

FINAL REPORT OF THE  
SPECIAL INVESTIGATIVE  
COMMITTEE ON OVERSIGHT

IN RE GOVERNOR  
ERIC R. GREITENS



MISSOURI HOUSE OF REPRESENTATIVES  
*Ninety-ninth General Assembly*

**FINAL REPORT OF THE  
SPECIAL INVESTIGATIVE  
COMMITTEE ON OVERSIGHT**

**IN RE GOVERNOR  
ERIC R. GREITENS**

*Members of the Committee<sup>1</sup>*

**Representative Jay Barnes, Chairman  
Representative Don Phillips, Vice-Chairman  
Representative Gina Mitten, Ranking Minority Member  
Representative Jeanie Lauer  
Representative Kevin Austin  
Representative Shawn Rhoads  
Representative Tommie Pierson, Jr.  
Representative J. Eggleston  
Representative Curtis Trent  
Representative Greg Razer**

**MISSOURI HOUSE OF REPRESENTATIVES  
*Ninety-ninth General Assembly***

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<sup>1</sup> Representatives Phillips, Austin and Rhoads resigned as members of the General Assembly prior to the issuance of this final report.

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## INTRODUCTION

The Speaker of the House of Representatives established the Special Investigative Committee on Oversight to investigate the allegations involving former Governor Eric R. Greitens on February 27, 2018. The original seven House members appointed to the committee were: Chairman Jay Barnes, Vice-Chairman Don Phillips, Ranking Minority Member Gina Mitten, and Representatives Jeanie Lauer, Kevin Austin, Shawn Rhoads, and Tommy Pierson, Jr. At a later date, Representatives J. Eggleston, Curtis Trent, and Greg Razer were appointed to serve as members of the committee.

On March 1, 2018, the House of Representatives adopted House Resolution No. 5565 directing the committee to “investigate allegations against Governor Eric R. Greitens and report back to the House of Representatives.”<sup>2</sup> The resolution further directed the committee, at the conclusion of the investigation, to “prepare a transcript of the hearings.”

The Special Investigative Committee on Oversight held hearings to take testimony of witnesses under oath, and review documents obtained by the committee. The committee released three reports, and submits this final report to the House of Representatives.

## PROCEEDINGS OF THE COMMITTEE

The committee met on March 6, 2018, for an organizational meeting. A quorum was established with all seven members of the committee present. The committee then met in a series of meetings to take testimony of witnesses, review documents, and discuss the preparation and release of reports regarding committee findings.

The committee met on the following dates to receive testimony, review evidence or prepare its reports:

- March 6, 2018 – organizational meeting
- March 7, 2018 – testimony of Witness 1
- March 9, 2018 – testimony of Witnesses 2 & 3
- March 12, 2018 – testimony of Witness 4
- March 14, 2018 – testimony of Michael Hafner
- March 27, 2018 – testimony of Krystal Proctor
- March 29, 2018 – testimony of Spencer Kympton

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<sup>2</sup> See Appendix A for a copy of House Resolution No. 5565.

April 2, 2018 – testimony of Lyndsey Reichardt  
April 3, 2018 – closed session, transcript released  
April 4, 2018 – testimony of Jack Neyens  
April 5, 2018 – closed session, transcript released  
April 9, 2018 – closed session, transcript released  
April 10, 2018 – closed session, transcript released  
April 11, 2018 – closed session, transcript released  
April 17, 2018 – closed session, transcript released  
April 18, 2018 – closed session, transcript released  
April 19, 2018 – closed session, transcript released  
April 23, 2018 – closed session, transcript released  
April 24, 2018 – closed session, transcript released  
April 25, 2018 – closed session, transcript released  
April 30, 2018 – closed session, transcript released  
May 2, 2018 – no transcript  
May 14, 2018 – meeting cancelled  
May 15, 2018 – meeting cancelled  
May 16, 2018 – Attorneys Greim & Garber  
May 22, 2018 – discussion and adoption of House Resolution No. 2; reading of the transcript of grand jury testimony of Witness 1  
May 23, 2018 – in closed session (transcript released), video of Witness 1 interview with investigator reviewed and discussion of sensitive material; in open session, testimony of witness Scott Faughn and deposition testimony of Witness 1 read  
May 24, 2018 – testimony of witness Albert Watkins; continue reading deposition testimony of Witness 1  
May 25, 2018 – testimony of witness Brian Koberna; hearing not completed  
May 29, 2018 – testimony of witness Michael Hafner; Greitens announced his resignation on this date effective in three days

In the course of its investigation, the committee issued numerous subpoenas to obtain documents. Most witnesses complied with subpoenas; however, the committee was required to engage special counsel to judicially enforce its subpoenas to certain parties.

## FINDINGS

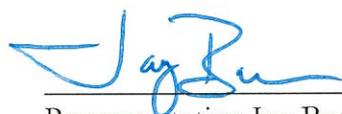
The committee issued three reports with its findings. The committee released its first report on April 11, 2018, with findings concerning the allegations raised by Witness 1 and the Circuit Attorney's Office of the City of St. Louis. The committee released its second report on April 24, 2018, with findings concerning allegations of Greitens' use of a charitable donor list for campaign fundraising. In response to public statements made by Greitens regarding the first report and Witness 1, the committee released its third report on April 30, 2018, as a supplement to the initial committee report.<sup>3</sup>

The committee continued working through May 23, 2018. On that date, Greitens announced his intent to resign from office. He then submitted a resignation letter to the Secretary of State, effective at 5 p.m., Friday, June 1, 2018.<sup>4</sup> Upon Greitens' resignation, the committee no longer had jurisdiction to continue the investigation.

The committee issues this final report as required by Rule 2 of House Resolution No. 5565. Transcripts of each hearing and exhibits referenced in those hearings are attached in the appendices to this report.<sup>5</sup> Pursuant to the resolution, the transcripts and exhibits attached to this report are redacted to protect the identity and privacy of certain witnesses.

The overwhelming majority of documents received by the committee were, upon review, deemed not relevant to the committee's investigation, or were not used in any findings reached by the committee. Pursuant to the authority granted the committee and chairman under House Resolution No. 5565, the Missouri Constitution, and state and federal law, and after notifying counsel for certain parties,<sup>6</sup> all documents received by the committee that were not used with a witness or as an exhibit are closed records.

Respectfully submitted,



Representative Jay Barnes  
Chairman

Dated: December 31<sup>st</sup>, 2018

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<sup>3</sup> See Appendix A for the three reports issued by the Committee.

<sup>4</sup> See Appendix A for a copy of Governor Greitens' resignation letter.

<sup>5</sup> See Appendix B (transcripts) and Appendix C (exhibits).

<sup>6</sup> See Appendix A for correspondence with counsel.

## APPENDIX A

1. HOUSE RESOLUTION NO. 5565
2. FIRST COMMITTEE REPORT, ISSUED APRIL 11, 2018
3. SECOND COMMITTEE REPORT, ISSUED APRIL 24, 2018
4. SUPPLEMENT TO FIRST REPORT, ISSUED APRIL 30, 2018
5. GOVERNOR GREITENS' RESIGNATION LETTER
6. CORRESPONDENCE WITH COUNSEL

## APPENDIX B

### TRANSCRIPT LIST

1. Committee Hearing, March 6, 2018 (organizational meeting – no transcript)
2. Committee Hearing, March 7, 2018 (Witness 1)
3. Committee Hearing, March 9, 2018 (Witnesses 2 & 3)
4. Committee Hearing, March 12, 2018 (Witness 4)
5. Committee Hearing, March 14, 2018 (Michael Hafner)
6. Committee Hearing, March 27, 2018 (Krystal Proctor)
7. Committee Hearing, March 29, 2018 (Spencer Kympton)
8. Committee Hearing, April 2, 2018 (Lyndsey Reichardt)
9. Committee Hearing, April 3, 2018
10. Committee Hearing, April 4, 2018 (Jack Neyens)
11. Committee Hearing, April 5, 2018
12. Committee Hearing, April 9, 2018
13. Committee Hearing, April 10, 2018
14. Committee Hearing, April 11, 2018
15. Committee Hearing, April 17, 2018
16. Committee Hearing, April 18, 2018
17. Committee Hearing, April 19, 2018
18. Committee Hearing, April 23, 2018
19. Committee Hearing, April 24, 2018
20. Committee Hearing, April 25, 2018
21. Committee Hearing, April 30, 2018
22. Committee Hearing, May 2, 2018 (no transcript)
23. Committee Hearing, May 14, 2018 (no transcript)
24. Committee Hearing, May 15, 2018 (transcript of audio recording)
25. Committee Hearing, May 16, 2018 (Attorneys Greim & Garber)
26. Committee Hearing, May 22, 2018
27. Committee Hearing, May 23, 2018 (Scott Faughn)
28. Committee Hearing, May 24, 2018 (Albert Watkins)
29. Committee Hearing, May 25, 2018 (Brian Koberna)
30. Committee Hearing, May 29, 2018 (Michael Hafner)
31. Transcript of Governor Greitens' statements (3)
32. Transcript of Governor Greitens' statement on Committee report
33. Transcript of Investigator's interview of Witness 1

## APPENDIX C

### EXHIBIT LIST

1. Transcription of taped recording of K.S. and P.S.
2. Email correspondence to Sheena Chestnut Greitens (July 3, 2015)
3. Email from Eric Greitens and Krystal Taylor email with Excel spreadsheet attachment (Jan. 6, 2015)
4. Email from Eric Greitens and Michael Hafner email (Jan. 19, 2015)
5. Email from Krystal Taylor to Michael Hafner with Excel spreadsheet attachment (Jan. 28, 2015)
6. Email from Michael Hafner to Danny Laub with Excel spreadsheet attachment (Feb. 2, 2015)
7. Email from Michael Hafner to Eric Greitens with Word document attachment (Feb. 5, 2015)
8. Email from Michael Hafner to Eric Greitens with Word document attachment (Feb. 17, 2015)
9. Email from Michael Hafner to Danny Laub with Excel spreadsheet attachment (March 20, 2015)
10. Amended MEC-GFM Committee Disclosure Report (April 28, 2017)
11. MEC-GFM Joint Stipulation (April 28, 2017)
12. TMC-Krystal Taylor Nondisclosure Agreement (Nov. 21, 2012)
13. Email from Lori Stevens with "\$1K+ list" attachment (May 8, 2014)
14. The Mission Continues Team Member Handbook
15. TMC-Eric Greitens Memorandum of Understanding (Dec. 2012)
16. TMC-Eric Greitens Nondisclosure Agreement (Nov. 27, 2012)
17. Email from Lyndsey Reichardt (May 19, 2014)
18. TMC statements (2) from Spencer Kympton
19. Email from Eric Greitens to TMC staff (April 24, 2014)
20. Email from K.S. to Eric Greitens (Oct. 23, 2015)
21. Letter from Sanford Boxerman to Chairman Barnes (March 28, 2018)
22. Email from Spencer Kympton to Austin Chambers (Aug. 16, 2016)
23. Correspondence from and to counsel for Eric Greitens, including motion to compel (February-April, 2018)
24. Correspondence from counsel Scott Simpson (April 9, 2018)
25. Statement of Eric Greitens (April 11, 2018)
26. Statement of Eric Greitens (April 12, 2018)
27. Email from Eric Greitens regarding attorney Welby (May 8, 2015)
28. Affidavit of Scott Simpson (April 18, 2018)
29. Affidavit of P.S. (April 18, 2018)
30. Email from Eric Greitens to D. Whitman (March 14, 2014)
31. Email from Krystal Taylor (April 1, 2014)
32. Email from Lori Stevens to Eric Greitens (May 8, 2014)

33. Email from Eric Greitens to Krystal Taylor (August 13, 2014)
34. Email correspondence between Michael Adams and Jack Pletz (January 18, 2017, through March 9, 2017)
35. Order dated April 16, 2018, City of St. Louis Case No. 1822-CR00642
36. Request of the Committee for deposition transcript and video, filed April 24, 2018, City of St. Louis Case No. 1822-CR00642
76. Hafner 1-2
77. Hafner 4-6
78. Hafner 13-15
79. Hafner 17
80. Hafner 16
81. Hafner 19-21
82. Hafner 27-28
83. Hafner 31
84. Hafner 32-33
85. Hafner 34-38
86. Hafner 43
87. Hafner 79-80
88. Hafner 45-49
89. Email dated June 14, 2016 (“911: Hank and Eric”)

# House Resolution No. 5565

## 99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES (60).

6637H.011

D. ADAM CRUMBLISS, Chief Clerk

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

3

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

8

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

13

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

20

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

23

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

32

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

39

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

42

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

45

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

49

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

54

55

## RULE 1

56

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

61

62

## RULE 2

63

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

73

74

## RULE 3

75

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

78

79

## RULE 4

80

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

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

87

88

#### RULE 5

89

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

92

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

96

97

#### RULE 6

98

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

105

106

#### RULE 7

107

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

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

114

115

RULE 8

116

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

122

123

RULE 9

124

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

128

129

RULE 10

130

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

✓

# REPORT OF THE MISSOURI HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

April 11, 2018



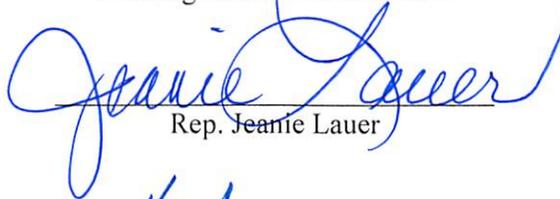
Chairman Jay Barnes



Vice-chairman Don Phillips



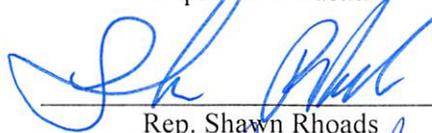
Ranking Member Gina Mitten



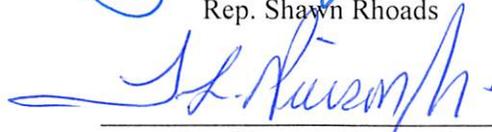
Rep. Jeanie Lauer



Rep. Kevin Austin



Rep. Shawn Rhoads



Rep. Tommie Pierson Jr.

## SENSITIVE CONTENT WARNING

This report contains content of a sensitive and sexual nature. The House Special Investigative Committee on Oversight has kept descriptions of an adult nature and coarse language in order to provide an unfiltered record of witness testimony. In some cases, the identities of witnesses and sensitive information have been redacted from the record to protect privacy.

## HISTORY OF THE COMMITTEE

The House Special Investigative Committee on Oversight (the Committee) was formed by Speaker Todd Richardson on February 27, 2018, and consists of seven members: Chairman Jay Barnes, Vice-chairman Don Phillips, Ranking Member Gina Mitten, Rep. Jeanie Lauer, Rep. Kevin Austin, Rep. Shawn Rhoads, and Rep. Tommie Pierson Jr.

House Resolution 5565, adopted by a unanimous vote of the House of Representatives on March 1, 2018, established procedures for the Committee. In particular, HR 5565 empowered and required the Committee to “investigate allegations against Governor Eric R. Greitens” and “report back to the House of Representatives within forty days of such committee being appointed[.]” It further permitted the Committee to close all or a portion of hearings to hear testimony or review evidence, and to redact testimony transcripts and other evidence to protect witness identities or privacy.

Subpoenas were issued to compel the appearance of witnesses and the production of documents. Every witness before the Committee testified under oath.

- On February 22, 2018, Speaker Todd Richardson indicated he would form a committee to investigate allegations against Governor Greitens (Greitens). In response, counsel for Greitens stated that they would “welcome reviewing this issue with the independent, bipartisan committee of the Missouri House of Representatives.” Counsel promised to “work with the committee,” after faulting the Circuit Attorney for the City of St. Louis for refusing to meet with Greitens.<sup>1</sup>
- On February 27, 2018, the Committee was formed by Speaker Todd Richardson.
- On February 28, 2018, Chairman Barnes made contact with attorneys Ed Dowd, Counsel for Greitens; Scott Simpson, counsel for Witness 1; and Al Watkins, counsel for Witness 3. Requests were made for production of documents.
- Counsel for Witnesses 1 and 3 timely responded to the Committee’s request for documents. Counsel for Greitens declined to provide any documents, stating that they were under a non-disclosure order from the Circuit Court of the City of St. Louis in an existing criminal case not to disclose documents from that case. However, the Committee notes that only one of the requests for documents to Greitens involved documents from the current pending case.
- On March 7, 2018, pursuant to subpoena, the Committee took testimony from Witness 1.
- On March 9, 2018, pursuant to subpoena, the Committee took testimony from Witness 2, who identified herself as a close friend of Witness 1, and Witness 3, the ex-husband of Witness 1.

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<sup>1</sup> See Ex. 23, Correspondence with Greitens’ Counsel.

- On March 12, 2018, pursuant to subpoena, the Committee took testimony from Witness 4, a close friend of Witness 1.
- On March 22, 2018, Chairman Barnes sent requests for sworn answers to interrogatories to counsel for Greitens, and requested that counsel be prepared at a meeting the next morning to provide available dates and times at which Greitens could testify before the Committee.
- On March 23, 2018, Chairman Barnes, Vice-chairman Phillips, and staff attorneys Alex Curchin and Alixandra Hallen met informally with Ed Dowd, counsel for Greitens and Ross Garber, counsel for the Office of the Governor of Missouri. Chairman Barnes informed counsel that, although Greitens did not have a constitutional right to testify before the Committee at this point, the Committee was treating the process as if he did. Chairman Barnes requested that counsel inform the Committee by Monday, March 26, 2018 whether Greitens intended to exercise or waive his right to testify before the Committee at this point in time.
- On March 26, 2018, counsel for Greitens informed the Committee that Greitens would decline to testify before the Committee at this point in time. The Committee notes that Greitens has the constitutional right to so decline, and that the Committee has treated this process as if he also has the right to testify at this point in time.
- On April 3, 2018, the Committee met to discuss the process for redactions of the record and drafting of this report.
- On April 5, 2018, the Committee met to vote on redactions of the record and discuss a draft of this report.

### **LIMITATIONS OF THE COMMITTEE**

The Committee operated under significant time and resource constraints pursuant to the resolution. The Committee also notes that Greitens has declined to participate in this fact-finding process at this time. Greitens declined to provide the requested testimony, documents, and sworn answers to interrogatories. Greitens enjoys a fifth amendment constitutional right not to testify in his criminal trial – and before this Committee. Yet, it is also true that he enjoys a constitutional right to testify in his criminal trial if he so chooses. Further, this Committee treated the process to date as if Greitens also had a right to testify before it.

Greitens has effectively waived the right to testify before this Committee at this point in time. Thus, to the extent this report does not include Greitens' perspective, that is the result of his choice not to participate. While disappointing to the Committee, his failure to participate is not held by the Committee as an indication of the truthfulness of the allegations. Finally, the Committee also notes that Greitens will be afforded further opportunities to present evidence should additional proceedings of the Committee be deemed necessary.

