STATE OF MISSOURI
HOUSE OF REPRESENTATIVES
102ND GENERAL ASSEMBLY

In the Matter of Representative Dean Plocher
House Ethics Complaint No. 23-01

REPORT OF THE COMMITTEE ON ETHICS

WHEREON, the Committee on Ethics, of the Missouri House of Representatives, 102nd General Assembly, pursuant to the House Rules and House Resolution 85, reports as follows:

Proceedings of the Committee

The Constitution of the State of Missouri provides that the House of Representatives "may punish its members for disorderly conduct." Article III, Sect. 18. The House Rules establish the Committee on Ethics and authorize the committee to consider and report on allegations of ethical misconduct of a member. Rules 24(14) & 37. The House Rules and Ethics Rules of Procedure (HR 85) provide that the committee may meet to hear testimony from witnesses, request subpoenas for testimony and documents, and retain special counsel to assist in its work. The rules further provide that the object of any hearings held "shall be to ascertain the truth." Rule 10, Ethics Rules of Procedure.

On October 26, 2023, a member of the House of Representatives filed a written complaint, signed under oath, alleging that Representative Dean Plocher, Speaker of the House of Representatives, committed ethical misconduct. The rules provide that a member should deliver such a complaint to the Speaker's office, who shall within fourteen days deliver the complaint to the Committee on Ethics. The Speaker, on October 27, 2023, referred the complaint to the Speaker Pro Tem, stating in a letter that "I am referring this matter to your office and recusing myself." On October 30, 2023, the Speaker Pro Tem referred the complaint to the Committee on Ethics. The member that filed the complaint is referred to as the "Complainant." Representative Plocher is referred to herein as the "Respondent."

The complaint contained nine counts. Four of the counts (Nos. 5 through 8) referred to the Respondent's submission of certain expenses to the House for reimbursement that also appeared as expenses paid by Respondent's campaign. The remaining counts dealt with the consideration of a proposed contract for out-sourcing constituent management services, and the subsequent treatment of House employees that questioned the propriety of the contract. The Complainant requested that the committee examine these concerns to "provide Missourians a full and complete investigation of any and all possible ethical misconduct."

The Committee on Ethics originally met on October 27, 2023, to discuss a "personnel inquiry," which was related to one of Complainant's counts regarding the employment of a former House employee and member of the Speaker's staff.

The committee then met on November 8, 2023, and determined that the complaint was in compliance with the rules, and that the matter should proceed to a primary hearing on the counts related to the submission of false expense reimbursement requests (Nos. 5 through 8). Respondent was given the opportunity to file a motion and answer to these allegations pursuant to the rules.

The committee met on December 6, 2023, and voted to retain a special counsel to investigate all of the allegations in the complaint and to provide a written report to the committee. Thereafter, the committee retained a special counsel pursuant to the Rule 7, and notified the Respondent, through his retained counsel, of the committee's decision. Respondent made no objection to this decision at that time.

On March 4, 2024, the committee met to review the report submitted by the committee's special counsel, and voted to proceed to primary hearing on all counts contained in the complaint. Respondent was notified of this decision and given an opportunity to file a motion or answer to the additional concerns.

The committee began the primary hearing on March 12, 2024, by providing the Complainant, Respondent, and Respondent's retained counsel an opportunity to provide an opening statement. The committee also received testimony from witnesses on that date. All testimony, including opening statements, is taken after an oath is given to the witness. The committee received additional witness testimony on March 13, 2024, March 26, 2024, and April 3, 2024. Witnesses who appeared before the committee included Representative Dale Wright, the current chair of the Administration and Accounts Committee, and Dana Rademan Miller, the Chief Clerk and Administrator of the House. Current and former House employees also testified and their names will be kept anonymous. The following findings are based on the credible testimony and documents received by the committee.

Counts 5-8

1. It is undisputed that Respondent received state funds in the form of reimbursements from the House for travel expenses that were also listed as paid expenditures on his campaign committee's finance reports filed with the Missouri Ethics Commission. Respondent's House expense reimbursement requests from 2016 through the present day were reviewed, along with the Plocher for Missouri campaign committee finance reports obtained from the MEC website.

2. Five reimbursement forms, with a total of eight separate reimbursement transactions, were identified that also appeared on Plocher for Missouri campaign finance reports. This undisputed evidence is summarized by separate travel events as follows:

Date	Description	Member Reimbursement Request	House Amount Paid to Member	Campaign Reported Expenditure
July 2018	SLC conference (STL) registration	$300.00	**$300.00**	$300.00
July 2018	SLC conference (STL) hotel	$206.05	**$206.05**	$206.05
July 2018	Gaming States conf. (OH) airfare (partial)	$112.36	**$112.36**	$900.29
July 2019	ULC meeting (AK) rental car	$1,600.00	**$603.95**	$603.95
July 2019	ULC meeting (AK) hotel	"	**$216.95**	$1,923.36
July 2022	ULC meeting (PA) hotel	$566.03	**$566.03**	$771.92
Feb 2023	SLLF registration (DC)	$325.00	**$325.00**	$325.00
Aug 2023	ULC meeting (HI) airfare	$1,199.60	**$1,199.60**	$1,199.60
	Totals:	$4,309.04	**$3,529.94**	$6,230.17

3. The eight reimbursement requests submitted by Respondent totaled $4,309.04. Due to House travel reimbursement limits, the total amount of public funds paid to Respondent that also appear as paid campaign expenditures was $3,529.94.

4. Each of the five expense reimbursement forms were signed by Respondent and contain a certification next to the signature line for the member, in this or a similar form:

> I do solemnly swear (or affirm) the above claim is correct and just, that the expense was necessary to the public business of the state, payment has been made from personal funds and that I have not been reimbursed therefore, and/or the expense has been charged to me and I will be required to make payment therefore, and I have not received and will not receive from any source whatever any payment or any part thereof except as provided by law.

5. These eight expense reimbursements expenses were paid in violation of the Respondent's signature certification and state law. *See, e.g.,* Mo. Const., Art. III, Sec. 38(a). State law contains further prohibitions on a member of the General Assembly using his or her official office for personal gain, and converting campaign funds to personal use. RSMo. §§ 105.452, 105.456 & 130.034.

6. In the fall of 2023, the Chief Clerk, as custodian of records of the House of Representatives, received several requests for Respondent's expense records made pursuant to the Missouri Sunshine law, Chapter 610, RSMo. The first request was received by the custodian of records on September 21, 2023. The Respondent's office, through his then counsel, was notified of this request on September 29, 2023, and pursuant to House practice, a copy of the documents responsive to the Sunshine request was made available to Respondent's counsel for review on October 3, 2023, prior to disclosure to the requestor. A second request for the expense records was received by the Chief Clerk on October 5, 2023, from a member of the news media. This second request was forwarded to the Respondent's

office on October 6, 2023. The requested records were provided to the first requestor on October 10, 2023, and the second on October 11, 2023.

