

SECOND REGULAR SESSION

House Resolution No. 5565

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES (60).

6637H.011

D. ADAM CRUMBLISS, Chief Clerk

1 **WHEREAS**, on February 27, 2018, the Speaker of the House of Representatives
2 appointed the Special Investigative Committee on Oversight:

3

4 **NOW THEREFORE BE IT RESOLVED** that the Special Investigative Committee on
5 Oversight shall investigate allegations against Governor Eric R. Greitens and report back to the
6 House of Representatives. The Speaker shall designate a chair and vice-chair of such special
7 committee; and

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9 **BE IT FURTHER RESOLVED** that the special committee shall conduct its
10 investigation and report back to the House of Representatives within forty days of such
11 committee being appointed, except that the committee may approve extensions of such time limit
12 for specified numbers of days; and

13

14 **BE IT FURTHER RESOLVED** that the House of Representatives, under the authority
15 given in Section 18, Article III of the Constitution of Missouri, may adopt rules of procedure for
16 the hearings and investigations of the special committee and that the Rules of the House of
17 Representatives, Ninety-ninth General Assembly, shall apply to the special committee as such
18 rules are appropriate and not in conflict with the rules adopted herein for such hearings and
19 investigations; and

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21 **BE IT FURTHER RESOLVED** that the special committee shall meet at such times and
22 places as the chair deems necessary to conduct its duties expressed in this resolution; and

23

Exhibit

A

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24 **BE IT FURTHER RESOLVED** that the members of the special committee shall be
25 reimbursed for their actual and necessary expenses connected with the investigation from the
26 contingent fund of the House of Representatives under section 21.230, RSMo. Witness fees for
27 any witness subpoenaed to appear, under section 21.400, RSMo, as a part of this investigation
28 shall be paid from the contingent fund of the House of Representatives. The Speaker of the
29 House of Representatives shall appoint messengers to serve necessary subpoenas, under section
30 21.400, RSMo, and any fees for the service of such subpoenas shall be paid from the contingent
31 fund of the House of Representatives at the rate prescribed by section 491.280, RSMo; and

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33 **BE IT FURTHER RESOLVED** that staff shall be provided to support the special
34 committee. The special committee may, if it deems it necessary, hire independent investigators,
35 special counsel, court reporters, and such other personnel as it deems advisable to assist its
36 investigation, pursuant to Rule 20 of the House of Representatives, Ninety-ninth General
37 Assembly. The cost of such personnel shall be paid from the contingent fund of the House of
38 Representatives; and

39

40 **BE IT FURTHER RESOLVED** that all members of the House of Representatives shall
41 be reimbursed for their per diem expenses as provided by law; and

42

43 **BE IT FURTHER RESOLVED** that the expenses payable under this resolution shall
44 not be paid to any member who qualifies for any other type of reimbursement; and

45

46 **BE IT FURTHER RESOLVED** that, upon approval of the Speaker of the House of
47 Representatives, the expenses of the members of the House of Representatives be paid from the
48 contingent fund of the House of Representatives; and

49

50 **BE IT FURTHER RESOLVED** that we, the members of the Missouri House of
51 Representatives, Ninety-ninth General Assembly, Second Regular Session, hereby adopt the
52 following rules of procedure to govern the hearings and investigations held under the authority
53 of this resolution:

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RULE 1

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57 Any hearings upon such issue shall be commenced at such time and place as determined
58 by the chair. Recesses and adjournments shall be determined by the chair. The special
59 committee shall be allowed to meet or conduct hearings during the session of the House of
60 Representatives without requesting leave of the House of Representatives.

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RULE 2

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64 Any hearings shall be open to the public and press, except that the chair, in his or her
65 discretion, may close all or a portion of such hearings to hear the testimony of certain witnesses
66 or review evidence. At the conclusion of the investigation the committee shall prepare a
67 transcript of the hearings, except that the chair, in his or her discretion, may order that the
68 identity of certain witnesses, certain testimony, or certain evidence be redacted, blurred, or
69 obfuscated in a manner to protect the identity or privacy of any witness. The chair shall
70 determine whether cameras or other audio or visual recording devices and ancillary lighting and
71 electrical equipment shall be allowed at such hearings and to the extent and in the manner
72 determined by the chair.

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RULE 3

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76 Only appointed members of the special committee and the special counsel to the
77 committee may question witnesses.

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RULE 4

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81 Only persons called as witnesses by the special committee may testify as witnesses. Any
82 other person desiring to testify as a witness may petition the committee for permission to testify
83 by presenting a written statement of the substance of the proposed testimony to the chair within

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84 twenty-four hours prior to the testimony. The chair shall have discretion of whether to allow
85 such person to testify as a witness, but all members of the special committee may examine the
86 written statement presented to the chair by the person desiring to testify as a witness.

87

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RULE 5

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90 All witnesses shall testify under the following oath, which shall be administered by the
91 chair:

92

93 "Do you solemnly swear (of affirm) that the testimony you shall give in the hearing now
94 pending before this committee shall be the truth, the whole truth, and nothing but the truth, so
95 help you God?"

96

97

RULE 6

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99 Formal rules of evidence shall not apply to the hearings. The committee may compel the
100 attendance of witnesses and the production of any paper or document, enforce obedience of its
101 orders, preserve order, and punish in a summary way contempt of and disobedience to its
102 authority. The sergeant-at-arms of the House of Representatives, under direction of the
103 committee, shall execute the lawful orders of the committee and may employ such aid and
104 assistance as may be necessary to carry out and enforce such orders.

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106

RULE 7

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108 Subpoenas for the appearance of witnesses and subpoenas duces tecum for the production
109 of any paper or document shall be issued by the Speaker of the House of Representatives, upon
110 request of the committee, in the manner prescribed by law. A subpoena or subpoena duces
111 tecum may be enforced by statutory or common law, or by applying to a judge of the circuit court

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5

112 of Cole County for an order to show cause why the subpoena or subpoena duces tecum should
113 not be enforced.

114

115

RULE 8

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117 The chair shall preside over the hearings, and shall rule on all questions regarding the
118 admission or rejection of testimony, decorum, and procedure in accordance with these rules. The
119 chair may request assistance from any law enforcement agency to maintain order at the hearings
120 and in the hallways and spaces adjoining the hearing area. The chair shall rule on any
121 appropriate matter not covered by these rules.

122

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RULE 9

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125 No person who is to testify as a witness before the special committee or his or her counsel
126 shall be admitted to the room in which the hearing is being conducted until such person is called
127 by the committee for such person's testimony.

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RULE 10

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131 No member or staff of the special committee shall discuss testimony taken or evidence
132 received by the committee with any individual, except as necessary with other members of the
133 special committee, the Speaker of the House of Representatives, Speaker Pro Tem of the House
134 of Representatives, Majority Floor Leader, Minority Floor Leader, or any individual designated
135 by the Speaker of the House of Representatives, until such time as the committee has concluded
136 its investigation.