Finally, this Committee was not tasked with recommending specific actions for the House of Representatives or Senate to take following this report. Instead, the Committee's purpose, per HR 5565, is to determine, to the best extent possible, the underlying evidence to allegations made against Greitens. Accordingly, while individual members of the Committee may have recommendations and beliefs about appropriate actions given these facts, those beliefs are the Committee members' as individual representatives, not of the committee as a whole. The Committee also notes that the seriousness of this process is such that it would be inappropriate for it to make recommendations after a series of closed hearings and before other elected officials and the public have been made aware of the facts included in this report.

## FINDINGS OF THE COMMITTEE

### A. Conduct in Relation to Witness 1

Based on the testimony and evidence received by the Committee to date, the Committee finds reason to believe the following:

1. The Committee finds Witness 1 to be an overall credible witness.
2. Witness 2, a confidant of Witness 1, testified she has known Witness 1 for ten years.<sup>2</sup>
3. Witness 3 authenticated a surreptitious recording of a conversation with Witness 1 that took place on March 25, 2015, approximately four days after Witness 1's sexual encounter with Greitens.
4. Witness 4, a confidant of Witness 1, testified that she has known Witness 1 for thirty years, dating back to elementary school.<sup>3</sup>
5. Greitens declined the opportunity to testify and failed to respond to the Committee's request for production of documents and sworn answers to written interrogatories.<sup>4</sup> The Committee notes that Greitens has the constitutional right to so decline, and that the Committee has treated this process as if he also has the right to testify at this point in time.
6. Witness 1, a hair stylist, met Greitens in 2013, when he became her client.<sup>5</sup> Witness 1 testified:

He became a regular client of mine. And – I don't know. I saw him pretty regularly, unless he was traveling. Seemed pretty typical...we got to know each other pretty well, and I thought he was great. I thought he was this perfect guy. I probably knew too much about what he had maybe done in the past, as far as – I

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<sup>2</sup> Tr. W2 at 7:2-11.

<sup>3</sup> Tr. W4 at 7:19 to 8:15.

<sup>4</sup> See Ex. 23, Correspondence with Greitens' Counsel.

<sup>5</sup> Tr. W1 at 5:21 to 7:1.

knew – I knew that he was an author, I knew he was a motivational speaker, I knew he was a Navy SEAL. I knew he had volunteered at the Mother Theresa House...I don't want to say that he was speaking highly of himself, but he found a way to tell me these things, and so I just thought he was wonderful.<sup>6</sup>

7. From the fall of 2014 to March 2015, Greitens did not make any appointments with Witness 1. Then, on or about March 7, 2015, Greitens returned for a haircut:<sup>7</sup>

[W]hen I saw Eric was coming in that time, I was super nervous because he was one of – you know, really, my only client that I had somewhat of a crush on and thought he was this great guy, and so I just felt kind of nervous having him come in, and because I thought that maybe he didn't come in to see me after that time because he felt bad flirting with me, because he was having a baby soon.<sup>8</sup>

8. Witness 1 testified that, during the March 7 appointment, Greitens moved his hand up her leg and “all the way up to [her] crotch” without her consent.<sup>9</sup>

9. On or about March 7, Greitens attempted to call Witness 1 on her cell phone, but she did not answer.<sup>10</sup> Witness 1 explained her feelings:

I was at least curious. Did he have the same feelings for me? Was he going through something similar with his wife? Why did he feel like he could do that? Because he didn't know I was separated. So, anyway – so I was at least curious. I didn't want to talk to him, but I did want him to call me.<sup>11</sup>

10. On or about March 14, Witness 1 called Greitens while she was out with friends in the Central West End area of St. Louis. Witness 1 testified:

[W]e were trying to have a conversation in code of sorts, like, I'm really – my friend is really curious – she's in a situation. She was really curious what happened and why...you know, it was kind of in code. The way he was talking, I could tell he was most likely at his house because he wasn't really talking.

And – so he said, Actually – hey can you meet me outside of Starbucks in an alley – oh, because he asked me where I was, and I said – I was in the Central West End with some of my friends...<sup>12</sup>

11. They met for a few minutes in an alleyway behind Starbucks. There was no sexual contact during this meeting. Witness 1 testified:

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<sup>6</sup> Tr. W1 at 6:8-24.

<sup>7</sup> Tr. W1 at 7:2 to 9:19.

<sup>8</sup> Tr. W1 at 9:11-18.

<sup>9</sup> Tr. W1 at 11:6-11.

<sup>10</sup> Tr. W1 at 13:22-25.

<sup>11</sup> Tr. W1 at 13:9-15.

<sup>12</sup> Tr. W1 at 14:6-17.

[H]e asked where I was, and I said I was at a restaurant in the Central West End – a Mexican restaurant there. And he said, Well, can you meet me in a few minutes in the alleyway behind Starbucks, because I think I have a solution to your friend’s problem. So I said, Okay. And I went over to kind of where he was talking about behind the Starbucks, and I was, like, shaking, because I was nervous to even be talking to him like this. And he kind of hugged me and just said, Listen, calm down, it’s not – it’ll be okay. I have an idea of, you know, of a time when we can talk about this openly. Next weekend, my wife is going out of town, you can come over to my house, we can discuss these things, because ... I have to get back to my house in a minute.<sup>13</sup>

12. On Friday, March 20, Witness 1 called Greitens from her salon and told him, “I don’t feel comfortable coming to your house, can you please meet me at Starbucks or Coffee Cartel?” Greitens responded that he could not be seen in public with her because he was running for office and people would be watching him, especially in the Central West End. Instead, he insisted they meet at his house where she could “come in through the back door, nobody will see you, we can talk, you can get back to work, it’ll be fine.”<sup>14</sup>

13. Witness 1 arrived at the backdoor to Greitens’ home at approximately 7 a.m. on Saturday, March 21.<sup>15</sup>

14. Witness 1 had to be at work by approximately 7:45 a.m. that morning.<sup>16</sup>

15. Upon entering the home, Greitens made a “shush motion” to Witness 1, took her purse and keys, removed all items from her purse and searched it, patted her down from head-to-toe, and then went back outside to check if anyone had seen her enter the home.<sup>17</sup>

16. Witness 1 testified that she was nervous, and Greitens attempted to calm her down. Greitens asked if she could come back later after she finished working. Witness 1 informed him that she would be finished at 4:00 p.m., but that she had to pick her children up at that time so she could not return that afternoon. Witness 1 then testified to the following:

[H]e said, Well, okay, I have this idea. And I thought about you so much, and I have this idea, and it’s to make you feel good. I feel like you haven’t been treated good in so long. And I said, Well, I want to talk to you. I want to know what is going on in your relationship. You don’t even know what’s going on in mine. And he said, I know...but we don’t have a whole lot of time. Have you exercised today?

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<sup>13</sup> Tr. W1 at 15:11 to 16:1.

<sup>14</sup> Tr. W1 at 17:12 to 18:1.

<sup>15</sup> Tr. W1 at 18:11-15.

<sup>16</sup> Tr. W1 at 18:16-18.

<sup>17</sup> Tr. W1 at 18:25 to 19:22.

It was like he was on a mission, sort of, like this kind of high energy – it was kind of high energy. And I said, No I haven't exercised. And he said, Will you let me take you through an exercise – like, through a workout? I just have this idea. It's going to make you feel so good and – for whatever reason, I trusted him, thought this is okay, this is – somehow we're going to get to this – I don't know – I'm going to leave here feeling more clarified that, obviously, he has feeling for me.<sup>18</sup>

17. Witness 1 explained that Greitens had prepared clothes for her to change into:

So he said, I have these clothes I want you to put on. He had clothes sitting on his countertop. I want you to go change into these – take off all of your stuff – take off everything you're wearing and put on these clothes. And I just kind of looked at him like, Oh, God, what do you have? And he said, Just trust me. ... I just want to make you feel good.

So I went – he has, like, a little bathroom off his kitchen, and I went in there, changed into these clothes. The shirt was his – like, a man's white T-shirt that he had cut a slit at the top, and the pants were men's pajama pants.<sup>19</sup>

18. When Witness 1 emerged from the bathroom wearing the clothes Greitens had set out for her, Witness 1 testified that Greitens told her he would show her “how to do a proper pull-up.” Witness 1 testified that she believed “this is going to be some sort of sexy workout.”<sup>20</sup> She explained, “I thought this was going to be some sort of, like, sexy workout. I knew he – he had asked if I worked out that morning. I knew he – he said he had this idea that – something that would be – make me feel really good and I did work out, because he wanted to take me through a workout. And at this point I thought – we hadn't worked out together ever, so I thought, Oh, maybe it'll be some sort of – I don't know – sexy workout.”<sup>21</sup>

19. Witness 1 testified that she “was shocked” and “confused” at that point in time:

I still really thought he was perfect. He definitely knew – I know I had made it clear I had not cheated on my husband before and that, you know, I didn't want to do anything physical with him. So I think I was just confused, kind of shocked. And I was curious enough – he likes me this much that he has something planned for our workout? I don't know. I – I guess more than anything, confused.”<sup>22</sup>

20. At that point, Witness 1 testified that she would not have been “okay with a normal sexual encounter with him if he said, Hey I just want to have sex in the basement.”<sup>23</sup>

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<sup>18</sup> Tr. W1 at 19:27 to 20:25.

<sup>19</sup> Tr. W1 at 21:1-13; 86:8-17, answering in the affirmative to question posed by Rep. Lauer whether Greitens appeared to have “planned to have those available.”

<sup>20</sup> Tr. W1 at 21:14 to 22:1. This testimony is consistent with statements Witness 1 made to Witness 3 in the surreptitiously recorded phone call of March 24, 2015. See Ex. 1 at 16:24 to 17:5.

<sup>21</sup> Tr. W1 at 111:11-19.

<sup>22</sup> Tr. W1 at 86:22 to 87:5.

<sup>23</sup> Tr. W1 at 111:20-23, responding in the negative to a question posed by Rep. Rhoads.

21. When asked if she thought she was being led into a “a situation,” Witness 1 testified:

I did. But at this point, not a bad situation...More that he had a plan and – like I said, I think I really thought maybe he will, you know, have some sort of sexy workout planned, which is why – because he said, Change your clothes into these, and I said, What do you mean? And he said, I just want to take you through a workout, come on. Just trust me. I want to make you feel good. And I just feel like you haven’t been treated good in so long. So at this point, it was more curiosity / confusion.<sup>24</sup>

22. Upon entering the basement, Witness 1 testified that Greitens taped her hands to pull-up rings with “this gauzed tape stuff” and then put a blindfold on her. Witness 1 testified that these items were laying on a “workout bench right there, and that’s where he had that stuff.”<sup>25</sup>

23. Witness 1 testified to Greitens’ demeanor at the time, stating, “[H]e kind of had this controlling sort of – again, it almost as if he had a – like we were on a movie set. So he’s got this whole thing down of what he was going to say or whatever, but he was super – he was in a controlled state, which at this point was intriguing to me.”<sup>26</sup>

24. Witness 1 testified that Greitens then spit water into her mouth:

And then he said, First, before we start a workout, you have to be hydrated and puts water in his mouth and tries to spit it in my mouth, at which point I realized he’s trying to kiss me, but I don’t even want to kiss him. ...

So I just spit it out. He does it and he’s like, You’re not going to be a bad girl, are you? Tries to do it again, to which I just let it dribble out, because I didn’t even want to kiss him.<sup>27</sup>

25. Witness 1 testified that she had not spoken to that point, and that Greitens then, “[S]tarts kissing down my neck and he starts kissing kind of like down to my chest. And he takes the shirt and rips it open.”<sup>28</sup>

26. Witness 1 testified that she did not consent to Greitens’ tearing of the shirt, exposing her.<sup>29</sup>

27. Witness 1 testified that Greitens then commented on a scar on Witness 1’s stomach, before “kissing down [her] stomach” and “pull[ing] down [her] pants.”<sup>30</sup>

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<sup>24</sup> Tr. W1 at 87:6-20.

<sup>25</sup> Tr. W1 at 22:2-5; 99:18 to 100:6; 102:13-23; Ex. 1 at 17:3-5.

<sup>26</sup> Tr. W1 at 22:5-10.

<sup>27</sup> Tr. W1 at 22:14 to 23:9. See Ex. 1 at 17:7-11.

<sup>28</sup> Tr. W1 at 22:22 to 23:12. See Ex. 1 at 17:13-19.

<sup>29</sup> Tr. W1 at 70:7-24, responding in the negative to question posed by Rep. Mitten.

<sup>30</sup> Tr. W1 at 23:12-19.

28. Witness 1 testified she did not consent to Greitens pulling her pants down to her ankles.<sup>31</sup>

29. After Greitens pulled down her pants, Witness 1 testified, “[T]hen I hear him kind of, like, step back – take a step back and I hear – I can hear like a, like a cell phone – like a picture, and I can see a flash through the blindfold.”<sup>32</sup>

30. Witness 1 testified that she felt like her “privacy was invaded.”<sup>33</sup>

31. Witness 1 testified that she never saw an actual picture.<sup>34</sup> Nor did she recall “the first time she saw his phone.”<sup>35</sup>

32. On April 9, 2018, the Committee was made aware of a motion filed in the criminal case by Greitens’ counsel that asserted Witness 1 testified as follows:

Q: Did you ever see him in possession of a camera or phone?

A: Not to my knowledge. I didn’t see him with it.

Q: And as you sit here now, you cannot state under oath that you ever saw him in possession of a camera – with a camera or a phone?

A: Correct.

Q: And you can’t say you saw it on his person, you can’t say you saw him put it down in the kitchen, take it from the kitchen, or put it down anywhere in the basement. Those are all correct statements, are they not?

A: Yes, I cannot say.

The motion notes that, when asked by the Assistant Circuit Attorney, “did you see what you believed to be a phone?” Witness 1 answered, “... I haven’t talked about it because I don’t know if it’s because I’m remembering it through a dream or I – I’m not sure, but yes, I feel like I saw it after that happened, but I haven’t spoken about it because of that.”<sup>36</sup>

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<sup>31</sup> Tr. W1 at 72:12-14, responding in the negative to question posed by Rep. Mitten.

<sup>32</sup> Tr. W1 at 23:19-23; 62:3-24, testifying that Greitens admitted to her that he took the picture and that she “could hear it and [she] could see the flash;” Tr. W1 at 78:13-25, testifying again to hearing a click, seeing a flash, and that Greitens “acknowledge[d] it after he took it and sa[id], I’m going to put this picture everywhere. And then whenever [she] came back, telling [her] that he had erased it;” Ex. 1 at 17:24 to 18:2, stating four days later, “[H]e stepped back, and I saw a flash through the blindfold, and he said, ‘You’re never going to mention my name, otherwise there will be pictures of [you] everywhere.’”

<sup>33</sup> Tr. W1 at 65:17-24, responding in the affirmative to question posed by Rep. Phillips. The Committee notes that this question was related to a general feeling of invasion of privacy and not necessarily to the elements required for a conviction under §565.252, RSMo.

<sup>34</sup> Tr. W1 at 103:15-17.

<sup>35</sup> Tr. W1 at 99:6-12.

<sup>36</sup> The Committee notes that it includes these quotes in the absence of a full transcript from the deposition. It does so in reliance upon Greitens’ counsels’ obligation of candor as officers of the court. The Committee also notes that, on March 23, 2018, Chairman Barnes informed Greitens’ counsel that the Committee would support a motion by either party to the criminal case to make an exception to the current non-disclosure order in that case. “However, in the

33. When asked whether she had reason to believe a photograph of her was transmitted in a way that allowed access via a computer, Witness 1 stated she knew “he had an iPhone ... And if he had iCloud, yes.”<sup>37</sup>

34. The committee does not possess any physical or electronic evidence of a photograph or its transmission.<sup>38</sup>

35. Witness 1 testified that Greitens then said, “You’re not going to mention my name. Don’t even mention my name to anybody at all, because if you do, I’m going to take these pictures, and I’m going to put them everywhere I can. They are going to be everywhere, and then everyone will know what a little whore you are.”<sup>39</sup>

36. Witness 1 explained her reaction:

I just stood there, because I was like What the fuck? He doesn’t have feelings for me, he just wants to fuck me. So anyways, I was completely silent. I didn’t say anything, especially – so I didn’t even – my husband traveled for a living, and I didn’t even let him get pictures of me. So I just stood there quietly, and then he came up close to me and he said, Are you going to say anything? Are you going to mention my name? Of course, in my head, I was screaming, Fuck, all I want to do is tell people right now. I’m dying. This is the most embarrassing thing that’s ever happened to me. So I just didn’t answer at all, and then he spanked me and said, Are you going to mention my name? And I said – I just gritted through my teeth and I said, No. And he’s like Good – now that’s a good girl and was, like, back in his – whatever – you know, the thing that he had in his mind, the thing that he was going to do with me.<sup>40</sup>

37. Witness 1 testified that Greitens began kissing down her stomach again, and “as soon as he got, like, low on me, I just started freaking out and I started ripping down my hands. I was like, Get me out of here. I’m not ready for this. I don’t want this. I don’t want this.”<sup>41</sup>

38. Witness 1 described her emotions at that point:

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event any such evidence is provided, we would insist on having the complete set of evidence. In other words, we will not accept cherry-picked evidence from either the Circuit Attorney’s office or your client.” Greitens’ counsel’s motion may be found in Exhibit 23. Counsel for Witness 1 responded with a statement and an email asserting that said motion “mischaracterizes” her deposition testimony. Counsel for Witness 1’s statement and email is labeled Exhibit 24.

<sup>37</sup> Tr. W1 at 103:18-25.

<sup>38</sup> The Committee’s requests for documents and sworn answers to interrogatories directed to Greitens sought photographs and information identifying all computing devices and electronic communications accounts under Greitens’ custody or control during the relevant period. Greitens declined to respond.

<sup>39</sup> Tr. W1 at 23:24 to 24:5.

<sup>40</sup> Tr. W1 at 24:6-25; 101:20-25; Ex. 1 at 18:4-8.

<sup>41</sup> Tr. W1 at 24:25 to 25:5; Ex. 1 at 18:12-16.

I was definitely fearful. I was so embarrassed and ashamed, because I really felt like a whore because I had let him get me in this position before we've even kissed. I felt really used. I felt like what the – who are you? I think it was the thing that just kept playing through my mind is, who are you? What is this? What is this? Oh, my God, where am I? Get me out of here – because I just kept saying, Get me out of here. I'm not ready for this. It was also, too, that feeling of, I came here not wanting to do anything – nothing.<sup>42</sup>

39. Witness 1 testified that after she stated, "I don't want this," Greitens "stood up and started helping me take down this tape. He was like...calm down, it's okay. It's okay."<sup>43</sup>

40. Witness 1 testified that she responded by stating, "No I'm leaving, I'm leaving." However, as soon as she "start[ed] walking out – or going to go up the stairs, ... he grabs me and like – like, in a bear hug, and was like, Shh, shh, it's okay, calm down, calm down, and like, lays me down on this ground in the basement. ... Not, like, hard, like – I mean, I was like a puddle of – no. I just, like, was crying."<sup>44</sup>

41. Witness 1 then testified:

So he was laying there and I was laying next to him just crying – like uncontrollably crying. And he was like, Shh, shh, it's okay, it's okay. That's all he was really saying at this point. And he was trying to, like fondle my body. ...

