

BEFORE THE MISSOURI ETHICS COMMISSION

COMPLAINT AGAINST GREITENS FOR MISSOURI, AND A NEW MISSOURI, INC. FOR VIOLATIONS OF MISSOURI CAMPAIGN FINANCE LAW

I. Facts Relating to Greitens for Missouri

1. Eric Greitens began taking actions in 2014 to run for governor of Missouri.
2. On January 29, 2014, Greitens met with political advisers, including Michael Hafner, about a future campaign.
3. Danny Laub, who was eventually hired as the first campaign manager by Eric Greitens, began advising Greitens on political activity in early 2014. In a sworn deposition with the Attorney General's Office (AGO), Laub testified that he prepared a memo for Greitens in February 2014 regarding gubernatorial campaign strategy.¹
4. On February 27, 2014, a friend and future large donor to Greitens named Monu Joseph, emailed Greitens and Greitens' assistant with an itinerary for a trip to Orange County, California scheduled for March 12, 2014. Greitens' assistant told the AGO the purpose of the trip and "nature of those meetings was to start thinking about getting support and money from these people for when he would run for office."²
5. On March 5, 2014, Greitens emailed his assistant and another employee at The Greitens Group³ with a list of "categories for consideration" for a run for political office. The documents discussed fundraising, campaign organization, potential endorsements, and strategy.⁴
6. Michael Hafner began advising Greitens on political activity in early 2014, including

¹ Tr. AGO Laub at 37:24 to 42:22; AGO Laub Ex. 2.

² Tr. AGO Proctor at 45:2-7; AGO Proctor, Ex. 7.

³ Eric Greitens formed The Greitens Group LLC in order to have an entity to coordinate his for-profit motivational speech making enterprise and his book sales.

⁴ Tr. AGO Proctor Exs. 8, 9.

setting up meetings with potential supporters and donors as early as March 18, 2014.⁵

7. On May 24, 2014, Greitens met with Laub for ten hours to discuss a “race for governor.”⁶

8. On May 26, 2014, a political advisor and fundraiser with national connections suggested the Greitens open a campaign committee that spring. However, Laub responded that to do so would be “silly.” Laub explained to the AGO, “Eric’s key to victory was timing and this would have disrupted that.” Further, Laub stated, “The later the better,” on when was the right time for Greitens to formally enter the race with a committee.⁷

9. From June to December 2014, Greitens continued engaging in activities in preparation for a run for governor of Missouri.

10. On December 1, 2014, Greitens officially hired Danny Laub as a political consultant, paying him through The Greitens Group.⁸ Laub testified that, at this time, there was “definitely a future gubernatorial campaign” and Laub was a political advisor working on “everything from ... surveying the landscape, figuring out who Eric should meet with, figuring out how to achieve at this point ... how to achieve success.”⁹

11. On December 1, 2014, Greitens’ assistant emailed Laub a document from Greitens titled “Candidate’s Intent.” It provided detailed campaign plans, including fundraising plans to achieve \$8 million in commitments and messaging.¹⁰

12. In December 2014, Greitens knowingly and purposefully failed to form a campaign

⁵ Tr. Hafner at 6:15 to 7:2; House SICO Ex. 30.

⁶ Tr. AGO Laub at 90:23 to 95:24; AGO Laub Ex. 12.

⁷ Tr. AGO Laub 118:22-4; 119:3-5; AGO Laub, Ex. 13.

⁸ Tr. AGO Laub at 181:7-10. Eric Greitens LLC is d/b/a The Greitens Group.

⁹ Tr. AGO Laub at 25:13 to 26:20.

¹⁰ AGO Laub, Ex. 26.

committee despite having been advised by Hafner that the MEC required it.¹¹ Greitens spent money in furtherance of a campaign, including paying campaign staffers and traveling at least once to California to meet with potential donors

Candidate Committee vs. Continuing Committee
9 messages

Michael Hafner [REDACTED] Fri, Dec 12, 2014 at 3:58 PM
To: Eric Greitens [REDACTED]

You may have received this answer from Barklage earlier this week. But I spoke to Ethics today regarding formation of a committee for potential future candidates.

The way I see it the two options you have are forming either a Candidate Committee or an Exploratory Committee. Forming a continuing committee (PAC) would make it difficult for you to personally raise funds for it while you are meeting with donors/activists/promoting yourself and candidacy/etc., plus would raise Ethics questions among your potential opponents (knowing Schweich and Hanaway).