✓



Missouri Ethics Commission (MEC)
PO Box 1370, Jefferson City MO 65102, (800) 392-8660, www.mec.mo.gov

Office Use: BB RE

Statement of Committee Organization

1. **Statement Information**

Date: _____
Type: New Amended (if amending, enter MEC ID C151053 & section changed _____)

2. **Committee Information**

Greitens for Missouri
Name of Committee
4579 Laclede Ave #138, St. Louis MO 63108 (314) 675-0197
Committee Mailing Address, City, State, & Zip Telephone Number

Official Committee Email Address _____ County Clerk or Board of Election Commissioners _____
Committee Type: Campaign Candidate Continuing (PAC) Debt Service Exploratory Political Party

3. **Treasurer/Deputy Treasurer Information**

Jeff Stuerman
Treasurer's Name (First & Last)
4579 Laclede Ave #138, St. Louis MO 63108
Treasurer's Mailing Address, City, State, & Zip
Treasurer's Email Address (optional) _____
Treasurer's Home Telephone Number () _____ Treasurer's Work Telephone Number (314) 675-0197
Deputy Treasurer's Name (if one appointed) _____
Deputy Treasurer's Email Address (optional) _____
Deputy Treasurer's Mailing Address, City, State, & Zip _____
Dep. Treasurer's Home Telephone Number () _____ Dep. Treasurer's Work Telephone Number () _____

4. **Additional Committee Information**

Additional Committee Officer's Name & Title (if any) _____ Additional Committee Officer's Mailing Address, City, State, & Zip _____
Connected Organization's Name (if any) _____ Connected Organization's Mailing Address, City, State, & Zip _____

CANDIDATES: Do you have more than one candidate committee? Yes (refer to instructions on back) No

5. **Official Bank Account Information (required by all committees)**

6. **Candidate Supported or Opposed (candidate committees must include self, if candidate)**

Eric Greitens 4522 Maryland Ave St. Louis 63108 (314) 675-0197
Name & Mailing Address, City, State & Zip of Candidate Telephone Number (Candidate Committees Only)
8/2/2016 Statewide Office Republican Support
Election Date Office Sought & Political Subdivision Political Party Support or Oppose

7. **Ballot Measure Supported or Opposed (campaign committees must complete this section)**

Name of Ballot Measure _____ Election Date & Political Subdivision _____ Support or Oppose _____

8. **Signature(s) Check certification(s) & sign (required by all committees)**

I affirm and attest under penalty of perjury that information and facts in this report are complete, true, and accurate. I further acknowledge that I am aware that any false statement or declaration made herein is punishable under Ch. 575 RSMo.

[Signature] Committee Treasurer [Signature] Candidate (Candidate Committees Only)

Exhibit
B

Missouri Ethics Commission
FEB 24 2015

Filed
APR 28 2017
Missouri Ethics
Commission

BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION)	
)	
Petitioner,)	
)	
v.)	Case No. 16-0107-1
)	
GREITENS FOR MISSOURI and)	
ERIC GREITENS,)	
)	
Respondents.)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE MISSOURI ETHICS COMMISSION,
AND CONSENT ORDER WITH JOINT PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below. The undersigned Respondents, Greitens for Missouri and Eric Greitens, acknowledge that they have received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondents further acknowledge that they are aware of the various rights and privileges afforded them by law, including but not limited to: the right to appear and be represented by counsel; the right to have all allegations against Respondents be proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing against Respondents at a hearing; the right to present evidence on Respondents' behalf at a hearing; and the right to a decision upon the record of a hearing. Being aware of these rights provided to Respondents by law, the undersigned Respondents knowingly and voluntarily waive each and every one of these rights and freely enter into this Joint Stipulation of Facts, Waiver of



Hearing Before the Missouri Ethics Commission, and Consent Order With Joint Proposed Findings of Fact and Conclusions of Law, and agree to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondents jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the proposed Joint Findings of Fact and the proposed Joint Conclusions of Law, as follows:

JOINT PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission (the "Commission") is an agency of the State of Missouri established pursuant to § 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.
2. Respondent Greitens for Missouri (the "Committee") is a candidate committee under Chapter 130, RSMo.
3. Respondent Eric Greitens ("Greitens") was a candidate for Governor of Missouri in the August 2, 2016 primary election and the November 8, 2016 general election.
4. Pursuant to Section 105.961, RSMo, the Commission's staff has investigated a complaint filed with the Commission relating to activities of the Respondents and reported the investigation's findings to the Commission.
5. Based upon the report of the Commission's staff, the Commission determined that there are reasonable grounds to believe that a violation of law occurred, and it therefore voted to refer the matter to Commission counsel pursuant to Section 105.961, RSMo.

COUNT IFailure to Report Contribution Received

6. At a date uncertain but believed by the undersigned parties to be in early 2015, the Committee received the benefit of a list of prospective donors (the "List"), for which the Committee did not pay, and which was not expressly contemplated in any contract executed by the Committee for fundraising or other services. At least one employee or agent of the Committee used the List to contact potential donors to the Committee.

7. The List had a fair market value in excess of One Hundred Dollars (\$100.00).

8. No person acting as an agent of the Committee for purposes of accepting possession of the List rendered to the Committee's treasurer a detailed account thereof, as contemplated by 130.036(1), RSMo.

9. The Committee did not disclose as a contribution received, on the disclosure report that it filed for the period during which a Committee employee or agent accepted the List, the fair market value of the list.

10. On or about April 28^{nt}, 2017, the Committee filed an amendment of its disclosure report that was filed on April 15^{nt}, 2015, reporting that it received the List as an in-kind contribution, that the value of the in-kind contribution was Six Hundred^{nt} Dollars (\$ 600.00^{nt}), and that the contribution was received from Daniel Laub^{nt}.

JOINT CONCLUSIONS OF LAW

COUNT I

Failure to Report Contribution Received

1. Section 130.041.1(3), RSMo reads in pertinent part as follows:

1. Except as provided in subsection 5 of section 130.016, the candidate, if applicable, a treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

.....

(3) Receipts for the period, including:

.....

(d) Total dollar value of all in-kind contributions received;

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution.

2. Section 130.046.1, RSMo sets out the times for filing disclosure reports for periods prior to an election.

3. Under Section 130.058, RSMo, the candidate is ultimately responsible for all reporting requirements for the candidate's committee under Chapter 130, RSMo.

4. The Commission finds there is probable cause to believe that a violation of § 130.041.1(3), RSMo occurred when the Committee failed to timely disclose the List as an in-kind contribution on the disclosure report for the period during which it was received. Respondents assert that they acted in good faith to comply with Missouri's campaign finance laws.

II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party.

1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.
2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.
 - a. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
 - b. It is order of the Missouri Ethics Commission that a fee is imposed against the Respondent Greitens for Missouri in the amount of \$1,000.00 pursuant to § 105.961.4(6), RSMo. However, if Respondent pays ten percent (10%), of that fee, amounting to \$100.00, within forty-five (45) days after the date of this Order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

c. If either of the Respondents commits any further violation or violations of the laws under Chapter 130, RSMo, within the two-year period from the date of this Order, then Respondents will be required to pay the remainder of the fee. The fee would be due immediately upon final adjudication finding that either of the Respondents had committed such a violation.

3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

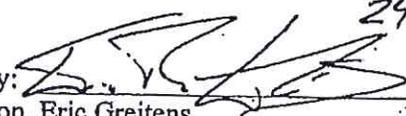
4. Respondents, together with their respective heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, a claim for attorney's fees whatsoever which Respondents or Respondents' attorney may now have or which they may hereafter have, which is based upon or arise out of the above case.

PETITIONER MISSOURI ETHICS COMMISSION

By: James K. Jahr 4-28-17
James K. Jahr Date
Executive Director

By: John S. Pletz 4-27-17
John S. Pletz Date
Attorney for Petitioner

RESPONDENT HON. ERIC GREITENS

By:  24 April 2017
Hon. Eric Greitens Date

By: Michael G. Adams April 26, 2017
Michael G. Adams Date
Attorney for Respondent

RESPONDENT GREITENS FOR MISSOURI

By: _____
Jeff Stuerman Date
Treasurer

By: _____
Michael G. Adams Date
Attorney for Respondent

RESPONDENT HON. ERIC GREITENS

By: _____
Hon. Eric Greitens Date

By: _____
Michael G. Adams Date
Attorney for Respondent

RESPONDENT GREITENS FOR MISSOURI

By: Jeff Stueeman 4/24/17
Jeff Stueeman Date
Treasurer

By: Michael G. Adams
Michael G. Adams Date
Attorney for Respondent April 26, 2017

Mike Hafner

1 A. Uh-huh.

2 Q. And that is data you pulled from The Mission
3 Continues list; is that correct?

4 A. Yes.

5 Q. And at the request and working with Mr.
6 Greitens?

7 A. Yes.

8 Q. And the same would be true of everywhere else
9 in this database where it is listed as TMC and an
10 amount?

11 A. Yes.

12 Q. Do you know approximately how much money was
13 raised by the Greitens campaign from Mission Continues
14 donors?

15 A. I do not know the approximate amount. I know
16 it was substantial.

17 Q. Do you believe it to be over a million
18 dollars?

19 A. Yes.

20 Q. Do you believe it to be around \$2 million?

21 A. I don't want to speculate. I know that's what
22 one of the press accounts said on it. I do not know.

23 Q. Of course the documents will speak for
24 themselves. We have public records reports to do this.
25 I'm going to hand you another exhibit. If you could

Mike Hafner

1 label that Exhibit 10. This is not your document. So
2 this is an amended report from the Missouri Ethics
3 Commission. If I could turn you to I believe the second
4 to last page. Let me approach again and get another
5 exhibit in the record. Mr. Curchin is going to hand you
6 what's been labeled as Exhibit 11. If you could turn to
7 paragraph 10 of Exhibit 11. In your experience with
8 campaigns, does a list which results in the raising of
9 over a million dollars have a value -- would it have a
10 value of \$600?

