

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed

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Missouri Ethics
Commission

MISSOURI ETHICS)
COMMISSION,)

Petitioner,)

Case No. 22-0071-I

v.)

LARRY LEXXLOU FLENOID II,)

Candidate,)

Respondent.)

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. Respondent Larry Lexxlou Flenoid II 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. Larry Lexxlou Flenoid II was a write-in candidate for the Missouri House of Representatives, District 132 in the general election on November 8, 2022.

2. Pursuant to § 105.961, the MEC's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.

3. The Commission determined there were reasonable grounds to believe a violation of the law had occurred and authorized a hearing pursuant to § 105.961.3.

COUNT I

Failure to File Timely Personal Financial Disclosure

4. Respondent filed a petition with the Missouri Secretary of State on July 29, 2022, as a write-in candidate for House of Representatives District 132 in the November 8, 2022, election.

5. Under the dates of when to file a Personal Financial disclosure in § 105.487(1), where the Respondent filed a Candidate Declaration Form on July 29, 2022, Respondent was required to file a Personal Financial Disclosure by August 15, 2022.

6. Respondent filed his Personal Financial Disclosure on September 9, 2022.

COUNT II

Failure to File a Statement of Committee Organization or Statement of Exemption

7. Respondent did not file a Statement of Exemption or a Statement of Committee Organization with the Missouri Ethics Commission.

CONCLUSIONS OF LAW

COUNT I

Failure to File Timely Personal Financial Disclosure

8. Section 105.483 details who is required to file a financial interest statement:

(2) Persons holding an elective office of the state, whether by election or appointment, and candidates for such elective office, except those running for or serving as county committee members for a political party pursuant to section 115.609 or section 115.611 ...

9. Section 105.487 lists the timing for filing financial interest statements and when exemptions exist, stating in relevant part:

(1) Each candidate for elective office ... who is required to file a personal financial disclosure statement shall file a financial interest statement no later than fourteen days after the close of filing at which the candidate seeks nomination or election ... except that in the event an individual does not become a candidate until after the date of certification for candidates, the statement shall be filed within fourteen days of the individual's nomination by caucus.

10. Where Respondent filed a Candidate Declaration Form on July 29, 2022, where Respondent was required to file a Personal Financial Disclosure by August 15, 2022, and where Respondent filed his Personal Financial Disclosure September 9, 2022, there is probable cause to believe Respondent violated § 105.487(1), giving this Commission the power to act as permitted under § 105.961.

COUNT II

Failure to File a Statement of Committee Organization or Statement of Exemption

11. 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.

12. Section 130.016.1 excludes the following from the definition of a committee:

No candidate for statewide elected office ... shall be required to comply with the requirements to file a statement of organization or disclosure reports of contributions and expenditures for any election in which neither the aggregate of contributions received nor the aggregate of expenditures made on behalf of such candidate exceeds five hundred dollars and no single contributor, other than the candidate, has contributed more than three hundred twenty-five dollars.

13. 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[.]

14. 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[.]

15. Section 130.016 goes on to further explain that a candidate who qualifies for exemption from committee filing requirements shall file a Statement of Exemption.

16. Pursuant to § 130.016(2), "Each candidate ... who files a statement of exemption shall file a statement of limited activity for each reporting period described in section 130.046."

17. Section 130.046.3 explains when candidates who have filed a Statement of Exemption shall file limited activity reports as required by § 130.016(2), stating, in part:

[T]he reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September... Every candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding the date of the election...

18. Where Respondent was required to either file a Statement of Exemption or Statement of Committee Organization with the Missouri Ethics Commission, where Respondent was required to at least file statements of limited activity, and where Respondent failed to do so, there is probable cause to believe Respondent's violated § 130.016, giving this Commission power to act, as permitted under § 105.961.

ORDER

The Missouri Ethics Commission finds probable cause to believe Respondent violated §§ 105.487(1) and 130.016, and pursuant to § 105.961.4, hereby **ORDERS**:

1. Respondents shall comply with all relevant sections of Chapters 105 and 130.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$2,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$200.00 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 105 or 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.

SO ORDERED, this 20th day of November, 2024.

Robin Wheeler Sanders

Robin Wheeler Sanders, Chair
Missouri Ethics Commission