I would think forming an exploratory committee would be best given your situation. We might be able to get away with saying Statewide Office 2016 when forming the committee, but I would suggest putting Governor.

I can discuss with you further, if needed.

Thanks,
Mike

13. On January 1, 2015, Michael Hafner began working for pay. Hafner’s work was political, And like Laub, he was not paid initially by the campaign because the campaign committee had not been formed.¹²

14. Greitens for Missouri never reported Laub’s or Hafner’s pay as in-kind contributions from Eric Greitens LLC d/b/a The Greitens Group to the campaign.

15. Greitens for Missouri was officially established with the MEC as a campaign committee on February 24, 2015 to support the candidacy of Eric Greitens for a “statewide office.”¹³ On April 1, 2015, the Committee amended its filing to state that Greitens was a candidate for governor.¹⁴

16. The following individuals were employees or volunteers for Greitens for Missouri:

¹¹ App’x 1.

¹² Tr. Hafner at 7:3-15; 89:21 to 90:2.

¹³ App’x 6.

¹⁴ App’x 7.

- a. Jeff Stuerman, has served as treasurer since the formation of Greitens for Missouri;
- b. Austin Chambers served as campaign manager from 2015 to 2018;
- c. Meredith Gibbons served as finance director from 2015 to 2018;
- d. Michael Adams served as attorney beginning at least in 2016 and continuing through at least 2017; and
- e. Nick Ayers served as a consultant from 2015 to unknown;

17. Evidence obtained by the Missouri House Special Investigative Committee on Oversight (SICO) strongly suggests that Greitens for Missouri engaged in activity purposefully designed to conceal donor identities.

18. Michael Hafner testified before the House SICO that Monu Joseph wanted to discuss “how the campaign was going to bundle contributions and conceal the identity of donors.”¹⁵

19. On November 17, 2015, Greitens for Missouri’s campaign manager Austin Chambers directed Meredith Gibbons, the finance director, to encourage a potentially politically problematic donor to give through a “C4” instead of directly to the campaign.¹⁶

From: **Austin Chambers** <austin@ericgreitens.com>
Date: Tue, Nov 17, 2015 at 11:52 AM
Subject: Re: [REDACTED]
To: Krystal Taylor <ktaylor@greitensgroup.com>
Cc: Meredith Gibbons <meredith@greitensformissouri.com>

If they want to give, C4 would probably be better so that they don't appear on our reports.

On Tue, Nov 17, 2015 at 11:45 AM, Krystal Taylor <ktaylor@greitensgroup.com> wrote:
[REDACTED] were donors to The Mission Continues (I believe or maybe they were just prospects). [REDACTED] Eric's good friend is meeting with them on Sunday. I know they are Democrats, but they're Jewish. Not sure if they give at all to republican candidates.

20. On December 4, 2015, Gibbons exchanged emails with Nick Ayers, Greitens’ political

¹⁵ Tr. Hafner 41:2-11.

¹⁶ See App’x 8.

consultant, about a potential “restricted donor.”¹⁷ Gibbons did not discuss details in the email.

From: Nick Ayers [REDACTED]
Sent: 12/4/2015 2:30:30 PM
To: Meredith Gibbons [meredith@ericgreitens.com]
Subject: Re: Catch up today

I've emailed all the Atlanta people

August is not giving more now -- Eric heard the same thing I did

Will buzz you soon re: restricted donor

On Dec 4, 2015, at 3:08 PM, Meredith Gibbons <meredith@ericgreitens.com> wrote:

No problem. There were no action items for you that came out of DC. Weiser is going to be making all the calls.

I called earlier this week because there is a restricted donor that we'd like for you to reach out to when you have time. I can explain more over the phone.

21. On June 27, 2016, an early supporter and fundraiser of Greitens' emailed Meredith Gibbons at her campaign email address with instructions for another potential restricted donor.¹⁸ In this case, the restricted donor is noted because his company “manages money for the state of Missouri.” Nevertheless, Gibbons is advised, “Eric can mention the 501(c)(4) if applicable[.]”¹⁹

I also owe you a response about [REDACTED].. Eric absolutely can call him [REDACTED] as he's a great guy [REDACTED] but due to compliance reasons, I'm pretty sure he's not allowed to give [REDACTED] (manages money for the state of Missouri). I don't know [REDACTED] wife as well, but she doesn't have the "St. Louis" connection, and her politics aren't particularly aligned with Eric's. Eric can mention the 501(c)(4) if applicable, but no idea how [REDACTED] will react to that.

