

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed

MAR 17 2025

Missouri Ethics
Commission

MISSOURI ETHICS)
COMMISSION,)
)
Petitioner,)
) Case No. 24-0065-I
v.)
)
DAMON DILLARD, Candidate,)
)
Respondent.)

JOINT FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER

The Missouri Ethics Commission (“MEC”), together with Damon Dillard (“Respondent”), collectively the “parties” jointly stipulate and consent to action as set forth here (the “agreement”).

Respondent acknowledges his right to have this agreement reviewed by counsel. Respondent further acknowledges he has 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.

Respondent further acknowledge he is 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 Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent’s behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights,

Respondent knowingly and voluntarily waives 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. Damon Dillard was a candidate for Perry County District 2 Commissioner in the August 6, 2024, primary election.
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 Timely File Statement of Committee Organization

4. Respondent used personal funds to purchase printed campaign material from Dirt Cheap Signs for \$1,456.54 in support of his candidacy on May 21, 2024.
5. On July 11, 2024, Respondent filed a Statement of Committee Organization with the Missouri Ethics Commission for the committee, Committee to Elect Damon Dillard for Perry First in support of his candidacy.

Count II – Failure to Include an Accurate “Paid for by” Disclosure

6. Respondent used personal funds to purchase printed campaign material in support of his candidacy for Perry County District 2 Commissioner in the August 6, 2024, primary election.

7. The signs included a disclosure which read, “Paid for by Committee to Elect Damon Dillard.”

8. The signs should have contained the clear and conspicuous statement, “Paid for by Damon Dillard” but did not.

CONCLUSIONS OF LAW

Count I – Failure to Timely File Statement of Committee Organization

9. Section 130.011(9) defines a candidate committee as:

a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which 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.

10. The provision defining exemptions for certain candidates from filing requirements goes on to set threshold limits before activity by a candidate for county office requires they form a committee, § 130.016.6 excludes the following from the definition of committee:

No candidate for ... county 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 ...

11. 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[.]

12. 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[.]

13. Lastly, upon meeting the definition of a committee, § 130.021.5 requires formation to be undertaken, stating, in relevant part:

any person or organization or group of persons which is a committee by virtue of the definitions of committee in section 130.011...shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046.

14. Where Respondent met the requirements to register a committee on May 21, 2024; where Respondent was required to register his committee by June 10, 2024; and where Respondent did not register his committee until July 11, 2024, there

is probable cause to believe Respondent violated § 130.021.5, giving this Commission the power to act as permitted under § 105.961.

Count II – Failure to Include an Accurate “Paid for by” Disclosure

15. “Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words ‘Paid for by’ followed by the proper identification of the sponsor pursuant to this section.” § 130.031.8, RSMo.

16. “[P]rinted matter’ shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material[.]” § 130.031.8, RSMo.

17. Section 130.031.8, RSMo, further states the following:

- (1) In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.

18. There is probable cause to believe that Respondent violated § 130.031.8, RSMo, by purchasing and distributing signs which failed to include an accurate “Paid for by” disclosure statement.

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 Respondent violated §§ 130.021.5 and 130.031.8, RSMo., and pursuant to § 105.961.4, hereby **ORDERS:**

1. Respondent 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 Respondent in the amount of \$1,100, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$200 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.

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 of their own fees and expenses incurred as a result of this case, its litigation, and/or its disposition.

4. Respondent, together with his heirs, assigns, agents, representatives and attorneys, do hereby waive, release, acquit and forever discharge the Missouri

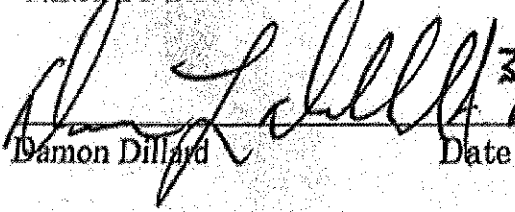
Ethics Commission, the Commission's respective members, employees, agents and attorneys including former members, employees, agents and attorneys, of, or from any liability, claim, actions, causes of action, fees, costs, expenses and compensation, including, but not limited to, any claim for attorney's 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.

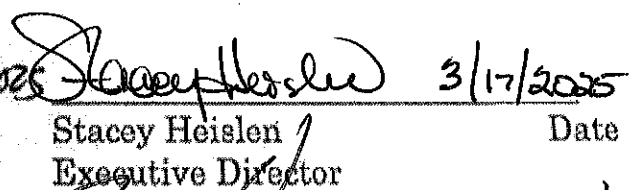
5. This agreement shall become effective immediately upon (1) the signature of all parties; (2) adoption of the Joint Proposed Findings of Fact, Conclusions of Law by the Missouri Ethics Commission; and (3) issuance of a Final Order by the Commission, without any further action of the parties.

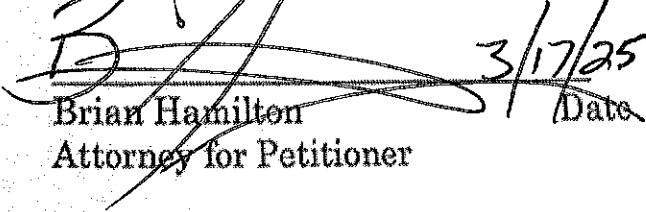
SO AGREED:

RESPONDENT DAMON DILLARD

MISSOURI ETHICS COMMISSION


Damon Dillard
Date


Stacey Heislen
Executive Director
Date


Brian Hamilton
Attorney for Petitioner
Date

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SO ORDERED this 18th day of March, 2025

Robin Wheeler Sanders

Robin Wheeler Sanders, Chair
Missouri Ethics Commission