11 A. Yes.

12 Q. Yes, it would have a value of \$600?

13 A. I'm sorry. It would have a value of much
14 greater than \$600.

15 MR. ERNST: I believe you said over 600.

16 REPRESENTATIVE BARNES: Let's back up and I'll
17 ask the question.

18 BY REPRESENTATIVE BARNES:

19 Q. Do you believe it is accurate to say that the
20 value of The Mission Continues list which was used to
21 raise over a million dollars was \$600?

22 A. No.

23 Q. Okay. And do you believe the value to be
24 higher than \$600?

25 A. I believe it would be a lot higher than \$600,

Mike Hafner

1 and that is based on my knowledge of the fundraising of
2 The Mission Continues charity which raised in excess of
3 \$10 million a year.

4 Q. And based on your first-hand experience, did
5 the campaign receive the list from Daniel Laub?

6 A. NO.

7 Q. In fact, your e-mail shows it was received
8 from Krystal Taylor at the direction of Eric Greitens,
9 correct?

10 A. Yes.

11 Q. Do you know why Mr. Laub would agree to state
12 that he had given that contribution?

13 A. I can only speculate on that. I do not know
14 the exact reason why.

15 Q. Have you spoken to Mr. Laub about it?

16 A. I have not spoken to Mr. Laub since March
17 2015.

18 Q. Do you know what Mr. Laub -- how long he
19 lasted with the campaign?

20 A. I don't know the exact time of his separation
21 with the campaign. It was in the fall of 2015.

22 Q. Do you have any idea where he worked after
23 leaving the campaign?

24 A. I just know where he works now. I don't know
25 what he did in between. I had heard that he had worked

Mike Hafner

1 on a congressional race or something in Michigan, but I
2 don't have any direct knowledge.

3 Q. You never talked to Mr. Laub after leaving the
4 campaign; is that correct?

5 A. No. Last time I spoke to him was the day of
6 our separation in March of 2015.

7 Q. And after leaving the Greitens campaign, did
8 you work for any other campaigns in 2016?

9 A. Yes. I worked for John Brunner starting in
10 August of 2015, and then I worked for Kurt Schaefer in
11 2016. I believe those were the only two campaigns I had
12 a role on the rest of that cycle.

13 Q. Did you work for Mr. Brunner through the
14 primary in 2016?

15 A. I did.

16 Q. And for Mr. Schaefer through the primary in
17 2016?

18 A. Yes.

19 Q. In those months between January and March, did
20 you have any discussions with Mr. Greitens about how the
21 campaign may conceal the source of donations?

22 A. Not directly to that topic, but he directed me
23 to have conversations with donors who intended to raise
24 significant amounts of money and conceal the donors,
25 conceal the identity of those donors.

Exhibit

D

1 Q. Based on your work in that campaign, do you
2 believe that, in fact, there was a strategy employed to
3 conceal donors?

4 A. I believe that was an intention of the
5 campaign's early on.

6 Q. Do you believe it was carried out?

7 A. Yes.

8 REPRESENTATIVE BARNES: I believe I'll hand it
9 over to my vice-chair. Do you want to take a short
10 break to prepare?

11 REPRESENTATIVE PHILLIPS: Not to prepare.

12 REPRESENTATIVE BARNES: Let's take a short
13 break. We'll come back in approximately ten minutes.
14 (A recess was taken.)

15 REPRESENTATIVE BARNES: Back from break.
16 Representative Phillips.

17 REPRESENTATIVE PHILLIPS: Thank you.

18 QUESTIONS BY REPRESENTATIVE PHILLIPS:

19 Q. Don Phillips, State Representative District
20 138 which is near Branson, Table Rock Lake.

21 Why did you leave the Eric Greitens campaign?
22 Did I miss that? I didn't hear that discussed at all.
23 I'm just curious why you left.

24 A. So a number of consultants that I have
25 professional relationships with had indicated to Eric,

1 Mr. Greitens, that if he ran for governor that they
2 would not be -- they would not have a role on his
3 campaign for governor. And because of my professional
4 relationship with those consultants, in the days that
5 they had that conversation with Mr. Greitens, Danny Laub
6 asked me to come into his office when I got in in the
7 morning and he said that they were severing -- they had
8 made the decision to sever all ties with those
9 consultants and that Eric was 100 percent focused on
10 running for governor and he had ruled out any other
11 potential office to run for and because of, as I said,
12 because of my relationship with those consultants, they
13 wanted to take a, quote, strategic pause on my
14 relationship with Mr. Greitens and his campaign.

15 It was never indicated that a separation was
16 permanent at the time. Danny Laub, Mr. Greitens'
17 attorney and Mr. Greitens himself all told me that at
18 some point if things changed, if the dynamics of the
19 primary had changed, they would love to bring me back
20 on. Mr. Greitens himself told me that I would make a
21 great employee in the governor's office some day. It
22 was as amicable separation as it could have been.

23 Q. Okay. So in your mind was there a political
24 conflict of interest on your part? Is that the way they
25 saw it maybe?

1 A. They saw a conflict of interest because the
2 relationships I had with other consultants. As it was
3 said earlier, I did end up going to work for John
4 Brunner. That wasn't until months later in August of
5 that year. In their mind, because I had a relationship
6 with other consultants that had known John and had
7 worked with John, that there was a conflict in their
8 mind but at the time I never had a conversation with
9 John Brunner that I recall. I had no professional
10 relationship with him or anything else.

11 Q. So you left on a good basis?

12 A. As good as it could have been, yeah.

13 Q. Now, when you worked for Brunner and
14 Schaefer's campaign, did you experience the same
15 procedures with them when it came to fundraising as far
16 as hiding donors? Is that just typical in politics
17 behind closed doors to typical try to hide donors? Did
18 you experience that in the other two campaigns? Can you
19 comment on that?

20 A. I did not experience that in either of the
21 campaigns I had a role on. The candidates I've worked
22 for I've not experienced that either.

23 Q. Okay. So this was unique to Greitens campaign
24 as far as your knowledge goes?

25 A. Yes and no. In my experience with candidates

1 and my personal experience, it was unique. There are
2 other candidates that operate in that fashion.

3 Q. Okay. I was just curious about your part.
4 Now, what's the purpose -- Educate me a little on the
5 purpose of concealing donors. I mean why would a person
6 want to do that running for a high profile job?

7 A. Sure. There's a number of reasons for it. I
8 think from a candidate's perspective it's they don't
9 want to be seen as being purchased by a particular donor
10 if they're giving mass amounts of money. I know it's
11 legal -- or it was legal at the time in Missouri. There
12 weren't any contribution limits to give a million
13 dollars to a specific candidate, but I think the
14 exposure certainly is one both from the candidate side
15 and from the donor side. They don't want to be seen as
16 influencing a certain candidate. They might have
17 business before the state. There might be a legitimate
18 conflict. And I think there's a number of reasons for
19 why you'd want to from a candidate perspective and from
20 a donor's perspective. I'm not going to argue on the
21 legitimacy or why, you know, people should or should not
22 operate in that manner.