Also in the "world of [REDACTED], it might be worth a call to [REDACTED] [REDACTED] Not nearly the "capacity" that [REDACTED] also is a good friend, has met (and greatly respects) Eric, and is the one who informed me about the compliance issue. I may see him (and/or [REDACTED] and will inquire / reinforce.

22. Greitens for Missouri, in fact, received large contributions from anonymous donors

¹⁷ See App'x 11.

¹⁸ The sender of this email is mentioned by Greitens' assistant in a follow-up to Greitens' meetings with Monu Joseph in March 2014.

¹⁹ See App'x 14.

through SEALS for Truth, a federal PAC, and American Policy Coalition, Inc.

23. On July 18, 2016, Greitens for Missouri reported a contribution of \$1.975 million from SEALS for Truth at P.O. Box 29525 in Washington D.C..

24. Reports with the Federal Elections Commission show SEALS for Truth received a single contribution of \$2 million on July 18, 2016 from American Policy Coalition, Inc., a 501(c)(4), also located in Washington D.C., but for which no other record of activity is known other than the donations to SEALS for Truth, and which has not disclosed its donors.

25. Greitens for Missouri also received in-kind contributions from anonymous donors through LG PAC, another federal PAC. 26. From June 1 to July 29, 2016, FEC records show that Freedom Frontier, a 501(c)(4) located in Texas, donated \$4.37 million in the following amounts to an entity called LG PAC:

FREEDOM FRONTIER	LG PAC		TX	07/29/2016	\$450,000.00	
FREEDOM FRONTIER	LG PAC		TX	07/28/2016	\$155,000.00	
FREEDOM FRONTIER	LG PAC		TX	07/20/2016	\$210,000.00	
FREEDOM FRONTIER	LG PAC		TX	07/13/2016	\$1,005,000.00	
FREEDOM FRONTIER	LG PAC		TX	07/07/2016	\$250,000.00	
FREEDOM FRONTIER	LG PAC	PRIMARY	TX	06/29/2016	\$500,000.00	
FREEDOM FRONTIER	LG PAC	PRIMARY	TX	06/22/2016	\$300,000.00	
FREEDOM FRONTIER	LG PAC	PRIMARY	TX	06/01/2016	\$1,500,000.00	

26. The donation of \$500k from Freedom Frontier to LG PAC on June 29, 2016 occurred just two days after the email suggesting Gibbons and Greitens “mention the 501(c)(4)” to a potential restricted donor who worked for a company that “manages money for the state of Missouri.”

27. In 2016, LG PAC spent over \$4 million on political ads attacking Greitens rivals for the Republican nomination for Governor.

28. Greitens for Missouri denied any connection with LG PAC in 2016.

29. On September 18, 2017, Nick Ayers, Greitens' former campaign consultant, stated in federal personal financial disclosure forms that he was paid by Freedom Frontier.²⁰

30. On September 15, 2016, Gibbons exchanged emails with Mary Kate Johnson, a national fundraiser, that, like the earlier email exchange with Nick Ayers set forth above, suggests a plan to solicit donations from another restricted donor:

Message

From: Mary Kate Johnson [REDACTED]
Sent: 9/15/2016 9:08:34 AM
To: Meredith Gibbons [meredith@ericgreitens.com]
Subject: [REDACTED]

Hmmmmmm

I think I should call her.

From: Meredith Gibbons <meredith@ericgreitens.com>
Date: Thursday, September 15, 2016 at 10:07 AM
To: Mary Kate Johnson <marykate [REDACTED]>
Subject: [REDACTED]

This was [REDACTED] response. Thoughts?

----- Forwarded message -----

From: [REDACTED]
Date: Thu, Sep 15, 2016 at 5:36 AM
Subject: Re: [REDACTED] From Eric Greitens
To: Eric Greitens <eric@ericgreitens.com>
Cc: Meredith Gibbons <meredith@ericgreitens.com>

Hi Eric - nice to hear from you and to see you last week in NYC.

So, we have pay to play issues and are not able to engage in Gubernatorial races, or frankly any state or local races.

If there is something else you would like to discuss beyond campaign finance, let me know and we can go from there.

Thanks.

²⁰ See App'x 22.

