

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.¹ 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.

¹ 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.”²

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.³

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.⁴

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

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

³ This data is available online with TMC's Form 990 filings.

⁴ This information is available at the website of the Missouri Secretary of State.

⁵ 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.⁷

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.⁸ 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.⁹ However, Neyens’ also testified that it made “sense” as a way of “maximizing expenses” and “maximizing his time.”¹⁰

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

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.¹³

10. As CEO of TMC, Greitens reported to the Board of Directors.¹⁴

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.¹⁵

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

⁶ Tr. Hafner at 10:11-20; Tr. Proctor at 20:9-12.

⁷ Tr. Neyens.

⁸ 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

⁹ 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.

¹⁰ Tr. Neyens at 17:15-18.

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

¹² Tr. Kympton at 19:4-12; Tr. Neyens at 14:15 to 15:3.

¹³ Tr. Kympton at 8-19,

¹⁴ Tr. Kympton at 26:16-17.

¹⁵ 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.”¹⁷

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.”¹⁸ 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.”¹⁹ 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[.]”²⁰

14. Krystal Proctor signed the same TMC NDA on November 21, 2012.²¹

15. Also in late 2012, Greitens received and signed TMC’s “Team Member Handbook,” which set expectations for employees and volunteers.²² 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.

¹⁶ 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.”

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

¹⁸ Ex. 16 at ¶3(A).

¹⁹ Ex. 16 at ¶3(A).

²⁰ Ex. 16 at ¶3(C).

²¹ Ex. 12; Tr. Proctor at 21:2-18.

²² 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:²³

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[.]”²⁴ 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[.]”²⁵ 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.”²⁶

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.²⁷

19. Reichardt testified that as development director, her job included “anything related to fundraising” for TMC.²⁸ 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.”²⁹ 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.³⁰ The thank you calls “involved all the staff.”³¹

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.”³² Through this process she was responsible for “gaining donors who

²³ AGO Proctor, Ex. 12.

²⁴ Tr. Neyens at 43:19.

²⁵ Tr. Neyens at 43:20-23.

²⁶ Tr. Neyens at 58:7-16.

²⁷ Tr. Kympton at 65:14 to 67:10.

²⁸ Tr. Reichardt at 11:6.

²⁹ Tr. Reichardt at 11:9-11.

³⁰ Tr. Reichardt at 11:25 to 13:20.

³¹ Tr. Reichardt at 13:14-20.

³² Tr. Reichardt at 14:17-20.

donated in excess of a thousand dollars.”³³ 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.³⁴

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.”³⁵

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.”³⁶ At the time, Schweich was identified as planning a run for governor.³⁷

23. Greitens took a sabbatical from TMC from late 2013 to spring 2014.³⁸

24. Proctor testified that Greitens had decided he was running for office in early 2014.³⁹

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.⁴⁰

26. On February 27, 2014, Monu Joseph emailed Proctor and Greitens the schedule for Greitens’ trip to Orange County, California on March 12, 2014.⁴¹ 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.”⁴²

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.⁴³ The document discussed fundraising, issue education, campaign organization, potential endorsements, and strategy.⁴⁴

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

³⁴ Tr. Reichardt at 15:2-14.

³⁵ Tr. Reichardt at 17:2 to 18:20

³⁶ AGO Proctor, Ex. 1.

³⁷ 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, April 23, 2018.

³⁸ Ex.19.

³⁹ 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.”

⁴⁰ Tr. AGO Laub at 37:24 to 42:22; AGO Laub Ex. 2.

⁴¹ AGO Proctor, Exs. 6, 7.

⁴² Tr. AGO Proctor at 45:2-7; AGO Proctor, Ex. 7.

⁴³ AGO Proctor, Exs. 8, 9.