I'm bawling my eyes out. Yeah, so I'm still crying. And then he's like – I can tell he's still, like, in it – he's still in this – in this thing that he's got in his mind of whatever he's doing, and he's still like messing with me.

He starts undoing his pants, and he takes his penis out and puts it, like, near where my face is. And I'm like – so this guy literally just wants me for this, and this is all he wants, and then he'll let me – because at this point, too, I also know I have to be at work, and he's not going to let me leave, because he's obviously still horny. So I gave him oral sex at this point.<sup>45</sup>

42. Witness 1 further testified that Greitens pulled his pants down and "pulled his penis out...max, six inches or something" from her face while she was still crying and felt that she had no other choice if she were going to get out of the basement.<sup>46</sup>

43. As to whether she consented to oral sex at that point, Witness 1 testified, "It's a hard question because I did it – it felt like consent, but, no, I didn't want to do it."<sup>47</sup> She further explained, "Coerced, maybe. I felt as though that would allow me to leave. That's what he

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<sup>42</sup> Tr. W1 at 130:7-18.

<sup>43</sup> Tr. W1 at 25:5-7; 74:8-17; Ex. 1 at 18:17-21.

<sup>44</sup> Tr. W1 at 25:8-16.

<sup>45</sup> Tr. W1 at 25:18 to 26:12.

<sup>46</sup> Tr. W1 at 132:6-25

<sup>47</sup> Tr. W1 at 73:22-24.

wanted – I felt that’s what he wanted...”<sup>48</sup> Witness 1 then agreed with the statement that she “didn’t feel necessarily able to leave without performing oral sex.”<sup>49</sup> She further testified, “Looking back, yes” she believed that saying no when she was bound and blind-folded extended to not consenting to further contact, but, “In the moment, I was so emotional” and that one of the emotions was “definitely” fear for her “physical self.”<sup>50</sup>

44. Later, Witness 1 presented conflicting testimony as to whether she was physically afraid at that particular moment. When directly asked, “Did you feel afraid to leave?,” she answered, “No. Not at this point. I feel like he hadn’t gotten what he wanted,” but also affirming she was crying, under duress, felt as if she had no other choice if she was going to get out of the basement at that moment, and that it was only after feeling she had no other choice that she performed oral sex.<sup>51</sup>

45. Witness 1 testified that after performing oral sex, “He did exactly what I thought he would do. He was just like, Okay. I literally got up – he didn’t stop me from leaving. I walked upstairs, went into the bathroom, got dressed, and left and went to work.”<sup>52</sup>

46. Witness 1 forgot her keys and had to return to Greitens’ house to retrieve them after work.<sup>53</sup>

47. Witness 1 testified that Greitens was waiting for her when she returned at the end of her workday at 4:00 p.m. She testified that she then confronted Greitens about the picture:

[H]e was already in the kitchen and opened the door and said, You forgot your keys. I said, Yeah. And I was obviously pissed. And he said, You’re angry. And I said, I’m really angry. I’m so angry. That is not at all what I wanted to do, Eric. And he said, I know, I know, I just – I kept thinking about you. And I said, No, you took a freaking picture of me. My husband doesn’t even have a picture of me. You took a picture of me. And he said, I know...but you have to understand, I’m running for office, and people will get me, and I have to have some sort of thing to protect myself. And I thought about you, though, and I felt bad, so I erased it. To which – you know, I didn’t believe him, but at least, he, like, acknowledged that it was messed up and had a reason why[.]<sup>54</sup>

48. Witness 1 further testified that after she and Greitens talked for a while:

[H]e was back to kind of being that guy that I knew from the salon. It was extremely charismatic, very – kept looking at me straight in my eyes and engaged – like, I felt like he cared about me. He kept trying to hug me and touch me and

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<sup>48</sup> Tr. W1 74:2-4.

<sup>49</sup> Tr. W1 at 74:5-7, responding in the affirmative to question posed by Rep. Mitten.

<sup>50</sup> Tr. W1 at 74:18 to 75:1.

<sup>51</sup> Tr. W1 at 132:17 to 133:4.

<sup>52</sup> Tr. W1 at 26:13-17.

<sup>53</sup> Tr. W1 at 26:18 to 28:1.

<sup>54</sup> Tr. W1 at 28:5-21; 88:2-10, testifying, “And that’s when he explained...I have to protect myself, and you have to understand this. You know, but I thought about you all day and I feel, you know – I erased the picture.”

kind of fondle me, meaning, like maybe hugging me and trying to put his hand up my shirt. And at this point, it – I was really kind of mixed, because I hated him from earlier, but I also loved the man that I knew before[.]<sup>55</sup>

49. Witness 1 further testified that she had never been photographed in a state of partial or complete nudity either before or after March 21, 2015.<sup>56</sup>

50. Witness 2 testified that she spoke with Witness 1 within days of the encounter between Witness 1 and Greitens on March 21, 2015. Witness 2's testimony about the contents of her conversation with Witness 1 is consistent with key portions of Witness 1's testimony before the Committee. Witness 2 testified that, in an emotional phone call,<sup>57</sup> Witness 1 told her:

- a. "Greitens had suggested that she come over to his house, that she had said that she really didn't feel comfortable going there, that she would rather do something like talk at a coffee shop. He said that he could not do that because he could not be seen in public with her. And so – that he wanted her to come over to his house. And it was within walking distance of...where she worked, and that she did – she did end up going over there."<sup>58</sup>
- b. "She had went into his house, that he was trying to make her feel comfortable because she was nervous. He had given her some sort of loungewear – some sort of lounge pant to put on and some sort of T-shirt – not what she wore over there, but clothes that he had had, and that he invited her down to his basement to teach her how to do a proper pull-up – she's really into fitness."<sup>59</sup>
- c. "She went downstairs. He had bound her hands to some sort of pull-up equipment with some sort of tape that he had, put a blindfold over her eyes. He had ripped her shirt and pulled down her pants some, because – she has a...a scar[.]...He had made some comment about that."<sup>60</sup>
- d. "She had seen a flash through the blindfold and that he had taken a picture."<sup>61</sup>
- e. "[S]he did not consent" to the taking of the picture. "She said she was embarrassed and shocked that he had said that she had better not mention his name because he would then distribute the pictures."<sup>62</sup>
- f. "[S]he was embarrassed and upset. She was married, so she was worried about the stuff being out. She has a family that she's close to, that she had gotten upset, and that

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<sup>55</sup> Tr. W1 at 29:10-19.

<sup>56</sup> Tr. W1 at 104:21-24.

<sup>57</sup> Tr. W2 at 29:23 to 30:2.

<sup>58</sup> Tr. W2 at 9:8-16.

<sup>59</sup> Tr. W2 at 9:21 to 10:3.

<sup>60</sup> Tr. W2 at 10:4-11.

<sup>61</sup> Tr. W2 at 10:11-13.

<sup>62</sup> Tr. W2 at 10:14-21.

Greitens was trying to comfort her, telling her that it was going to be okay, and that she did end up performing oral sex on him. ... I think it was on a floor – a basement floor. She was upset, and he was consoling her. That’s the only thing I can remember from that, besides the actual fact.”<sup>63</sup>

- g. “[S]he had went back upstairs. She got back to the salon. She had forgotten her keys there, so she had to go back to his house. She was upset, she was angry, she was embarrassed, and that he said, Just don’t worry about it; I have deleted the picture.”<sup>64</sup>

51. Witness 4 testified that she spoke with Witness 1 soon after the encounter between Witness 1 and Greitens on March 21, 2015. Witness 4’s testimony about the contents of her conversation with Witness 1 are consistent with key portions of Witness 1’s testimony before the Committee. Witness 4 testified that Witness 1 told her:

- a. “She said that she went to his home and that when she entered his home he had checked her for bugs as far as being bugged, wired I guess, and made her disrobe into one of his dress shirts. And he checked her purse and her belongings for any devices, recording devices.”<sup>65</sup>
- b. “[A]fter he had blindfolded her that she had saw a flash type and recognized that he had taken a photograph of her, and he said that if you mention my name that I’ll put this out there or put this on the Internet, something to that effect. And she got very upset and wanted to get down, wanted him to get her down.”<sup>66</sup>
- c. “[W]hen he said that to her about the photograph or that incident that he sounded different and that she was afraid at that point.”<sup>67</sup>
- d. “[H]e helped her down, and was trying to comfort her. She was very upset. Freaking out was how she described it. And said that – he said that ‘I deleted it. I deleted it.’”<sup>68</sup>
- e. “I don’t know when this incident occurred. I’m not sure if it was from the original encounter or not, I don’t know, but there’s pieces of things that we’ve talked about and she had described an encounter where she was really upset and that she had given him oral sex and she said that she just did it so that she could leave.”<sup>69</sup>

52. On March 24 or 25, 2015, Witness 1 testified that she decided that she had to tell Witness 3 about the encounter. The resulting conversation was recorded by Witness 3 without her knowledge or consent, and portions of it have been broadcast on television.<sup>70</sup> Witness 3

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<sup>63</sup> Tr. W2 at 10:25 to 11:12.

<sup>64</sup> Tr. W2 at 11:14-19.

<sup>65</sup> Tr. W4 at 11:12-16.

<sup>66</sup> Tr. W4 at 12:9-15; 32:7-20.

<sup>67</sup> Tr. W4 at 22:19-21.

<sup>68</sup> Tr. W4 at 12:18-21.

<sup>69</sup> Tr. W4 at 16:4-10; 29:20 to 30:8.

<sup>70</sup> The transcript of the surreptitiously recorded conversation is part of the Committee’s file labeled as Exhibit 1.

promised their conversation would not “leave the car.”<sup>71</sup> Witness 1’s statements in the conversation are consistent with key portions of her testimony before the Committee. In that conversation, Witness 1 told Witness 3:

- a. “I met Eric a year ago and I instantly had a big crush on him. No, I never flirted with him. Never confided in him except for I talked about...and he helped me with that and just talked about life and whatever. He is very motivating. That’s his personality. He’s very persuasive. He never flirted with me other than complimenting me a couple of times on, ‘Oh, I really like your hair like that,’ or whatever.”<sup>72</sup>
- b. “[H]e quit coming in, and then I didn’t see him at all for five months. Like I wasn’t lying about that. And then he came in, it was a Friday, and I was so nervous to even have him come in because I knew that I had those feelings, those unexplained feelings of I shouldn’t have a crush on anybody; I’m married; this is so stupid. So then I had really bad anxiety.”<sup>73</sup>
- c. “He came in. Knowing that I felt better whenever he came in and I felt more calm and that made me feel better, but while I was shampooing his hair and telling him about my class – at first I thought it was just me, but then I realized it wasn’t. He was – I was in the middle of talking and he was doing ‘this’ to my leg. And at first I ignored it because I didn’t know if that was just me, and then I realized he was doing that and I said, ‘Eric, you need’ – well, I said, ‘You need to stop.’ And he looked at me and he said, ‘What?’ And then I said, ‘You know what you’re doing. I know what you’re doing. You need to stop.’ And he didn’t say anything. And then he came back and sat down in the chair and I said – because there was silence. And I said, ‘Is that why you didn’t come in here for five months?’ And he said, ‘Yes.’ Or, no, he said, ‘Maybe.’ Because I guess he was attracted to me.”<sup>74</sup>
- d. That she met Greitens on the weekend of March 14, but “nothing happened on the 14<sup>th</sup>,” but that she had met him outside and he told her that he wanted to see her the next weekend.<sup>75</sup>
- e. “[O]n Friday, I called him from work and said, ‘I’m going home. ... I cannot come over. ... I would like to discuss or to try to get all of these thoughts away from me. Will you just meet me for coffee or something so that way we can just talk’. And he said, ‘No, I can’t – I can’t be seen with you. This is wrong.’ And I said, ‘I know.’ So he said, ‘Just please come to my house.’”<sup>76</sup>
- f. “So on Saturday morning before my first client, I did go to his house. ... For the first time. Ever. Like I said, nothing period, had ever happened or taken place until this

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<sup>71</sup> Ex. 1 at 10:13-14.

<sup>72</sup> Ex. 1 at 8:7-17.

<sup>73</sup> Ex. 1 at 8:25 to 9:7.

<sup>74</sup> Ex. 1 at 9:8 to 10:1.

<sup>75</sup> Ex. 1 at 13:11-14.

<sup>76</sup> Ex. 1 at 14:10-22.

- snowball. This fucking tornado just happened. I know I brought it on. I showed up and I said, ‘I’m only here to talk.’ And he said, ‘I know.’ I said, ‘I just want to tell you I feel like you’re always hope because I don’t know your relationship.’ He doesn’t talk about his relationship, at all. He didn’t talk about himself at all, so I don’t even know. But I said, ‘I just had a feeling that you wouldn’t be attracted to me if you didn’t have a wife with a baby. I’m just trying to process why I’m feeling this way, and I hate it. I really hate it.’ And then he – basically had been fantasizing about me, tried to live out that fantasy. He just coaxed me, kept talking to me gently and touching me, whatever he could do to still have that fantasy play out. And I did it.”<sup>77</sup>
- g. “I was so confused with emotion. I can’t even believe it because it’s not really in my character. I don’t even fucking know. I’m so confused. He said, ‘I’ll make you feel better. I’ll make you feel good. Come downstairs. I want to show you how to do a proper pullup.’ And I knew that he was being sexual, and I still let him. And he used some sort of tape, I don’t know what it was, and taped my hands to these rings and then put a blindfold on me.”<sup>78</sup>
- h. “And said, ‘If you’re going to do proper pullups, you need to know how to drink,’ and I guess put water in his mouth and tried to pour it in mine and it scared me. And I spit because I didn’t want to kiss him. I mean, I’m so .... I thought .... I thought.”<sup>79</sup>
- i. “He just kept touching me over my clothes and just kept touching me. And then undid my clothes. I just didn’t say anything at all. I didn’t – I was just completely numb. I didn’t even know. I was just numb. I just stood there and didn’t fucking know. I was so – he was sort of messing with me with his hands.”<sup>80</sup>
- j. “[A]nd he stepped back, and I saw a flash through the blindfold, and he said, ‘You’re never going to mention my name, otherwise there will be pictures of [you] everywhere.’ ... He said, ‘You’re not going to mention my name, are you?’ I didn’t say anything. I didn’t realize what – I don’t know what the fuck I’m doing. And then he asked me again. And I just said, ‘No.’”<sup>81</sup>
- k. “And then he tried kissing my stomach and tried to kiss me down there but didn’t quite get there because I flipped out and I said, ‘You need to stop. I don’t want this. I don’t want this. I don’t want this.’ And he instantly stood up and freaked out and took off the blindfold and undid my hands and said, ‘I’m really sorry. Oh, my God...I’m so sorry. I thought – I want to be – I want to make you feel better.’”<sup>82</sup>
- l. “I left my fucking keys at his place and so I had to go back and get the fucking keys after work. ... And I showed up, said, ‘I’m so sorry for what happened earlier. I’m

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<sup>77</sup> Ex. 1 at 15:14 to 16:12.

<sup>78</sup> Ex. 1 at 16:19 to 17:5.

<sup>79</sup> Ex. 1 at 17:7-12.

<sup>80</sup> Ex. 1 at 17:13-19.

<sup>81</sup> Ex. 1 at 17:24 to 18:8.

<sup>82</sup> Ex. 1 at 18:12-21.

just obsessed over you; it's wrong and in real life, but I need to not do that. I know. I love my wife, and I'm really sorry. And we should not ever talk again, and I hope that you get everything figured out. ... I said, 'Well, I'm leaving.' He said, 'Just stay for a little while longer, please.' And I said, 'No, I really have to go.' 'Please just stay.' And then he held me for a long time and then made me feel better, just kept kind of touching me. ... I just – it was like, I don't know 45 minutes of me being there, me leaving, and then him going, 'You know, are you sure you really want to go? I'm just never going to see you after this and.' ... And that was it." Witness 1 stated that she never touched him, but, "He kept touching me," that he turned her on, "and then didn't, did both," she felt "every emotion."<sup>83</sup>

- m. When Witness 3 said, "You've been half-raped and blackmailed," Witness 1 responded simply, "Yes."<sup>84</sup>
- n. When Witness 3 asked why she was "not going to tell anybody," Witness 1 responded, "When I came back, I said to him, 'I'm very, very pissed off at you. I'm grossed out. I'm so pissed off.' He said, 'I know.' 'You took a picture.' He said, '... it's just because I fantasized about you, I fantasized about all these things, and you could ruin my life. And – but I erased it.'"<sup>85</sup>

53. Greitens came in for an appointment with Witness 1 approximately a week and a half or two weeks after her conversation with Witness 3. Witness 1 testified that Greitens first question was, "You didn't tell anybody, did you?" Witness 1 told Greitens that she had not, and Greitens told her that he could not quit thinking about her and wanted to see her again.<sup>86</sup>

54. The next time Witness 1 met Greitens was for another appointment at the salon, for which Greitens arrived 30 minutes early so that he was the first appointment of the day. Witness 1 testified, "When he showed up, I consensually kissed him – so that would have been like the first time that I was – that was totally my decision. He came in – at that time we stayed clothed and everything, but essentially made out. And then he – my client – my coworkers showed up, I did his hair and he left."<sup>87</sup>

55. The next encounter between Witness 1 and Greitens occurred in May 2015. Witness 1 was reading a book outside her salon when Greitens drove by, stopped his car, and invited Witness 1 to his house that evening. Witness 1 agreed to meet him for "a little bit" and went to Greitens' house sometime around 6:30 p.m. She entered through the backdoor again, and the two of them had consensual oral sex.<sup>88</sup>

56. The next encounter occurred on a Saturday in June 2015. Witness 1 testified:

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<sup>83</sup> Ex. 1 at 19:9 to 20:23.

<sup>84</sup> Ex. 1 at 22:13-15.

<sup>85</sup> Ex. 1 at 22:16 to 23:1.

<sup>86</sup> Tr. W1 at 35:19 to 36:11.

<sup>87</sup> Tr. W1 at 37:23 to 38:4; Tr. W2 at 13:18-22.

<sup>88</sup> Tr. W1 at 38:10 to 39:10.

I went out with a few of my girlfriends after work and then went over to his house afterwards. So this – my guess would have been 10:00 p.m., kind of later. And at first was consensual, you know – he has a spare bedroom upstairs and took me up there, and we were, like making out at this point. My guess is at least seminude at this point. And he looks at me and asked me ... have you been intimate with anybody? And I said, What do you mean? And he said, Well, since you and I started – because he knew that I had been separated from my husband. And I said, Well, I slept with my husband – because I know at some point I had. And he slapped me across my face, just like hard to where I was like, What? Eric, what in the heck? You're married. Why would – what do you mean? And he just said, No. Like, that was – you're mine. This is – what do you mean you slept with your husband? You are not supposed to be sleeping with him, you know? And I said, I think you're screwed up from being in the Navy[.]<sup>89</sup>

57. Witness 1 testified that she did not believe the slap was intended to physically hurt her. Instead, she said, "I felt like he was trying to claim me."<sup>90</sup> The slap did not leave a mark but "was just jarring. It wasn't sweet and gentle; it was forceful."<sup>91</sup>

58. Witness 1 testified that immediately afterwards, "[W]e laid there and talked about him being in the Navy and what happened there. Because I know we talked about – there was a bomb that went off – I don't know. That was pretty much our conversation after that, because it was just bizarre."<sup>92</sup>

59. Witness 2 testified that she spoke with Witness 1 after the slapping incident, and that Witness 1 had told her:

[H]e was communicating with her through a TracPhone, and that she had went there. His wife was out of town, that she had – he had asked if she had any sort of sexual relationship with anybody since they had been together last. She stated that she had had sex with her husband – her husband at the time, and that that had made him angry, and that he had slapped her in the face and called her a whore.<sup>93</sup>

60. Witness 1 testified that she spoke with Greitens a few times over the next week via a burner phone that he had purchased, and then "saw him one more time, which was in the morning before work." Greitens asked if she wanted to come over to workout. Witness 1 testified:

[W]e did exercise and went through, like, a workout, and then at the end of it, then it turned sexual in nature. And at first it was fine, and then we were in a position that would have been as if we were having sex, like doggy style, but we didn't ever have intercourse throughout all of the times that I saw him. So he was

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<sup>89</sup> Tr. W1 at 39:17 to 40:13.

