

**BEFORE THE  
MISSOURI ETHICS COMMISSION**

**Filed**  
**DEC 23 2024**

Missouri Ethics  
Commission

MISSOURI ETHICS	)	
COMMISSION,	)	
	)	
Petitioner,	)	
	)	Case No. 24-0041-I
v.	)	
	)	
TIMOTHY SMITH,	)	
	)	
and	)	
	)	
D. SMITH CONSULTING	)	
GROUP, LLC,	)	
	)	
Respondents.	)	

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

The Missouri Ethics Commission (“MEC”), together with Timothy Smith and D. Smith Consulting Group, 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. Timothy Smith is listed as the sole organizer of D. Smith Consulting Group, LLC on the Articles of Organization filed with the Missouri Secretary of State.
2. D. Smith Consulting Group, LLC is a limited liability company (LLC) registered with the Missouri Secretary of State (SOS) on April 5, 2021.
3. Pursuant to § 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the findings to the Commission.
4. The Commission determined there were reasonable grounds to believe violations of the law had occurred and authorized a hearing pursuant to § 105.961.3.
5. Juanice Williams and Rod Sparks were candidates for the Lee's Summit R-7 School District school board in the April 2, 2024, election.

6. D. Smith Consulting Group, LLC contributed \$400 to Williams' candidate committee and \$500 to Sparks' candidate committee in support of their respective candidacy in the April 2, 2024, election.

7. Juanice Williams' candidate committee, Friends to Elect Juanice Williams, accepted and reported receipt of the \$400 contribution from D. Smith Consulting Group, LLC.

8. Rod Sparks' candidate committee, Friends for Rod Sparks, accepted and reported receipt of the \$500 contribution from D. Smith Consulting Group, LLC.

9. D. Smith Consulting Group, LLC is not classified as a corporation under the federal tax code.

10. D. Smith Consulting Group, LLC did not register with MEC as required by § 130.029.4, RSMo, prior to giving contributions to committees.

### CONCLUSIONS OF LAW

11. Pursuant to § 347.037, RSMo,

2. A limited liability company is formed when the articles of organization are filed with the secretary[.]

3. Each copy of the articles of organization stamped "filed" and marked with the filing date is conclusive evidence that all conditions precedent required to be performed by the organizers have been complied with and that the limited liability company has been legally organized and formed under sections 347.010 to 347.187[.]

12. Section 130.029.4, RSMo, allows for a limited liability company (LLC) to make contributions to any committee when:

(1) Any limited liability company that is duly registered pursuant to chapter 347 and that has not elected to be classified as a corporation

under the federal tax code may make contributions to any committee if the limited liability company has:

- (a) Been in existence for at least one year prior to such contribution; and
- (b) Electronically filed with the Missouri ethics commission indicating that the limited liability company is a legitimate business with a legitimate business interest and is not created for the sole purpose of making campaign contributions.

13. Where Respondents made a total of \$900 in contributions from D. Smith Consulting Group, LLC to candidate committees for the April 2, 2024, election; and failed to register as an LLC with the MEC prior to giving the contributions; there is probable cause to believe Respondents violated § 130.029.4, RSMo, giving this Commission the power to act as permitted by § 105.961, RSMo.

## 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 § 130.029.4, 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 \$1,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$100 within forty-five 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.

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.

### 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



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

SO ORDERED this 31st day of December, 2024

*Robin Wheeler Sanders*

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Robin Wheeler Sanders, Chair  
Missouri Ethics Commission