

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed

NOV 26 2024

Missouri Ethics
Commission

MISSOURI ETHICS)	
COMMISSION,)	
)	
Petitioner,)	
)	
v.)	Case No. 22-0015-A
)	
KRISTOPHER CREWS,)	
Candidate,)	
)	
and)	
)	
CHOOSE CREWS 2020,)	
Candidate Committee,)	
)	
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 November 20, 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 Kristopher Crews and Choose Crews 2020 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. Respondent Kristopher Crews was a candidate in the August 4, 2020, primary election for Circuit Judge of the 42nd Judicial Circuit Court. Respondent Crews was unsuccessful in that election.

2. Respondent Choose Crews 2020 is a candidate committee that was established on March 12, 2020.

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 terminate committee.

5. Under the definition of candidate committee in § 130.011(9), where the committee was without debt, Respondents were required to terminate within thirty days of the general election on December 3, 2020.

6. Respondents' last full disclosure report, the 8 Day Before 8/4/20 Primary Election Report, showed outstanding debt; however, the committee bank account had a surplus of funds.

COUNT II

Cash contributions in excess of limits.

7. In 2020, Respondents made three cash deposits totaling \$7,000.00. Each deposit exceeded the \$100.00 allowable amount for a single cash contribution. Without committee records, it's unknown whether the cash includes multiple contributions and the amount of each one.

Report Name	Date Filed	Name	Amount	Date
April Quarterly 2020	4/14/20	Kristopher Crews	\$1,500.00	3/20/20
Not Reported	N/A	Cash deposit	\$1,500.00	4/16/20
8 Day Before 8/4/20	7/31/20	Kristopher Crews	\$4,000.00	7/15/20

COUNT III

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

8. The beginning money on hand was inaccurately stated on the 8 Day Before 8/4/20 Primary Election Report.

9. The ending money on hand was inaccurately stated on the 2020 July Quarterly Report and the 8 Day Before 8/4/20 Primary Election Report.

10. Due to an error in reporting a loan received and an in-kind contribution as an incurred expenditure, Respondents inaccurately stated its indebtedness on the 2020 July Quarterly Report and the 8 Day Before 8/4/20 Primary Election Report.

COUNT IV

Failure to timely and accurately file campaign finance disclosure reports.

11. Respondents filed a Statement of Limited Activity for the October 2020 Quarterly Report that should have been a full disclosure. In the reporting period, there were contributions and/or expenditures that exceeded \$500.00.

12. From 2020 through 2022, Respondents failed to timely file six quarterly reports and their 8 Day Before 8/4/20 Primary Election Report.

Report Name	Report Year	Due Date	Date Filed
8 Day Before Primary Election - 8/4/20	2020	7/27/20	7/31/20
October Quarterly Report - Limited Activity	2020	10/15/20	4/27/22
April Quarterly Report - Limited Activity	2021	4/15/21	4/27/22
July Quarterly Report - Limited Activity	2021	7/15/21	4/27/22
October Quarterly Report - Limited Activity	2021	10/15/21	4/27/22
January Quarterly Report - Limited Activity	2022	1/17/22	4/27/22
April Quarterly Report - Limited Activity	2022	4/15/22	4/27/22

13. Respondents failed to file the October 2022 Quarterly Report and the April 2023 Quarterly Report.

COUNT V

Failure to timely and accurately report contributions.

14. Respondents failed to report three monetary contributions, totaling \$6,500.00.

Contributor Name	Amount	Date	Report Not Showing Contribution
Cash	\$1,500.00	4/16/20	July 2020 Quarterly
Kristopher D. Crews, LLC	\$3,000.00	8/3/20	Oct 2020 Quarterly
Kristopher D. Crews, LLC	\$2,000.00	8/3/20	Oct 2020 Quarterly

15. Respondents inaccurately reported a \$95.00 in-kind contribution from Kristopher Crews as an incurred expenditure.

16. Respondents reported a loan received of \$31.69 from Kristopher Crews that was not deposited into the official depository account.

COUNT VI

Failure to accurately report expenditures.

17. Respondents inaccurately reported an expenditure of \$5,306.00 with the \$35.00 fee for making the payment via wire transfer. Respondents reported the expenditures as a single payment of \$5,341.00 to Axiom Strategies.

CONCLUSIONS OF LAW

COUNT I

Failure to timely terminate committee.

18. Section 130.011(9) defines the limits of a candidate committee under Missouri's campaign finance, 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[.]

19. Under the definition of candidate committee in § 130.011(9), where the committee was without debt, Respondents were required to terminate within thirty days of the general election on December 3, 2020.

20. Where Respondents was an unsuccessful candidate in the August 4, 2020 primary election, where the committee had a surplus of funds, and where Respondents failed to terminate by December 3, 2020, there is probable cause to

believe Respondents violated § 130.011(9) giving this Commission the power to act as permitted under § 105.961.

COUNT II

Cash contributions in excess of limits.

21. For purposes of Chapter 130, RSMo, cash means “currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor.” § 130.011(4), RSMo.

22. “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... candidate committee.” §130.031.1, RSMo.

23. All committees are required to report contributions 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;

...

(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[.]
§ 130.041.1(3), RSMo.

24. Where Respondents accepted and deposited three cash contributions over \$100 each, there is probable cause to believe Respondents violated § 130.031.1 giving this Commission the power to act as permitted under § 105.961.

COUNT III

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

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

26. 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.

27. 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.

28. Where Respondents failed to accurately report the beginning and/or ending money on hand and indebtedness on two reports, there is probable cause to believe Respondents violated §§ 130.041.1(2), 130.041.1(5), and 130.041.1(6), RSMo giving this Commission the power to act as permitted under § 105.961.

COUNT IV

Failure to timely and accurately file campaign finance disclosure reports.

29. 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;

...

(3) Not later than the fifteenth day following the close of each calendar quarter[.]

30. 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.

31. Where Respondents filed a Statement of Limited Activity that should have been a full disclosure, failed to timely file seven reports, and failed to file two reports, there is probable cause to believe Respondents violated § 130.046, RSMo, giving this Commission the power to act as permitted under § 105.961.

COUNT V

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;

(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;

(d) Total dollar value of all in-kind contributions received;

(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. "Contributions shall not be accepted and expenditures shall not be made by a committee except by or through an official depository account and the committee treasurer, deputy treasurer or candidate." § 130.021.4(1), RSMo.

34. Where Respondents failed to report three monetary contributions, inaccurately reported an in-kind contribution, and reported a loan that was not deposited into the committee's account, there is probable cause to believe Respondents violated §§ 130.021.4(1) and 130.041.1(3), RSMo, giving this Commission the power to act as permitted under § 105.961.

COUNT VI

Failure to accurately report expenditures.

35. Pursuant to § 130.041.1(4), RSMo, 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[.]

36. Where Respondents inaccurately reported an expenditure, 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.

ORDER

The Missouri Ethics Commission finds probable cause to believe Respondents violated §§ 130.011(9), 130.021.4(1), 130.031.1, 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 \$10,500.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$1,050.00 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 20th day of November, 2024.

Robin Wheeler Sanders

Robin Wheeler Sanders, Chair
Missouri Ethics Commission