23 Q. Do you have an opinion about why Eric Greitens
24 particularly wanted to hide the donors?

25 A. Again, I don't really want to speculate on

CONFIDENTIAL MEMORANDUM

DATE: 7/9/16
RE: Greitens Uses Shell Companies to Hide Donors

On December 10, 2015, Waltrip & Schmidt attorney Michael Becker filed articles of incorporation for a new limited liability company named White Impala LLC with the Secretary of State's office. They disclose none of the LLC's members or the identity of anyone else involved in the entity other than Becker, who serves as registered agent. The LLC's listed address is Waltrip & Schmidt's office.

On December 11, 2015, Lewis Rice LLP attorney Brian Bouquet filed articles of incorporation for another new limited liability company named ELX83 LLC with the Secretary of State's office. They disclose none of the LLC's members or the identity of anyone else involved in the entity other than Bouquet, who serves as its registered agent, and one of his paralegals, Kathleen Winschel. The LLC's listed address is a Lewis Rice office.

On December 29, 2015, Eric Greitens's gubernatorial campaign disclosed a \$20,000 contribution from ELX83. On April 1, Greitens's campaign disclosed a further \$10,000 contribution from ELX83. The same day, Greitens disclosed a \$10,000 contribution from White Impala.

Internet searches reveal absolutely no information about ELX83 or White Impala. Literally the only records of their existence are the filings with the Secretary of State and the MEC reports of their contributions to the Greitens campaign.

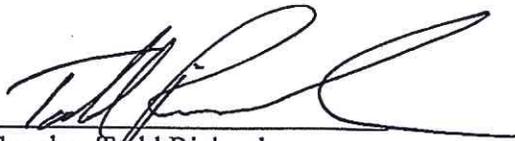
By all appearances, these two entities were created to channel contributions to the Greitens campaign from an anonymous donor or donors. Missouri law explicitly prohibits campaign contributions made "in such a manner as to conceal the identity of the actual source of the contribution." Mo. Rev. Stat. § 130.031.3. Moreover, the use of this arrangement to hide donors certainly runs counter to Greitens's repeated attacks on "corruption" and "insider political games" in Missouri.

Exhibit

E

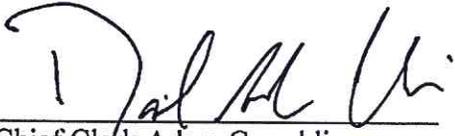
8. All leases or contracts entered into on behalf of Greitens for Missouri including any subleases.
9. All employment contracts, engagement letters, and memoranda related to Danny Laub's employment by Greitens for Missouri or Eric Greitens or The Greitens Group.
10. All communications, memoranda or documents related to the termination of Danny Laub's employment by Greitens for Missouri.
11. All employment contracts, engagement letters, and memoranda related to Mike Hafner's employment by Greitens for Missouri.
12. All communications, memoranda or documents related to the termination of Mike Hafner's employment by Greitens for Missouri.
13. All employment contracts, engagement letters, and memoranda related to Krystal Taylor's employment by Greitens for Missouri.
14. All communications, memoranda or documents related to the termination of Krystal Taylor's employment by Greitens for Missouri.
15. All communications, memoranda or documents purporting to authorize Greitens for Missouri to obtain and or use The Mission Continues Donor list.
16. All communications, memoranda or documents purporting to evidence the contribution of The Mission Continues donor list to Greitens for Missouri by Danny Laub.
17. All communications, memoranda or documents purporting to authorize Danny Laub to use or transfer the data from The Mission Continues donor list to any person or entity.
18. All communications, memoranda or documents purporting to evidence Danny Laub's ownership or control of The Mission Continues donor list.

WITNESS my hand. Done at my office in Jefferson City in said County aforesaid, on this 3rd day of May, 2018.



Speaker Todd Richardson

ATTESTED BY:



Chief Clerk Adam Crumbliss

8. All communications of employees, agents, contractors, or associates of A New Missouri, Inc. to or from any donor or potential donor of A New Missouri, Inc.
9. All documents describing policies or guidance concerning coordination or communication between A New Missouri, Inc. and Greitens for Missouri and employees or agents of Greitens for Missouri.
10. All communications between A New Missouri, Inc. and the Internal Revenue Service, the Missouri Ethics Commission, or any other law enforcement or governmental entity.
11. All leases or contracts entered into on behalf of A New Missouri, Inc. including any subleases.
12. All documents and communications to, from, about, or relating to:
 - a. Lucinda Luetkemeyer;
 - b. Will Scharf;
 - c. Nick Maddux;
 - d. Jennae Neustadt;
 - e. Michael Roche;
 - f. Drew Erdmann;
 - g. Jeffrey Earl; and
 - h. Brad Green.

17th WITNESS my hand. Done at my office in Jefferson City in said County aforesaid, on this day of May, 2018.



Speaker Todd Richardson

ATTESTED BY: 

Chief Clerk Adam Crumbliss

BEFORE THE MISSOURI HOUSE
SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

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GREITENS FOR MISSOURI'S RESPONSE TO
SUBPOENA FOR PRODUCTION OF DOCUMENTS

Greitens for Missouri ("GFM"), by its attorneys, Husch Blackwell LLP, responds to Requests in the Subpoena for Production of Documents issued by House Special Investigative Committee on Oversight on May 3, 2018, as follows:

- 1. **All employment records of Greitens for Missouri for the period dated February 24, 2015 to present.**

GFM made a reasonable and diligent inquiry to locate all responsive documents and used search terms to further cull from the dataset to locate potentially responsive documents. After review, GFM is producing responsive, non-privileged documents redacted for Personally Identifiable Information and subject to the confidentiality and "claw back" agreements between the parties.

- 2. **All documents and communications to, from, about, or relating to A New Missouri, Inc. or any employee, agent, contractor, or associate of A New Missouri, Inc.**

For the reasons stated in the May 9, 2018 correspondence from Attorney Catherine Hanaway to Attorney Mark Kempton and Judge Edward Robertson, GFM objects to this request and will not be producing documents.

- 3. **All documents and communications relating to the creation of Greitens for Missouri.**

Pursuant to the May 8, 2018 correspondence from Attorney Mark Kempton to Attorney Catherine Hanaway, this request has been withdrawn and, therefore, GFM is not producing documents in response to this request.



4. All documents and communications relating to the purpose of Greitens for Missouri.

Pursuant to the May 8, 2018 correspondence from Attorney Mark Kempton to Attorney Catherine Hanaway, this request has been withdrawn and, therefore, GFM is not producing documents in response to this request.

5. All communications of employees, agents, contractors, or associates of Greitens for Missouri to or from any donor or potential donor of Greitens for Missouri.

GFM made a reasonable and diligent inquiry to locate all responsive communications and used search terms to further cull from the dataset to locate potentially responsive communications. After review, GFM is producing responsive, non-privileged communications subject to the confidentiality and “claw back” agreements between the parties.

6. All documents describing policies or guidance concerning coordination or communication between Greitens for Missouri and A New Missouri, Inc. and employees or agents of A New Missouri, Inc.

For the reasons stated in the May 9, 2018 correspondence from Attorney Catherine Hanaway to Attorney Mark Kempton and Judge Edward Robertson, GFM objects to this request and will not be producing documents.

7. All communications between Greitens for Missouri and the Internet Revenue Service, the Missouri Ethics Commission, or any other law enforcement or governmental entity.

GFM made a reasonable and diligent inquiry to locate all responsive communications and used search terms to further cull from the dataset to locate potentially responsive communications. After review, GFM is producing responsive, non-privileged communications subject to the confidentiality and “claw back” agreements between the parties.

8. All leases or contracts entered into on behalf of Greitens for Missouri including any subleases.

GFM made a reasonable and diligent inquiry to locate all responsive documents and used search terms to further cull from the dataset to locate potentially responsive documents. After review, GFM is producing responsive, non-privileged documents subject to the confidentiality and “claw back” agreements between the parties.

9. All employment contracts, engagement letters, and memoranda related to Danny Laub's employment by Greitens for Missouri or Eric Greitens or The Greitens Group.

GFM made a reasonable and diligent inquiry to locate all responsive documents and used search terms to further cull from the dataset to locate potentially responsive documents. After review, GFM is producing responsive, non-privileged documents subject to the confidentiality and "claw back" agreements between the parties.