<sup>90</sup> Tr. W1 at 76:2-7.

<sup>91</sup> Tr. W1 at 119:12-16.

<sup>92</sup> Tr. W1 at 40:16-21.

<sup>93</sup> Tr. W2 at 13:4-12.

essentially, like fingering me and – but in that position, and out of nowhere, just, like, kind of smacked me and grabbed me and shoved me down on the ground.

And I instantly just started bawling and was just like, What is wrong with you? What is wrong with you? And I just laid there crying while he was just like...you're fine, you're fine. You know, not really – I think he was just – I don't know. Maybe that's normal, but, to me, it's not. So, after that, I got ready and left and went to work.<sup>94</sup>

61. Witness 1 testified that this incident “might have actually left a mark”:

[I]t actually hurt, and I know that I actually was really scared and sad when that happened. The only reason why I say it might have actually left a mark is because I can remember afterwards looking in a mirror – so it was only maybe a week and a half, two weeks, tops, later that my husband and I were back together of sorts – at least considering it. I remember looking in the mirror and thinking, Can he see anything? So – I think that there's probably a good chance that there was something there. I didn't take pictures of it.<sup>95</sup>

62. Witness 1 testified that Greitens was waiting for her when she left work that afternoon. He told Witness 1 “there's an issue” and she needed to follow him in her car. Eventually, they pulled into a parking lot by a Kmart and Greitens asked her to get in his car. He then told her, “Somebody has emailed my wife today. I think it's this Democratic operative that lives in my neighborhood.” Witness 1 suspected it was actually Witness 3, and her belief was confirmed by later testimony and documents from Witness 3.<sup>96</sup> Witness 1 testified that Greitens informed her that he planned to fly out to see his wife, convince her that Witness 1 was “running in the neighborhood,” “came up to the door to get a book for [her] daughter,” and that Greitens gave her a tour of the house and she “went out the back way.” Witness 1 then told Greitens that they should not see each other again in any setting. She testified, “I said, No, do not come into the salon. This is not fair to me, this is not fair to your wife, just leave me alone.”<sup>97</sup>

63. In October 2015, Greitens came into the salon again and the receptionist told him Witness 1 had just had a cancelled appointment that Greitens could fill. Witness 1 then told Greitens again that she did not want to see him anymore. Greitens informed Witness 1 that his wife “doesn't think anything.” After telling Witness 3 of the encounter that evening, Witness 1 then sent Greitens an email stating, “Please think of everyone involved and just leave me alone. Don't come in at all.”<sup>98</sup> Greitens never returned and Witness 1 never saw him again.<sup>99</sup>

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<sup>94</sup> Tr. W1 at 42:1-21; 120:8 to 121:2.

<sup>95</sup> Tr. W1 at 119:18 to 120:4.

<sup>96</sup> See Ex. 2, email stating “There is another woman in your home right now. I'm assuming you're out of town again. If you want to know more contact me here. I'm sorry. This isn't fake or spam. They are at the Maryland address.”

<sup>97</sup> Tr. W1 at 42:20 to 44:2.

<sup>98</sup> See Ex. 20, screenshot of email from October 20, 2015 from Witness 1 to Greitens stating, “Eric, I am asking you to please consider all who are involved and the circumstances around us. I need you to not book at the salon anymore. This isn't fair to me, nor anyone close to us. Please respect me and my wishes. I need to move forward in my life as I know you are doing as well. Take care.”

<sup>99</sup> Tr. W1 at 44:24 to 46:4.

64. When asked why she would continue to have contact with Greitens after the first encounter, Witness 1 testified:

I've asked myself that so many times. I think it comes down to a few things. One, I felt really disgusted with myself that I allowed that first time to happen. Really embarrassed that he thought of me as a whore. And so after my – I told my husband and he was clear that he did not want anything to do with me, that he wanted to move into an apartment, and when Eric came back in and he was normal and so kind to me, that felt so much better and it allowed me to just ignore any of those bad feelings about myself, in particular. Because if I thought he was this horrible person, I really felt shameful of myself.

And so, I think I just wanted to feel better about it. I didn't want to think that he thought of me as just a whore. I wanted to think that he actually really liked me and wanted to have a relationship with me of sorts.<sup>100</sup>

65. Witness 1 testified that she thought it was her intent at the time to have a relationship with Greitens:

I think at the time – I think – I don't even know. I think just to feel better than whatever I felt the day before. Because then I would have – we had chunks of time where we didn't see each other where I did feel more like myself, I started to feel better. And then when I would see him, it was almost like this excitement would build up, and then I would feel, you know, a ton of emotions again, and then I would feel awful and disgusting and I hated myself and it was horrible. And then I would start to feel better, and then he would come in again – you know, it was just such an up and down. Because I didn't want to be involved with somebody who was married. I didn't want to be having any feelings for him, in particular because I was so embarrassed about the first encounter. He basically made it clear that he felt that I was a thing to him.<sup>101</sup>

66. Witness 4 testified that she had a similar impression of Witness 1's motivation to continue to have contact with Greitens. She testified that Witness 1 "was very embarrassed by what had happened. She had been called a whore by her husband and felt as though she was a whore to Eric and was trying to find some thing that she felt that he cared about her for her to feel okay with herself. She was very critical of herself."<sup>102</sup>

67. Greitens declined to testify, stating through counsel that he would be willing to testify at the conclusion of the criminal trial. Greitens also declined to provide documents, or answer interrogatories under oath.<sup>103</sup>

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<sup>100</sup> Tr. W1 at 88:23 to 89:15.

<sup>101</sup> Tr. W1 at 89:18 to 90:10.

<sup>102</sup> Tr. W4 at 28:1-6.

<sup>103</sup> The Committee notes again that Greitens has the constitutional right to so decline, and that the Committee has treated this process as if he also has the right to testify at this point in time.

- a. On February 28, 2018, Chairman Barnes sent a request for production of documents to counsel for Greitens that included four requests, including one request for all documents produced in the criminal case against Greitens. Subsequent to the request, an order was entered prohibiting disclosure of information in that case. Accordingly, Greitens' counsel was prohibited from releasing the documents called for in one of the requests. However, the Committee's request was broader than the documents that had been disclosed in the criminal case, and Greitens' counsel did not provide those documents.
- b. From February 28 to March 23, 2018, Chairman Barnes engaged in several conversations with Greitens' counsel in which he repeatedly informed Greitens' counsel that Greitens had the opportunity to testify before the Committee.
- c. On March 22, 2018, Chairman Barnes sent requests for sworn answers to interrogatories to counsel for Greitens, each of which sought disclosure of the various computing devices and electronic communications accounts under Greitens' control. Greitens failed to respond.
- d. On March 23, 2018, Chairman Barnes sent correspondence to Greitens' counsel requesting that they inform the Committee whether Greitens would exercise or waive his opportunity to testify by Monday, March 26.
- e. On Monday, March 26, Greitens' counsel informed the Committee that he would be waiving his right to testify.

68. Though he waived his opportunity to testify before the committee, Greitens has been asked several times in public settings whether he took a picture during the encounter at on March 21, 2015.

69. On or about January 20, 2018, Greitens was interviewed by the Associated Press.<sup>104</sup>

- a. When asked, "Did you tie or bind the hands or blindfold your former hairdresser?" Greitens answered:

[T]his was a consensual relationship. There was no blackmail. There was no violence. There was no threat of violence. There was no threat of blackmail. There was no threat of using a photograph for blackmail. All of those things are false. The mistake that I made was that I was engaged in a consensual relationship with a woman who is not my wife. And that is a mistake for which I am very sorry, sorry to Sheena. I'm sorry to our boys. I'm sorry to our family, to our friends and to everyone who has been affected by that. Beyond that this is—it's a

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<sup>104</sup> See AP Interview with Gov. Greitens at <https://soundcloud.com/user-834153029/associated-press-interview-with-missouri-gov-eric-greitens>. See also, Tr. Greitens's Public Statements at 3.

private matter and everyone involved has asked for privacy and I respect that and I'd ask you to as well.<sup>105</sup>

b. When asked the follow-up, "Did you actually take a photo of her?," Greitens responded:

As I said, this was a consensual relationship, David. And there was no blackmail. There was no threat of using a photograph for blackmail. And there was no violence. The mistake that I made, as I said, was that I was engaged in a consensual relationship with a woman who wasn't my wife. And beyond that, everyone---Sheena, everyone has asked for privacy and again, we would ask you to respect that.<sup>106</sup>

70. On January 22, 2018, Greitens held a press conference to discuss the state budget.

a. When asked, "[T]here's one point we want to clarify. Did you take a picture of the woman in question?," Greitens responded:

...I'm happy to address this for everyone here once. And to make sure that we can move on, and talk about the budget and other important priorities that are, before us. As I said before, I made a personal mistake years ago before I was elected. A personal mistake for which I take full responsibility. And it's something that Sheena and I dealt with years ago. We dealt with it by the book. We dealt with it openly. And it was hard, but with loving family and a lot of prayer and tremendous support, we've made it.

And I am grateful, grateful to Sheena, for her forgiveness and grateful to God, for His forgiveness. I'm also grateful for people around the state of Missouri who, at this time, come to us, with tremendous love and compassion and prayer, who have helped us through a very difficult time. And we also appreciate those who understand that this is a private issue that Sheena and I dealt with years ago that's now been dragged into the public. We look forward--I look forward to working with legislators in this building, people around the State of Missouri in getting their priorities passed and making a difference for them.

A lot of what's been put out is not true. There was no blackmail. There was no violence. There was no photograph for blackmail. There was no threat of using a photograph for blackmail. There was no threat of violence. The mistake that I made was that I was engaged in a consensual relationship and a mistake for which I am deeply sorry. For Sheena and I, that is where the story begins and ends. Everyone involved has asked for privacy. I'm going to respect that privacy and I would ask you to respect that privacy.<sup>107</sup>

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<sup>105</sup> Tr. Greitens' Public Statements at 5:1-15.

<sup>106</sup> Tr. Greitens' Public Statements at 5:16-25.

<sup>107</sup> See Greitens Budget Press Conference, Jan. 22, 2018, available at <https://www.youtube.com/watch?v=vIcukJ1jcOI>. ; See also, Tr. Greitens' Public Statements at 29:23 to 31:12.

- b. When asked the follow-up, “[T]he woman’s now ex-husband asked her if she was quote “half-raped and blackmailed” and she said yes. How do you account for the difference in those two accounts?” Greitens responded, “Ma’am, ma’am, ma’am, I have addressed everything in the answer that I just gave you and in the interviews that we did over the weekend. We are now—there’s been a lot of people in the State of Missouri who are counting on us.”<sup>108</sup>
- c. When asked another follow-up, “The question is: why did she say she was blackmailed and you say she wasn’t?” Greitens responded, “I answered your question, and we answered them in interviews throughout the weekend. Does anyone have a question on the budget?”<sup>109</sup>
- d. When asked, “Governor, yes or no, did you ever take her picture?” Greitens responded, “Sir, again, I just answered. We answered them over the course of the weekend, and we are moving forward.”<sup>110</sup>
- e. When pressed, “With all due respect, Governor, you haven’t answered the photo questions.” Greitens responded, “Sir—sir, I’ve answered your question. We answered them with multiple outlets this weekend, and we’re moving forward.”<sup>111</sup>

71. On February 8, 2018 at a luncheon for the Missouri Press Association, Greitens was asked again, “[D]id you take a photograph of the woman?” Greitens responded, “Actually ... we have answered all of those questions.” When pressed, “So what is the answer to that one?” Greitens responded, “We’ve answered them in multiple interviews with multiple people. ... we’re ready to move forward, which we have, which we are, and we have.”<sup>112</sup>

72. In review of the evidence as a whole, this Committee does not view Witness 1’s non-reporting of these events to law enforcement or others as bearing on her credibility.

73. Witness 1 did not initiate sharing these details with the public, law enforcement, this Committee, or anyone other than close friends. To the contrary, she testified that she would rather not have to endure recounting the events of 2015:

I’m angry that I’m in the middle of this. I am – of course, I’m upset with myself for any of my involvement with him. In particular, because he was married, but, also, because he didn’t share the same type of feelings. And also because I was still technically married.

<sup>108</sup> Tr. Greitens’ Public Statements at 32:8-19

<sup>109</sup> Tr. Greitens’ Public Statements at 33:2-6.

<sup>110</sup> Tr. Greitens’ Public Statements at 45:5-9.

<sup>111</sup> Tr. Greitens’ Public Statements at 46:14-18

<sup>112</sup> See Mo. Press Association luncheon video, available at <https://www.youtube.com/watch?v=QHis4AU8IVY>; See also, Tr. Greitens’ Public Statements at 48:8-17.

But I'm also dealing with things for the first time these past two months that I never did before. I just pushed them aside because it was too scary. I didn't want to think about it. I didn't want to talk about it. I just wanted it to go away, and then maybe it never happened like that. And knowing that I'm in the situation and knowing that at this point, the only parts that Eric has denied are the parts that were hurtful. The other parts weren't traumatic to me at all. You know, it was – it was consensual, and those parts were not traumatic. The parts that he denies are the parts that I'm finally dealing with and going – I feel sad for that person I was. That was so vulnerable. I was so vulnerable. I just feel really taken advantage of, I think – and also by my ex-husband, hugely.<sup>113</sup>

74. Witness 1 testified that she could not read the transcript of the conversation her husband had surreptitiously taped, “I started to read part of it, and I got to the part where he took the picture, and I just couldn't read it, so I have not read any of the rest of it.”<sup>114</sup>

75. Witness 2 described Witness 1 as suffering from anxiety and stress after the news reports in January. “[S]he never wanted this to come out. She would have never brought this out. She's got minor children; she has her own business and – a lot of stress.”<sup>115</sup>

76. Witness 3 repeatedly threatened her with release of information about Witness 1 and Greitens. Witness 1 testified that Witness 3 told her, “Just wait, because your good reputation...your outstanding reputation is going to be ruined and so is Eric Greitens'. You guys are going to go down because I have proof of it.”<sup>116</sup> Witness 1 further testified that Witness 3 repeatedly said, “I'm going to ruin this guy, I'm going to ruin this guy.”<sup>117</sup>

77. Witness 3 released the recording to media outlets in December 2017.<sup>118</sup>

78. Witness 3 testified that an unidentified third-party had paid at least \$15,000 “to cover lawyer fees and all of the things that were about to happen to me financially because of the fallout” relating to these events.<sup>119</sup>

79. The first time Witness 1 heard from a news organization occurred in December 2017 when a reporter named Lauren Trager “booked a fake appointment under a fake name, and ... came in and announced that she wasn't there for a haircut, that she was just working on a

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<sup>113</sup> Tr. W1 at 90:20 to 91:16.

<sup>114</sup> Tr. W1 at 108:2-5.

<sup>115</sup> Tr. W2 at 19:16-19.

<sup>116</sup> Tr. W1 at 49:14-20.

<sup>117</sup> Tr. W1 at 47:3-4.

<sup>118</sup> Tr. W3 at 73:22 to 74:12.

<sup>119</sup> Tr. W3 at 53:24 to 54:9, Witness 3: “I spoke to the Post-Dispatch well before, and I have received nothing so far. My lawyer has a trust account that someone put something in after speaking to the Post-Dispatch, to cover lawyer fees and all of the things that were about to happen to me financially because of the fallout, but I had spent \$15,000 or so dollars of my own prior to all of this[.] ... And while I was talking to the Post, someone contacted my lawyer and said he was going to help with legal fees.”

story about the governor.”<sup>120</sup> Witness 1 testified that she cried and asked Trager not to run a story, saying, “No, you do not understand how traumatic this whole thing is. I cannot go there. I have kids. My ex-husband is so, so vindictive, he wants to hurt me so bad. Please do not run this story... please do not do this to me. I have children. I’m in school full-time. I work full-time – my life is so busy.”<sup>121</sup>

80. The next time Witness 1 heard from Trager was the day before the story aired. Trager told her that she was in possession of a recording.<sup>122</sup> Trager was soon informed by Witness 1’s counsel at the time that Witness 1 “does not want any part of this. Please do not do this.”<sup>123</sup> Trager called Witness 1’s lawyer three minutes before the story aired, stating that Greitens had admitted to the affair and that they would air the story.<sup>124</sup>

81. Witness 1 testified that she learned the story was going to air moments before it went live, explained to the Committee the circumstances of the airing of the report, and how she was forced to inform her children about it.<sup>125</sup>

82. Witness 1 testified to concerns she presently has:

How will this affect my kids? Because it has already. What’s going to come of all of this, you know? What will people think of me that don’t know me? I’ve had huge support with family and friends and clients – and that’s the other thing too. Beforehand, I thought what will happen to all of my clients? I have a huge client base, and I love my clients, and a big part of why we love each other is because I am – I’m a very open book, normally. This is the one thing I just kept in a pit in my stomach and I never talk about this. And so far, that’s actually been a pretty good – my clients have been pretty good to me, for sure.

So now I think my fear is if this comes – becomes public – I’m in school full-time. So far I don’t think the students on campus know, but then how does that affect my schooling? ... Does that push me back?

Luckily, I’m not as fearful physically anymore, because I feel like anybody would be crazy to hurt me because they would know who it is, so – that’s one huge positive thing that’s happened.<sup>126</sup>

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<sup>120</sup> Tr. W1 at 52:2-5.

<sup>121</sup> Tr. W1 at 52:6-16.

<sup>122</sup> Tr. W1 at 53:18-19.

<sup>123</sup> Tr. W1 at 54:18-19.

<sup>124</sup> Tr. W1 at 54:24-25.

<sup>125</sup> Tr. W1 at 55:1-24.

<sup>126</sup> Tr. W1 at 92:24 to 93:20.

# REPORT 2 OF THE MISSOURI HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

April 24, 2018



Chairman Jay Barnes



Vice-chairman Don Phillips



Ranking Member Gina Mitten



Rep. Jeanie Lauer



Rep. Kevin Austin



Rep. Shawn Rhoads



Rep. Tommie Pierson Jr.

