

Missouri Ethics Commission
PO Box 1370
Jefferson City, MO 65102

July 20, 2012

Dear Missouri Ethics Commission:

There is conclusive evidence that State Senator Brad Lager, current candidate for Lieutenant Governor, and his campaign committee, Citizens for Brad Lager, are purposefully violating Missouri's Campaign Finance Law, specifically Chapter 130 RSMo.

As set forth in full detail below, Brad Lager and his campaign committee are purchasing, authorizing and broadcasting websites in intentional violation of Missouri law. Lager and his campaign knowingly put a false disclaimer on a smear website about their opponent in order to mislead voters into believing that Lager was not connected to the site. They further sought to evade the law by creating almost identical websites without disclaimers. Lager and his campaign are disseminating the websites through Twitter accounts and mass emails to the media, elected officials and voters. Furthermore, Brad Lager and his campaign staff have repeatedly lied to Missouri voters, press and elected officials about their involvement with the websites.

Facts

Missouri Lt. Governor Peter Kinder is a Republican running for reelection. State Senator Brad Lager is a current Republican candidate for Lt. Governor and is in a primary against Lt. Governor Kinder.

On June 1, 2012, a mass email was sent to reporters, elected officials and voters in Missouri notifying them of www.kinderreport.com ("Kinder Report"), a website about Lt. Governor Kinder. The Kinder Report is styled after the famous Drudge Report website and contains at least 18 articles, videos, tag lines, quotes, and photos about Lt. Governor Peter Kinder (Attachment 1). Each item posted on the website is negative and inflammatory in nature and listed in a way that gives a false and misleading impression of Lt. Governor Kinder and portrays him in a deceptive manner. The Kinder Report contains information solely related to Lt. Governor Kinder and was made live on the first day of the Missouri Republican State Convention, June 1, 2012. The Kinder Report states conspicuously on its site,

"Not authorized by any candidate or candidate committee."

Also on June 1, The @KinderReport Twitter account was created and followed at least 147 Twitter accounts, belonging mostly to Missouri Republican voters, elected officials and members of the Missouri press (Attachment 2). The Twitter account @KinderReport, states in its description, ***"Not authorized by any candidate or candidate committee. Join us at www.kinderreport.com."***

A reporter at the St. Louis Post Dispatch questioned Jefferson Thomas, Director of Operations for Lager's campaign (Attachment 3), about the website on June 1st. Thomas repeatedly and unequivocally denied any connection to, or knowledge of, the Kinder Report. (Attachment 4)

According to the original June 1st article:

Thomas "denied any link to the Kinder smear site...and speculated that someone might be targeting his credibility by falsely registering the site under his name." Thomas stated, "I am being 100 percent honest with you. I don't know where the website came from. I hope you find out and let me know." (Attachments 5).

A campaign consultant for Friends of Peter Kinder emailed Brad Lager and advisors to the Lager campaign on June 1st and requested that Lager remove the website (Attachment 6). Lager replied via email and emphatically denied any knowledge of the website or its connection to his campaign. Lager stated,

"Thanks for sending and the heads up. I had not seen this. I have been very clear with my team that we are NOT engaging in nonsense like this and I have a zero tolerance policy. If I find out that anyone associated with me is connected with this, they will be terminated immediately. They assure me that we are NOT responsible or associated with this. Peter's bad decisions in his personal life are not what my campaign is about." (Attachment 7).

On Wednesday, June 6, 2012, Lager and Thomas were informed that they were believed to be behind the website, and that an ethics complaint would be filed because the false disclaimer violated campaign finance laws. Lager and his staff continued to deny any responsibility for the website. Later that evening, Lager or someone under the direction of Lager's campaign removed the Kinder Report (Attachment 8).

However, the @KinderReport Twitter account remains active and still contains the false disclaimer: **"Not authorized by any candidate or candidate committee. Join us at www.kinderreport.com"** (Attachment 9).

A week later on June 13, a second website, KindersReport.com (2nd website) was put online and again emailed to the Missouri media, political officials and voters (Attachment 10). Additionally, a Twitter account, @KindersReport was created and began following the same accounts as @KinderReport (Attachment 11). The 2nd website is almost identical to Kinder Report but has no disclaimer regarding whether or not it is authorized by a candidate or committee.

On June 15th, a complaint was filed with Wix, the KindersReport website host, regarding the site's false, defamatory and libelous material about Lt. Governor Kinder. In response, Wix removed both KinderReport and KindersReport from its servers. (Attachment 12). Because Wix refused to host the websites on its servers, Lager's campaign put KindersReport.com on another website host, www.w3.org.

On June 26, 2012, Lager's campaign made the website public for the third time and again sent it in a mass email to the Media, elected officials and voters. Included in the distribution list was the official email account of Lt. Governor Kinder's General Counsel and Peter Kinder's personal email account (Attachment 13).

On June 27, 2012, legal counsel for Wix disclosed the registrant information for kinderreport.com and kindersreport.com. **Wix stated that Lager's campaign aide Jefferson Thomas is the sole registrant for both websites (Attachment 14).**

Wix further disclosed screen shots of Thomas' credit card information, home address and email account used in purchasing both kinderreport.com and kindersreport.com (Attachment 15). The contact email that Thomas registered the websites with is kindersreport@gmail.com, which is the same email account Lager's campaign used to notify Missouri voters, elected officials and press about the website.

