

**PAID**

**KENTUCKY REGISTRY OF ELECTION FINANCE**  
**CASE NO. 2020-536**

CK NO. 2661  
DATE 12-09-2021

**In re: Jacqueline Bowling, individually, or on behalf of "Team Berea" and "Berea Moderates"**

**RECEIVED**

**CONCILIATION AGREEMENT**

**DEC 09 2021** KRS

This Conciliation Agreement, entered by and between the **Kentucky Registry of Election Finance (Registry)** and **Jacqueline Bowling (Bowling)**, individually or on behalf of "Team Berea" and "Berea Moderates, arises from allegations made by **Alison Blair (Blair)** in a complaint filed on September 26, 2020. Blair's Complaint specifically alleged that "Berea Moderates" violated Kentucky's campaign finance law (KRS Chapter 121) in 2020 by operating as an unregistered political action committee, also known for Kentucky campaign finance law purposes as a "permanent committee" under KRS 121.015 and was supplying residents of Berea area with signs and postcards that promoted seven candidates for Berea City Council, identified as "Team Berea." Blair supplied photocopies of the signs and postcards, which included an improper disclaimer under KRS 121.190(1) that read: "Paid for by concerned citizens."

Bowling was served with notice of Blair's complaint, having been identified by Blair as the leader of the organization and because the General Counsel, while investigating the complaint, found that the "Berea Moderates" Facebook page listed Bowling as the Administrator. In response to the complaint, Bowling stated that she did not pay for the signs and that individual citizens "at their own choice went and purchased each sign themselves without any of the candidates being involved[.]" She also stated that at no time did any of the candidates listed on the signs sell those signs. The Response also noted that the materials had the "concerned citizens" disclaimer on it. Over the course of the investigation, Bowling also stated

that “Team Berea” was not a group, but a slogan being used by the group Berea Moderates, which did meet from time to time, but was largely operating as a Facebook group.

The investigation into the Complaint indicated that Berea Moderates had purchased three kinds of political advertising related to the “Team Berea” slogan and list of Berea Moderates-supported candidates: signs, postcards, and a newspaper advertisement that ran in the *Berea Citizen*. An administrative subpoena issued to Galaxi of Berea, Inc. (Galaxi), the manufacturer of the identified signs, confirmed that “Team Berea” sold at least 22 signs, over the course of two printing runs, for \$583. Dan Combs, who responded for Galaxi stated that five or six people picked up the orders. Berea Moderates, through Facebook posts by Bowling as “Admin,” distributed the signs in “strategic places or high traffic areas.” Although Bowling stated that none of the recommended candidates were involved in the purchase or the distribution of the advertising, posts to Berea Moderate’s Facebook page demonstrated at least two of the listed candidates were aware of the efforts and either mentioned the “Team Berea” slogan or were seen distributing the signs.

KRS 121.190(1) requires that a candidate’s campaign signage include a disclaimer which identifies the candidate by name as sponsor of the political advertisement. Additionally, KRS 121.170(1) requires: “Any committee... organized under any provisions of this chapter shall register with the registry, by filing official notice of intention at the time of organization, giving names, addresses, and positions of the officers of the organization, identifying an official contact person of the committee, and designating the candidate or candidates, slate of candidates, or question it is organized to support or oppose on forms prescribed by the registry...”

On May 21, 2021, the General Counsel issued a Staff Report and Recommendations (Staff Report) recommending that the Registry enter an Order finding probable cause to believe

that Berea Moderates, by and through Bowling, had violated KRS 121.190(1) by including an incorrect “paid for by” disclaimer on certain signs, postcards, and newspaper advertising, which the group purchased and used prior to the 2020 general election for Berea City Council. Additionally, it was recommended that the Registry find probable cause to believe that Berea Moderates violated KRS 121.015(4) and KRS 121.180(6)(d), by failing to register as a contributing organization and report its expenditures in 2020 on its “Team Berea” advertising. It was further recommended that the Registry refer the violations to the Executive Director and General Counsel for conciliation. Finally, the General Counsel recommended that the Registry dismiss the alleged violation of KRS 121.170(1), which requires the registration of a permanent committee, as defined in KRS 121.015(3)(d), because Berea Moderates, over five years of demonstrated activity, had only expressly advocated the election of candidates in the 2020 general election and neither Blair nor the General Counsel had evidence that the group engaged in outside fundraising.