10. All communications, memoranda or documents related to the termination of Danny Laub's employment by Greitens for Missouri.

GFM made a reasonable and diligent inquiry to locate all responsive documents and communications and used search terms to further cull from the dataset to locate potentially responsive documents and communications. After review, GFM is producing responsive, non-privileged documents and communications subject to the confidentiality and "claw back" agreements between the parties.

11. All employment contracts, engagement letters, and memoranda related to Mike Hafner's employment by Greitens for Missouri.

GFM made a reasonable and diligent inquiry to locate all responsive documents and used search terms to further cull from the dataset to locate potentially responsive documents. After review, Chambers is producing responsive, non-privileged documents subject to the confidentiality and "claw back" agreements between the parties.

12. All communications, memoranda or documents related to the termination of Mike Hafner's employment by Greitens for Missouri.

GFM made a reasonable and diligent inquiry to locate all responsive communications and used search terms to further cull from the dataset to locate potentially responsive communications. After review, Chambers is producing responsive, non-privileged communications subject to the confidentiality and "claw back" agreements between the parties.

13. All employment contracts, engagement letters, and memoranda related to Krystal Taylor's employment by Greitens for Missouri.

GFM made a reasonable and diligent inquiry to locate all responsive documents and used search terms to further cull from the dataset to locate potentially responsive documents. After review, Chambers is producing responsive, non-privileged documents subject to the confidentiality and "claw back" agreements between the parties.

14. All communications, memoranda or documents related to the termination of Krystal Taylor's employment by Greitens for Missouri.

GFM made a reasonable and diligent inquiry to locate all responsive communications or documents and used search terms to further cull from the dataset to locate potentially responsive communications or documents. After review, GFM is producing responsive, non-privileged communications and documents subject to the confidentiality and "claw back" agreements between the parties.

15. All communications, memoranda or documents purporting to authorize Greitens for Missouri to obtain and or use The Mission Continues Donor list.

GFM made a reasonable and diligent inquiry to locate all responsive communications or documents and used search terms to further cull from the dataset to locate potentially responsive communications or documents. After review, GFM is producing responsive, non-privileged communications and documents subject to the confidentiality and "claw back" agreements between the parties.

16. All communications, memoranda or documents purporting to evidence the contribution of The Mission Continues donor list to Greitens for Missouri by Danny Laub.

GFM made a reasonable and diligent inquiry to locate all responsive communications or documents and used search terms to further cull from the dataset to locate potentially responsive communications or documents. After review, GFM is producing responsive, non-privileged communications and documents subject to the confidentiality and "claw back" agreements between the parties.

17. All communications, memoranda or documents purporting to authorize Danny Laub to use or transfer the data from The Mission Continues donor list to any person or entity.

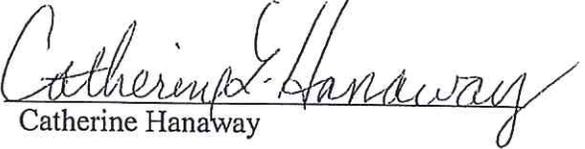
GFM made a reasonable and diligent inquiry to locate all responsive communications or documents and used search terms to further cull from the dataset to locate potentially responsive communications or documents. After review, GFM is producing responsive, non-privileged communications and documents subject to the confidentiality and "claw back" agreements between the parties.

18. All communications, memoranda or documents purporting to evidence Danny Laub's ownership or control of The Mission Continues donor list.

GFM made a reasonable and diligent inquiry to locate all responsive communications or documents and used search terms to further cull from the dataset to locate potentially responsive communications or documents. After review, GFM is producing responsive, non-privileged communications and documents subject to the confidentiality and "claw back" agreements between the parties.

Dated this ___ day of May, 2018.

HUSCH BLACKWELL LLP
Attorneys for Greitens for Missouri

By: 
Catherine Hanaway

190 Carondelet Plaza, Suite 600
St. Louis, Missouri 63105
314.480.1500
314.480.1505 (fax)
catherine.hanaway@huschblackwell.com

HUSCH BLACKWELL

Catherine Hanaway
Partner

190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
Direct: 314.480.1903
Fax: 314.480.1505
catherine.hanaway@huschblackwell.com

May 9, 2018

Via Electronic Mail

Judge Edward D. Robertson, Jr.
Bartimus Frickleton Robertson Rader
11150 Overbrook Road, Suite 200
Leawood, KS 66211
crobertson@bflawfirm.com

Mr. Mark T. Kempton
Kempton Russell
114 E. 5th Street
Sedalia, MO 65301
Mark@kemptonrussell.com

Re: Greitens for Missouri
A New Missouri
Austin Chambers

Dear Judge Robertson and Mr. Kempton:

On Friday May 4, 2018, you emailed me an attachment that contained five “subpoena[s] for production of documents” that the House Special Investigative Committee on Oversight issued.

As we discussed yesterday by phone, Greitens for Missouri and Austin Chambers are actively working to produce documents requested by the House subpoenas to each of them. Thank you for working with us to come to agreement on search terms and a rolling production.

I write today regarding those subpoenas and specific requests that relate to my client A New Missouri, Inc. In one subpoena, the Committee commanded that A New Missouri produce extensive documents and communications dating back to its launch. In another, it commanded that Carrollton Bank provide, *inter alia*, “[a]ll

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Judge Edward D. Robertson, Jr.
Mr. Mark T. Kempton
May 9, 2018
Page 2

records relating to A New Missouri, Inc.” and “[a]ll records relating to the Committee for a New Missouri, Inc.” In the subpoenas to Greitens for Missouri and Austin Chambers, the Committee makes specific requests related to A New Missouri. (Greitens for Missouri Requests 2 and 6; Austin Chambers Requests 1, 3 and 5.) These subpoenas relating to A New Missouri seek irrelevant information, are beyond the scope of H.R. 5565 wherein the Special Committee on House Oversight was created and charged with the “investigation of all allegations against Governor Eric R. Greitens,” are overbroad, and raise serious privacy and constitutional issues. Separately, the subpoena for bank records failed to meet the necessary procedural requirements.

A New Missouri, Inc. is a nonprofit corporation organized under the laws of Missouri that promotes various policies to benefit all Missourians. As a social welfare organization under I.R.C. § 501(c)(4), it is a wholly independent nonprofit corporation. Neither Governor Eric Greitens nor Greitens for Missouri has any official or unofficial capacity or role at A New Missouri.

Indeed, no allegation of misconduct has been made by any law enforcement authority or the House committee against A New Missouri nor has any allegation been made against Governor Greitens involving A New Missouri. Accordingly, it has no relevant information, whether exculpatory or inculpatory, to provide the Committee for its investigation.

Subpoenas must be “sufficiently limited in scope, relevant in purpose, and specific in directive so that compliance will not be unreasonably burdensome.” *Johnson v. State*, 925 S.W.2d 834, 836 (Mo. banc 1996) (quoting *See v. City of Seattle*, 387 U.S. 541, 544 (1967)). The limitless breadth of documents and records that the Committee seeks from A New Missouri—an entity with no association to the matters being investigated—cannot be said to be limited, relevant, or reasonable. It is “contrary to the first principles of justice” to allow a search through all records, relevant or irrelevant, in the hope that something will turn up. *Fed. Trade Comm’n v. Am. Tobacco Co.*, 264 U.S. 298, 306 (1924).

Besides seeking irrelevant information, the demand that A New Missouri disclose its financial records also raises serious privacy and constitutional issues. As a 501(c)(4) organization, A New Missouri has no duty to disclose its donors to the public. Donors expect that their contributions will not be identified publicly or be provided to the government. Both the donors and the entities have a First

HUSCH BLACKWELL

Judge Edward D. Robertson, Jr.
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Page 3

Amendment interest in keeping donor identities private. *See Tree of Life Christian Sch. v. City of Upper Arlington*, No. 2:11-CV-00009, 2012 WL 831918, at *4 (S.D. Ohio Mar. 12, 2012) (holding that the potential infringement of First Amendment rights outweighed the importance of disclosing donor identities).

