST-PRUITT, LLC


Sparkl West-Pruitt Date 11/19/2024

MISSOURI ETHICS COMMISSION


Stacey Heislen Date 11/19/2024
Executive Director


Brian Hamilton Date 11/19/2024
Attorney for Petitioner

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Respondents.)	


CONSENT ORDER

The Missouri Ethics Commission finds probable cause to believe Respondents violated §§ 130.011(9), 130.016.6, 130.021.2, 130.021.4(1), 130.037, 130.041.1(2), 130.041.1(3), 130.041.1(4), 130.041.1(5), and 130.046.1(3), RSMo and pursuant to § 105.961.4, hereby **ORDERS**:

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

SO ORDERED this 20th day of November,
2024


Robin Wheeler Sanders, Chair
Missouri Ethics Commission