7. After the Chief Clerk, as custodian of records for the House, received the requests for records, Respondent began reimbursing the House for the eight improper reimbursements, and one additional transaction. The first check was received October 17, 2023, in the amount of $468.31. The accompanying note from Respondent indicates this amount was for one extra day stay at the conference hotel in Honolulu, Hawaii, in July 2023. A second check in the amount of $2,911.52 was received October 20, 2023. This covered the five transactions in 2019, 2022 and 2023. A third check in the amount of $618.41 was received October 23, 2023. This amount covered the three reimbursements made for two separate conference trips in July 2018. The three checks totaled $3,998.24.

8. The committee has received narratives concerning when Respondent knew that his expense records were being sought through Sunshine requests, whether before or after he began making payments to the House. Respondent testified that "I had made payments prior to finding out that the House had been sunshined." Respondent testified that his campaign treasurer, when preparing an MEC campaign finance report filing on October 13, 2023, discovered that the Hawaii hotel charge was paid for both by the campaign and by the House. He then made his first reimbursement to the House for that improper payment. Respondent testified that "at this time I was unaware of any other Sunshine request that may have been out there. No one had told me of any other Sunshine request."

9. Later in his testimony, Respondent states that it was Friday the twentieth (October 20, 2023) that he first learned of a Sunshine request because of an email from a journalist. Records provided to the committee show that House counsel exchanged email and text messages with Respondent's staff counsel upon receipt of the Sunshine requests. The text messages indicate that Respondent's counsel was provided a copy of the Sunshine response on or around October 3, 2023, at least 10 days before the Respondent testified that his campaign treasurer independently uncovered the improper reimbursement requests. Respondent stated in his opening statement that "I am not going to waive the attorney-client privilege" in regards to his former staff counsel.

10. Respondent's paid political consultant David Barklage testified that he recommended that Respondent review all of his reimbursements and accounts after articles discussing the Fireside contract were published. Barklage testified that was how Respondent and his campaign manager first discovered the issue with the improper reimbursements. At no time during his testimony regarding the timeline for these events did Respondent mention Barklage or his recommendation to audit finances.

11. On October 20, 2023, Respondent reviewed his expense reimbursements (sometimes referred to as a "700 account"), and testified that "I had never seen it before and I did not seek directly those reimbursements myself." Respondent testified that "I had never managed it. I don't know what goes in or out." Respondent further testified that he simply gives his House staff assistant receipts and that assistant completes the forms: "I never had requested

myself for a reimbursement. You sign off on things." Each of Respondent's five reimbursement forms at issue contains his signature next to a sworn certification that the claim for public funds was correct.

12. Respondent described the five expense forms and eight separate transactions as an "accounting error," a "mistake," and a "lack of oversight on my part." Respondent relates that his campaign treasurer used a campaign credit card without his knowledge to pay for flights for Respondent and his entire family to go to Hawaii for a Uniform Law Commission conference. Witness 8, Respondent's assistant, testified that Respondent provided her receipts that she then used to fill out the expense forms, and that Respondent then signed the expense forms.

13. Respondent purchased in advance, on January 15, 2023, his airfare for the July 2023 conference in Honolulu, Hawaii. However, the request for reimbursement was not made until after the trip, in August 2023. The request was made after the 90-day window for submitting expense reimbursement requests as required by House Policy G-1: "Members will not be reimbursed for expenses that are not submitted within 90 days of the original purchase or expense." Representative Dale Wright, chair of the Administration and Accounts Committee, testified that he requested Respondent write a letter asking for an exemption. Pursuant to the Respondent's letter of August 11, 2023, requesting an exemption from this policy, the reimbursement for airfare was paid. Respondent flew Business Select on Southwest Airlines. House travel policy (G-1) states that, "The total allowable expenses cannot, however, exceed the reasonable coach airfare available at that time to the same destination."

14. The committee finds that the five reimbursement forms containing Respondent's signature were inaccurate. As noted above, Respondent received a total of $3,998.24 in public funds based on the inaccurate reimbursement requests. The committee received no direct evidence to indicate this was a willful or intentional act instead of an oversight.

Counts 3 & 4

15. Respondent in his testimony denied receiving any "quid pro quo" in regards to the software proposal. The committee received no direct evidence to indicate there was any ethical violation by Respondent in regards to the proposed Fireside contract.

Counts 1, 2 & 9

16. The termination of Respondent's chief of staff on October 17, 2023, among other concerns, were raised and investigated.

17. Respondent submitted in his defense an affidavit from David Barklage, a political consultant paid by the Plocher for Missouri campaign. Barklage also testified before the committee. Barklage in his affidavit stated:

> At some time, subsequent to Missouri Independent articles pertaining to Dean Plocher's expense accounts I was retained by Speaker Dean Plocher both to undertake messaging and as part of those services to conduct investigatory interviews.

18. The political consultant further testified that he interviewed Respondent's former chief of staff by telephone. The political consultant recommended to Respondent that Respondent fire the former chief of staff due to "very poor communication." When testifying before this committee about the firing of his previous chief of staff, Respondent made no mention of Barklage or his recommendations.

19. Respondent terminated his former chief of staff on October 17, 2023. The Missouri Independent published an article relating to the expense reports on October 23, 2023.[1]

20. The Chief Clerk testified to an environment she felt was toxic.

21. The complaint included allegations regarding specific threats to employees by the Respondent. This committee has found that there was not any direct evidence implicating the Respondent regarding the specific threats contained in the complaint. However, although not contained in the complaint, several employees provided information regarding a negative work environment, which may involve threats by one or more individuals. The committee recommends further review by the House in regard to this work environment.

22. The committee received testimony from everyone who was willing to speak to the committee, and everyone the Respondent requested to testify before the committee.

Recommendation

Respondent's conduct in submitting inaccurate expense forms warrants appropriate action by the House of Representatives. The Respondent's actions substantially impair public confidence in the General Assembly.

NOW THEREFORE, the Committee on Ethics, having given full consideration to the complaint and evidence received by the committee, concludes that the issuance of this report is warranted and recommends the following:

1. That a Letter of Reproval shall be issued to the Respondent expressing disapproval of the appropriateness of Respondent's conduct as related herein;
2. That no member or employee of the House of Representatives be retaliated against or suffer any repercussions for providing assistance to the Committee on Ethics in this matter; and
3. That the Committee recommends that Respondent engage the assistance of an accounting professional regarding the operation of the 700 account.

[1] https://missouriindependent.com/2023/10/23/records-show-dean-plocher-charged-the-state-for-travel-already-paid-for-by-his-campaign/

Pursuant to the rules, the Respondent shall be given seventy-two hours from receipt of this recommended sanction to object, in writing, to the Committee's recommendation.

