

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
FEB 06 2026

Missouri Ethics
Commission

MISSOURI ETHICS)
COMMISSION,)
)
Petitioner,)
)
v.) Case No. 23-0006-A
)
RYAN FOGARTY, Candidate,)
)
A FUTURE WITH FOGARTY)
FOR MAYOR, Candidate)
Committee,)
)
Respondents.)

JOINT FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER

The Missouri Ethics Commission (“MEC”), together with A Future with Fogarty for Mayor and Ryan Fogarty (“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. Ryan Fogarty was a candidate for Mayor of the City of O'Fallon in the April 6, 2021, election.
2. A Future with Fogarty for Mayor is a candidate committee registered with the Commission on March 26, 2021.
3. A Future with Fogarty for Mayor was terminated on May 1, 2023.
4. Pursuant to §§ 105.959 and 105.961, the Commission's staff audited the reports and statements filed with the Commission and reported the findings to the Commission.
5. 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 § 105.961.3.

COUNT 1

Failure To Terminate Committee

6. Respondent Fogarty was unsuccessful in the April 6, 2021, election. Respondent A Future with Fogarty for Mayor did not have outstanding debt.
7. 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 by May 4, 2023.
8. A Future with Fogarty for Mayor was terminated on May 1, 2023.

Failure To Maintain an Official Depository Account and Amend Statement of Committee Organization

9. On the committee's Statement of Committee Organization, filed on March 26, 2021, Respondents reported an official fund depository account at Bank of America in the name of the committee. However, there was no account with the number provided in the name of the committee.

COUNT II

Failure to timely file campaign finance disclosure reports.

10. Respondents failed to timely file four Statements of Limited Activity in lieu of quarterly reports, one in 2021, two in 2022 and another in 2023.

Report Name	Report Year	Due Date	Date Filed
July Quarterly Report - Limited Activity	2021	7/15/21	7/16/21
April Quarterly Report - Limited Activity	2022	4/15/22	5/6/22
July Quarterly Report - Limited Activity	2022	7/15/22	8/19/22
April Quarterly Report - Limited Activity	2023	4/17/22	5/1/23

CONCLUSIONS OF LAW

COUNT 1

Failure To Terminate Committee

11. 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[.]

12. Pursuant to § 130.037:

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.

13. Where Respondents was an unsuccessful candidate in the April 6, 2021, election, where the committee had no debt, and where Respondents failed to terminate by May 6, 2021, there is probable cause to believe Respondents violated § 130.011(9), giving this Commission the power to act as permitted under § 105.961.

Failure To Maintain an Official Depository Account and Amend Statement of Committee Organization

14. Pursuant to § 130.021.4(1), "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.”

15. “A committee which has filed a statement of organization and has not terminated shall not be required to file another statement of organization, except that when there is a change in any of the information previously reported as required by subdivisions (1) to (8) of subsection 5 of this section an amended statement of organization shall be filed within twenty days after the change occurs, but no later than the date of the filing of the next report required to be filed by that committee by section 130.046.” § 130.021.7.

16. The statement of organization shall contain “the name and mailing address of its depository, and the name and account number of each account the committee has in the depository.” § 130.021.5(6).

17. Where Respondents failed to maintain an official fund depository account in the name of the committee, there is probable cause to believe Respondents violated §§ 130.021.4(1), 130.021.5(6), and 130.021.7, giving this Commission the power to act as permitted under § 105.961.

COUNT II

Failure to timely file campaign finance disclosure reports.

18. Pursuant to § 130.046.1, all committees must file regular campaign finance disclosure reports at the following times: (3) Not later than the fifteenth day following the close of each calendar quarter.

19. Pursuant to § 130.146.5(2):

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. Any contributions received or expenditures made which are not reported because this statement is filed in lieu of a disclosure report shall be included in the next disclosure report filed by the committee. This statement shall not be filed in lieu of the report for two or more consecutive disclosure periods if either the contributions received or expenditures made in the aggregate during those reporting periods exceed five hundred dollars.

20. Where failed to timely file four Statements of Limited Activity in lieu of quarterly reports, there is probable cause to believe Respondents violated § 130.046.1(3), 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), 130.021.4(1), 130.021.5(6), 130.021.7, and 130.046.1(3), 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 \$2,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$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.
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 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:

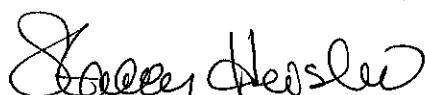
RESPONDENTS
A FUTURE WITH FOGARTY FOR
MAYOR and RYAN FOGARTY


Ryan Fogarty

2-6-26

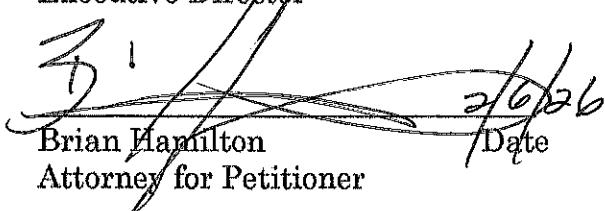
Date

MISSOURI ETHICS COMMISSION

 2/5/2026
Stacey Heislen

Date

Executive Director


Brian Hamilton
Attorney for Petitioner

2/6/26

Date

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CONSENT ORDER

The Missouri Ethics Commission finds probable cause to believe Respondents violated §§ 130.011(9), 130.021.4(1), 130.021.5(6), 130.021.7, and 130.046.1(3), 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 \$2,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$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.

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

SO ORDERED this 9th day of February 2026,



Jeremy Schneider, Chair
Missouri Ethics Commission