At its July 1, 2021 meeting, the Registry approved the General Counsel’s recommendation in the Staff Report and referred Bowling’s violation to the Executive Director and General Counsel for conciliation.

**NOW, THEREFORE**, the Registry and Bowling, having duly entered into conciliation pursuant to KRS 121.140(2), do hereby agree as follows:

1. The Registry has jurisdiction over parties hereto and the subject matter of this administrative action pursuant to KRS 121.120 and KRS 121.140.
2. Bowling received a reasonable opportunity to demonstrate that no action should be taken in this matter and waives the right to further hearings.

3. Bowling enters voluntarily, with full knowledge and understanding, into this Conciliation Agreement with the Registry.

4. The pertinent facts in this matter are as follows:

- a. Berea Moderates arranged for the printing of three types of advertising (signs, postcards, and newspaper advertising) prior to the 2020 general election for Berea City Council using the slogan "Team Berea," accompanied by the names of candidates Berea Moderates supported.
- b. Bowling was an Administrator of "Berea Moderates," as provided by the group's Facebook page, and subsequent postings to said page.
- c. Bowling in subsequent conversations with the General Counsel said that Berea Moderates meets occasionally, but exists largely as a Facebook group.
- d. Berea Moderates distributed the signs and postcards mentioned above through its Facebook group.
- e. Blair's complaint formed the basis of this case and alleged that the "Team Berea" signs, postcards, and, later, newspaper advertising, failed to have a proper disclaimer as required by KRS 121.190(1). Additionally, Blair alleged that the group was operating as a political group, but had not registered with the Registry, violating KRS 121.170(1); and KRS 121.180(6) by failing to report contributions.
- f. Berea Moderates' "paid for by concerned citizens" disclaimer violated KRS 121.190(1), which requires the identification of an advertising sponsor on political advertisements, which include ". . . newspaper or

magazine advertising, posters, circulars, billboards, handbills, sample ballots, and paid-for television or radio announcements which expressly advocate the election or defeat of a clearly identified candidate, slate of candidates, or group of candidates for nomination or election to any public office.” That statute further requires that the advertising sponsor, if it is not the candidate, be identified by name and address.

- g. Blair’s complaint also alleged that Berea Moderates was operating as an unregistered permanent committee, as defined by KRS 121.015(3)(d) as: “a group of individuals, including an association, committee, or organization, other than a campaign committee, political issues committee, inaugural committee, caucus campaign committee, or party executive committee, which is established as, or intended to be, a permanent organization having as a primary purpose expressly advocating the election or defeat of one (1) or more clearly identified candidates, slates of candidates, or political parties, which functions on a regular basis throughout the year[.] [Emphasis added.]”
- h. Although Bowling responded that she did not purchase the signs herself, she indicated through her Response and during her testimony before the Registry’s Board that a group of individuals purchased the advertising and distributed the signs and the postcards through Berea Moderates. At least one of those individuals who helped distribute the signs was one of Berea Moderates’ preferred candidates.

- i. Bowling also stated at the hearing before the Board that, when what the disclaimer should say for the advertising, that she was the person who formulated the “concerned citizens” language.
- j. In performing investigatory duties, the General Counsel issued an administrative subpoena on April 16, 2021 to Galaxi of Berea, Inc., the manufacturer of the identified signs, for any records relating to their order or purchase. Renee Combs responded with two invoices that contained no additional information other than 10 of the signs were sold to “Team Berea” at the cost of \$265 on October 7, 2020, and a second time on October 28, 2020, for 12 signs, totaling \$318.
- k. Although Galaxi could provide no additional information on the identities of the people who picked up the signs, Facebook posts from the Berea Moderates group (provided by Blair) demonstrated that they were operating on behalf of Berea Moderates.
- l. Bowling, operating as the Berea Moderates administrator, was involved in the placement of the advertising, as demonstrated by a post in which Bowling provides a picture of a sign and someone asks where they are located. Bowling responds, “[t]hey are 4X4 signs and they are going up in strategic places or high traffic areas. We only have 22 of them.”
- m. Activity documented mainly through newspapers and Berea Moderate’s Facebook group showed that the group had been active since 2016, mostly involved with issues of community concern, but not primarily in support of candidates.