FURTHERMORE, the Committee on Ethics recommends that the House of Representatives, 103rd General Assembly, review and revise the House Rules and Ethics Committee rules as follows:

1. To clarify that the Speaker Pro Tem has authority to issue subpoenas at the request of the Committee on Ethics in the event the Speaker, or a member of the Speaker's staff, is involved as a complainant, respondent, victim or witness in an ethics matter;
2. To provide the Committee on Ethics with sufficient authority under the House Rules to review an allegation of misconduct involving the Speaker or a member of the Speaker's staff, and to conduct an appropriate and thorough investigation of any such alleged misconduct, and further to act on new information of alleged misconduct received in the course of the committee's investigation, including obstruction of the committee's investigation;
3. Adopt a policy protecting House employees from retaliation for any conduct protected by RSMo. § 105.055, or for providing testimony or other assistance to the committee; and
4. Revise and strengthen its policy protecting House employees from any unlawful harassment under state or federal law.
5. The committee believes that apparent inconsistencies in the Rules of the House and the House Policy Handbook need to be reviewed and revised, as such inconsistencies contributed to tensions in the workplace.

Pursuant to Rule 12 of the rules governing the Committee on Ethics, this report shall be filed with the Chief Clerk of the House, with a copy delivered to the office of the Speaker, office of the Majority Floor Leader, and office of the Minority Floor Leader, and shall be printed in the House Journal.

This report was adopted by the Committee on Ethics by a vote of ___ to ___:

Aye:

No:

[Kelly (141), Sauls, Barnes, Black, Brown (87), Buchheit-Courtway, Francis, McGirl, Smith (46), Terry]

Dated: April ___, 2024

_____
Hannah Kelly, Chair

_____
Robert Sauls, Vice-Chair

Appendix

1. Special Counsel Report to the Committee
2. Complaint
3. Williams Letter dated March 12, 2024
4. Williams Letter dated March 25, 2024
5. Williams Letter dated April 2, 2024
6. Email to Speaker Staff Counsel October 2, 2023
7. Email to Speaker Staff Counsel October 6, 2023
8. Obstruction of the Investigation

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March 1, 2024

Hannah Kelly
State Representative
Missouri House of Representatives
201 W. Capitol Avenue
Jefferson City, MO 65101

RE: In re: Ethics Investigation
Our File No.: 2280-002

Dear Ms. Kelly:

I am writing to provide the preliminary findings from my investigation.

Of significant note, I have received no response from counsel for the Speaker. I have asked counsel in writing (see attached emails) and by voice message for a date to interview the Speaker. As of this date, I have received no response. Without meaningful participation of the speaker, it is impossible to refute or confirm a number of items.

Some individuals, including the former chief of staff, Kenny Ross have also not responded to requests for interviews at all. Other individuals have declined to be interviewed, including Julie Baker (former counsel to the speaker). What follows is a summary of the pertinent information obtain to date.

Issues:

Fireside Contract

Concerns about the proposed contract with Fireside were raised by various persons. Fiscal Note is the company behind the Fireside product.

Fiscal Note was using John Bardgett and Chris Roepe as lobbyists. Numerous interviewees raised concern about the conflict presented by Dean Plocher's status as of counsel to the Blitz Bardgett law firm, which was announced in the Missouri Bar news in August of 2022. He is not listed on the firm's website currently.

Many witnesses referenced rumors that the speaker was going to benefit financially through a large campaign donation from Fiscal Note. Note: no direct evidence of such an offer of payment has been discovered, but again, the speaker has not responded to requests for interview.

With respect to the actual software, it was challenged related to concerns over data security, redundancy and costs.

Dale Wright denied any knowledge of any "donation" to Plocher's campaign. He did acknowledge that the Chief Clerk had brought issues related to Fireside to his attention. She and Kenny Ross had expressed that they were uncomfortable with what was happening. (The chief clerk denies that she and Kenny Ross approached Dale as described). Dana Miller does indicate that she spoke with Dale who told her that the Speaker wanted to move forward and mentioned to her that it was about a contribution for Dean's campaign.

Procedure would require that the contract for constituent management be put out for three bids. It had not been bid. However, Chris Roepe (lobbyist) advised Dale that it had been sent out for bid and that Fireside was the lowest of the bidders. The chief clerk was not supportive of the contract. Dale asked her to get bids on the contract and she said that she would not. He told her that he would have to report his refusal to get the bids to the Speaker. She indicated that the Speaker could not fire her and that the house would have to vote her out.

She was told by Dale Wright that the speaker was really pushing the Fireside contract. The Speaker to Dale that they were going to go forward with the contract. Dana was told by Dale Wright that she worked for the speaker and she was to do what he said. This statement is recorded, along with others.

According to Dale, he did not take a position on the Fireside contract. It was never brought to his for signature. Dale does not perceive his role as a gatekeeper. His description of his position was more of a rubber stamp. He told a number of witnesses that he "answers to the speaker".

Dana documented her concerns to Dale in writing. She was concerned because the lobbyists were aggressively pursuing the members.

The program was perceived as being very risky and redundant. Having the data stored in the cloud was a source of great concern. The chief clerk was told that the Speaker would "own the data". Dana believes that the lobbyists were advising Dean that he could go forward without the chief clerk.

The speaker understood that the current CSM was only nine months old. The new system was not budgeted. Fireside wanted $388,000 per year for two years. Fireside was not a significant improvement from what was already in place. The chief clerk believed that Dale was playing both sides. He was telling some people that "we are going to kill it." However, to Dean's face he would pretend to be supporting of the Fireside contract. Dana speculated that Dale did n0t want to lose favor with Dean by being the "bad guy." It appeared that Dale was playing both sides of the fence, trying to kill the contract while pretending to be supportive of the contract in the presence of the speaker.

Another witness who asked to remain anonymous spoke of Dale saying that "Dean hates Dana" following the Fireside issue. Dale denies this comment. I followed up a second time specifically on this comment as his denial may be in conflict with recorded evidence.

Expenses that were submitted for reimbursement

There appears to be no question that certain expenses were paid for by both Plocher's campaign and the house. Those transactions were discovered by staff at the House. I was unable to discuss the transactions with the Speaker. He has made public statements referring to the expense double reimbursement as an error. Further investigation is certainly warranted.

Dale Wright was asked about the expense issue and had nothing to add.

There are also questions raised about the Speaker's use of his wife as his campaign treasurer. The Speaker has commented that his wife alerted him to the error and that he immediately reimbursed the sums. I was unable to confirm if this timeline is accurate. Since the speaker's counsel has been non-responsive to my calls and my three written requests for an interview, I cannot delve further into the time line.

Witnesses have questioned whether the speaker was made aware of the fact that Sunshine Law requests were being made for his expenses, triggering an awareness that he was, in fact, potentially exposed on the issue. Some witnesses have connected this chain of events to the staff upheaval that has ensued, suggesting that the Speaker may be trying to eliminate the employee who provided information to the media.

Employment Issues

DANA MILLER

Dale Wright has advised others that Dean Plocher hates Dana Miller and is going to go after her however he can. This raises significant concern, especially if she is perceived as a whistleblower. Since Dale reports that she and Kenny came to him about concerns about Fireside and the Speaker's involvement, she would not have a difficult time establishing her status as a whistle blower.