28. Michael Hafner also began advising Greitens on political activity in early 2014.⁴⁵ Emails reveal a meeting with potential supporters and donors as early as March 18, 2014.⁴⁶

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 2016.⁴⁷ 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.⁴⁸

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.⁴⁹

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, 2014.⁵⁰

32. On April 24, 2014, Greitens informed TMC that he would transition from CEO to Board Member of TMC in the summer of 2014.⁵¹ 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.⁵²

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.”⁵³

⁴⁴ AGO Proctor, Ex. 9.

⁴⁵ Tr. Hafner at 6:15 to 7:2.

⁴⁶ Ex. 30.

⁴⁷ Mason Fink is a national political fundraiser.

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

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

⁵⁰ Ex. 31

⁵¹ Ex.19.

⁵² Tr. Reichardt at 22:7-25.

⁵³ 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:⁵⁴

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:⁵⁵

⁵⁴ Ex. 17.

⁵⁵ 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!
L

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.⁵⁶

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

⁵⁶ 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.⁵⁷

37. Proctor was not aware of any communications specifying a purpose for TMC sending the donor list to Greitens other than the transition.⁵⁸ 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.⁵⁹

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[.]”⁶⁰ 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.”⁶¹ Reichardt denied ever speaking of such concerns.⁶²

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.⁶³

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 8th 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.⁶⁴

⁵⁷ Tr. Proctor at 24:1-7.

⁵⁸ Tr. Proctor at 25:7-9.

⁵⁹ Tr. Proctor at 24:20 to 25:6.

⁶⁰ Tr. Proctor at 25:13-17.

⁶¹ Tr. Proctor at 76:23 to 77:1.

⁶² Tr. Reichardt at 24:19-23.

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

⁶⁴ 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.”⁶⁵ 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.”⁶⁶

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.”⁶⁷

43. Kympton testified that he was not aware of any implicit or explicit authorization to use the TMC list for political purposes.⁶⁸ 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.”⁶⁹

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.⁷⁰

45. On May 24, 2014, Greitens met with Laub and others for ten hours to discuss a “future race for governor.”⁷¹ 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.”⁷²

46. In an email sent May 26, 2014, Fink suggested that Greitens open a campaign committee that spring.⁷³ 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.”⁷⁴ Laub explained, “The later the better,” on when it was the right time for Greitens to enter the race.⁷⁵

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

⁶⁵ 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.”

⁶⁶ Tr. Reichardt at 24:11-18.

⁶⁷ Tr. Kympton at 21:19 to 24:3.

⁶⁸ Tr. Kympton at 24:15 to 25:9.

⁶⁹ Tr. Kympton at 29:3-10.

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

⁷¹ Tr. AGO Laub at 111:1-4.

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

⁷³ AGO Laub, Ex. 13.

⁷⁴ Tr. AGO Laub at 118:22-24.

⁷⁵ Tr. AGO Laub at 119:3-5.

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

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

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.⁷⁹ 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."⁸⁰

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."⁸¹ At the time, however, Laub was paid by Eric Greitens, LLC.⁸² Also on December 1, 2014, Proctor emailed Laub a document from Greitens titled "Candidate's Intent."⁸³ 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."⁸⁴

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

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.⁸⁹

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

⁷⁶ AGO Laub, Ex. 14.

⁷⁷ AGO Laub, Ex. 14.

⁷⁸ Ex. 3.

⁷⁹ AGO Proctor, Ex. 16.

⁸⁰ Tr. AGO Proctor at 116:1-17.

⁸¹ Tr. AGO Laub at 25:13 to 26:20.

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

⁸³ AGO Laub, Ex. 26.

⁸⁴ AGO Laub, Ex. 26.

⁸⁵ Tr. AGO Laub at 186:16-19.

⁸⁶ Tr. AGO Laub at 186:19.

⁸⁷ Tr. AGO Laub at 171:3-25; 186:20-23.

⁸⁸ Tr. AGO Laub at 172:7 to 174:18.