The records the Committee seeks would disclose this sensitive donor information and violate the organization and donors' freedom of political association, speech, and the communication of ideas. The Supreme Court has noted that it is "particularly important that the exercise of the power of compulsory process be carefully circumscribed when the investigative process tends to impinge upon such highly sensitive areas as freedom of speech or press, freedom of political association, and freedom of communication of ideas." *Sweezy v. New Hampshire*, 354 U.S. 234, 245 (1957) (plurality opinion).

Substantive issues aside, the Committee failed to follow the proper procedure for subpoenaing bank records. Under the Missouri Right to Financial Privacy Act, Mo. Rev. Stat. §§ 408.675–408.700, financial institutions cannot provide financial records to government authorities except in accordance with the provisions of the Act. The subpoena to Carrollton Bank seeking the bank records did not come close to substantially complying with the Act. In fact, if Carrollton Bank were to comply with the subpoena as written, its production would be unlawful. *See* Mo. Rev. Stat. § 408.680. For this reason alone, the subpoena is subject to being quashed in Cole County Circuit Court. *See* Mo. Rev. Stat. § 408.686.

I have highlighted above some of the concerns we have regarding the Committee's subpoenas that pertain to A New Missouri, Inc. While we would prefer to resolve this situation outside of court, we are prepared to seek all possible avenues for relief. I look forward to discussing this issue with you further.

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Sincerely,

/s/ Catherine Hanaway

cc: Scot J. Seabaugh (Counsel for Carrollton Bank)
sseabaugh@spencerfane.com



MISSOURI ETHICS COMMISSION
P.O. Box 1254
Jefferson City, MO 65102
www.mec.mo.gov
(573) 751-2020 / (800) 392-8660

18AC-CC00187

James Klahr
Executive Director

May 10, 2018

Re: Advisory Opinion No. 2018.05.CF.004

Dear

At the May 10, 2018 meeting of the Missouri Ethics Commission, your request for an opinion was discussed.

Opinion

Pursuant to §105.955.16, RSMo, the Missouri Ethics Commission may issue a written opinion regarding any issue on which the Commission can receive a complaint pursuant to §105.957, RSMo. The Commission receives complaints alleging violation of campaign finance provisions of Missouri law. This opinion is issued within the context of Missouri's laws governing such issues, and assumes the facts presented by you in your letter.

The questions presented and the Commission's opinion are as follows:

If a not for profit corporation requests and receives a contribution of more than \$500 from any person during a calendar year for the purpose of influencing or attempting to influence the actions of voters for or against the nomination or election to public office of one or more candidates, is it a committee under Mo. Const. Art. VIII §23?

If a not for profit corporation requests and receives a contribution of more than \$500 from any person during a calendar year for the purpose of influencing or attempting to influence the passage, qualification, or defeat of any ballot measure, is it a committee under Mo. Const. Art. VIII §23? If an organization is a "committee" under Mo. Const. Art. VIII §23, must it report all of its receipts and expenditures to the Missouri Ethics Commission?

If a not for profit corporation accepts a donation with the understanding between itself and the donor that the donation will be contributed in the name of the corporation to a candidate committee, continuing committee, or campaign committee, has the not for profit corporation "transferred anything of value to a committee with the intent to conceal, from the Missouri Ethics Commission, the identity of the actual source" of the contribution?

The Commission recently addressed nonprofit corporations in relation to Mo. Const. Art. VIII §23 in MEC Opinion No. 2017.08.CF.017. As discussed in that opinion, §355.025, RSMo, provides that nonprofit corporations in Missouri may be organized under that chapter for many purposes, including charitable, benevolent, political, religious, cultural and social welfare. In addition, nonprofit corporations which engage in political activity are typically registered with the IRS for purposes of exemption from federal income tax under 26 U.S.C. § 501(c), including 501 (c) (3), (4) and (6). A nonprofit's registration

Exhibit

J

status with the IRS may determine whether it may engage in political activity and, if it may, the type and amount of political activity it may engage in, such as lobbying, which might include ballot measures; and political activities which may include supporting or opposing candidates for public office.

Mo. Const. Art. VIII §23.7, defines a committee, in relevant parts, as follows:

- (4) "Committee", a person or any combination of persons, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure ...
- (5) "Committee", does not include:
 - (a) A person or combination of persons, if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds five hundred dollars and if no single contributor has contributed more than two hundred fifty dollars of such aggregate contributions;
 - ...
 - (c) A corporation, cooperative association, partnership, proprietorship, or joint venture organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure, and it accepts no contributions, and all expenditures it makes are from its own funds or property obtained in the usual course of business or in any commercial or other transaction and which are not contributions as defined by subdivision (7) of this section;
 - ...
 - (e) A person who acts as an authorized agent for a committee in soliciting or receiving contributions or in making expenditures or incurring indebtedness on behalf of the committee if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable, an accurate account of each receipt or other transaction in the detail required by the treasurer to comply with all record-keeping and reporting requirements; ...

Mo. Const. Art. VIII §23.7(19) defines a "person" as:

an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity.¹

Thus, a nonprofit corporation qualifies as a "person" for purposes of the Art. VIII, §23 and the Missouri campaign finance law under Chapter 130 of the Missouri Revised Code.

¹ The definitions of "committee" and "person" in §130.011(7) and (22), RSMo are consistent with the constitution's definitions in Art. VIII, Sec. 23.7(5) & (19).

Subsections (5) (a) and (c) are relevant when considering whether nonprofit corporations are committees required to register and report with the Missouri Ethics Commission. Subsection 5(a) states that a "person" or "combination of persons" is not a committee if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds five hundred dollars and if no single contributor has contributed more than two hundred fifty dollars of such aggregate contributions. Subsection 5(c) excludes a corporation (and other entities) from the definition of a "committee" if the corporation: 1) is organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure; 2) accepts no contributions; and 3) makes all expenditures from its own funds or property obtained in the usual course of business or in any commercial or other transaction and which are not contributions.

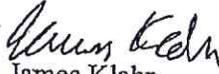
Because a nonprofit corporation is a "person" under Missouri campaign finance laws, that corporation becomes a committee if it accepts contributions, in excess of \$500 in a calendar year or in excess of \$250 for a single contributor, for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot. This may include an earmarked amount given to the nonprofit that fits the definition of a "contribution" as defined in Mo. Const. Art. VIII §23.7(7), in relevant part:

a 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 or the qualification, passage or defeat of any ballot measure...²

Once the nonprofit becomes a committee is required to register the committee with the commission within 20 days by filing a statement of committee of organization pursuant to §130.021.5 RSMo, and file reports as required under Chapter 130.

Both the Missouri Constitution and Missouri campaign finance disclosure law contain prohibitions on making contributions to a committee with intent to conceal the identity of the actual source of the contribution. These provisions can be found in Mo. Const. Art. VIII §23.3(14), §23.5, §130.031.3 and §130.081, RSMo. The answer to the third question would depend on specific facts in a given circumstance and cannot be answered in the abstract.

Sincerely,


James Klahr
Executive Director

² The definition of "contribution" in §130.011(12), RSMo is also consistent with the constitution's definition in Art. VIII, Sec. 23.7(7).

**IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI
AT JEFFERSON CITY, MISSOURI**

**The Missouri House of Representatives
Special Investigative Committee on
Oversight,**

Petitioners,

v.

Case No.:

A New Missouri, Inc,

and

Greitens for Missouri,

Respondents.

PETITION TO ENFORCE SUBPOENAS DUCES TECUM

Petitioner, The Missouri House of Representatives Special Investigative Committee on Oversight (“The Committee”), by and through undersigned counsel, petitions this Honorable Court to enforce the subpoenas duces tecum issued by the Speaker of the House of Representatives to Respondents and to compel Respondents to produce the documents requested or show cause why the subpoena should not be enforced. In support of its Petition, The Committee states as follows:

I. Missouri Law Vests The Committee with Authority to Issue Subpoenas in Support of Its Duly Authorized Investigation.

1. The Committee is a duly constituted committee of the Missouri House of Representatives. [House Resolution No. 5565, Lines 1-2] (Attached hereto as *Exhibit A* and incorporated by reference).