Witnesses noted that Dean was furious with Dana for keeping Kenny Ross on payroll after he was terminated by the Speaker. In addition, he was purportedly upset with Dana for trying to keep Julie Baker on in a position after she resigned from working for the Speaker. He allegedly wanted Julie to be forced to withdraw her letter of resignation before being allowed to work in a new position.

Dana perceives that she is being retaliated against and that the Speaker is trying to strip her of power. She believes that she is being circumvented with respect to the planned hiring of David Linton. She had raised concerns about this, which she alleges led to a contentious meeting between Lori Hughes and Rod Jetton.

Dana also believes that the recently created Special Committee on Policy Review is targeting her role. Hearings of this committee have been held in the only room that does not have live streaming and video recording capabilities.

ERICA CHOINKA

Concerns were raised about the termination of Plocher's legislative director. Counsel attempted to reach her for comment and participation in this review, without success.

I have not encountered more unwilling witnesses in any investigation in my career. The level of fear expressed by a number of the potential witnesses is a daunting factor in completing this investigation.

Sincerely,

BOGGS, AVELLINO, LACH & BOGGS, L.L.C.

/s/ Beth C. Boggs

Beth C. Boggs

BCB/tg

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Budget
Corrections and Public Institutions
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MISSOURI HOUSE OF REPRESENTATIVES
Chris Sander
State Representative
District 33

Representative Dean Plocher
Speaker of the House
201 W Capital Ave, Room 308
Jefferson City, MO 65101

Re: Complaints of Ethical Misconduct

Mr. Speaker,

Pursuant HR11 (2023), 0785.02P, House Rule 37. (1) (d) Upon receipt of a complaint, in writing and under oath, of ethical misconduct by a member of the House made by another member, the Speaker shall refer the same, within fourteen calendar days, without discussion, to the Committee on Ethics. Upon referral of a complaint to the committee, the speaker shall deliver a memorandum to the Clerk of the House documenting the date of referral. The complaint shall be confidential. The committee shall examine the sufficiency of the complaint pursuant to the Committee's Rules of Procedure.

Please review the attached pages listing complaints of ethical misconduct for referral to investigation.

Sincerely,

Representative Chris Sander, District 33

CC: Rep. Hannah Kelly, Ethics Chair; Rep. Richard Brown, Ethics Vice Chair (House Rule 24(14))

Complaints of Ethical Misconduct, Concern # 1

HR11 (2023), 0785H.02P, House Rule 6 – The House shall elect the following officers at the commencement of the first regular session of each general assembly: its presiding officer, who shall be called Speaker of the House, a Speaker Pro Tem, a Chief Clerk, a Sergeant-at-Arms, a Doorkeeper, and a Chaplain, who shall hold office during all sessions until the convening of the succeeding General Assembly, unless sooner removed by a vote of the majority of the members. Each shall receive such compensation as may be provided for by law. Each shall take an oath to support the Constitution of the United States and of this State and to faithfully demean himself or herself in office and to keep the secrets of the House. Such oath shall be administered to the Speaker and Speaker Pro Tem by a Judge of the Supreme Court, Court of Appeals, or a Circuit Court and by the Speaker to the other officers. All other officers of the House shall be appointed by, and serve at the pleasure of, the Speaker and receive such compensation as provided by law.

Dana Miller, chief clerk of the House since 2018 and a chamber staff member since 2001, wrote in an email to a GOP lawmaker last week about "threats made by Speaker Plocher concerning my future employment." - **"Missouri lawmaker accused of 'unlawful' conduct in push for contract, drawing FBI scrutiny: House Speaker Dean Plocher denies accusations uncovered in public records that he threatened staff when pressing for the legislature to award a lucrative contract to a private company" Missouri Independent, September 22, 2023 8:30AM**

On August 19, 2023 Rep Dale Wright, Chair Administration and Accounts, relayed a message to Chief Clerk Dana Miller that "Speaker Plocher will take officers resolution to a vote for new Chief Clerk."

Complaints of Ethical Misconduct, Concern # 2

HR11 (2023), 0785H.02P, House Rule 6 – The House shall elect the following officers at the commencement of the first regular session of each general assembly: its presiding officer, who shall be called Speaker of the House, a Speaker Pro Tem, a Chief Clerk, a Sergeant-at-Arms, a Doorkeeper, and a Chaplain, who shall hold office during all sessions until the convening of the succeeding General Assembly, unless sooner removed by a vote of the majority of the members. Each shall receive such compensation as may be provided for by law. Each shall take an oath to support the Constitution of the United States and of this State and to faithfully demean himself or herself in office and to keep the secrets of the House. Such oath shall be administered to the Speaker and Speaker Pro Tem by a Judge of the Supreme Court, Court of Appeals, or a Circuit Court and by the Speaker to the other officers. All other officers of the House shall be appointed by, and serve at the pleasure of, the Speaker and receive such compensation as provided by law.

Wright said he shared Miller's concerns with Plocher.
"I explained to the speaker that she doesn't work for me," Wright said. "I can't force her to do anything. And he said, 'Well, she does work for me.'"
When he relayed the conversation to Miller, Wright said she may have taken Plocher's response as a threat. But he insists he didn't see it that way, and has never felt any inappropriate pressure from the speaker or the lobbyists involved in the Fireside contract.
"I never felt any threat," he said. "I don't think she was threatened." - **"Missouri lawmaker accused of 'unlawful' conduct in push for contract, drawing FBI scrutiny: House Speaker Dean Plocher denies**

accusations uncovered in public records that he threatened staff when pressing for the legislature to award a lucrative contract to a private company" Missouri Independent, September 22, 2023 8:30AM

Complaints of Ethical Misconduct, Concern # 3

HR11 (2023), 0785H.02P, House Rule 24.2(B) -- Funds for operation of member's individual offices. The committee shall also prescribe rules governing the expenditure of funds allotted to individual members for the operation of their offices. Such rules shall be applied equally to, and shall require the equal treatment of, all members with regard to the expenditure of such funds. Subject to such rules, each member shall have discretion to expend such funds, for the use of his or her office, without the approval of the committee.

Rep. Dale Wright, a Farmington Republican who became chair of the House Administration and Accounts Committee this year, said in an interview last week that the speaker approached him about making the switch to Fireside because "he felt like we needed a more robust constituent management program."
And Plocher, Wright said, was very eager.
"He really wants it," Wright said. "He felt strongly that this would be good for the House and good for the members."- **"Missouri lawmaker accused of 'unlawful' conduct in push for contract, drawing FBI scrutiny: House Speaker Dean Plocher denies accusations uncovered in public records that he threatened staff when pressing for the legislature to award a lucrative contract to a private company" Missouri Independent, September 22, 2023 8:30AM**

On September 12, 2023 it was communicated between Rep Dale Wright Chair Administration and Accounts and Danyale Bryant, MPA legislative director for House Administrations and Accounts that "Speaker Plocher wants member expense accounts to pay for Fireside."