⁸⁹ 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.⁹⁰

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

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>

Finance Meeting [more details »](#)

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

Video call https://plus.google.com/hangouts/_/missioncontinues.org/dlaub-mike

Calendar mike@barklageandknodell.com

Who

- Eric Greitens - creator
- dlaub@greitensgroup.com
- mike@barklageandknodell.com

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

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

⁹⁰ Ex 3 at 1; Tr. Hafner at 9:6-14.

⁹¹ 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 2014.⁹²

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

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.”⁹⁴ Laub also testified that the TMC list was used to create a campaign fundraising list⁹⁵ and that, at the direction of Greitens, Hafner used the TMC list to create a campaign fundraising list.⁹⁶

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.⁹⁷

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

⁹² Ex. 32

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

⁹⁴ Tr. AGO Proctor at 122:8-21.

⁹⁵ Tr. AGO Laub at 202:4-13.

⁹⁶ Tr. AGO Laub at 211:19 to 212:7.

⁹⁷ 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.⁹⁸

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.⁹⁹

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.¹⁰⁰

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.¹⁰¹

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

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

⁹⁸ Ex. 3 at 3-24.

⁹⁹ Tr. Proctor at 23:24 to 24:7

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

¹⁰¹ 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.

¹⁰² 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."

¹⁰³ 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.”¹⁰⁴

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;”¹⁰⁵
- 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.”¹⁰⁶

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.¹⁰⁷

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.¹⁰⁸

69. Both Hafner and Reichardt testified that they never had a meeting.¹⁰⁹

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,

¹⁰⁴ Tr. Hafner at 16:3 to 17:6.

¹⁰⁵ Tr. Kympton at 36:18 to 37:1.

¹⁰⁶ Tr. Kympton at 37:3-8.

¹⁰⁷ Tr. Hafner at 55:11-21.

¹⁰⁸ Tr. Hafner at 19:9 to 20:2.

¹⁰⁹ 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.”¹¹⁰ Proctor then attached the TMC list to her response.¹¹¹

71. Hafner and Laub testified that Hafner used the TMC list to create donor call lists in 2015.¹¹² Hafner sent call lists to Greitens that were derived in part from the TMC list on at least February 5, 17, and March 20.¹¹³ 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.”¹¹⁴

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

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.¹¹⁶ 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.”

¹¹⁰ Ex. 5.

¹¹¹ Tr. AGO Proctor at 107:3-13.