2. As such, The Committee operates with independent Constitutional authority to conduct the affairs of the co-equal legislative branch of Missouri government.

3. The Committee's charge is to investigate allegations against Gov. Eric R. Greitens. [House Resolution No. 5565, Lines 4 - 7]

4. The Missouri House of Representatives adopted rules of procedure to govern that investigation and hearings of The Committee. [House Resolution No. 5565, Lines 50 – 53]

5. Those rules provide that “[t]he [C]ommittee may compel the attendance of witnesses and the production of any paper or document...” [House Resolution No. 5565, Lines 99 – 100]. Those rules further provide that “[s]ubpoenas for the appearance of witnesses and subpoenas duces tecum for the production of any paper or document shall be issued by the Speaker of the House of Representatives, upon request of [T]he [C]ommittee, in the manner prescribed by law. A subpoena or subpoena duces tecum may be enforced by statutory or common law, or by applying to a judge of the circuit court of Cole County for an order to show cause why the subpoena or subpoena duces tecum should not be enforced.” [House Resolution No. 5565, Lines 108 – 113]

6. The Chair of The Committee, as a member of the House of Representatives, “has an absolute right to have a subpoena issue to obtain evidence concerning an offense over which the house of representatives has jurisdiction.” *In re Marshall*, 478 S.W.2d 1, 3 (Mo. 1972). *See also* § 21.400, RSMo (granting the Speaker of the House the authority to authorize subpoenas).

7. The impeachment of an executive officer of Missouri, including a governor, is an offense over which the House of Representatives has jurisdiction. MO. CONST. ART. VII, §1.

II. Respondents Greitens For Missouri, A New Missouri, Inc and the Connection Between Them.

8. Greitens For Missouri is a candidate committee organized under Chapter 130 of the Revised Missouri Statutes. Greitens For Missouri filed its Statement of Committee Organization with the Missouri Ethics Commission on February 24, 2015. A copy of said Statement of Committee Organization signed by Eric R. Greitens is attached hereto as *Exhibit B*, and incorporated by reference.

9. A New Missouri, Inc. is a nonprofit corporation organized under the laws of the State of Missouri.¹ A New Missouri Inc. claims to be a tax-exempt organization under Internal Revenue Code section § 501(c) (4).

10. According to public reports and records, Greitens For Missouri and A New Missouri, Inc. operate out of the same office and the same “money people” that operate Greitens for Missouri also operate A New Missouri, Inc. Specifically,

(1) Jeff Stuerman has acted as the Treasurer of Greitens For Missouri *and* as the registered agent for A New Missouri, Inc.;

¹ Pursuant to § 355.025, R.S.Mo., a nonprofit corporation may be organized for “political” purposes.

(2) Meredith Gibbons has acted as a fundraiser for both Greitens For Missouri *and* A New Missouri, Inc.;

(3) Michael Adams has acted as the attorney for Greitens For Missouri before the Missouri Ethics Commission *and* as the incorporator of A New Missouri, Inc.;

(4) Austin Chambers, a senior advisor to Greitens For Missouri, has stated publicly that he would be working not only for Greitens for Missouri but also A New Missouri, Inc. and the governor's official office itself.²

11. Austin Chambers has further confirmed that the role of A New Missouri, Inc. is “to advocate for and promote the governor’s agenda” and to “make sure Missourians know what the governor is doing and what he is trying to get passed.”

12. Emails uncovered by the committee demonstrate that within weeks of becoming governor, Eric R. Greitens, Meredith Gibbons and Austin Chambers participated in meetings with his “staff” and “team” designed to solicit donations for a 501 (c) (4) organization believed to be a New Missouri, Inc. from a large donor.

III. The Committee’s Investigation into Violations of Missouri’s Campaign Finance Laws and the Subpoenas at Issue.

13. Greitens For Missouri, which was and is at all times under the control of Greitens, recently admitted to:

² It should be noted Greitens For Missouri, A New Missouri and Austin Chambers are represented by the same counsel on matters related to the current subpoenas issued by The Committee.

- (1) acquiring a list of persons who made donations to a § 501 (c) (3) charitable organization;
- (2) using the list to contact potential donors for political purposes--specifically Greiten's gubernatorial campaign; and,
- (3) not disclosing its acceptance or use of the list on the required disclosure report for the period when it was used (or at any time prior to his election as Governor).

See Joint Stipulation of Facts, Waiver of Hearing Before The Missouri Ethics Commission, And Consent Order With Joint Proposed Findings of Fact and Conclusions of Law attached hereto as *Exhibit C*, and incorporated by reference.

14. The Committee has heard testimony from witnesses who acted as paid campaign personnel responsible for fundraising for Greitens For Missouri. That testimony described directives from Eric Greitens in the months between January and March 2015 "...to have conversations with donors who intended to raise significant amounts of money and conceal the donors, conceal the identity of donors." Hafner Testimony, pg. 40, attached hereto as *Exhibit D*, and incorporated by reference.

Furthermore, according the same witness, the Greitens For Missouri campaign conceived and carried out a strategy to conceal donors. Hafner Testimony, pg. 45, attached hereto as *Exhibit D*.

14. The Committee has uncovered documentary evidence in the form of a confidential memorandum dated July 9, 2016 from Will Scharf, a former campaign staffer for Catherine Hanaway's gubernatorial campaign and now a senior advisor to

Greitens, sent to Michael Hafner indicating that Greitens engaged in a scheme to conceal donors by channeling contributions through shell LLCs in violation of § 130.031.3

R.S.Mo. See July 9, 2016 Scharf Memorandum attached hereto as *Exhibit E* and incorporated by reference. This memorandum details \$30,000 of contributions allegedly concealed in December 2015.

15. The Committee's investigation, thus, includes determining whether Eric R. Greitens has been involved in utilizing other organizations such as Greitens For Missouri and A New Missouri, Inc. to circumvent Missouri's campaign finance disclosure laws.

16. Accordingly, on May 3, 2018, The Committee issued a subpoena to Greitens For Missouri, a copy of which is attached as *Exhibit F* hereto and incorporated by reference.

17. Likewise, on May 3, 2018, the Committee issued a subpoena to A New Missouri, Inc., a copy of which is attached as *Exhibit G* hereto and incorporated by reference.

18. On May 9, 2018, Greitens For Missouri and a New Missouri, Inc., represented by the same counsel, responded the subpoenas. See *Exhibit I*, May 9, 2018 letter from Catherine Hanaway and *Exhibit H*, Greitens For Missouri Response to Subpoena for Production of Documents, attached hereto and incorporated by reference.

19. Greitens For Missouri refused to comply with The Committee's subpoena and produce documents in response to requests nos. 2 and 6, which state:

2. All documents and communications to, from, about, or relating to A New Missouri, Inc. or any employee, agent, contractor, or associate of A New Missouri, Inc.;

6. All documents describing policies or guidance concerning coordination or communication between Greitens For Missouri and A New Missouri, Inc. and employees or agents of A New Missouri, Inc.

20. A New Missouri, Inc. refused to produce anything in response to The Committee's subpoena, even after The Committee agreed to provide a list of search terms to streamline the production and further agreed that it would not, at least at the present time, seek the identity of donors that have made contributions to A New Missouri, Inc.

21. The stated basis for the respondents' refusal to comply with the subpoenas is that they "seek irrelevant information." *See Exhibit I.*

IV. The Court Should Enforce the Subpoenas.

22. The Missouri Constitution and Chapter 130 R.S.Mo. set forth Missouri's Campaign finance disclosure laws. Those laws prohibit contributions to a "committee" with the intent to conceal the identity of the actual source of the contribution. MO. CONST. Art. VIII, § 23; §§ 130.031, 130.081 RSMo.; *See also* Missouri Ethics Commission, Advisory Opinion No. 2018.05.CF.004, attached hereto as *Exhibit J* and incorporated by reference. Those laws further prohibit the knowing and willful acceptance of such a contribution, making such conduct a class A misdemeanor.