## **A. History of the Committee**

The Committee was formed by Speaker Todd Richardson on February 27, 2018 and charged with investigating “allegations against Governor Eric R. Greitens” and reporting “back to the House of Representatives.” On April 5, 2018, the Committee voted to release reports relating to the Committee’s findings regarding allegations against Greitens. On April 11, 2018, the Committee issued its first report regarding the allegations surrounding the relationship between Greitens and Witness 1. Today, the Committee issues this report on Greitens’ use of a charitable donor list for fundraising during his campaign for governor, and events surrounding the use of that list.<sup>1</sup> Additional reports may follow.

Every witness to the Committee testified under oath, and subpoenas were issued to compel the appearance of witnesses and the production of documents.

- On March 14, 2018, pursuant to subpoena, the Committee took testimony from Michael Hafner, a former campaign worker for Greitens.
- On March 16, 2018, a subcommittee including Chairman Barnes, Ranking Member Mitten, and Rep. Austin (as well as staff attorney Alex Curchin) spoke with Dave Whitman, a former employee of Greitens. Whitman is currently serving a sentence at the United States Medical Center for Federal Prisoners in Springfield, Missouri after having pleaded guilty to federal crimes relating to theft from Greitens. Whitman refused to speak on the record and indicated that he no longer had possession, access, or control of any documents relating to his employment with The Greitens Group and its relationship with The Mission Continues.
- On March 19, 2018, Chairman Barnes and Attorney Curchin met informally with Matt Jacober, counsel for The Mission Continues, to discuss document requests and activities of The Mission Continues in relation to Greitens and The Greitens Group. The Committee eventually received more than 100,000 documents from The Mission Continues in response to its requests.
- On March 27, 2018, pursuant to subpoena, the Committee took testimony from Krystal Proctor (formerly Taylor), former executive assistant to Greitens when he worked for The Greitens Group and The Mission Continues. Proctor also worked in an operations role for the Greitens campaign for governor.
- On March 28, 2018, counsel for Danny Laub, a former campaign worker for Greitens, informed Chairman Barnes via email that Laub refused to appear before the Committee. However, Laub testified under oath via deposition taken by the Attorney General’s Office in Washington D.C. on April 18, 2018.

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<sup>1</sup> The Committee notes that its work is not complete with this report, and that, in addition to other actions, subsequent reports may be issued.

- On March 29, 2018, the Committee took testimony from Spencer Kympton, President of The Mission Continues.
- On April 2, 2018, pursuant to subpoena, the Committee took testimony from Lyndsey Reichardt (formerly Hodges), a former employee of The Mission Continues.
- On April 3, 2018, the Committee met to discuss process for redactions of testimony and this report.
- On April 4, 2018, the Committee took testimony from Jack Neyens, the former Chief Financial Officer of The Mission Continues.
- On April 15, 2018, the Committee sought and received an Order from the Circuit Court of Cole County permitting the Attorney General’s Office (AGO) to share information about its investigation of The Mission Continues with the Committee.
- On April 18, 2018, Chairman Barnes and Attorneys Curchin and Alixandra Hallen met with counsel from the Attorney General’s Office to exchange information. The Committee received the testimony and related exhibits from the AGO’s depositions of Michael Hafner, Krystal Proctor, and Danny Laub.

## **B. Committee Findings for Report #2**

Based on the testimony and evidence received by the Committee to date, the Committee finds reason to believe the following:

1. The Mission Continues (TMC) is a 501(c)(3) not-for-profit organization started by Eric Greitens that helps veterans returning home from service “build new skills and networks that help them successfully reintegrate to life after the military while making long-term, sustainable transformations in communications and inspiring future generations to come.”<sup>2</sup>

2. Greitens founded TMC in 2007 under the name The Center for Citizen Leadership. TMC grew slowly between 2007 to 2010, ending 2010 with \$1.56 million in revenue. In 2011, TMC grew substantially, grossing total revenue of \$7.01 million.<sup>3</sup>

3. In 2009, Greitens formed The Greitens Group (TGG) for his personal for-profit business engagements, which included book writing, public speaking, and corporate training.<sup>4</sup>

4. Krystal Proctor (formerly Taylor) began working for Greitens on January 1, 2011, with salary and expenses split between TGG and TMC.<sup>5</sup> Throughout her time working for Greitens, Proctor worked at his direction.<sup>6</sup>

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<sup>2</sup> <https://missioncontinues.org/about/>

<sup>3</sup> This data is available online with TMC’s Form 990 filings.

<sup>4</sup> This information is available at the website of the Missouri Secretary of State.

<sup>5</sup> Tr. Proctor at 10:8 to 13:2

5. Dave Whitman worked as the managing director for TGG until 2014, when he was charged with federal crimes relating to theft and fraud against TGG. In 2016, Whitman pleaded guilty and is currently serving his sentence in Springfield, Missouri.

6. Jack Neyens acted as the Chief Financial Officer of TMC for several years while Greitens was there.<sup>7</sup>

7. Proctor explained how TGG and TMC worked together: TGG would book a for-profit event for Greitens, and TMC would then work around those events to “maximize” Greitens’ time.<sup>8</sup> The Committee lacks non-profit expertise to determine whether the practice of booking TMC events around Greitens’ private business schedule is common or best practice. Neyens’ testimony suggests it is not common.<sup>9</sup> However, Neyens’ also testified that it made “sense” as a way of “maximizing expenses” and “maximizing his time.”<sup>10</sup>

8. The Committee found no evidence that TMC inappropriately paid Greitens’ travel expenses for events that were not exclusively TMC events.<sup>11</sup> Likewise, the Committee found no evidence that TMC purchased Greitens’ books.<sup>12</sup>

9. In 2011, as its operating budget grew significantly, TMC began hiring professional staff with experience in non-profit management, including Spencer Kympton, who was hired as the organization’s Chief Partnerships Officer.<sup>13</sup>

10. As CEO of TMC, Greitens reported to the Board of Directors.<sup>14</sup>

11. In late 2012, TMC’s Board initiated procedures to protect TMC’s 501(c)(3) status.

a. TMC entered into a Memorandum of Understanding (MOU) with TGG to formalize cost-sharing between the organizations.<sup>15</sup>

b. TMC required Greitens to sign a non-disclosure agreement (NDA) as a TMC employee.<sup>16</sup>

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<sup>6</sup> Tr. Hafner at 10:11-20; Tr. Proctor at 20:9-12.

<sup>7</sup> Tr. Neyens.

<sup>8</sup> Tr. Proctor at 15:1-16, “[T]ypically, I would ... communicate ... to [TMC], Eric is going to be in Florida for a speaking engagement; you guys probably want to use this opportunity to set up some donor meetings[.]” See also Tr. Neyens at 16:22 to 17:10. See Tr. Neyens at 17:15-18

<sup>9</sup> Tr. Neyens at 17:19 to 19:6, testifying he “did not” have a similar experience at other non-profits where he worked and had not worked at any non-profit where the director also had a private business at the same time.

<sup>10</sup> Tr. Neyens at 17:15-18.

<sup>11</sup> Tr. Proctor at 18:9-23; Tr. Kympton at 18:6-18; Tr. Neyens at 19:12-16.

<sup>12</sup> Tr. Kympton at 19:4-12; Tr. Neyens at 14:15 to 15:3.

<sup>13</sup> Tr. Kympton at 8-19,

<sup>14</sup> Tr. Kympton at 26:16-17.

<sup>15</sup> Ex. 15; Tr. Kympton at 13:20 to 14:7, describing MOU as “a board-directed initiative ... intended to protect and preserve the nonprofit status of The Mission Continues. Recognizing that our CEO at the time was also the CEO of a for-profit entity...”

12. In the TMC NDA dated November 27, 2012, Greitens agreed to hold in strict confidence “the identities of any donors or investors, and any personal information of donors or investors, and any contact information for donors or investors,” as well as any “lists, databases ... trade or business secrets, ... and similar or dissimilar information relating to the operations or activities of TMC.”<sup>17</sup>

13. The NDA specifically stated that Greitens “shall not at any time during [his] employment with TMC or at any time after termination or expiration of [his] employment with TMC disclose any Confidential Information to any third party, in whole or in part.”<sup>18</sup> Greitens further agreed that “all intellectual property that is developed by [himself] during the time [he] is employed by TMC, and that is within the scope of [his] employment with TMC, is the property of TMC, including but limited to ... trade secrets.”<sup>19</sup> He also agreed to not use TMC’s intellectual property, including trade secrets “in any context outside of [his] employment” unless he first “received the prior written consent (by email or letter) of TMC[.]”<sup>20</sup>

14. Krystal Proctor signed the same TMC NDA on November 21, 2012.<sup>21</sup>

15. Also in late 2012, Greitens received and signed TMC’s “Team Member Handbook,” which set expectations for employees and volunteers.<sup>22</sup> The Handbook begins with a signed letter from Greitens and speaks to the importance of confidentiality in at least three places:

- a. “Under no circumstances should outside requests for donor material be fulfilled unless prior written permission is received from your Team Leader.”
- b. “Team Members may not use our Systems “to solicit Team Members or others unless on behalf of The Mission Continues;” and
- c. “Protecting our organization’s information is the responsibility of every Team Member[.] ... Do not discuss the organization’s confidential business or proprietary business matters, or share confidential, personal Team Member information with anyone who does not work for us such as friends, family members, members of the media, or other business entities.”

16. In November 2012, Proctor recognized the importance of protecting TMC donor privacy.

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<sup>16</sup> Ex. 16, see Greitens signature on page 4. Tr. Kympton at 20:10-11, “[T]his is a document that all of our staff signs.”

<sup>17</sup> Ex. 16 at ¶1(C), (G), definition of confidential information; and ¶2, non-disclosure requirement.

<sup>18</sup> Ex. 16 at ¶3(A).

<sup>19</sup> Ex. 16 at ¶3(A).

<sup>20</sup> Ex. 16 at ¶3(C).

<sup>21</sup> Ex. 12; Tr. Proctor at 21:2-18.

<sup>22</sup> Ex. 14.

At that time, she extracted TMC data for the limited purpose of compiling a holiday card list for Greitens, and sent TMC data to others within TGG with the following request:<sup>23</sup>

I've also attached a spreadsheet here from the TMC salesforce system, which includes some of the top donors. I've deleted the amount of the donations to maintain privacy, but please DO keep this private. Do NOT print this spreadsheet or distribute. Please add the names and addresses that you see highlighted in yellow to the holiday card master spreadsheet. You can likely just copy and paste from the spreadsheet as most addresses are included. We should have ALL addresses for these folks so I can always check TMC salesforce here as well.

Emphasis added.

17. Former TMC CFO Neyens testified that Greitens “grew the organization from zero[,]”<sup>24</sup> and explained why and how he believed Greitens was able to grow TMC. “[P]eople, donors, corporations, individuals, foundations migrate. They were attracted to him. They migrated to him as he spoke around the country[.]”<sup>25</sup> Further, Neyens agreed with the statement that Greitens “was a very strategic person” who “liked to have things planned out,” testifying, “He planned things out. ... He didn’t go into – you know, I guess it’s kind of like going into battle. You just don’t randomly run in there. He had a plan of building his business – building his organization.”<sup>26</sup>

18. Although Greitens was critical to TMC’s success, he did not work alone. Kympton testified that TMC fundraising responsibilities were shared between Greitens and the development team, including Lyndsey Reichardt.<sup>27</sup>

19. Reichardt testified that as development director, her job included “anything related to fundraising” for TMC.<sup>28</sup> This included an annual gala, corporate fundraising proposals, individual donors, appeal letters and “identifying donors that would be good for Eric or other leadership team members to meet with.”<sup>29</sup> She explained that when someone made a small donation to TMC, she “would help set up meetings with people” who had “potential to give larger gifts or to contribute more to The Mission Continues.” The charity had a system to ensure every donor was thanked on a quarterly basis for his or her gifts. Reichardt was responsible for identifying small donors who might be good prospects to become larger donors.<sup>30</sup> The thank you calls “involved all the staff.”<sup>31</sup>

20. Reichardt explained that she also had frequent contact with individual TMC donors, testifying, “Sometimes I would go have coffee or lunch with them, tell them about the organization’s plans and how we were growing, and assess their interest in being more involved with the organization.”<sup>32</sup> Through this process she was responsible for “gaining donors who

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<sup>23</sup> AGO Proctor, Ex. 12.

<sup>24</sup> Tr. Neyens at 43:19.

<sup>25</sup> Tr. Neyens at 43:20-23.

<sup>26</sup> Tr. Neyens at 58:7-16.

<sup>27</sup> Tr. Kympton at 65:14 to 67:10.

<sup>28</sup> Tr. Reichardt at 11:6.

<sup>29</sup> Tr. Reichardt at 11:9-11.

<sup>30</sup> Tr. Reichardt at 11:25 to 13:20.

<sup>31</sup> Tr. Reichardt at 13:14-20.

<sup>32</sup> Tr. Reichardt at 14:17-20.

donated in excess of a thousand dollars.”<sup>33</sup> However, “[a]s the organization grew, the leadership members above [her] would take those meetings.” Those leadership members were not limited to Greitens, but also included Spencer Kympton, Lori Stevens, and Meredith Knopp. Reichardt testified that no one single leadership member took the bulk of those donor meetings.<sup>34</sup>

21. Similarly, Reichardt testified that TMC’s annual banquet was a “team effort” where sponsors were identified by a leadership committee, and “those committee members would typically do the solicitations themselves.”<sup>35</sup>

22. An email suggests Greitens began considering a run for statewide office at least as early as October 16, 2013, at which time a political consultant named Steve Michael emailed to tell him he was “finishing up on some of those to-do lists” and sent “Schweich’s donor list” as an attachment to give Greitens “a bit of an idea on his potential strengths.”<sup>36</sup> At the time, Schweich was identified as planning a run for governor.<sup>37</sup>

23. Greitens took a sabbatical from TMC from late 2013 to spring 2014.<sup>38</sup>

24. Proctor testified that Greitens had decided he was running for office in early 2014.<sup>39</sup>

25. Danny Laub began advising Greitens on political activity in early 2014. Laub testified he prepared a memo for Greitens in February 2014 regarding gubernatorial campaign strategy.<sup>40</sup>

26. On February 27, 2014, Monu Joseph emailed Proctor and Greitens the schedule for Greitens’ trip to Orange County, California on March 12, 2014.<sup>41</sup> Proctor testified the purpose of the trip and “the nature of those meetings was to start thinking about getting support and money from these people for when he would run for office.”<sup>42</sup>

27. On March 5, 2014, Greitens emailed a spreadsheet to Proctor and Whitman with lists of “categories for consideration” for a run for public office.<sup>43</sup> The document discussed fundraising, issue education, campaign organization, potential endorsements, and strategy.<sup>44</sup>

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<sup>33</sup> Tr. Reichardt at 14:21-23, responding in the affirmative to question posed by Rep. Barnes.

<sup>34</sup> Tr. Reichardt at 15:2-14.

<sup>35</sup> Tr. Reichardt at 17:2 to 18:20

<sup>36</sup> AGO Proctor, Ex. 1.

<sup>37</sup> See Catherine Hanaway, former Missouri House Speaker, Pondering 2016 Run for Governor, St. Louis Post-Dispatch, Sept. 15, 2013, discussing Schweich “who has not said he will run for governor but is widely believed to be planning such a move.” Available at [http://www.stltoday.com/news/local/govt-and-politics/catherine-hanaway-former-missouri-house-speaker-pondering-run-for-governor/article\\_5e736420-d191-5c0b-ba42-637d28ccedd7.html](http://www.stltoday.com/news/local/govt-and-politics/catherine-hanaway-former-missouri-house-speaker-pondering-run-for-governor/article_5e736420-d191-5c0b-ba42-637d28ccedd7.html), April 23, 2018.

<sup>38</sup> Ex.19.

<sup>39</sup> Tr. AGO Proctor at 23:7-11, “I became more convinced because he started sort of planning for a transition or stepping down as CEO from The Mission Continues and focusing, you know, on a little bit more on the idea.”

<sup>40</sup> Tr. AGO Laub at 37:24 to 42:22; AGO Laub Ex. 2.

<sup>41</sup> AGO Proctor, Exs. 6, 7.

<sup>42</sup> Tr. AGO Proctor at 45:2-7; AGO Proctor, Ex. 7.

<sup>43</sup> AGO Proctor, Exs. 8, 9.

28. Michael Hafner also began advising Greitens on political activity in early 2014.<sup>45</sup> Emails reveal a meeting with potential supporters and donors as early as March 18, 2014.<sup>46</sup>

29. On March 21, 2014, Proctor prepared a memo for Greitens, Whitman, and Mason Fink setting forth information about announced and likely candidates for governor in 2016.<sup>47</sup> She testified that Greitens was “focused on the governor’s position” at this date and had, in fact, settled on Missouri governor’s race for his political future.<sup>48</sup>

30. On March 24, at Greitens’ direction, Proctor set up a system to organize campaign contacts including donors, volunteers, staff, advisors, endorsements, interest groups, and other supporters.<sup>49</sup>

31. On or about April 1, 2014, Proctor stopped using her TMC email linked to her TGG email on a regular basis. Instead, she created an auto-response to inform persons who emailed her that they could contact her at her TGG email address, an account for which the Committee does not have access to emails dated after April 1, 2014.<sup>50</sup>

32. On April 24, 2014, Greitens informed TMC that he would transition from CEO to Board Member of TMC in the summer of 2014.<sup>51</sup> In response, TMC asked Greitens to assure donors that the transition to new leadership would go smoothly and the organization was on strong footing with a good plan for the future. Reichardt explained:

Anytime there is a big leadership change within an organization it’s standard fundraising practice to take your top donors and let them know about that change.... [T]he development team’s plan for the transition was essentially to identify our top donors and let them know that Eric was going to be leaving the organization in a few months, and that the organization is in good hands with Spencer Kympton, the new president.<sup>52</sup>

33. On May 8, 2014, TMC employee Lori Stevens emailed Greitens, Proctor, Kympton, and Reichardt with “transition call” instructions for Greitens and five attachments, including a list of TMC donors named “All donors 1K total and up – as of 5-7-14.xlsx.”<sup>53</sup>

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<sup>44</sup> AGO Proctor, Ex. 9.

<sup>45</sup> Tr. Hafner at 6:15 to 7:2.

<sup>46</sup> Ex. 30.

<sup>47</sup> Mason Fink is a national political fundraiser.

<sup>48</sup> Tr. AGO Proctor at 40:18-23; 41:24 to 42:2; 150:5-15; 151:1-5; AGO Proctor, Ex. 5.

<sup>49</sup> Tr. AGO Proctor at 61:25 to 62:16; AGO Proctor, Ex. 10.

<sup>50</sup> Ex. 31

<sup>51</sup> Ex.19.

<sup>52</sup> Tr. Reichardt at 22:7-25.

<sup>53</sup> Ex. 32.