II. The Election of November 2016

31. On November 8, 2016, Greitens was elected governor.

32. On the same day, Missouri voters overwhelmingly approved Amendment 2, re-imposing campaign contribution limits on candidates for state offices, including governor. Under newly-enacted Article VIII, Section 23(3)(1) of the Missouri Constitution, it is illegal for any candidate committee to accept a contribution in excess of \$2,600 per election from any person other than the candidate.

III. Facts Relating to A New Missouri, Inc.

33. After Greitens won the 2016 gubernatorial election, several staff members of Greitens for Missouri started a non-profit corporation, A New Missouri, Inc, which was incorporated under Chapter 355, RSMo for “the purpose of conducting activities allowed pursuant to the Act, including, but not limited to, the advancement of social welfare by promoting ideas, policies and/or legislation to create more jobs, higher pay, safer streets, better schools, and more, for all Missourians.”²¹ Michael Adams, a lawyer in Washington, D.C. filed the articles of incorporation for A New Missouri, Inc. with the Missouri Secretary of State’s office on February 5, 2017. In the original filing Jeff Stuerman was listed as the registered agent.²²

34. From its inception, A New Missouri, Inc., operated as an appendage of Greitens for Missouri. The same individuals operating A New Missouri also operated Greitens for Missouri:

- a. Jeff Stuerman was the registered agent for A New Missouri, Inc. and treasurer for Greitens for Missouri;
- b. Meredith Gibbons was the fundraiser for both;
- c. Austin Chambers was a key figure in both organizations;

²¹ See App’x 30.

²² See App’x 30. The registered agent was changed to Robin Simpson as of April 12, 2018.

- d. Nick Ayers was the political consultant for both organizations;
- e. The organizations shared the same building in downtown Jefferson City;
- f. Catherine Hanaway represented both entities during the House SICO investigation;
and
- g. Upon information and belief, Lucinda Luetkemeyer, Eric Greitens' General Counsel in his official state office, regularly attended meetings with both entities.

35. At its inception, Chambers indicated that A New Missouri, Inc. was expressly created for the purpose of supporting Eric Greitens. In March of 2017 the Kansas City Star reported that Austin Chambers would be working for A New Missouri, Inc., Greitens for Missouri, and the Governor's official state office. Regarding the operations of A New Missouri, Inc., the Star article quotes Chambers as saying that the activities of A New Missouri, Inc. are to "make sure Missourians know what the governor is doing and what he's trying to get passed ... The role of A New Missouri is to advocate for and promote the governor's agenda..."²³

36. Emails obtained by the House SICO tend to show that Greitens for Missouri used A New Missouri, Inc. to avoid the campaign finance limits imposed under Amendment 2.

37. Unfortunately, A New Missouri, Inc. was wholly uncooperative with the investigation and Greitens for Missouri only partially complied with subpoenas issued by the House SICO. As a result, the House SICO was not able to finish its investigation.²⁴ Nevertheless, the House SICO obtained two post- December 2016 emails from Greitens for Missouri that indicate Greitens for Missouri was using A New Missouri, Inc. to thwart newly-enacted donation limits.

²³ See App'x 34. Also available at <http://www.kansascity.com/news/politics-government/article137209643.html>. Last visited July 3, 2018.

²⁴ A New Missouri refused to provide the House SICO with any documents. Similarly, Greitens for Missouri refused to provide the House SICO with any documents relating to A New Missouri or any other 501(c)(4). However, Greitens for Missouri did provide more than 33,000 pages of emails. The documents referenced in this complaint were included in that production.

38. On February 3, 2017, Gibbons exchanged the following emails with a major donor:²⁵

Thank you for making the time to meet with the Governor and our team. It was great to meet you in person. The Governor enjoyed hearing your perspective.

I've contacted the Governor's COO. He is planning on reaching out regarding a meeting. For the C4 donation, myself and Austin Chambers, are your best point of contact.

I've printed a copy of the commission report the myself and the Governor.

Looking forward to seeing you soon.

