

Before the  
Administrative Hearing Commission  
State of Missouri



CARLA R. ALLEN,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 13-1133 EC
	)	
MISSOURI ETHICS COMMISSION,	)	
	)	
Respondent.	)	

**DECISION**

Carla R. Allen is liable for a fee of \$120.00 for filing her financial interest statement late.

**Procedure**

On May 16, 2013, the Missouri Ethics Commission (“Ethics”) assessed Allen a late filing fee of \$120.00 for the untimely filing of a financial interest statement. On June 21, 2013, Allen filed a complaint appealing that assessment.

On August 2, 2013, Ethics filed a motion for summary decision. We gave Allen until August 19, 2013 to respond to the motion, but she did not respond.

Our Regulation 1 CSR 15-3.446(6)(A)<sup>1</sup> provides:

The commission may grant a motion for summary decision if a party establishes facts that entitle any party to a favorable decision and no party genuinely disputes such facts.

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<sup>1</sup> All references to the CSR are to the Missouri Code of State Regulations as current with amendments included in the Missouri Register through the most recent update.

The following facts, as established by affidavits submitted with Ethics' motion, are undisputed.

### **Findings of Fact**

1. At all relevant times, Jamaa Learning Center ("Jamaa") was a Missouri charter school pursuant to § 160.400.1.<sup>2</sup>
2. Allen was the chair of the governing board of Jamaa during calendar year 2012.
3. On January 28 and March 15, 2013, Ethics notified Allen by mail that Jamaa had identified her as a person required to file a financial interest statement, and informed her that her statement was due by May 1, 2013.
4. On May 3, 2013, Ethics notified Allen by mail that it had not received her statement.
5. Allen filed her statement with Ethics on May 13, 2013 – 12 days late.
6. By letters dated May 16, 2013 and June 17, 2013, Ethics notified Allen that it was assessing a fee of \$120.00 for filing her statement late.<sup>3</sup>
7. All correspondence from Ethics to Allen was sent to her address of 2549 Westfall Lane, St. Louis, MO 63136.

### **Conclusions of Law**

We have jurisdiction to hear the complaint.<sup>4</sup> We must do whatever the law required Ethics to do.<sup>5</sup> Ethics has the burden of proof.<sup>6</sup>

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<sup>2</sup> RSMo 2012 Supp. Statutory citations are to RSMo 2000 unless otherwise noted.

<sup>3</sup> Ethics' motion for summary decision did not assert, or introduce any evidence, regarding when Allen received either letter.

<sup>4</sup>Section 105.963.4 RSMo 2006. The 2010 amendment to § 105.963 made by 2010 S.B. 844 was declared unconstitutional by *Legends Bank v. State*, 361 S.W.3d 383 (Mo. banc 2012).

<sup>5</sup>*J.C. Nichols Co. v. Director of Revenue*, 796 S.W.2d 16, 20-21 (Mo. banc 1990).

<sup>6</sup>*Heidebur v. Parker*, 505 S.W.2d 440, 444 (Mo. App., St.L.D. 1974).

Section 105.483 sets forth who must file a financial interest statement:

Each of the following persons shall be required to file a financial interest statement:

\* \* \*

(12) Any person who is designated as a decision-making public servant by any of the officials or entities listed in subdivision (6) of section 105.450.

While Jamaa is not one of the entities listed in § 105.450(6), it is a Missouri charter school pursuant to § 160.400. Section 160.400.15<sup>7</sup> provides in part:

All members of the governing board of [a] charter school shall be considered decision-making public servants as defined in section 105.450 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489.

As chair of Jamaa's governing board during 2012, Allen was obligated to file a financial interest statement for that year. The deadline for filing such a statement is set out in § 105.487(3):

The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

\* \* \*

(3) Every other person<sup>8</sup> required by sections 105.483 to 105.492 to file a financial interest statement shall file the statement annually not later than the first day of May and the statement shall cover the calendar year ending the immediately preceding December thirty-first; provided that the governor, lieutenant governor, any member of the general assembly or any member of the governing body of a political subdivision may supplement such person's financial interest statement to report additional interests acquired after December thirty-first of the covered year until the date of filing of the financial interest statement[.]

Allen's statement was due on May 1, 2013, but she did not file it until May 13, 2013.

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<sup>7</sup> RSMo Supp. 2012.

<sup>8</sup> Section 105.487(1) and (2) govern the filing requirements for candidates for elective office and persons appointed to office, respectively.

Section 105.963.3 sets forth the provision for assessing the late fee:

The executive director shall assess every person required to file a financial interest statement pursuant to sections 105.483 to 105.492 failing to file such a financial interest statement with the commission a late filing fee of ten dollars for each day after such statement is due to the commission. . . .

May 13, 2013, was 12 days after May 1, 2013. Therefore, Allen owes a late filing fee of \$120.00.

We grant Ethics' motion for summary decision. We cancel the hearing.

SO ORDERED on August 26, 2013.

*\s\ Mary E. Nelson*  
MARY E. NELSON  
Commissioner