- n. By Staff Report dated May 21, 2021, the General Counsel recommended that the Registry enter an Order finding probable cause to believe that “Team Berea,” by and through Bowling, had committed three violations of KRS 121.190(1) by including an incorrect “paid for by” disclaimer on the above-mentioned signs, postcards, and newspaper advertising. Additionally, it was recommended that “Berea Moderates” violated KRS 121.015(d) and KRS 121.180(6)(d), by failing to register as a contributing organization and report its expenditures in 2020 on its “Team Berea” signs. It was further recommended that the Registry refer the violations to the Executive Director and General Counsel for conciliation. Finally, the General Counsel recommended that the alleged violation of KRS 121.170(1), which requires the registration of a permanent committee, as defined in KRS 121.015(3)(d), be dismissed.
- o. At its July 1, 2021 regular meeting, the Registry approved the General Counsel’s recommendations and referred the violations to conciliation.
- p. For purposes of settlement, the Registry finds and Bowling agrees that Berea Moderates by and through her, committed the violations listed above.

5. Pursuant to KRS 121.140(2), Bowling agrees to remit herewith a civil penalty for the above-referenced violation of KRS 121.015(d), KRS 121.180(6)(d), and KRS 121.190(1) in the amount of \$350.00 by check or money order payable to the Kentucky State Treasurer.

6. Bowling agrees to register Berea Moderates through the Registry’s Kentucky Election Finance Management System as a contributing organization or permanent committee,

whichever entity best describes it and its type of political activity going forward. If the organization is no longer in operation, Bowling agrees to register and report the organization's contributions and expenditures for 2020.

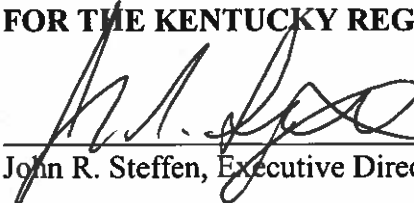
7. The Registry reserves the right to review compliance with this Conciliation Agreement. If the Registry believes that Bowling has failed to comply with the terms and/or conditions of this Conciliation Agreement, the Registry may institute a civil action in Franklin Circuit Court to enforce this Conciliation Agreement pursuant to KRS 121.140(3).

8. Upon execution of this Conciliation Agreement by all parties herein, payment of the assessed civil penalty, and approval of the Conciliation Agreement by the Registry, this Conciliation Agreement shall become effective and this complaint will be dismissed with prejudice.

9. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

10. It is agreed and understood that the specific terms of this Conciliation Agreement are deemed confidential until executed by the parties hereto. Upon execution of this Conciliation Agreement by all parties hereto, this Conciliation Agreement shall become a matter of public record and the statutory requirement of confidentiality shall no longer apply to this Conciliation Agreement pursuant to 32 KAR 2:050 § 2.

**FOR THE KENTUCKY REGISTRY OF ELECTION FINANCE:**

  
\_\_\_\_\_  
John R. Steffen, Executive Director

4/12/22  
\_\_\_\_\_  
Date



Leslie M. Saunders  
Leslie M. Saunders, General Counsel

4/12/22  
Date

**FOR THE RESPONDENT:**

~~\* Jacqueline Bowling~~  
Jacqueline Bowling, Administrator of  
"Berea Moderates" Facebook Page

11-20-2021  
Date

\* I am signing this under duress and I am not admitting by signing this of any wrong doing. This is filed with false accusation based on heresay.