Best,
Meredith

On Fri, Feb 3, 2017 at 3:15 PM, [REDACTED] wrote:

Sent from my iPhone

Begin forwarded message:

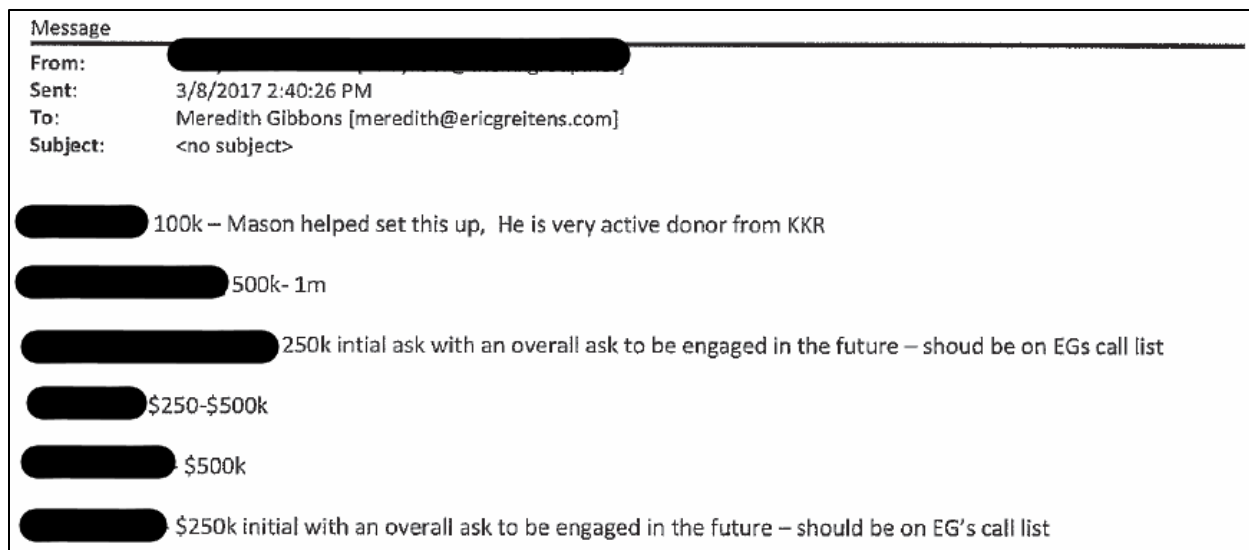
From: [REDACTED]
Date: February 3, 2017 at 3:04:11 PM CST
To: Meredith Gibbons <meridith@ericgreitens.com>
Subject: Meeting with the Governor

I enjoyed meeting with you and the Governor and his staff. Interesting conversation. Can you arrange a meeting with CEO about the c4. I didn't get his name or contact info for the other staff member at the meeting.

39. On March 8, 2017, Gibbons exchanged emails through her Greitens for Missouri email address with a national fundraiser associated with Greitens for Missouri. The national fundraiser sent a list of major donors with suggested amounts ranging from \$250k to \$1 million. Two of the donors were noted "should be on EGs call list."²⁶ However, at the time of the emails, any such contributions would have been illegal under Amendment 2:

²⁵ See App'x 42.

²⁶ See App'x 43.



40. A New Missouri, Inc. expended funds for the primary and incidental purpose of influencing or attempting to influence voters for the further election to public office of Eric Greitens, including the production, distribution, and purchase of air time for television commercials that were effectively campaign advertisements for Eric Greitens.

41. On or about July 12, 2017, A New Missouri, Inc. produced, distributed, and purchased air time for a commercial called “Without Raising Taxes.” The commercial sounded and looked just like a campaign ad.²⁷

Script – For years, political insiders and politicians have wasted your money. When Gov. Greitens took office, he inherited a budget mess so severe he only had two choices: raise taxes on Missouri families or cut spending. He chose to cut spending to balance the budget. Raising taxes would reward the politicians, hurt Missouri families, and drive jobs out of our state. Call Governor Greitens. Tell him to continue to balance the budget without raising taxes.

Screenshots

²⁷ The entire ad can be viewed at <https://www.youtube.com/watch?v=gAHkNFU2fFw>. Last viewed July 2, 2018.



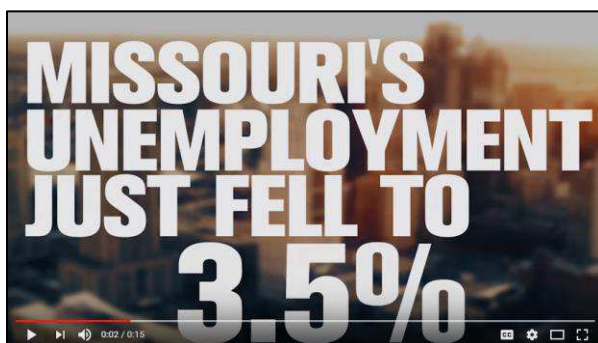




42. On or about November 27, 2017, A New Missouri, Inc. produced, distributed, and purchased air time for a commercial called “Lowest Unemployment in Missouri Since 2000.” The commercial sounded and looked just like a campaign ad:²⁸


Script – Missouri’s unemployment rate just fell to 3.5 percent. That’s the lowest rate since 2000. Governor Greitens’ policies are working. Call Eric Greitens today and ask him to keep up the fight for more jobs and higher pay for all Missourians.