Complaints of Ethical Misconduct, Concern # 4

HR11 (2023), 0785H.02P, House Rule 126(1) -- Members may keep constituent case files, and records of the caucus of the majority or minority party of the house that contain caucus strategy, confidential. Constituent case files include any correspondence, written or electronic, between a member and a constituent, or between a member and any other party pertaining to a constituent's grievance, a question of eligibility for any benefit as it relates to a particular constituent, or any issue regarding a constituent's request for assistance.

The Fireside program could lead to lawmakers exporting data to use for campaign activity, Miller wrote in her memo, and switching from the current program housed on an internal server to a web-based program could leave constituent information vulnerable to hacking. - **"Missouri lawmaker accused of 'unlawful' conduct in push for contract, drawing FBI scrutiny: House Speaker Dean Plocher denies accusations uncovered in public records that he threatened staff when pressing for the legislature to award a lucrative contract to a private company" Missouri Independent, September 22, 2023 8:30AM**

Speaker Plocher then presented Fireside at summer caucus and asked Wright to hold a public hearing.

On August 31, 2023 at 12:00PM Andrew.taylor@fiscalnote.com hosted a zoom call with myself and Patrick.miller@fiscalnote.com and my legislative assistant. Fireside features of software were shared followed by my opposition to include forwarding official office phone calls to a third party call center, forwarding official emails to a third party communications team for $800.00, and merging House constituent data with Fireside campaign data to include constituent emails, phone numbers, political party affiliation, income, education level and other campaign related data available export for $3000.00.

Complaints of Ethical Misconduct, Concern # 5

HR11 (2023), 0785H.02P, House Rule 24(2)(d) -- Duties of the Chief Clerk in Respect to Committee. The Chief Clerk of the House may be authorized to act for the committee, but only in the manner and to the extent as may have been previously authorized by the committee. Such authorization shall be entered in the minutes of the committee. The Chief Clerk shall maintain financial records for the House in accordance with generally accepted accounting principles. The Chief Clerk of the House shall keep a detailed accounting of all transactions and shall furnish each member of the committee and the Speaker with a copy of such account on a quarterly basis.

In a July 18 email with his staff, Wright said Plocher "told me he would be reaching out to Dana when he returns from his meeting/vacation in Hawaii." - **"Missouri lawmaker accused of 'unlawful' conduct in push for contract, drawing FBI scrutiny: House Speaker Dean Plocher denies accusations uncovered in public records that he threatened staff when pressing for the legislature to award a lucrative contract to a private company" Missouri Independent, September 22, 2023 8:30AM**

He'd filed an expense report that included $1,199.60 for a plane ticket to represent Missouri at the 2023 Uniform Law Commission conference, but he was informed he'd missed his window. The ticket was purchased in January, and it was already August — well outside the 90-day timeframe laid out in House rules to file for reimbursement.
Plocher pled his case in an Aug. 11 phone call and letter to Chief Clerk of the House Dana Miller, arguing this was official business and he'd saved taxpayer money by buying the ticket early and getting a good deal. He filed for reimbursement, he wrote, as soon as he got back to Missouri.
The House ultimately agreed to pay him the money. But as it turns out, the cost of the ticket didn't come out of Plocher's bank account. It came out of his campaign.
Seven months earlier, "Plocher for Missouri" reported paying $1,199.60 for airfare to Hawaii for the ULC conference. – **"Records show Dean Plocher charged the state for travel already paid for by his campaign: The top lawmaker in the Missouri House filed false expense reports numerous times since 2018 and began paying back the money he received last week" Missouri Independent, October 23, 2023 5:45PM**

Complaints of Ethical Misconduct, Concern # 6

HR11 (2023), 0785H.02P, House Rule 24(2)(d)-- Duties of the Chief Clerk in Respect to Committee. The Chief Clerk of the House may be authorized to act for the committee, but only in the manner and to the extent as may have been previously authorized by the committee. Such authorization shall be entered in the minutes of the committee. The Chief Clerk shall maintain financial records for the House in accordance with generally accepted accounting principles. The Chief Clerk of the House shall keep a

detailed accounting of all transactions and shall furnish each member of the committee and the Speaker with a copy of such account on a quarterly basis.

On Aug. 7, after returning from the conference, Plocher formally requested that the House reimburse him for $4,862.77.
Of that total, $3,663.17 was for his seven-day stay at the Sheraton Waikiki Hotel. The remaining $1,199.60 was for his Southwest Airlines flight to Hawaii.
A few days later, legislative staff noticed a problem.
The House was not allowed to cover the nearly $400 that Plocher spent on valet parking, an administrative staffer wrote in an email to his office. And because the airfare was purchased in January it was not eligible for reimbursement.
"The airfare shows it was paid on Jan. 15, 2023," the legislative staffer wrote, "which is past the 90-day policy for reimbursement. He also has seven charges at $55 each for valet parking that we don't reimburse for."
Plocher called the House clerk to make his case, and the same day wrote a letter stating that he purchased the plane ticket in January in order to get a reduced rate. He said he was unaware of the 90-day rule and wanted to be reimbursed.
In a written note on Plocher's letter, the chief clerk instructed staff to proceed with payment.
As with all of his requests, Plocher's expense report stated that the payments were made with "personal funds, for which I have not been reimbursed." – **"Records show Dean Plocher charged the state for travel already paid for by his campaign: The top lawmaker in the Missouri House filed false expense reports numerous times since 2018 and began paying back the money he received last week" Missouri Independent, October 23, 2023 5:45PM**

Complaints of Ethical Misconduct, Concern # 7

HR11 (2023), 0785H.02P, House Rule 24(2)(b) -- Funds for operation of member's individual offices. The committee shall also prescribe rules governing the expenditure of funds allotted to individual members for the operation of their offices. Such rules shall be applied equally to, and shall require the equal treatment of, all members with regard to the expenditure of such funds. Subject to such rules, each member shall have discretion to expend such funds, for the use of his or her office, without the approval of the committee.

HR11 (2023), 0785H.02P, House Rule 24(2)(d) -- Duties of the Chief Clerk in Respect to Committee. The Chief Clerk of the House may be authorized to act for the committee, but only in the manner and to the extent as may have been previously authorized by the committee. Such authorization shall be entered in the minutes of the committee. The Chief Clerk shall maintain financial records for the House in accordance with generally accepted accounting principles. The Chief Clerk of the House shall keep a detailed accounting of all transactions and shall furnish each member of the committee and the Speaker with a copy of such account on a quarterly basis.