**From:** Stevens, Lori [lstevens@missioncontinues.org]  
**Sent:** 5/8/2014 10:48:30 PM  
**To:** Eric Greitens [eric.greitens@gmail.com]; Eric Greitens [egreitens@missioncontinues.org]  
**CC:** Spencer Kympton [redacted]; Krystal Taylor [ktaylor@missioncontinues.org]; Lyndsey Hodges [lhodges@missioncontinues.org]  
**Subject:** transition calls - memo and \$1K+ list  
**Attachments:** 5.5.2014 Call List (TMC Transition).odt; 2014stlplanoverallmemowupdates4.22.docx; All donors 1K total and up - as of 5-7-14.xlsx; TheMissionContinuesServicePlatoons-smallerfile-April2014.pdf; Strategic plan 2014-2016 as of February 2014.pdf

Hi Eric,

Here is the transition call info...

1) Priority calls with background notes. I can't for the life of me figure out how to get rid of Krystal's highlights. My usual skills don't work. So, a little extra color for you :)

2) The \$1K+ list, thanks to Thalia

3) Service Platoon sponsorship info - reference for [redacted] calls

4) Strategic plan slides - reference for [redacted] (Lyndsey sent them to him by mail with a note in February)

5) St. Louis memo from Lyndsey - in case it's helpful context

Emphasis added.

34. On May 12, 2014, Kympton followed-up on the transition calls:<sup>54</sup>

**From:** Kympton, Spencer [redacted]  
**Sent:** 5/12/2014 5:00:08 PM  
**To:** Stevens, Lori [redacted]  
**CC:** Eric Greitens [eric.greitens@gmail.com]; Eric Greitens [egreitens@missioncontinues.org]; Krystal Taylor [ktaylor@missioncontinues.org]; Lyndsey Hodges [lhodges@missioncontinues.org]  
**Subject:** Re: transition calls - memo and \$1K+ list

are we tracking progress/completion of each of these calls/invites in some way? will be good to know when others know, so that follow-on comms are appropriate

35. At least two other follow-up emails occurred to track and aid in the transition calls:<sup>55</sup>

<sup>54</sup> Ex. 17.

<sup>55</sup> Ex. 17.

**From:** Reichardt, Lyndsey [lreichardt@missioncontinues.org]  
**Sent:** 5/19/2014 6:07:03 PM  
**To:** Stevens, Lori [REDACTED]  
**CC:** Kympton, Spencer [REDACTED]; Eric Greitens [eric.greitens@gmail.com]; Eric Greitens [egreitens@missioncontinues.org]; Krystal Taylor [ktaylor@missioncontinues.org]; Lyndsey Hodges [lhodges@missioncontinues.org]  
**Subject:** Re: transition calls - memo and \$1K+ list  
**Attachments:** 5.19.2014 Call List (TMC Transition LH additions).odt

Hi Eric,

Sorry I missed you on April 24th. Lori and I discussed this list. I also added a couple of people whom I think need a call to a document attached here. Additionally, I went through the \$1,000+ list and flagged others you might want to consider calling. I've included their names at the end of the document, and if you want to call them, let me know. I am happy to pull phone numbers and ensure you have appropriate background on everyone. Thanks, Eric.

NOTE: If you have not called [REDACTED] at the end of the month. [REDACTED] and that note is included in the document attached to this email.

On Tue, May 13, 2014 at 7:10 PM, Stevens, Lori [REDACTED] wrote:  
Hi,  
Krystal and I had talked about Eric letting me know as he makes the calls.  
Eric - do you want to send a daily update to Spence and me? Or just shoot us notes as you complete calls?  
Any takers on the June 10th gathering or meetings yet?  
Thanks!  
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36. Proctor explained how she understood the circumstances of these transition emails:

Eric was stepping down as CEO of The Mission Continues...and I recall that he asked the development team at The Mission Continues, which would have been Lori Stevens and Lyndsey Reichardt at the time, who were both on this email. He asked the development team to send him a list of donors of The Mission Continues, and then also a list of calls that he would be making to The Mission Continues sort of top donors to let them know that he would be transitioning and stepping down as CEO.<sup>56</sup>

My understanding was that he had – you know, Eric had built The Mission Continues, and these were his contacts, his friends, his family, his family

<sup>56</sup> Tr. Proctor at 23:6-17.

members, colleagues, and you know, at some point in the future, he might need to reference this list and, you know, get in touch with these people.<sup>57</sup>

37. Proctor was not aware of any communications specifying a purpose for TMC sending the donor list to Greitens other than the transition.<sup>58</sup> However, she also testified:

The purpose, I believe, was that Eric would be making a number of phone calls to The Mission Continues donors to let them know he would be transitioning and stepping down as CEO, and then I also believe the purpose was to have a list of contacts, because, like I said, these were his contacts, his friends and family members and colleagues, people he had brought into The Mission Continues who were supporters of his, and I believe that he – you know, for convenience’s sake, he wanted their contact information in one place and one list.<sup>59</sup>

38. Proctor recalled Reichardt “being sort of concerned and voicing those concerns around, you know, sending a list of The Mission Continues Donors to Eric[.]”<sup>60</sup> She further testified Reichardt “sort of feeling like, you know, putting together this list and, you know, sending it to Eric felt, you know, inappropriate in some way.”<sup>61</sup> Reichardt denied ever speaking of such concerns.<sup>62</sup>

39. Proctor could not recall anyone from TMC stating that the list could be used for political purposes or for any purpose other than transition calls.<sup>63</sup>

40. Kympton did not recall any alternative purpose for providing the TMC donor list:

[T]he original email that was sent sometime earlier – I mean, beginning on May 8<sup>th</sup> of 2014, was part of an overall plan that our development team constructed to guide the external communication of our CEO’s transition. So that sat a week or two after Eric had communicated internally that his plan was to transition from the CEO role over that summer – so several months later.

So this was our first step in our development team’s first step at guiding a proactive communications plan with our partners to not only communicate the transition itself but also talk about how The Mission Continues would be a going concern, how their partnership in support of The Mission Continues would continue to be valued by the organization and just – it was all part of a natural transition plan that we had created.<sup>64</sup>

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<sup>57</sup> Tr. Proctor at 24:1-7.

<sup>58</sup> Tr. Proctor at 25:7-9.

<sup>59</sup> Tr. Proctor at 24:20 to 25:6.

<sup>60</sup> Tr. Proctor at 25:13-17.

<sup>61</sup> Tr. Proctor at 76:23 to 77:1.

<sup>62</sup> Tr. Reichardt at 24:19-23.

<sup>63</sup> Tr. Proctor at 26:15 to 27:19, responding in the negative to questions posed by Rep. Barnes.

<sup>64</sup> Tr. Kympton at 33:7-23.

41. When asked whether there was any purpose other than the transition calls for “providing Mr. Greitens the full list of The Mission Continues donors who had given over a thousand dollars,” Reichardt answered, “Not to my knowledge.”<sup>65</sup> Reichardt gave the same answer to questions of whether there was any express or implied consent for “Mr. Greitens to use this list of donors over \$1,000 for political purposes.”<sup>66</sup>

42. Kympton testified that the TMC NDA applied to the TMC donor list. When asked if there was an exception to the NDA for political activity, Kympton responded, “There are no exceptions.” He further explained that he could not “see a case where there would be an exception made” and “[i]t would not have been an authorized use of any information from The Mission Continues’ point of view.” He also characterized it as “a misuse, as far as The Mission Continues is concerned.”<sup>67</sup>

43. Kympton testified that he was not aware of any implicit or explicit authorization to use the TMC list for political purposes.<sup>68</sup> He further stated, “I have not seen any evidence that there was any authorization to Mr. Greitens, either in the context of his role as CEO or after, to suggest any authorization to use it for political purposes.”<sup>69</sup>

44. Reichardt agreed that there were individuals and corporations who donated more than a thousand dollars to TMC for whom Greitens was not primarily responsible.<sup>70</sup>

45. On May 24, 2014, Greitens met with Laub and others for ten hours to discuss a “future race for governor.”<sup>71</sup> In preparation, Laub created a memo for Greitens that established the first objective of “establish a personal relationship with five candidates outside of Missouri who can be called-upon for personal favors during Eric’s campaign for Governor.”<sup>72</sup>

46. In an email sent May 26, 2014, Fink suggested that Greitens open a campaign committee that spring.<sup>73</sup> However, Laub responded that “this is silly.” In his deposition, he explained, “Eric’s key to victory was timing and this would have disrupted that.”<sup>74</sup> Laub explained, “The later the better,” on when it was the right time for Greitens to enter the race.<sup>75</sup>

47. On May 28, 2014, just 17 days after Greitens received the TMC donor list, he asked Danny Laub to sign an NDA that, like the TMC NDA, protected “donor lists” from

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<sup>65</sup> Tr. Reichardt at 23:7-10; 23:11 to 24:6, rejecting contention that list was sent for “Mr. Greitens own use because these were his contacts, his friends, his family, his family members, and his colleagues, and it would be good to have a reference list for him to get in touch with them in the future.”

<sup>66</sup> Tr. Reichardt at 24:11-18.

<sup>67</sup> Tr. Kympton at 21:19 to 24:3.

<sup>68</sup> Tr. Kympton at 24:15 to 25:9.

<sup>69</sup> Tr. Kympton at 29:3-10.

<sup>70</sup> Tr. Reichardt at 18:21 to 19:1, responding in the affirmative to question posed by Rep. Barnes.

<sup>71</sup> Tr. AGO Laub at 111:1-4.

<sup>72</sup> Tr. AGO Laub at 90:23 to 95:24; AGO Laub, Ex. 12.

<sup>73</sup> AGO Laub, Ex. 13.

<sup>74</sup> Tr. AGO Laub at 118:22-24.

<sup>75</sup> Tr. AGO Laub at 119:3-5.

disclosure to third-parties.<sup>76</sup> The Greitens' campaign NDA specified that "EG is exploring plans regarding a potential career endeavor involving public service[.]"<sup>77</sup>

48. On August 14, 2014, Greitens scheduled a conference call with political consultants Steve Michael and Dave Hagemen.<sup>78</sup>

49. On October 15, 2014, Proctor sent an email to Laub and Tyler Holman regarding a meeting on Monday, October 20, 2014. Proctor indicated she would bring "[a]ll of the donor lists that we've collected so far" to the meeting.<sup>79</sup> The TMC donor list was one of those lists. Proctor testified that Greitens had talked to her multiple times about "the importance of the TMC donor list to support future political fundraising efforts."<sup>80</sup>

50. On December 1, 2014, Laub was hired by Greitens. Laub testified that, at this time, there was "definitely a future gubernatorial campaign" and Laub's role included "political planning," meaning "everything from...surveying the landscape, figuring out who Eric should meet with, figuring out how to achieve at this point ... how to achieve success."<sup>81</sup> At the time, however, Laub was paid by Eric Greitens, LLC.<sup>82</sup> Also on December 1, 2014, Proctor emailed Laub a document from Greitens titled "Candidate's Intent."<sup>83</sup> It provided detailed campaign plans, including fundraising plans to achieve \$8 million in commitments; messaging plans that sought answers to the questions "Why I'm Running" and "Why I'm a Republican."<sup>84</sup>

51. On December 5, 2014, Greitens convened a meeting to discuss the campaign.<sup>85</sup> Laub testified that he first learned of the TMC list at this meeting.<sup>86</sup> Several people attended this meeting, including Jennae Neustadt, Mark Bobak, Chris Bobak, and Fink.<sup>87</sup> The attendees reviewed the TMC donor list at this meeting.<sup>88</sup>

52. Hafner began working for pay in January 2015. Although Hafner's work was strictly political, his initial pay was from either The Greitens Group or Eric Greitens personally.<sup>89</sup>

53. Greitens for Missouri did not report Laub's or Hafner's pay as in-kind contributions from The Greitens Group to the campaign.

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<sup>76</sup> AGO Laub, Ex. 14.

<sup>77</sup> AGO Laub, Ex. 14.

<sup>78</sup> Ex. 3.

<sup>79</sup> AGO Proctor, Ex. 16.

<sup>80</sup> Tr. AGO Proctor at 116:1-17.

<sup>81</sup> Tr. AGO Laub at 25:13 to 26:20.

<sup>82</sup> Tr. AGO Laub at 181:7-10. Eric Greitens LLC is d/b/a The Greitens Group.

<sup>83</sup> AGO Laub, Ex. 26.

<sup>84</sup> AGO Laub, Ex. 26.

<sup>85</sup> Tr. AGO Laub at 186:16-19.

<sup>86</sup> Tr. AGO Laub at 186:19.

<sup>87</sup> Tr. AGO Laub at 171:3-25; 186:20-23.

<sup>88</sup> Tr. AGO Laub at 172:7 to 174:18.

<sup>89</sup> Tr. Hafner at 7:3-15; 89:21 to 90:2.

54. On January 6, 2015 at 1:57 p.m., the following invitation was sent to Hafner, Proctor, and Laub for a campaign "Finance Meeting" for 10 a.m. the next morning.<sup>90</sup>

**Invitation: Finance Meeting @ Wed Jan 7, 2015 10am - 12pm**  
**(mike@barklageandknodell.com)**

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Eric Greitens <egreitens@missioncontinues.org> Tue, Jan 6, 2015 at 1:57 PM  
Reply-To: Eric Greitens <egreitens@missioncontinues.org>  
To: [REDACTED] <mike@barklageandknodell.com>, "dlaub@greitensgroup.com" <dlaub@greitensgroup.com>

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**Finance Meeting** [more details »](#)

When Wed Jan 7, 2015 10am – 12pm Central Time

Video call [https://plus.google.com/hangouts/\\_/missioncontinues.org/dlaub-mike](https://plus.google.com/hangouts/_/missioncontinues.org/dlaub-mike)

Calendar [mike@barklageandknodell.com](mailto:mike@barklageandknodell.com)

Who

- Eric Greitens - creator
- [dlaub@greitensgroup.com](mailto:dlaub@greitensgroup.com)
- [mike@barklageandknodell.com](mailto:mike@barklageandknodell.com)

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

55. Four minutes later, Proctor sent an email to Laub and Hafner:<sup>91</sup>

<sup>90</sup> Ex 3 at 1; Tr. Hafner at 9:6-14.

<sup>91</sup> The list labeled "EG fnce prospects 061714.xlsx" was provided by Mason Fink, an unpaid informal advisor, but, to the best of the Committee's knowledge, never reported as an in-kind contribution. The "Schweich list.xlsx" was provided by Steve Michael, an employee of Victory Enterprises, an eventual vendor for the campaign.

## Donor lists

Krystal Taylor <ktaylor@greitensgroup.com>

Tue, Jan 6, 2015 at 2:01 PM

To: Danny Laub <dlaub@greitensgroup.com>, Michael Hafner <[REDACTED]>

All donors 1k total and up - The Mission Continues list  
EG fnce prospects - Mason Fink's list  
Fundraising tacker list - our internal list (Danny has access to updated google doc.)  
Schweich list - Steve Michael sent over many months ago

-

Krystal Taylor  
Vice President  
The Greitens Group  
Direct: 314-833-6269

### 4 attachments

-  All donors 1K total and up - as of 5-7-14.xlsx  
71K
-  EG fnce prospects 061714.xlsx  
68K
-  Fundraising Tracker - as of Oct 10, 2014.pdf  
67K
-  Schweich list.xlsx  
489K

56. The attachment labeled “All donors 1K total and up – as of 5-7-14.xlsx” was TMC’s donor list – as sent to Proctor and Greitens by TMC for the purpose of “transition calls” when Greitens left TMC in May 2014.<sup>92</sup>

57. Hafner and Proctor testified that Proctor sent the TMC list at Greitens’ direction.<sup>93</sup>

58. Proctor testified “there was no confusion” when she shared the list with Hafner and Laub at Greitens’ direction that they were going to use it to support “the political campaign” and, in particular, “political fundraising.”<sup>94</sup> Laub also testified that the TMC list was used to create a campaign fundraising list<sup>95</sup> and that, at the direction of Greitens, Hafner used the TMC list to create a campaign fundraising list.<sup>96</sup>

59. Proctor testified she never received authorization to share the list from anyone other than Greitens, and that Greitens directed her to share the list after he left TMC.<sup>97</sup>

60. The TMC list contained the names, phone numbers, email addresses, donations, and other details of every individual, company, or non-profit that had donated \$1,000 or more to

<sup>92</sup> Ex. 32

<sup>93</sup> Tr. Proctor at 28:10-16, “It would have been at Eric’s direction.”; Tr. Hafner at 11:13-16.

<sup>94</sup> Tr. AGO Proctor at 122:8-21.

<sup>95</sup> Tr. AGO Laub at 202:4-13.

<sup>96</sup> Tr. AGO Laub at 211:19 to 212:7.

<sup>97</sup> Tr. AGO Proctor at 133:3-16.

TMC. The list contained the information for more than 500 individuals and hundreds of businesses and foundations that had given to TMC.<sup>98</sup>

61. Proctor testified that Greitens viewed the TMC list as his own list of friends, family, and supporters that he had built up with his own labor and endeavors from the beginning of the organization.<sup>99</sup>

62. Greitens, did, in fact, put substantial labor into cultivation of donors for the list. However, Greitens earned a salary as CEO of TMC for most of that time, and other people also put labor into cultivation of the list.<sup>100</sup>

63. TMC's President Spencer Kympton explained that the list contained more than just Greitens' friends, family, and supporters. When asked, "A previous witness testified that Mr. Greitens thought – essentially thought of this list as his own, that the list was comprised of his friends, his contacts that he had built up. ... Do you believe that to be true?," Kympton responded:

I would not characterize this list that way. This list is a list of 500 – more than 500 donors, supporters, partners of The Mission Continues who had given collectively or over time \$1,000 or above to The Mission Continues. Within this list might be, you know, friends or family of Eric Greitens that have transitioned into being supporters of The Mission Continues, but as context, I have friends and family who are on this list; other staff members from The Mission Continues have family on this list. There are individuals on this list who came into The Mission Continues relationship via events that we ran, and they might have been invited by host committee members to those events. There are individuals on this list who came into a relationship with The Mission Continues by the company that was supporting The Mission Continues. So I think that there certainly are individuals on this list who might have been a friend or family member of The Mission Continues, but I would very much characterize this list as a list of supporters and partners of The Mission Continues that came from a variety of different pathways to that relationship.<sup>101</sup>

64. Reichardt testified that she did not view the list as Greitens' personal list,<sup>102</sup> and that there were donors on the list for whom Greitens was not responsible.<sup>103</sup>

65. Hafner testified that the Greitens campaign used the TMC list for fundraising purposes, stating there were two fundraising meetings in January, and "at least in one of those

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<sup>98</sup> Ex. 3 at 3-24.

<sup>99</sup> Tr. Proctor at 23:24 to 24:7

<sup>100</sup> See Reichardt testimony set forth above; Tr. Reichardt at 11:4 to 19:1

<sup>101</sup> Tr. Kympton at 34:10 to 35:24, further testifying that "Yes. Of course" he keeps a separate contact list for his friends and family than the TMC list.

<sup>102</sup> Tr. Reichardt at 23:11 to 24:6, rejecting Proctor's contention that list was sent for "Mr. Greitens own use because these were his contacts, his friends, his family, his family members, and his colleagues, and it would be good to have a reference list for him to get in touch with them in the future."