23. Committees governed by Chapter 130, R.S.Mo. and MO. CONST. Article VIII, § 23 are subject to the reporting requirements and donation limitations set forth therein. They must file a statement of committee organization pursuant to RSMO 130.021.5 and further must file required reports to the Missouri Ethics Commission.

24. Section 130.011 and MO. CONST. Art. VIII, § 23.7 define committee as

a person or any combination of persons, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for the purpose of contributing funds to another committee.

25. Non-profit corporations, such as A New Missouri, Inc., are “persons” for the purposes of Article VIII, § 23 and Chapter 130. MO. CONST. Article VIII, § 23.7, ¶ 19; Missouri Ethics Commission, Advisory Opinion No. 2018.05.CF.004.

26. Because A New Missouri, Inc. meets the definition of a “person,” it qualifies as a committee if the aggregate expenditures made or aggregate contributions received during a calendar year exceeds \$500 dollars or if a single contributor has made a donation exceeding \$250 for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage, or defeat of any ballot measure. MO. CONST. Article VIII, Section 23.7 (4); Missouri Ethics Commission, Advisory Opinion No. 2018.05.CF.004.

27. Throughout 2017 and 2018, A New Missouri, Inc. spent monies on advertisements in support of Eric Greitens and has allegedly spent money on his travel.

28. Additionally, A New Missouri, Inc. has made at least 5 contributions totaling \$2,000,000 to committees that are required to file reports with the Missouri Ethics Commission. Those committees have been organized with the purpose of supporting and

opposing various initiative petitions dealing with the policy matter known colloquially as “Right-to-Work.”

29. These contributions have only come to light because the recipient committees have complied with state law requiring disclosure of contributions to the Missouri Ethics Commission. The reports to the Missouri Ethics Commission list A New Missouri, Inc. as the contributor.

30. For instance, “Missourians for Worker Freedom” is a campaign committee organized for the purpose of supporting and opposing various initiative petitions and is correspondingly a “committee” required to file reports with the Missouri Ethics Commission within forty-eight hours of receiving a contribution from a single contributor exceeding \$5,000. On August 7th, 2017 a New Missouri, Inc. made a \$100,000 contribution to Missourians for Worker Freedom, reported by Missourians for Worker Freedom on August 8th, 2017. Then on July 17th, 2017 A New Missouri, Inc., made another \$250,000 contribution to Missourians for Worker Freedom, reported by Missourians for Worker Freedom on July 17th, 2017.

31. “Freedom to Work” is a campaign committee organized for the purpose of supporting and opposing various initiative petitions and is correspondingly a “committee” required to file reports with the Missouri Ethics Commission within forty-eight hours of receiving a contribution from a single contributor exceeding \$5,000. On May 8th, 2018 A New Missouri, Inc. made a \$500,000 contribution to Freedom to Work, reported by Freedom to Work on May 9th. On January 3rd, 2018 A New Missouri, Inc. made a \$750,000 contribution to Freedom to Work, reported by Freedom to Work on January 5th.

Then on January 31st, 2018 A New Missouri, Inc. made a \$400,000 contribution to Freedom to Work reported by Freedom to Work on February 1st.

32. There is, thus, substantial evidence that A New Missouri, Inc. engages in activities designed for the primary or incidental purpose of influencing or attempting to influence the action of voters or a campaign for a ballot measure. Indeed, the organization exists to support Eric Greitens and the “Right-to-Work” ballot initiatives. Moreover, Austin Chambers has confirmed “coordination between the nonprofit, the governor’s campaign, and the governor’s official state office.”

33. Despite these activities, A New Missouri, Inc. conceals the identity of its donors and does not make reports and disclosures to the Missouri Ethics Commission.

33. A New Missouri, Inc. was formed for the express purpose of promoting the governor’s political agenda, is run by persons subject to the governor’s control, and is represented here by the same counsel who also represents the governor’s candidate committee, Greitens for Missouri. Unquestionably, there exists a reasonable basis for The Committee to investigate the relationship between Eric R. Greitens, Greitens For Missouri and A New Missouri, Inc. as part of its investigation of Eric R. Greitens.

34. The Committee’s Subpoenas to Greitens For Missouri and A New Missouri, Inc. are authorized and directed precisely at the issues The Committee has been charged with investigating. Respondents may neither substitute their judgment for that of the House of Representatives as to what is relevant to a House investigation undertaken pursuant to Constitutional mandate nor ignore the Committee’s duly authorized

subpoenas in their efforts to continue to keep the governor's and A New Missouri, Inc.'s activities cloaked in the shadows.

Wherefore, Petitioners pray the Court for its Order enforcing the subpoenas duces tecum issued by the Speaker of the House of Representatives to Respondents and compelling Respondents to produce the documents requested.

Respectfully Submitted,

BARTIMUS FRICKLETON ROBERTSON RADER

BY /s/ Edward D. Robertson, Jr.
Edward D. Robertson, Jr. # 27183
Edward D. Robertson III # 58801
Bartimus Frickleton Robertson Rader P.C.
11150 Overbrook Rd., Suite 200
Leawood, KS 66211
913 266 2300(phone)
913 266 2353(fax)
crobertson@bflawfirm.com
krobertson@bflawfirm.com

KEMPTON AND RUSSELL

BY /s/ Mark T. Kempton
Mark T. Kempton, #25653
T. Brody Kempton, #63929
KEMPTON AND RUSSELL, LLC
114 E. 5th Street
Sedalia, MO 65301
Phone: (660) 827-0314
Fax: (660) 827-1200
mark@kemptonrussell.com
brody@kemptonrussell.com

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on May 17, 2018, a true and accurate copy of the foregoing was filed with the Clerk of the Court, and served via Email to:

Catherine Hanaway
Husch Blackwell
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
catherine.hanaway@huschblackwell.com

A handwritten signature in black ink, appearing to read "Catherine Hanaway", is written over a horizontal line.



IN THE 19TH JUDICIAL CIRCUIT COURT, COLE COUNTY, MISSOURI

Table with 2 columns: Case information (Judge, Plaintiff, Defendant, Nature of Suit) and Case Number/Address (18AC-CC00187, Plaintiff's Attorney, Court Address).

(Date File Stamp)

Summons in Civil Case

Summons body containing: The State of Missouri to: A NEW MISSOURI, INC. Alias: 190 CARONDELET PLAZA, SUITE 60 ST. LOUIS, MO 63105. Court Seal of Cole County. Summons text: You are summoned to appear before this court... Date: 5/17/18. Signature of Clerk.

Sheriff's or Server's Return

Sheriff's or Server's Return section containing: Note to serving officer, certification checkboxes, service location details, and signature lines for Sheriff/Server and Notary Public.

Sheriff's Fees table with columns for Fee Type (Summons, Non Est, Deputy Salary, Surcharges, Mileage, Total) and Amount.



IN THE 19TH JUDICIAL CIRCUIT COURT, COLE COUNTY, MISSOURI

Judge or Division: JON EDWARD BEETEM
Case Number: 18AC-CC00187
Plaintiff/Petitioner: THE MO HOUSE OF REPRESENTATIVES
Defendant/Respondent: A NEW MISSOURI, INC.
Nature of Suit: CC Other Miscellaneous Actions

Summons in Civil Case

The State of Missouri to: GREITENS FOR MISSOURI
Alias: 190 CARONDELET PLAZA, SUITE 60
ST. LOUIS, MO 63105
COURT SEAL OF COLE COUNTY
You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service.
5/17/18
Date
Further Information:
Signature of Plaintiff/Petitioner

Sheriff's or Server's Return
Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.
I certify that I have served the above summons by: (check one)
[] delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
[] leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
[] (for service on a corporation) delivering a copy of the summons and a copy of the petition to
Printed Name of Sheriff or Server
Signature of Sheriff or Server
Must be sworn before a notary public if not served by an authorized officer:
Subscribed and sworn to before me on (date).
My commission expires: Date Notary Public

Sheriff's Fees
Summons \$
Non Est \$
Sheriff's Deputy Salary
Supplemental Surcharge \$ 10.00
Mileage \$ (miles @ \$. per mile)
Total \$
A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.