Plocher began paying back some of the money he has received inappropriately last week, sending a letter to House administration on Friday saying he "inadvertently sought and received reimbursements."
In an emailed statement to The Independent on Monday, Plocher said he sent the letter prior to being contacted by The Independent.
"I am in the process of completing a full review of all expenditures and will correct any additional administrative errors in the spirit of full transparency," Plocher said. – **"Records show Dean Plocher**

charged the state for travel already paid for by his campaign: The top lawmaker in the Missouri House filed false expense reports numerous times since 2018 and began paying back the money he received last week" Missouri Independent, October 23, 2023 5:45PM

Complaints of Ethical Misconduct, Concern # 8

HR11 (2023), 0785H.02P, House Rule 24(2)(b) -- Funds for operation of member's individual offices. The committee shall also prescribe rules governing the expenditure of funds allotted to individual members for the operation of their offices. Such rules shall be applied equally to, and shall require the equal treatment of, all members with regard to the expenditure of such funds. Subject to such rules, each member shall have discretion to expend such funds, for the use of his or her office, without the approval of the committee.

The first example of what appears to be a false report filed by Plocher dates back to 2018.
His campaign spent $431.96 on airfare with Southwest Airlines in July of that year. Plocher requested the House repay him $112.36 for a portion of the airfare to the National Council of Legislators from Gaming States that wasn't covered through a scholarship offered by the organization.
That same month, Plocher's campaign spent $206.05 on "lodging" at a Hyatt hotel. A few weeks later, he requested the House reimburse him $206.05 for accommodations at the Hyatt Regency St. Louis at the Arch for the Southern Legislative Conference.
His campaign also paid the $300 registration fee for the Southern Legislative Conference, and Plocher was later reimbursed by the House.
In July 2019, Plocher's campaign reported spending $603.95 on "ULC conference rental car" and $1,923.36 on "ULC conference lodging."
A month later, he was reimbursed by the House for $603.95 for the rental car. A portion of his lodging was covered by a scholarship, so Plocher only requested the remaining portion — $216.95 — be reimbursed by the House.
His campaign also picked up the $600 registration fee for the ULC conference that year, and Plocher was also reimbursed for that cost.
In June 2022, Plocher was approved by the House to be reimbursed $945 for five nights at a hotel to attend a conference in Philadelphia.
A month later, his campaign spent $963.65 for a hotel in Philadelphia for what was described on the disclosure form as a "campaign conference." Plocher was reimbursed by the House in August for his stay at the Loews Hotel Philadelphia.
In January of this year, Plocher submitted a notice to the House asking permission to spend $325 to pay the registration to the State Legislative Leaders Foundation conference in Washington, D.C.
A week later, his campaign paid the $325 registration fee, and a week after that he was reimbursed for the cost by the House. – **"Records show Dean Plocher charged the state for travel already paid for by his campaign: The top lawmaker in the Missouri House filed false expense reports numerous times since 2018 and began paying back the money he received last week" Missouri Independent, October 23, 2023 5:45PM**

Complaints of Ethical Misconduct, Concern # 9

HR11 (2023), 0785H.02P, House Rule 12 -- The Speaker shall have general supervision and control over all employees of the House. The Speaker may hire special counsel to assist committees in extraordinary

circumstances. The Speaker may make a temporary appointment to fill a vacancy in the office of the Chief Clerk until such time as the House adopts a resolution to fill the vacancy on a permanent basis.

HR11 (2023), 0785H.02P, House Rule 20 – The House may employ, and the Speaker appoint, such employees as are necessary to perform the duties of the House. No person shall be initially hired by the House who is related to any member of the House within the fourth degree, by consanguinity or by affinity.

Missouri House Speaker Dean Plocher fired his chief of staff on Tuesday — just weeks after the Republican lawmaker was accused by nonpartisan legislative employees of unlawful conduct.
In a letter to legislators, Plocher announced that the chief of staff position in his office is vacant effective immediately. Up until Tuesday, that job had been held by Kenny Ross, who has served as chief of staff to the last three Republican speakers — Todd Richardson, Elijah Haahr and Rob Vescovo.
There was no reason given for Ross leaving his position. A spokesman for the speaker's office said he did not anticipate being able to provide clarity on the situation. Ross declined to comment. – **"Missouri House Speaker Dean Plocher fires his chief of staff" Missouri Independent, October 17, 2023 3:33PM**

May 30, 2023 Speaker Plocher had meeting with Kenny Ross and Dana Miller to contract with Fireside.
August 2023 Speaker Plocher letter or reimbursement request for Hawaii air travel involved Kenny Ross.

###

Please examine these concerns and complaints to provide Missourians a full and complete investigation of any and all possible ethical misconduct.

Sincerely,

Representative Chris Sander, District 33

State of Missouri

County of Cole

On this 26th day of October, 2023, before me, the undersigned notary, personally appeared Chris Sander, personally known to me to be the person who signed the preceding or attached document in my presence and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

Beth Oetting (official signature and seal of notary)

BETH OETTING
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES JUNE 8, 2025
COLE COUNTY
COMMISSION #99419604

Dean Plocher
State Representative
Missouri's 89th District

COMMITTEES:

Ex-officio Member of all House Committees

CAPITOL OFFICE

Missouri State Capitol
201 West Capitol Avenue
Room 308
Jefferson City, MO 65101

Tele: (573) 751-1544

E-Mail:
Dean.Plocher@house.mo

Dean Plocher
Speaker of the House
Missouri House of Representatives

March 12, 2024

Via Electronic Mail and Hand Delivery

Chairwoman Hannah Kelly
201 West Capitol Ave., Rm. 315
Jefferson City, MO 65101
Hannah.Kelly@house.mo.gov

Dear Chairwoman Hannah Kelly,

These are the facts known to me:

- On or about noon on Friday March 8, an unmarked manila envelope was delivered to the Speaker's office [redacted]
- Early Monday, March 10, legislative assistant [redacted] spoke with [redacted] to request instructions, and [redacted] informed [redacted] that she was unfamiliar with the contents of the documents and would inquire of you.
- Thereafter, you called [redacted] and asked [redacted] to review the contents with "the attorney."
- Thereafter, Bryan Scheiderer called [redacted] and asked her to review the contents of the envelope with me.

The contents of the envelope include a cover letter and five draft documents purporting to be subpoenas. The author of the drafts is not identified. The letter requests the Speaker execute the documents. The drafts appear to request for the attendance of party and non-party witnesses to appear and give testimony at a hearing of the Ethics Committee scheduled for March 12th and 13th.

Upon review of the drafts, the office is unable to execute the documents. First, the House Ethics Committee operates pursuant to the House Ethics Committee Rules of Procedure. The Committee's authority to issue subpoenas is found in Rule 9.A. That rule applies to Formal Hearings. There is no authority under Rule 8 for Primary Hearings that indicates that Committee has authority to issue subpoenas. Accordingly, the Committee does not have the authority to issue such a subpoena at this time.