<sup>103</sup> Tr. Reichardt at 14:23, responding in the affirmative to question posed by Rep. Barnes.

meetings we went through the list.” Greitens gave Hafner “notes on specific donors. And of course, donors were selected based on their ability to give which is denoted in the list of their lifetime giving history to The Mission Continues.”<sup>104</sup>

66. Kympton and TMC expressly stated that it did not authorize this disclosure or use:

- a. “The Mission Continues did not provide nor authorize any use of our donors’ information to the Greitens campaign or any persons or groups for political or campaign purposes;”<sup>105</sup>
- b. “Any use of The Mission Continues resources for any political or other unauthorized purpose would violate our policies and the trust we expect from each member of our staff.”<sup>106</sup>

67. Hafner, an experienced campaign professional, testified that it was the first time he had ever used a charity’s donor list in the course of a political campaign.<sup>107</sup>

68. Hafner testified that on January 19, 2015, Greitens instructed him to meet with Reichardt about the list because Greitens did not know a number of persons on it:

So after going through The Mission Continues donor list, at some point during the process, Mr. Greitens didn’t recall a number of names from the list and I was directed – he directed me to set up a meeting with Lindsey Reichardt who it was indicated that she was either a current employee or a former employee of The Mission Continues. And Eric indicated that she would have more extensive information on many of the donors from the list and that I needed to reach out to her to go over the list with her. I never met with Lindsey. I don’t recall ever reaching out to her, but it’s possible I could have. But to my knowledge, I don’t think she ever came into the office, and I certainly never met with her personally to go over the list.<sup>108</sup>

69. Both Hafner and Reichardt testified that they never had a meeting.<sup>109</sup>

70. On January 28, 2015 Hafner emailed Proctor, Laub, and Chris Bobak seeking help obtaining information for an initial fundraising list. Hafner noted that he “need[ed] the contact information that Eric already has for these people (and I assume that is all in Salesforce?).” Proctor responded that Hafner should check TGG’s account at salesforce.com,

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<sup>104</sup> Tr. Hafner at 16:3 to 17:6.

<sup>105</sup> Tr. Kympton at 36:18 to 37:1.

<sup>106</sup> Tr. Kympton at 37:3-8.

<sup>107</sup> Tr. Hafner at 55:11-21.

<sup>108</sup> Tr. Hafner at 19:9 to 20:2.

<sup>109</sup> Tr. Hafner at 19:23; Tr. Reichardt at 28:25 to 29:1.

but pointed out, “Some of these will not be in salesforce. If not, I would suggest checking The Mission Continues list.”<sup>110</sup> Proctor then attached the TMC list to her response.<sup>111</sup>

71. Hafner and Laub testified that Hafner used the TMC list to create donor call lists in 2015.<sup>112</sup> Hafner sent call lists to Greitens that were derived in part from the TMC list on at least February 5, 17, and March 20.<sup>113</sup> At the time Hafner sent the donor call lists, there was no campaign in existence to which donations could be made. However, Laub testified Greitens “was indeed making calls” during this time period, agreeing that Greitens was “getting commitments but not actually getting checks.”<sup>114</sup>

72. On February 25, 2015, the campaign filed a Statement of Committee Organization creating the entity Greitens for Missouri.<sup>115</sup>

73. On April 22, 2015, after Hafner was no longer working for the Greitens campaign, Proctor emailed the TMC list to Meredith Gibbons, the new finance director for Greitens for Missouri.<sup>116</sup> As set forth below, Proctor’s email notes the attachment “is The Mission Continues donor list through May 2014 when Eric stepped down as CEO. So anything in late 2014 won’t be included here or anything from 2015.”

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<sup>110</sup> Ex. 5.

<sup>111</sup> Tr. AGO Proctor at 107:3-13.

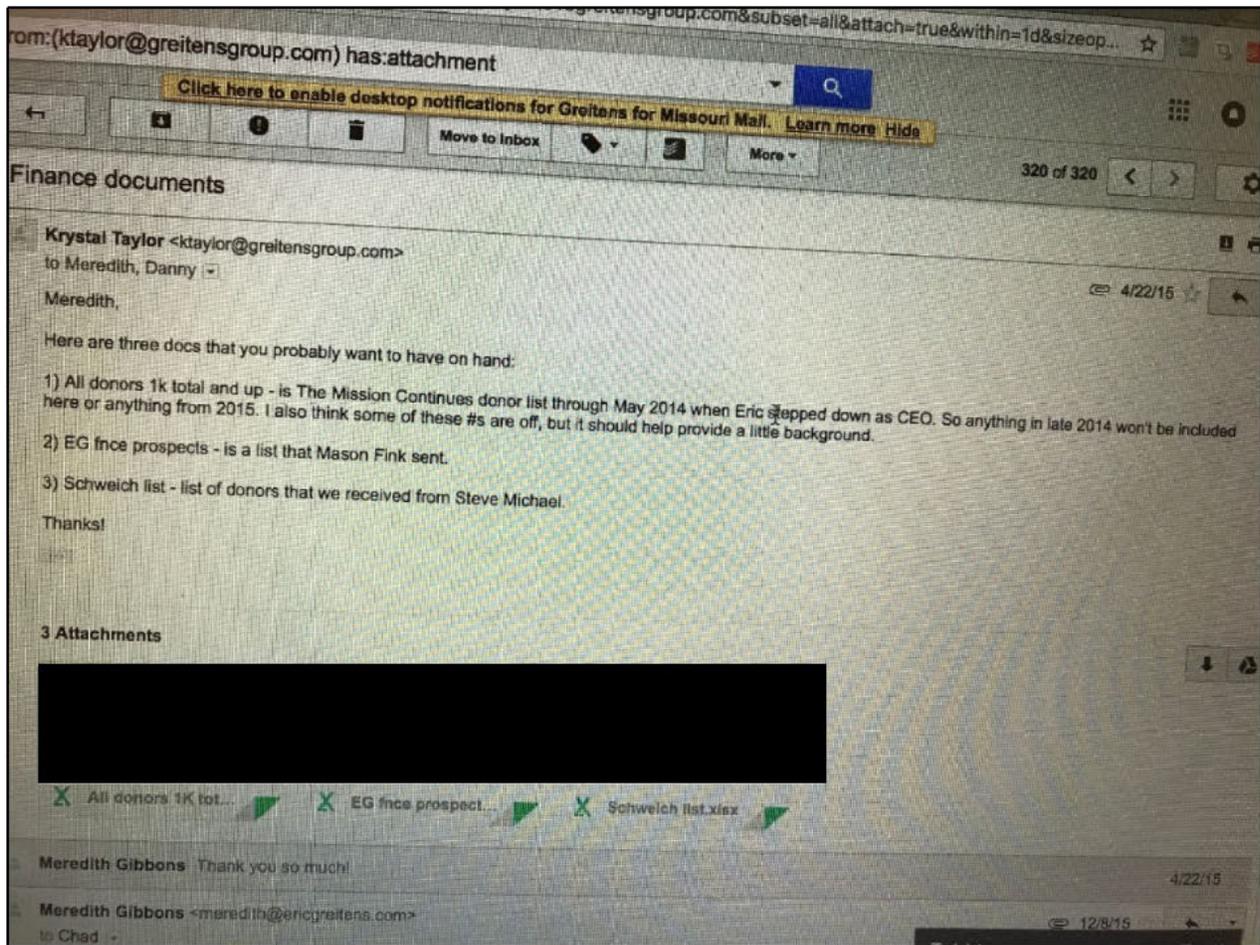
<sup>112</sup> Exs. 7, 8, 9.

<sup>113</sup> Exs. 7, 8, 9.

<sup>114</sup> Tr. AGO Laub at 250:12-25.

<sup>115</sup> This document is available on the website of the Missouri Ethics Commission.

<sup>116</sup> AGO Proctor, Ex. 19.



74. Proctor testified that she shared the list with Meredith Gibbons at Greitens' direction so that it "would be used for political fundraising."<sup>117</sup> She further testified that she was instructed by Greitens to use the lists for these purposes.<sup>118</sup>

75. Reichardt testified that she met with Gibbons for lunch and Gibbons "provided [her] with a list of people that Eric was considering asking for money for the campaign."<sup>119</sup> Reichardt testified that she could not recall the size of the list Gibbons brought to the meeting, but that, for the persons listed "she asked if any of them would be good prospects."<sup>120</sup> While Reichardt could not recall the size of the list or whether it was the same as the list disclosed in the transition email, she did recall that Gibbons asked about a particular large donor to The Mission Continues.<sup>121</sup>

<sup>117</sup> Tr. AGO Proctor at 123:12-24.

<sup>118</sup> Tr. AGO Proctor at 123:18-24.

<sup>119</sup> Tr. Reichardt at 30:18 to 31:1.

<sup>120</sup> Tr. Reichardt at 31:4-6.

<sup>121</sup> Tr. Reichardt at 49:23 to 51:3.

76. Proctor testified that she was aware of the meeting between Reichardt and Gibbons regarding the TMC list.<sup>122</sup> Proctor’s “understanding was that Eric asked Lindsey to meet with Meredith” and that the meeting “occurred in probably mid to late 2015.”<sup>123</sup>

77. In August 2015, Greitens stepped down from the board of TMC. Kympton explained,

“[A]t that time, Eric notified both me and, as I recollect, our board chair that he was preparing to announce his candidacy for governor, and those conversations suggested that it was probably in the best interest of The Mission Continues, at that time to, and for Eric to step away from the board to avoid any types of conflict of interest that might arise as having a candidate for political office involved formally on our board.” Kympton identified “the use of Mission Continues resources for political purposes” as an example of such a conflict but stated that the board was not aware of the use of the TMC list at that time.<sup>124</sup>

78. Kympton first became aware of Greitens’ political use of TMC resources in August 2016, but did not yet have knowledge of the Greitens’ campaign’s use of the TMC donor list.<sup>125</sup> At that time, Kympton exchanged correspondence with Austin Chambers, campaign manager for the Greitens campaign for governor, regarding concerns about a “Greitens advertisement and fundraising campaign” that Kympton feared “jeopardize[d] [TMC’s] status as a 501c3.” In particular, among other things, Kympton was concerned with a link that “explicitly align[ed] [TMC’s] trademarked name with a political campaign effort: <https://donate.ericgreitens.com/mission-continues>” and with a website video titled “Eric Greitens: The Mission Continues” which was on a fundraising page.<sup>126</sup> Chambers responded:

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<sup>122</sup> Tr. AGO Proctor at 95:7-18.

<sup>123</sup> Tr. AGO Proctor at 96:1-19.

<sup>124</sup> Tr. Kympton at 38:16 to 39:3.

<sup>125</sup> Tr. Kympton at 39:19 to 40:5.

<sup>126</sup> Ex. 22

**From:** Austin Chambers [REDACTED]  
**Date:** August 18, 2016 at 3:18:24 PM EDT  
**To:** [REDACTED]  
**Cc:** [REDACTED] Michael Adams [REDACTED]  
**Subject:** Greitens Campaign Response

Spencer,

I apologize for the delayed response. I wanted to handle this with the upmost sensitivity and attention to make sure that The Mission Continues wasn't damaged or harmed from a legal stand point by the campaign, so I asked our attorney, Mike Adams, to take a look at the situation. Our goal from the beginning has always been to protect The Mission Continues, and keep it separate from the campaign. As you know, Eric cares deeply about protecting the brand and image of TMC.

The review and response from Mike Adams on behalf of Greitens for Missouri is attached.

So that you are aware, the video name on the internet has been changed, and the background image of the fundraising splash page is in the process of being swapped out today. The ad will remain on air, and there will be additional advertisements that mentions the great work of The Mission Continues.

If you have any additional questions or points, please let me know.

Thanks,

AC

79. Greitens' attorney Mike Adams responded, "Obviously, the Campaign wishes The Mission Continues nothing but the greatest success in its worthy cause and would do nothing to jeopardize its tax-exempt status." Adams then quotes and discusses IRS guidance that an organization would jeopardize its 501(c)(3) status by "[a]llowing a candidate to use an organization's assets ... if other candidates are not given an equivalent opportunity." Adams and the Greitens campaign agreed to cease using a photo it took at TMC offices but failed to notify TMC that the campaign was using the TMC donor list for political fundraising.

80. News reports from the fall of 2016 indicate that cross-referencing the names on the TMC list with Greitens campaign donors reveals that the campaign raised nearly \$2 million from persons or organizations on the TMC list.<sup>127</sup>

81. In approximately November 2016, an ethics complaint was filed against Greitens and Greitens for Missouri for failure to report the TMC list as an in-kind donation.

82. In a subsequent filing with the Missouri Ethics Commission, Greitens and his campaign admitted that the campaign used the TMC list for fundraising purposes.<sup>128</sup>

83. Documents and testimony from Hafner and Proctor establish that Greitens himself utilized prospective donor call lists that included information taken from the TMC list.<sup>129</sup>

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<sup>127</sup> See <http://www.ky3.com/content/news/greitens-campaign-donations-396579511.html>. The committee notes that it may begin the process of cross-referencing donors to reach a precise amount, but, due to the time constraints, has not done so yet.

<sup>128</sup> Ex. 11 at ¶6.

<sup>129</sup> Tr. Hafner at 33:11 to 37:11; Exs. 7, 8, 9; Tr. Proctor at 35:3-5.

84. In April 2017, Greitens signed a Joint Stipulation of Facts, Waiver of Hearing Before the Missouri Ethics Commission and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law in *Missouri Ethics Commission v. Greitens for Missouri and Eric Greitens* in MEC Case No. 16-0107-1.<sup>130</sup>

85. Greitens admitted that the campaign used the list to contact donors.<sup>131</sup>

86. Greitens asserted that the TMC list was an in-kind contribution received from Danny Laub on March 1, 2015 and had a value of \$600.<sup>132</sup>

87. On April 28, Greitens signed an amended campaign finance report for April 15, 2015, which also asserted that Laub donated the TMC list on March 1, 2015 with a value of \$600.<sup>133</sup>

88. Greitens electronically signed below the statement, “I certify that this report, comprised of this cover page and all attached forms, is complete, true, and accurate.”<sup>134</sup>

89. In fact, however, the list was not an in-kind contribution from Danny Laub:

a. Laub was never an employee of TMC, and thus, was not able to authorize disclosure or use of the list; and

b. The list was sent to Laub and Hafner by Proctor at Greitens’ direction.<sup>135</sup>

90. Laub testified that Austin Chambers called him on April 24, 2017.<sup>136</sup> After exchanging pleasantries, Laub described their conversation:

And then Austin says to me, “I don’t know if you know this, but there’s a bullshit ethics complaint filed against us by the Democrat party about this Mission Continues donor list.” And he said, “I need someone who was on the campaign at the time, because I wasn’t, to put their name down so we can get this bullshit complaint dismissed. We will pay” – assuming him and the campaign – “will pay the fine, but we need to put someone’s name down who was on the campaign at the time, and I was not.” And he said, “Can we put your name down?”<sup>137</sup>

91. Laub testified that he told Chambers the Greitens campaign could “put [his] name down,” which he “assumed ... meant that [he] was the manager of the campaign at the time or in charge of the campaign at the time.”<sup>138</sup> Laub learned a week later that “putting his name down”

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<sup>130</sup> Ex. 11.

<sup>131</sup> Ex. 11 at ¶6.

<sup>132</sup> Ex. 11 at ¶10. See Ex. 34 for email negotiations on the value of the list between Greitens’ counsel and the MEC.

<sup>133</sup> Ex. 10 at 2,9.

<sup>134</sup> Ex. 10 at 1.

<sup>135</sup> Tr. Hafner at 39:4-10.

<sup>136</sup> Tr. AGO Laub at 269:2-11.

<sup>137</sup> Tr. AGO Laub at 270:3-17.

<sup>138</sup> Tr. AGO Laub at 270:18 to 271:2.

as the donor of the TMC list “was not what I thought I told Austin on the phone he could use my name for.”<sup>139</sup> Instead, Laub testified that he had been “affirmatively misled” by Chambers.<sup>140</sup>

92. Laub testified that if Chambers had not misled him that he “would never have agreed for it to be perceived or otherwise that I in-kind a list that I did not in-kind.”<sup>141</sup> Laub testified he would have never authorized Chambers to use his name as someone who donated the list “because that’s untrue.”<sup>142</sup> Further, Laub testified that the TMC list was not donated to the campaign on March 1, 2015.<sup>143</sup> Instead, he testified that nothing happened with the TMC list on that date.

93. Laub agreed that Greitens’ amended campaign finance report regarding the TMC list as an in-kind contribution was “false in every particular.”<sup>144</sup> Laub further testified that everything of substance in the settlement agreement between Greitens and the MEC was untrue.<sup>145</sup>

- a. Laub did not contribute the list to the campaign. Instead, it was contributed by Greitens himself through his directions to Proctor.<sup>146</sup>
- b. The list was not donated to the campaign on March 1. Instead, its first use that Laub could remember was in December 2015, and the email records show its disclosure and use on January 6 and January 7.<sup>147</sup>

94. Laub stated that the “whole document made [him] sick ... because it was misrepresented [and] because [he] was in a round of news stories falsely portraying what happened.”<sup>148</sup>

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<sup>139</sup> Tr. AGO Laub at 272:12-20.

<sup>140</sup> Tr. AGO Laub at 275:18-22.

<sup>141</sup> Tr. AGO Laub at 276:2-4.

<sup>142</sup> Tr. AGO Laub at 277:18-22.

<sup>143</sup> Tr. AGO Laub at 278:2-5.

<sup>144</sup> Tr. AGO Laub at 278:22 to 279:1.

<sup>145</sup> Tr. AGO Laub at 281:7-12.

<sup>146</sup> Ex. 3; Tr. Proctor at 28:10-16, “It would have been at Eric’s direction.”; Tr. Hafner at 11:13-16.

<sup>147</sup> Ex. 3.

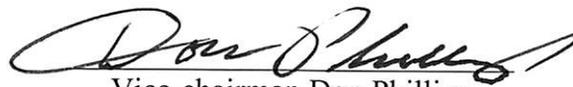
<sup>148</sup> Tr. AGO Laub at 282:14-20.

**MISSOURI HOUSE OF REPRESENTATIVES  
SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT**

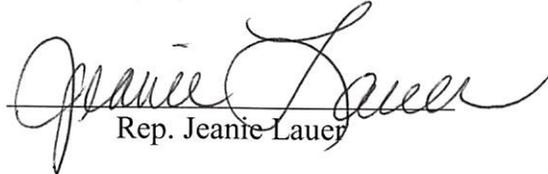
**SUPPLEMENT TO COMMITTEE REPORT #1**

**April 30, 2018**

  
Chairman Jay Barnes

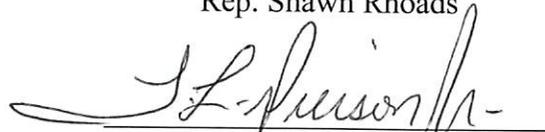
  
Vice-chairman Don Phillips

  
Ranking Member Gina Mitten

  
Rep. Jeanie Lauer

  
Rep. Kevin Austin

  
Rep. Shawn Rhoads

  
Rep. Tommie Pierson Jr.

**SENSITIVE CONTENT WARNING**

This report contains content of a sensitive and sexual nature. The House Special Investigative Committee on Oversight has kept descriptions of an adult nature and coarse language in order to provide an unfiltered record of witness testimony. In some cases, the identities of witnesses and sensitive information have been redacted from the record to protect privacy.