Screenshots



²⁸ The entire ad can be viewed at <https://www.youtube.com/watch?v=fSsHxJHc-bI>. Last viewed July 2, 2018.

GOVERNOR GREITENS' POLICIES ARE WORKING



0:08 / 0:15

CC Settings Full Screen

CALL ERIC GREITENS TODAY.
(573) 751-3222

**Ask him to keep up the fight
for MORE JOBS and HIGHER PAY
for ALL MISSOURIANS.**

0:14 / 0:15

PAID FOR BY A NEW MISSOURI, INC.

CC Settings Full Screen

43. On or about February 1, 2018, A New Missouri, Inc. produced, distributed, and purchased air time for a commercial called “More Money In Your Pocket”:²⁹

Script

Gov. Greitens’ working Missouri families tax cut plan will put more money in your pocket. His bold conservative plan will cut taxes for 97 percent of Missourians, dramatically cut taxes for working families, lower the tax burden for businesses and job creators, and close special interest loopholes. Fiscally responsible, revenue neutral, more jobs and economic growth. Learn more about Greitens’ plan to cut taxes for 97 percent of Missourians at taxcutsforworkingfamilies.com.

Screenshots



²⁹ The entire ad can be viewed at <https://www.youtube.com/watch?v=SExJ71ZwThQ>. Last viewed July 2, 2018.



44. According to Austin Chambers, A New Missouri, Inc. would also pay for Eric Greitens’ travel expenses.³⁰

45. A New Missouri, Inc also funneled donations to support right-to-work, one of Greitens’ signature legislative initiatives.

46. To date, A New Missouri, Inc. has made at least five contributions to committees that are required to file reports with the Missouri Ethics Commission. The five contributions disclosed on public documents totaled \$2,000,000:³¹

DATE	RECIPIENT	AMOUNT
Jul. 17, 2017	Missourians for Worker Freedom	\$250,000
Aug. 7, 2017	Missourians for Worker Freedom	\$100,000
Jan. 3, 2018	Freedom to Work	\$750,000
Jan. 31, 2018	Freedom to Work	\$400,000
May 8, 2018	Freedom to Work	\$500,000
	TOTAL	\$2,000,000

³⁰ <https://www.kansascity.com/news/politics-government/article137209643.html>

³¹ See App’x 44-48.

47. There is no public evidence that A New Missouri, Inc. has engaged in any activity that was not conducted 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 Eric Greitens or the qualification, passage or defeat of the right-to-work ballot measure.

IV. Campaign Finance Violations by Greitens for Missouri

a. Failure to Timely File a Statement of Committee Organization

48. Section 130.021.5, RSMo., requires:

The treasurer or deputy treasurer acting on behalf of any person or organization or group of persons which is a committee by virtue of the definitions in section 130.011 and any candidate who is not excluded from forming a committee ... shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046.

49. Under § 130.011(9), a “committee” is defined as any:

[P]erson or any combination of persons, who accept[] 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[.]

50. Eric Greitens’ obligation to form a candidate committee was triggered on or before March 12, 2014 when he traveled to California for meetings with potential donors who, in fact, became some of his earliest and most generous supporters.

51. In December 2014, Greitens’ political consultant Michael Hafner called MEC and advised Greitens to form a committee. However, Greitens purposefully failed to do so.

52. The reason for Greitens’ delay was strategic. As his other political adviser Danny Laub put it, “the later the better.”

53. Greitens for Missouri was officially registered in late February 2015, nearly an entire year after Greitens had taken actions sufficient to trigger the reporting requirement.

b. Concealing Donors During the Campaign

54. Section 130.031, RSMo. provides:

No contribution shall be made or accepted ... and no expenditure shall be made or incurred, directly or indirectly ... in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure.³²

i. SEALs for Truth

55. Greitens for Missouri violated § 130.031 by accepting donations from SEALs for Truth, which, in turn, received all of its funds from American Policy Coalition, Inc., a 501(c)(4) that did not disclose its donors and for which there is no evidence of any purpose other than funneling donations to SEALs for Truth and then Greitens for Missouri.