Furthermore, please review Ethics Rule 11.A, which states that "[a] subpoena to a witness shall be served sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable time, as determined by the Committee, to prepare for the hearing and to employ counsel should he or she desire to do so." For a point of reference, under the Missouri Rules Civil Procedure, a reasonable time for service for non-party

witness (i.e. a witness that is neither a plaintiff/petitioner or defendant/respondent) is *no fewer* than ten (10) days prior to the scheduled hearing. *See* Mo R. of Civ. Pro. 57.09. The purpose of this notice requirement is provide a non-party witness an opportunity to retain counsel and file objections if necessary.

A vast proportion of the draft subpoena documents appear to be directed at non-party witnesses. Pursuant to public notices, the Committee held hearings on March 4th and March 6th. The cover letter is dated March 7th. The envelope was hand-delivered by courier and not by electronic mail on March 8th, while the House was no in session. I am uncertain as to the necessity of the delay in preparing and submitting the draft subpoena documents to the Speaker's office, but they were received by our office on one legislative day's notice. Effectively, the process that the Committee has undertaken provides insufficient time for any non-party witnesses to be served and consult with counsel. The Speaker's office cannot promulgate subpoenas in a manner that infringes upon the due process rights of non-party witnesses. To do so would expose witnesses to undue cost and may expose the House to liability for abuse of process claims.

Finally, the draft documents omit information necessary to constitute an enforceable subpoena. In my capacity of Majority Counsel, I am not the attorney for the Ethics Committee, General Counsel Bryan Scheiderer is. I am uncertain if you had an opportunity to review these drafts with Mr. Scheiderer before transmitting the drafts to the Speaker's office. Unfortunately, pursuant to a missive from Mr. Scheiderer on March 9th, he has declared to me that he is unavailable to discuss legal concerns with the Speaker's office. Consequently, I have been foreclosed from opportunity of discussing these matters with him. As I am not the attorney assigned for the Committee, I am not available to provide remedial instruction.

Enclosed find the copies of the drafts with this letter.

Best Regards,

Hampton Williams
Majority Legal Counsel

Dean Plocher
State Representative
Missouri's 89th District

COMMITTEES:
Ex-officio Member of all
House Committees

CAPITOL OFFICE:
Missouri State Capitol
201 West Capitol Avenue,
Room 308
Jefferson City, MO 65101-6806
(573) 751-1544
Dean.Plocher@house.mo.gov

Dean Plocher
Speaker of the House
Missouri House of Representatives

March 25, 2024

Via Electronic Mail and Hand Delivery

Chairwoman Hannah Kelly
201 West Capitol Ave., Rm. 315
Jefferson City, MO 65101
Hannah.Kelly@house.mo.gov

Dear Chairwoman Hannah Kelly,

I am in receipt of your letter dated March 12, 2024. I am familiar with the *Marshall* case, which states that the issuance of a properly promulgated subpoena is a ministerial act. However, *Marshall* does not consider the circumstance of an ethics committee investigation. As stated in my previous letter, the primary concern is the committee lacks authority under Rule 8 to issue subpoenas. While these revised drafts attempt to address the ancillary concern raised regarding insufficient notice to witnesses, this request again ignores the absence of authority the ethics committee has to issue subpoenas prior to a Formal Hearing.

This is evident by your characterization of your request as under "Rule 32". Rule 32 is a rule pertaining to the operation of the General Assembly. The Ethics Committee, for better or for worse, operates pursuant to the House Ethics Committee Rules of Procedure. Consequently, no member has the independent authority under Rule 32 to subpoena someone to appear to testify before the Ethics Committee. Only the Committee may make such requests pursuant to the Committee's procedural rules. The Committee's authority to issue subpoenas is found in Rule 9.A, which applies to Formal Hearings. There is no authority under Rule 8 for Primary Hearings that indicates the Committee has authority to issue subpoenas. Accordingly, the Committee does not have the authority to issue such subpoenas at this time.

The distinction between a Primary and a Formal Hearing parallels the distinction between a grand jury and evidentiary hearing. The Primary Hearing functions like a grand jury hearing, where a prosecutor organizes their prospective witnesses and the accused is not afforded an

opportunity to defend himself or cross-examine witnesses. The purpose of a grand jury is to determine whether a prosecutor's evidence is sufficient to charge a defendant with a crime. At a Formal Hearing, the accused can cross-examine witnesses and testimony is adduced for the disposition of the case.

According to media reports, you are excluding respondent's counsel from being present for witness testimony, which is more akin to a grand jury than an actual evidentiary hearing. Your assertion of past practice by the Committee is not informative to the present authority of the Committee. Your committee does not have general jurisdiction.

Even if you view Rule 9.A as any kind of limitation on any authority you would claim under Rule 32 or Section 21.400, RSMo., keep in mind that you voted to approve these rules, which would likely constitute a waiver were this question put to a court. Please inform me as to when the Committee has proceeded to a Formal Hearing and provide the necessary draft subpoenas. Enclosed find the returned copies of the drafts with this letter.

Best Regards,

Hampton Williams
Majority Legal Counsel

Dean Plocher
State Representative
Missouri's 89th District

COMMITTEES:

Ex-officio Member of all House Committees

CAPITOL OFFICE:

Missouri State Capitol
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Jefferson City, MO 65101-6806

Tele: (573) 751-1544

E-Mail:
Dean.Plocher@house.mo.gov

Dean Plocher
Speaker of the House
Missouri House of Representatives

April 2, 2024

Representative Hannah Kelly (141)
201 W. Capitol Avenue, Room 315
Jefferson City, MO 65101

Chairwoman Kelly,

This office has received a third request to issue subpoenas in connection with the Ethics Committee's investigation into the October 2023. In response to each of your previous requests, I have responded explaining that committee lacks the authority to issue subpoenas prior to a determination of a Formal Hearing under Rule 9. No such determination has been made by the committee to proceed to a Rule 9 hearing. Again, Rule 32 applies to general house procedure. You have made no effort in your follow-up correspondence to attempt to cite the procedural rules of the Ethics Committee. While the committee may have voted to issue the subpoenas, the committee lacks the authority to appoint itself with new and discrete authorities. It appears you intend to persist regardless of any authority in the Ethics Committee rules.

Should you persist in issuing extra-jurisdictional subpoenas, you will have done so knowingly. Initially you sought five subpoenas addressed to [redacted] Presently, you seek to issue three subpoenas that the committee has apparently voted on are directed to [redacted] Presumably [redacted] already testified without the necessity of a subpoena or else you would sought subpoenas for those individuals. Your most recent request serves an acknowledgement that the committee initially sought to issue unnecessary subpoenas to [redacted]

As you are aware, Julie Baker served as my predecessor, and in the capacity as an attorney. Any information that she would have in connection with her duties would be privileged. Any attorney-client privilege has not been, and is not, waived by Speaker Plocher.

Best Regards,

Hampton Williams
Majority Legal Counsel
Missouri House of Representatives

Bryan Scheiderer

From: Bryan Scheiderer
Sent: Monday, October 2, 2023 10:39 AM
To: Julie Baker
Subject: FW: Sunshine request - Dean Plocher

See below, thanks.