**ADDITIONAL FINDINGS OF THE COMMITTEE**

1. On Thursday, April 12, 2018, Greitens posted a public statement to Facebook in which he claimed that video of an interview taken by the Circuit Attorney’s office “undermined the narrative” and “directly contradicted allegations in the House report.” Specifically, Greitens claimed Witness 1 “never once mentions any coercion” in the videotaped interview.<sup>1</sup> However, Witness 1 described the same facts regarding the morning of March 21, 2015 in her interview with the Circuit Attorney’s office as she did with this Committee. For example, compare:

| <b>Circuit Attorney Testimony</b>  | <b>Committee Testimony</b>  |
|--|---|
| And I was like, “I’m leaving and went to go upstairs, and he took me in his arms and was like, no, no ... you can’t leave like this. You can’t leave. Come here. And lays me down on the ground where I’m laying on his, like, basement floor in the fetal position.” <sup>2</sup> | I was like, “No, I’m leaving, I’m leaving.” And I start walking out – or going to go up the stairs, and he grabs me and like – like in a bear hug and was like, “Shh, shh, it’s okay, calm down, calm down, and like lays me down on this ground in the basement.” <sup>3</sup> |
| I’m crying, like, hysterically at this point. And he was like, shush, it’s okay. It’s okay, It’s okay. <sup>4</sup>  | I was laying next to him just crying, like uncontrollably crying. And he was like, Shh, shh, it’s okay, it’s okay. <sup>5</sup>   |
| [H]e proceeds to undo his pants and take his [penis] out of his underwear or whatever. And like, put it near my face. <sup>6</sup>   | He starts undoing his pants, and he takes his penis out and put it, like near where my face is. <sup>7</sup>  |
| I gave him a blow job at this point. <sup>8</sup>  | So I gave him oral sex at this point. <sup>9</sup>  |
| I just felt like, I’m going to do this and he’ll be satisfied that he had his little whore, and I’m going to leave and I’ll never see him again, was what was going through my mind at this point...” <sup>10</sup>  | I’m like – so this guy literally just wants me for this, and this is all he wants, and then he’ll let me – because at this point, too, I also know I have to be back at work, and he’s not going to let me leave, because he’s obviously still horny. <sup>11</sup>             |
| “And at this point, just really coaxing me like a wounded little animal on the ground[.]” <sup>12</sup>  | “Coerced, maybe. I felt as though that would allow me to leave.” <sup>13</sup> And “It’s a hard question [on consent] because I did it – it felt like consent, but no, I didn’t want to do it.” <sup>14</sup>   |

<sup>1</sup> See Ex. 26.  
<sup>2</sup> Tr. CA at 13:23 to 14:3.  
<sup>3</sup> Tr. W1 at 25:7-13.  
<sup>4</sup> Tr. W1 at 14:4-6.  
<sup>5</sup> Tr. W1 at 25:18-21.  
<sup>6</sup> Tr. CA at 14:11-17.  
<sup>7</sup> Tr. W1 at 26:4-6.  
<sup>8</sup> Tr. CA at 14:17-18.  
<sup>9</sup> Tr. W1 at 26:11-12.  
<sup>10</sup> Tr. CA at 15:6-9.  
<sup>11</sup> Tr. W1 26:6-11.  
<sup>12</sup> Tr. CA 14:7-8.  
<sup>13</sup> Tr. W1 at 74:2-3.  
<sup>14</sup> Tr. W1 at 73:22-24

| Circuit Attorney Testimony   | Committee Testimony  |
|--|--|
| <p>[T]hen he says, I'm going to put a blindfold on you. He puts the blindfold on me. And at this point there's, like, really no talking. I really was standing there, like, I have no clue what the hell is going on. I'm probably just as much turned on as I am fearful as I am curious. You know, I don't even know. We hadn't kissed or anything.<sup>15</sup></p> | <p>[H]e said, Follow me downstairs, I'm going to show you how to do a proper pull-up. So I did what he said. And at this point, I was intrigued, definitely, because I thought for sure he really has feelings for me.<sup>16</sup></p> <p>I honestly was, like, in shock, because I was – I was intrigued, but I'm also – how – I'm not even talking to him. I'm not – we're not doing anything I want to do right now, but I'm intrigued enough and I'm letting him and I trust him – I don't know. No, I'm not talking at all at this point.<sup>17</sup></p> |

2. Witness 1 testified to additional feelings in her Circuit Attorney interview, stating that, while performing oral sex on the morning of March 21, 2015 that she was thinking “the whole time – at this point, I hate him in my mind. I think he’s disgusting. I hate him. I can’t believe I’m down here.”<sup>18</sup> She further stated, “I just felt super degraded, really disgusting.”<sup>19</sup>

3. In his Thursday, April 12 statement, Greitens further noted that Witness 1 told the Circuit Attorney that she did not tell her friends about the slap until after a false report about the location of such an incident had been made in the media.<sup>20</sup> However, the testimony to the Committee corroborates that Witness 1 did not tell her friends about the slap until later.

- a. Witness 1 did not claim to the Committee that she had told either of the friends who testified to the Committee about the slap contemporaneous to the event. She was never asked that question, but instead to identify people with whom she had spoken about her relationship with Eric Greitens in general.<sup>21</sup>
- b. Neither of Witness 1’s friends who testified before the Committee claimed that she told them about the slap in 2015. Witness 2 testified she learned of the slap “maybe a month or so ago when we had met up for dinner[.]”<sup>22</sup> Likewise, Witness 4 stated she learned of it “recently” after she “specifically called” Witness 1 to ask about it, and that, Witness 1 told her “that was true and that she was embarrassed.”<sup>23</sup>

4. Witness 1’s testimony on the slapping incident did not change. Compare:

<sup>15</sup> Tr. CA at 10:16-23.

<sup>16</sup> Tr. W1 at 21:14-19.

<sup>17</sup> Tr. W1 at 22:23 to 23:4.

<sup>18</sup> Tr. CA at 14:19-21.

<sup>19</sup> Tr. CA at 14:23.

<sup>20</sup> See Ex. 26, Greitens statement, “[S]he asked her two friends if they ever remembered her talking about a slap, and they both said no,” referencing Tr. CA at 42:7-11.

<sup>21</sup> Tr. W1 at 58:4-8.

<sup>22</sup> Tr. W2 at 13:1-2.

<sup>23</sup> Tr. W4 at 18:13-16.

| <b>Circuit Attorney Testimony</b>   | <b>Committee Testimony</b>   |
|---|--|
| [H]e said, I want to see you ... she's gone Friday to Friday. On Saturday night ... I went over to his house ... And then we went upstairs into his ... spare bedroom and were making out. And then he asked me if I had slept with anyone ... And I said, yes, I have, with my husband. Because at some point I had ... And he slapped me across the face. And not like playful like. ... And then as far as I remember, we talked about that. Because I asked him if he was maybe screwed up from being in the war? Like what – that was so bizarre to me that he would think that that was okay. <sup>24</sup> | [H]is wife would be out-of-town for a week. ... And so on that Saturday, I went over to his house. .... [H]e has a spare bedroom upstairs and took me up there, and we were, like, making out at this point. ... And he looks at me and asked me ... have you been intimate with anybody? ... And I said, Well, I slept with my husband ... and he slapped me across the face, just like hard to where I was like, What, Eric, what in the heck? ... And he just said, No, Like, that was – you're mine. ... And I said, I think you're screwed up from being in the Navy. ... That was just so bizarre to me. <sup>25</sup> |

5. The Committee does not find anything in the Circuit Attorney interview that causes it to change its statement regarding Witness 1's credibility.

6. Greitens' claims about the content of the Circuit Attorney interview mischaracterize the actual testimony received and reviewed by this Committee.

7. On Wednesday, April 11, 2018, Eric Greitens stated this Committee's work was "based on the testimony of someone who said, under oath, that they may have been remembering this through a dream."<sup>26</sup> The Committee finds that Greitens' statement mischaracterizes the purported testimony cited by his counsel in the pending criminal case in the City of St. Louis. In a recent motion, Greitens' counsel cited Witness 1's answer to the specific question of whether she saw what she believed to be a phone on the morning of March 21, 2015. According to the motion of Greitens' counsel, Witness 1 answered, "... I haven't talked about it because I don't know if it's because I'm remembering it through a dream or I – I'm not sure, but yes, I feel like I saw it after that happened, but I haven't spoken about it because of that."<sup>27</sup>

8. Witness 1's answer to a specific question whether she saw a phone does not bear on her testimony about other events. To the contrary, her reluctance to state under oath that she specifically remembers seeing the phone adds to her credibility. Further, this is consistent with Witness 1's testimony to the Committee. When asked by the Committee if she remembered the

<sup>24</sup> Tr. CA at 26:18 to 27:12.

<sup>25</sup> Tr. W1 at 39:14 to 40:21.

<sup>26</sup> See Tr. Greitens Statement on Committee Report #1 at 2:22-25.

<sup>27</sup> See Committee Report #1 at ¶32, citing Exhibits 23 and 24. The Committee included purported quotes of Witness 1 from her deposition in the criminal case on the theory, explained in note 36, that counsel had an obligation not to mislead the court. The Committee further notes the ellipsis placed in front of the quote from Greitens' lawyers' brief makes it impossible for the Committee to determine her full answer to the question in the absence of the full transcript. Further, Greitens' claims about a recent video disclosed by the Circuit Attorney are demonstrably false. As a result, the Committee will no longer provide such deference to cherry-picked evidence.

first time she saw Greitens' phone she said "I don't know. That's a good question. I'm not sure."<sup>28</sup>

9. Greitens further stated, "Soon after this story broke, for example, the people who are attacking me now falsely claim that I slapped a woman while my wife was giving birth. It was absolutely untrue and slanderous and incredibly hurtful. It has also been 100 percent disproven, because it was impossible."<sup>29</sup> However, Witness 1 never claimed to the Committee or to anyone else of which we are aware that he slapped her at such time. Instead, she testified that Greitens slapped her in an upstairs bedroom while his wife was out-of-town.<sup>30</sup>

10. On or about Wednesday, April 11, 2018, Greitens sponsored advertisements on Facebook promoting his response to the House report, repeating his assertions that the Committee's work is a "political witch-hunt" and Witness 1's alleged "dream" statement.<sup>31</sup>

11. On the afternoon of April 16, after learning that the Committee was in possession of the video interview of Witness 1, counsel for Greitens requested leave from the Circuit Court of the City of St. Louis to provide information to the Committee relating to said video interview. In an order that afternoon, the Court granted such leave "limited to the contents of the videotape interview of [W]itness [1]".

12. On April 17, at 12:07am, counsel for Greitens emailed the Committee a letter containing purported excerpts of testimony from the nearly ten-hour deposition of Witness 1 taken in the Circuit Court case. The Committee subsequently subpoenaed Greitens' counsel, the Circuit Attorney's office, and counsel for Witness 1 seeking the deposition video and transcript. The Circuit Attorney's office and counsel for Witness 1 informed the Committee that they supported the subpoena and desired to disclose said documents to the Committee. Defense counsel sought more time to respond.

13. On April 24, the Committee filed a Request that the Circuit Court in St. Louis City instruct the Circuit Attorney and defense counsel to comply with the Committee's duly-issued subpoena. The Request indicated that "the Circuit Attorney and counsel for Witness 1 [we]re prepared to honor the subpoena." Subsequent to the filing of the request, defense counsel refused to join the Circuit Attorney and counsel for Witness 1 and instead requested more time as well as a briefing schedule on the Request.

14. This Committee's charge is to determine the truth. Having claimed that the deposition testimony is helpful to Greitens, it is incumbent upon his counsel to comply with the Committee's duly-issued subpoena and to expeditiously provide it with the entire deposition transcript.

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<sup>28</sup> Tr. W1 at 99:10-12

<sup>29</sup> See Ex. 25.

<sup>30</sup> Tr. W1 at 39:13 to 40:21; see also Tr. CA at 26:16 to 27:16.

<sup>31</sup> See Ex. 25. See Tr. Greitens Statement on Committee Report #1 for entire statement.



GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

ERIC R. GREITENS  
GOVERNOR

P.O. Box 720  
(573) 751-3222

June 1, 2018

Secretary of State John R. Ashcroft  
600 West Main Street  
Jefferson City, MO 65101

Dear Secretary Ashcroft:

I resign the office of Governor effective today, June 1, 2018, at 5:00 p.m.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric R. Greitens", written over a horizontal line.

Eric R. Greitens  
Governor

RECEIVED  
JUN 01 2018  
CHIEF CLERK

MISSOURI HOUSE OF REPRESENTATIVES

**JAY BARNES**

State Representative  
District 60

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Dawn Bryant (Templeton Foundation)  
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Edwin Ernst (Hafner)  
[eee@sowersernst.com](mailto:eee@sowersernst.com)

Kim Gardner

Dear Counsel:

Please be advised that this office has received multiple Sunshine Requests for documents involving the House Special Investigative Committee on Oversight. You are receiving this correspondence because either your own communications, your client's communications, or documents produced on behalf of your client are putatively responsive to said requests.

We are currently preparing a response to these requests, and anticipate releasing documents not exempt by law before the end of the calendar year. Before releasing said documents, we will redact sensitive personally identifiable information and contact information.

The purpose of this notice is to afford you the opportunity to consider any actions you deem necessary for you or your respective clients.

Please confirm your receipt of this communication. .

Sincerely,

Rep. Jay Barnes



CIRCUIT ATTORNEY  
CITY OF ST. LOUIS

Kimberly Gardner

CARNAHAN COURTHOUSE  
1114 Market St. Room 401  
St. Louis, Missouri 63101  
(314) 622-4941  
FAX: (314) 622-3369

December 13, 2018

Representative Jay Barnes

Chairman  
House Special Investigative Committee on Oversight  
Missouri House of Representatives  
201 West Capitol Ave  
Jefferson City, MO 65101

Re: Missouri Closed Records

Dear Chairman Barnes:

The Circuit Attorney's Office honored the May 15, 2018 subpoena of the House Special Investigative Committee on Oversight. In its response, the Circuit Attorney provided portions of the Circuit Attorney's legal and investigative file for two cases: State v. Greitens, Cause No. 1822-CR00642 and Cause No. 1822-CR-01377.

As you are aware, sometime after its production, the Circuit Attorney dismissed by *Nolle Prosequi* both cases captioned State v. Greitens. Upon dismissal of the cases, all government records relating to their investigation and prosecution were closed under Section 610.105 RSMO. Specifically, RSMo. 610.105 provides:

If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except as provided in subsection 2 of this section and section 610.120 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. (Emphasis added.)

Section 610 covers the Circuit Attorney's production of records pursuant to a subpoena of an official legislative body. All the records produced by the Circuit Attorney are closed and may not be disseminated in violation of Missouri law. These investigative and legal records are closed as official records without regard to what government agency possesses them. The House Special Investigative Committee on Oversight is a government agency in possession of the official records of matters dismissed by *nolle prosequi* and may not release those records to anyone. The Circuit Attorney objects to the release of any of the documents provided as the release would violate Missouri law.

Additionally, the Circuit Attorney in preparing its subpoena response had conversations with you and the Counsel for the Committee, Edward "Chip" Robertson. The Circuit Attorney was assured that documents produced by subpoena were solely for the official use of the Committee itself. The Circuit

Attorney would worked to quash the subpoena had she not received such assurances as these official law enforcement records are controlled strictly under 610.

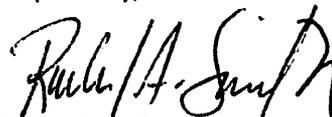
After receiving notice on Monday, December 10, 2018 from Ryan Clearwater of the Representative's intention to release the closed records of the Circuit Attorney in the possession of the House Committee, Circuit Attorney staff reached out to Edward "Chip" Robertson. He explained that he assured Circuit Attorney staff that the items sought by subpoena were solely for Committee use. Mr. Robertson indicated he is willing to sign an affidavit or testify should litigation be necessary.

The Circuit Attorney is hopeful this letter will provide the parties context and prevent the violation of RSMo. 610. If the staff, Committee or any Representative, intend to release the records obtained from the Circuit Attorney, contrary to the agreement and despite 610, please notify the Circuit Attorney immediately and before such action is taken. If the Circuit Attorney does not hear by December 14, 2018 that the closed records will be protected she will take action to uphold the law.

The Missouri Attorney General's Office provided information to the Circuit Attorney's Office about the nature of these records. Their guidance was that these files were closed under Section 610 with the exception of two documents: the court's order dismissing the action and the prosecutor's final action (memorandum of *Nolle Prosequi*.) In light of this guidance and the actual the parameters of Section 610, another option available to the Committee is to return the closed records to the Circuit Attorney to prevent an inadvertent violation of the law.

Please contact me at 314.622.4941 or 314.606.9698 with any questions, concerns or comments. Thank you.

Respectfully,



Rachel A. Smith  
Special Assistant Circuit Attorney

c. Rep. Curtman  
Hon. Edward "Chip" Robertson  
Ryan Clearwater

# HUSCH BLACKWELL

Catherine Hanaway  
Partner

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

December 17, 2018

Representative Jay Barnes  
State Capital Building  
201 W. Capital Avenue, Room 115J  
Jefferson City, MO 65101

Dear Representative Barnes,

Thank you for informing me that your office received Sunshine Requests for records involving the House Special Investigative Committee on Oversight. I write today to ensure that your office does not release documents that belong to our clients, which they made available to the Committee and which may still be in your possession.

As you recall, we provided numerous documents to the Committee during its investigation. Those documents were private and confidential, and we provided them subject to the express agreement that they remain confidential. Pursuant to that agreement, the Committee provided assurances that it would disclose only those documents that, after specific consideration, were necessary to append to a Committee report. We agreed that only necessary documents would be attached to a report since doing so MAY make the attached confidential documents House records.

We understand how section nineteen of the recently enacted 2018 ballot measure Amendment One presents you and your office with a novel question. We maintain, though, that Amendment One does not apply retroactively and thus is inapplicable here. Since these documents were not records under the pre-Amendment One Sunshine Law and existed prior to it taking effect, they are not subject to production. But even if the expansive definitions in Amendment One did apply retroactively, we maintain that the documents we made available to the Committee do not qualify as "legislative records" under the new amendment. They do not pertain to any official acts of the General Assembly, the House, or the Committee. Nor do they relate to legislation or legislative business. Rather, they are documents that belong to our clients but that may continue to be in your possession.

The practical consequences that would result if the General Assembly concluded that our clients' documents are public records could not have escaped you. If documents provided to the General Assembly were deemed public records, parties would refuse to cooperate without a

# HUSCH BLACKWELL

subpoena and then assuredly would fight its enforcement with vigor through protracted litigation. Such a position would impede the legislature's ability to conduct oversight and investigations, duties central to the institution that we both sincerely respect.

In sum, please do not release the confidential documents that we made available to the Committee but that continue to belong to our clients.

Sincerely,

A handwritten signature in black ink that reads "Catherine Hanaway". The signature is written in a cursive style with a large initial "C" and a long, sweeping tail.

Catherine Hanaway  
Partner

CH