56. Greitens for Missouri's scheme to funnel money through SEALs for Truth was done "in such a manner as to conceal the identity of the actual source of the contribution[s]."

57. Documents obtained by the House SICO reveal that Greitens for Missouri discussed funneling donations of politically problematic donors through (c)(4)'s to conceal their identity.

58. In testimony before the House SICO, Michael Hafner stated that Greitens for Missouri and donor Monu Joseph discussed how the campaign might conceal the identity of donors. Funneling money through the American Policy Coalition, Inc. would be one such method. However, under Missouri law, such a scheme is illegal because it involves the acceptance of a contribution "in such a manner as to conceal the identity of the *actual* source of the contribution."

ii. LG PAC

59. Section 130.011(11), RSMo. defines a "contribution" as:

[A] ... donation of ... anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office[.] 'Contribution'

³² Art. VIII, sec. 23.3(7) of the Missouri Constitution contains a nearly identical prohibition but was not in effect during the 2016 campaign.

includes, but is not limited to: (b) [p]ayment by any person, other than a candidate or committee, to compensate another person for services rendered to that candidate or committee.

60. Under § 130.011(18), an “in-kind contribution” is “a contribution or expenditure in a form other than money.”

61. Under Missouri law, candidate committees are required to report in-kind contributions as well as direct contributions.

62. During the campaign, Greitens for Missouri denied any connection to LG PAC. However, in the fall of 2017, Greitens for Missouri’s former general consultant Nick Ayers disclosed that he was compensated by Freedom Frontier, the 501(c)(4) that was the sole source of donations to LG PAC.

63. LG PAC spent more than \$4 million to influence the outcome of the primary.

64. Greitens for Missouri failed to disclose LG PAC’s \$4 million in-kind contribution.

65. Greitens for Missouri failed to disclose the identity or identifies of the actual sources of the in-kind contributions from LG PAC.

66. Documents obtained by the House SICO reveal that Greitens for Missouri discussed funneling donations of politically problematic and restricted donors through (c)(4)’s to conceal their identity or avoid legal prohibitions on contributions. In particular regarding Freedom Frontier and LG PAC, an email obtained by the House SICO shows that Gibbons (and Eric Greitens) were advised that a potential large donor who worked for a company that “manages money for the state of Missouri” was restricted, and that Greitens could “mention the 501(c)(4)” as an alternative. Two days after that email, \$500k was donated from Freedom Frontier to LG PAC.

c. Concealing Donors, Contributions, and Expenditures After the Enactment of Amendment 2

67. During the campaign of 2016, there were no limits on campaign contributions. However, in November 2016, the overwhelming passage of Amendment 2 prohibited Greitens for Missouri from accepting donations greater than \$2,600 per election.

68. The principals of Greitens for Missouri set up A New Missouri, Inc. for the purpose of evading the newly-enacted campaign finance laws in Amendment 2.

69. A New Missouri, Inc. and Greitens for Missouri shared the following:

- b. Both were created for the purpose of supporting Eric Greitens;
- c. Both were effectively managed by Austin Chambers;
- d. Both paid political consulting fees to Nick Ayers;
- e. Meredith Gibbons was the fundraiser for both;
- f. Both shared the same office building in downtown Jefferson City;
- g. Both shared Jeff Stuerman as treasurer and registered agent;
- h. Both shared Michael Adams as legal counsel; and
- i. Both shared Catherine Hanaway as legal counsel.

70. Art. VIII, sec. 23(a)(7) of the Missouri Constitution provides:

No contribution shall be made or accepted, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient. Any person who receives contributions for a committee shall disclose to that committee's treasurer or candidate the recipient's own name and address of the actual source of each contribution such person has received for that committee.

71. Greitens for Missouri and its principals violated Art. VIII, sec. 23(a)(7) of the Missouri Constitution by creating A New Missouri, Inc. as an entity through which to direct over-the-limit contributions to Greitens for Missouri.

72. Documents obtained by the House SICO reveal that Meredith Gibbons directed large donors to A New Missouri, Inc. for large donations to benefit Eric Greitens:

- a. On February 3, 2017, Gibbons exchanged emails, through her campaign email account, with a major donor who apparently had met the previous day with Greitens, Gibbons, Chambers, and perhaps official staff including state COO Drew Erdmann and was encouraged to donate to the governor's (c)(4).
- b. On March 8, 2017, Gibbons received an email at her Greitens for Missouri email address from a national fundraiser associated with Greitens for Missouri that identified six potential donors for amounts between \$100k to \$1 million. The email stated that at least two of the donors "should be on EG's call list."