Bryan D. Scheiderer
General Counsel
Missouri House of Representatives
(573) 522-2639

From: Debra Smith <debrakaysmith63@gmail.com>
Date: Sep 21, 2023 4:31 PM
Subject: Sunshine request - Dean Plocher
To: Dana Miller <Dana.Miller@house.mo.gov>
Cc:

Dear Chief Clerk Miller,

I am writing pursuant to Chapter 610 of the Revised Statutes of Missouri, the Missouri Sunshine Law, in request of documents and information that would include the following information:
Copies of any and all expenses and reimbursements for Speaker Dean Plocher for the time he has been a State Representative in Missouri
In the event that any document, part of a document or record is closed or otherwise exempt from the terms of the Missouri Sunshine Law, please segregate those portions and provide me with the rest of the records.
I request that the records responsive to my request be copied and sent to me at the return address and/or email address attached to this letter.
Because any information obtained through this records will not be used in commercial interest but instead will be used to advance the public interest by contributing significantly to public understanding of a person wanting to continue to serve as MIssouri State Attorney General, I respectfully request that all fees for locating and copying the records be waived in accordance with the provisions of 610.026.1 of the Revised Statutes of Missouri.

Bryan Scheiderer

From: Bryan Scheiderer
Sent: Friday, October 6, 2023 9:18 AM
To: Julie Baker
Subject: FW: Open Records Request 10/5/23

Fyi, we have a second request for the Speaker's expense records.

Bryan D. Scheiderer
General Counsel
Missouri House of Representatives
(573) 522-2639

From: Jason Hancock <jhancock@missouriindependent.com>
Sent: Thursday, October 5, 2023 4:46 PM
To: Bryan Scheiderer <Bryan.Scheiderer@house.mo.gov>
Subject: Open Records Request 10/5/23

This is a request for records pursuant to the Missouri Sunshine Law, Chapter 610, RSMo.

I formally request access to:

- All records pertaining to expense reimbursements for Dean Plocher, whether submitted by Dean Plocher or any other individual on his behalf, from January 1, 2016, to Oct. 1, 2023.

- All records pertaining to expense reimbursements for Crystal Quade, whether submitted by Crystal Quade or any other individual on her behalf, from January 1, 2017, to Oct. 1, 2023.

- All records pertaining to expense reimbursements for Jon Patterson, whether submitted by Jon Patterson or any other individual on his behalf, from January 1, 2019, to Oct. 1, 2023.

As a member of the media, this request is in the public interest and any information will be used to inform the public about the way their government works. I request that any fees be waived.

If you deny any part of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under law.

Please send responses and all responsive documents to this email address. If you have any questions or would like any clarification, please call me at 573-340-5153.

Thank you for your time and your help in this matter.

Best,
Jason

--

Obstruction of the Investigation

1. During the course of this investigation, the committee, along with its special counsel, contacted multiple potential witnesses who refused to voluntarily appear before the committee or speak with the committee's investigator. The committee's special counsel retained to assist with the investigation of this matter has been involved in approximately 800 investigations, and was forced to conclude her investigation without speaking to several witnesses who likely had relevant information. She also wrote her report in a summary manner to protect those witnesses she did speak with from retaliation. She concluded her report with the following paragraph:

> I have not encountered more unwilling witnesses in any investigation in my career. The level of fear expressed by a number of the potential witnesses is a daunting factor in completing this investigation.

Respondent's counsel requested that the special counsel's report be made public.

2. Witness 6 provided additional evidence of the difficulty of both the committee and investigator to obtain testimony. Witness 6 related her belief that her employment may be in jeopardy for testifying before the committee. Representative Wright "highly encouraged" Witness 6 not to testify. Wright somehow knew that Witness 6 was to appear before the committee–information that would be confidential–and Wright said that Witness 6 did not have to appear and that if the witness did testify, that Witness 6 could just state that "you don't know." While this does not pertain directly to Respondent, the events described herein have impeded and delayed the investigation.

3. On March 7, 2024, the committee, through the committee chair and vice-chair, requested the Speaker issue several subpoenas requiring the presence of witnesses before the committee to provide testimony. Two of these witnesses indicated they would not voluntarily appear before the committee but would comply with a subpoena. House Rules 32 and 104 provide that subpoenas for witnesses may be issued at the request of any member, to be signed by the Speaker and attested to by the Chief Clerk. Section 21.400, RSMo., states that subpoenas for witnesses "shall be issued at the request of any member of the senate or the house of representatives." The Speaker's duty to issue a subpoena upon request of a member is ministerial in nature. *In re Marshall*, 478 S.W.2d 1 (1972). Instead of recusing himself from the matter as he did the previous October, Respondent denied, through his attorney, on Respondent's letterhead, the committee's request for subpoenas, and two subsequent requests. The committee used the same procedures to request subpoenas as prior committees have used in past ethics matters. Eventually, the Speaker Pro Tem signed three subpoenas at the committee's request. The inability to compel witness testimony and the production of documents in a timely fashion caused unnecessary delay and has hindered this committee's investigation.

4. During the primary hearing stage of an ethics matter, witness testimony is taken under oath by a court reporter. The court reporter for the committee meetings held March 12 and

13, 2024, appeared by Webex conference call. This necessitated the House IT staff arranging for each member to have a laptop and headset to participate in the questioning so that the court reporter would be able to hear all parties. This in turn required the closing of House Hearing Room 4 for security purposes after the committee ended the hearing on March 12, and prior to opening the hearing on March 13 (which was scheduled for 5:00 p.m. that day).

5. In the morning of March 13, 2024, Hampton Williams, a House employee and attorney who reports directly to the Speaker's office, used his position of authority to make a House administrative employee unlock Hearing Room 4 so that Williams, as he explained to the employee, could take photographs of the hearing room. Williams was requested to appear before the committee to provide an explanation of his actions, however, he refused to appear. Respondent's Chief of Staff Rod Jetton testified that he thought Williams' actions were an attempt to investigate how the Respondent's photo was taken by the press prior to the March 12, 2024, hearing.

6. One of Respondent's retained counsel appeared during an open session of a committee hearing and revealed the existence of a confidential report by a special counsel. Respondent's counsel were further provided, on April 2, 2023, a list of witnesses and the order they should appear in for a hearing scheduled the following day. This was provided to counsel at their request to facilitate scheduling for the witnesses and counsel. Counsel then appeared at the April 3, 2023, hearing and complained that the same information had been leaked to news media.

7. Respondent failed to respond, through his retained counsel, to repeated requests for an interview made by the committee's special counsel to Respondent's retained counsel. The interview requests were sent to Respondent's retained counsel by email on February 22, 2024, February 28, 2024, and March 1, 2024.

8. Expenses incurred in the investigation of this complaint to date total $16,547.52 ($14,757.50 in legal fees, and $1,790.02 in court reporter fees). Payment invoices from these vendors have been submitted to the Speaker's office for approval according to House policy and practice. The Speaker's office has not yet acted on these payment requests.