Violations of Law by Brad Lager and
his campaign committee, Citizens for Lager

Missouri statutes, section 130.031.8 RSMo, state that "any person publishing, circulating, or distributing printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify...the person who paid for the printed matter". Printed matter includes any pamphlet, circular, handbill, sample ballot, advertisements and signs. In regards to online material, the Commission recommends that Ch. 130 campaign material identification requirements be placed on any website pages or information relative to a candidate on a website. (Attachment 16).

Brad Lager and Citizens for Brad Lager have deliberately attempted to circumvent and contravene Missouri's campaign finance law by putting false disclaimers on websites and other online materials they are using for campaign purposes. When informed the websites violated Missouri law, the Lager campaign simply removed the false disclaimers (leaving the website silent as to who is responsible for it) and continued to keep the websites live and promulgate them through mass emails and Twitter. Further, Brad Lager and his campaign have repeatedly lied about their connection to the websites.

The Kinder Report is a clear violation of Missouri's campaign finance law because it is not silent as to who paid for it, but instead states unequivocally that it is: **not authorized by any candidate or candidate committee**. Because of the false disclaimer on Kinder Report, the active associated Twitter account and no disclaimer on Kinders Report, the public is led to believe that the websites are not related to Brad Lager's campaign nor associated with any other campaign or candidate. This is false and misleading to the public and violates Missouri's Ethics Rules and statutes regarding campaign material identification. The Lager campaign is intentionally violating the law and the recommendation of the Ethics Commission in order to deceive and mislead voters.

As the facts unequivocally demonstrate, Brad Lager used his paid campaign staff to purchase and promulgate kinderreport.com and kindersreport.com. Both websites are solely about Lager's primary opponent, Lt. Governor Kinder. Lager's entire purpose for the websites is to attempt to gain primary votes through posting misleading and defamatory items about Lt. Governor Kinder.

There is no doubt that Jefferson Thomas has been purchasing and broadcasting the websites in his capacity as Director of Operations for Lager's campaign and in furtherance of this role. Thomas has been a paid staff member of Lager's campaign since January 2012 . (Attachments 3 and 17). The Citizens for Brad Lager April 2012 Quarterly Report lists Thomas on its payroll at \$3,000 a month (Attachment 18). Lager's July 2012 Quarterly Report lists payments and reimbursements to Thomas. (Attachment 19). Thomas also has an active email account for his role with the Lager campaign (Attachment 20). Further, Thomas sends multiple tweets daily promoting Brad Lager's campaign and deriding Lt. Governor's campaign, and has done so for the past several months.

Thomas apparently has become wary of an ethics complaint on this issue. Therefore, within the last few weeks, Thomas has begun telling people that he stopped working for Brad Lager's campaign on May 31st. This simply is not the case and is another example of Brad Lager and his campaign's willingness to lie in order to protect or promote Lager's campaign.

Jefferson Thomas was at the Republican State Convention on June 1st and 2nd as Lager's staff member and Director of Operations. When questioned by the Post Dispatch on June 1st about Kinder Report, Thomas confirmed that he was working for Lager and denied that he had anything to do with the website. In fact, Thomas told the Post Dispatch he worked for Brad Lager and was quoted in the paper as Brad Lager's Director of Operations and aide. Thomas' Facebook and LinkedIn accounts currently state that he is staff and Director of Operations for Brad Lager's Campaign for Lt. Governor (Attachments 3 and 17).

Thomas uses his personal Twitter account daily to promote Brad Lager and any news for the campaign (Attachment 21). As well, Thomas tweets almost daily against Lt. Governor Kinder, referencing many of the same subjects on the KindersReport website and Twitter account (Attachment 22). It is wholly illogical to think that Jefferson has not been acting on behalf of, and in furtherance of his position with, Lager's campaign by purchasing and promulgating the Kinder Report websites. The only reason Thomas would claim he no longer works for Lager's campaign is to try and protect Brad Lager from the consequences of violating campaign finance laws and from repercussions of the lies Lager and Thomas told the press and general public.

In the event that Thomas has since left the Lager campaign, that does not negate the fact that Thomas put up the websites and operated them in his role as Brad Lager's Director of Operations and in furtherance of Brad Lager's campaign for Lt. Governor.

Brad Lager intentionally lied and deceived the public about his involvement in the Kinder Report websites and the involvement of his staff. Lager violated campaign

law by permitting his paid staff, and anyone else working in conjunction with his campaign, to put false disclaimers on the Kinder Report. Lager then attempted to evade the Missouri Ethics Commission by simply removing the illegal disclaimer. Lager's whole intent was to deceive the public into believing that he and his staff were not behind the websites. This is evidenced by Lager and his staff's statements in the Post Dispatch article and repeated efforts to promote the website without a disclaimer.

Brad Lager and his campaign committee purposefully violated Missouri campaign finance law with the false disclaimer of **"not authorized by any candidate or candidate committee"** and by lying to the Missouri press and general public about their involvement with the websites. More so, Lager was dishonest and deceitful in not following the Ethics Commission's recommendation to put the words "Paid for by Citizens for Lager" at the bottom of the websites.

We urge the Commission to investigate this matter to ensure that Brad Lager and his campaign committee cease from violating Missouri campaign finance law and correct any of their online materials that are in violation of the law. We further ask that the Commission takes any and all actions necessary to prevent Brad Lager and his campaign from circumventing Missouri's Campaign Finance Law and further lying to the public and misleading the voters of Missouri.

Thank you for your attention to this matter.

Sincerely,

Logan Thompson