73. A New Missouri, Inc. effectively operated as a "fictitious name" or "the name of another person" through which Greitens for Missouri accepted contributions "in such a manner as to conceal the identity of the actual source of the contribution *and* the actual recipient."

d. Alternatively, Failure to Report Over-the-Limit In-Kind Contributions

74. All of the principal operatives of Greitens for Missouri were also the principal operatives of A New Missouri, Inc. Accordingly, Greitens for Missouri and its operatives knew about and participated in A New Missouri, Inc.'s efforts to produce, distribute, and purchase air-time for advertisements that had the purpose of supporting Eric Greitens and his re-election.

75. Despite the knowledge and participation of Greitens for Missouri and all of its principals in the activities of A New Missouri, Inc., Greitens for Missouri failed to report A New Missouri, Inc.'s expenditures as in-kind contributions.

V. Campaign Finance Violations by A New Missouri, Inc.

a. Failure to File a Statement of Committee Organization

76. Under Art. VIII, sec. 23.7(4) of the Missouri Constitution, a "committee" is defined as "a

person or combination or 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[.]” “Incidental” means “being likely to ensue as a chance or minor consequence.”³³

77. In Advisory Opinion 2018-05-CF-004, the MEC stated that a non-profit corporation is a “person” subject to Art. VIII, sec. 23 and Chapter 130 if it makes expenditures or receives contributions in excess of \$500 in a single year for the primary or incidental purpose of influencing the action of voters for a candidate or ballot initiative. A New Missouri, Inc. has done both.

78. A New Missouri, Inc. accepted contributions and made expenditures for both the primary and incidental purposes of influencing voters for both Eric Greitens and a ballot measure relating to right-to-work, one of his signature acts as governor.

79. A New Missouri and Greitens for Missouri shared all the same principals.

80. Austin Chambers publicly stated A New Missouri’s purpose was to support Eric Greitens and his agenda.

81. A New Missouri, Inc. produced, distributed, and purchased air-time for advertisements that were effectively campaign commercials for Eric Greitens.

82. A New Missouri, Inc. also funneled \$2 million to political committees involved in the ballot initiative surrounding right-to-work, Eric Greitens signature legislative initiative as governor.

83. Under the plain language of the Missouri constitution and Chapter 130, as well as the

³³ “Incidental.” *Merriam-Webster.com*. Merriam-Webster, n.d. Web. 3 July 2018.

MEC’s Advisory Opinion 2018-05-CF-004, A New Missouri, Inc. is required to register with the MEC and file reports. However, it has failed to do so.

84. Under Art. VIII, sec. 23.5, “any person who knowingly and willfully conceals a contribution by filing a false or incomplete report or by not filing a required report under chapter 130, RSMo. ... shall be held liable to the state in civil penalties in an amount of at least double and up to five times the amount of any such contribution.”

b. Accepting Over-the-Limit Contributions

85. Upon information and belief, A New Missouri, Inc. accepted contributions in excess of the limits imposed by Amendment 2.

86. The fundraising email from March 8, 2017 included six potential donors with solicitation amounts between \$100k to \$1 million.

87. To the extent it was operating as a de facto candidate committee for Eric Greitens op, A New Missouri was subject to the restrictions of Amendment 2.

88. Under Art. VIII, sec. 23.5, “any person who knowingly and willfully accepts ... a contribution in violation of any provision of Section 3 of this Article ... shall be held liable to the state in civil penalties in an amount of at least double and up to five times the amount of any such contribution.”

c. Failure to File Reports

89. As a “committee” under Art. VIII, sec. 23 and chapter 130, A New Missouri, Inc. was and is required to file campaign finance reports with the MEC detailing contributions and expenditures.

90. A New Missouri, Inc. has failed to file any reports with the MEC.

WHEREFORE, based on the foregoing facts and allegations, the undersigned hereby

formally file a complaint against Greitens for Missouri and A New Missouri, Inc. and respectfully request that the Missouri Ethics Commission investigate further and enforce the duly-enacted campaign finance laws overwhelmingly supported by Missouri voters.

Respectfully submitted,

/s/ Jay Barnes
Rep. Jay Barnes, Chairman, Mo. House SICO