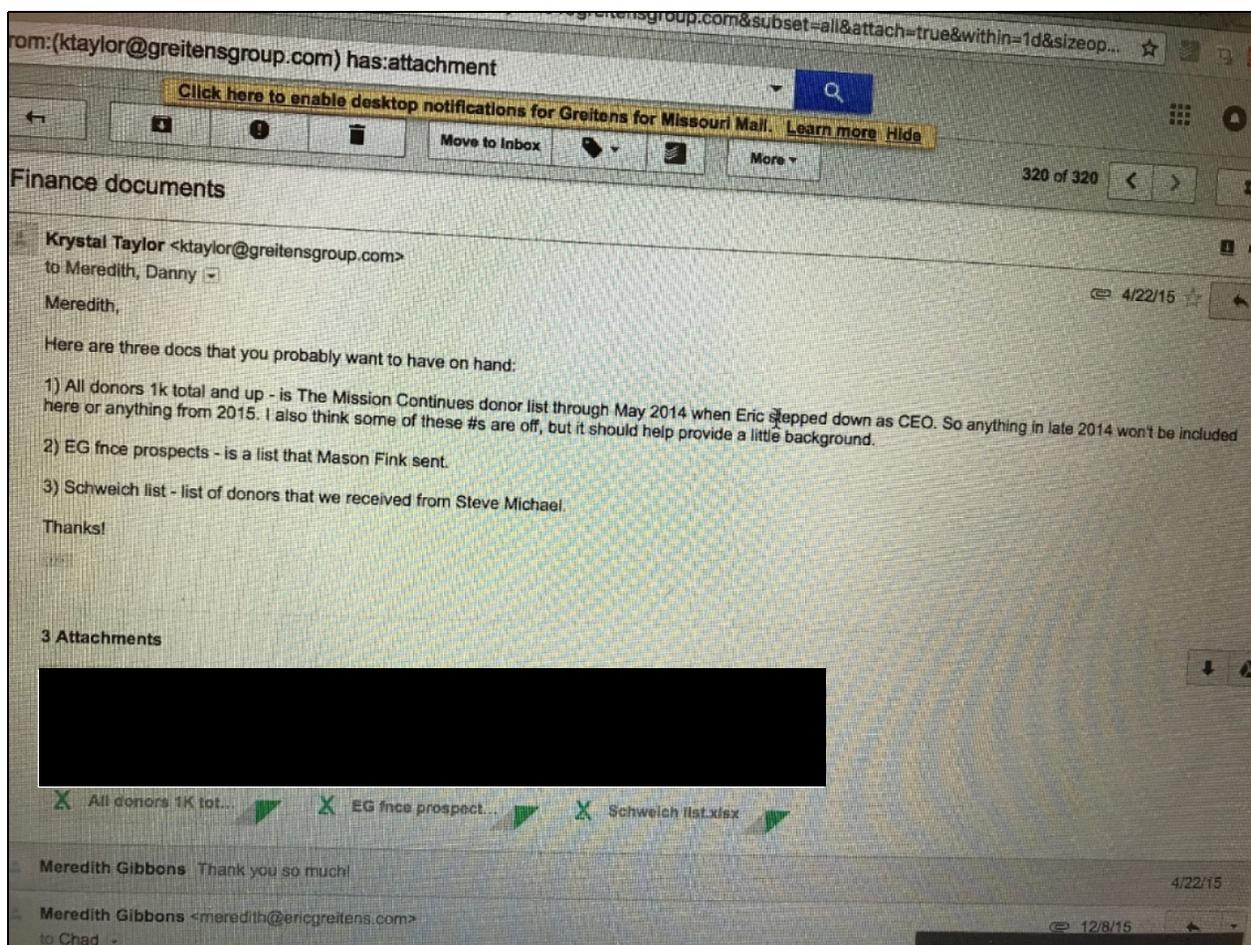
¹¹² Exs. 7, 8, 9.

¹¹³ Exs. 7, 8, 9.

¹¹⁴ Tr. AGO Laub at 250:12-25.

¹¹⁵ This document is available on the website of the Missouri Ethics Commission.

¹¹⁶ 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."¹¹⁷ She further testified that she was instructed by Greitens to use the lists for these purposes.¹¹⁸

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."¹¹⁹ 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."¹²⁰ 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.¹²¹

¹¹⁷ Tr. AGO Proctor at 123:12-24.

¹¹⁸ Tr. AGO Proctor at 123:18-24.

¹¹⁹ Tr. Reichardt at 30:18 to 31:1.

¹²⁰ Tr. Reichardt at 31:4-6.

¹²¹ 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.¹²² Proctor’s “understanding was that Eric asked Lindsey to meet with Meredith” and that the meeting “occurred in probably mid to late 2015.”¹²³

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.¹²⁴

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.¹²⁵ 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.¹²⁶ Chambers responded:

¹²² Tr. AGO Proctor at 95:7-18.

¹²³ Tr. AGO Proctor at 96:1-19.

¹²⁴ Tr. Kympton at 38:16 to 39:3.

¹²⁵ Tr. Kympton at 39:19 to 40:5.

¹²⁶ 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.¹²⁷

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.¹²⁸

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.¹²⁹

¹²⁷ 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.

¹²⁸ Ex. 11 at ¶6.

¹²⁹ 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. 16-0107-1.¹³⁰

85. Greitens admitted that the campaign used the list to contact donors.¹³¹

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 \$600.¹³²

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 \$600.¹³³

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.”¹³⁴

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.¹³⁵

90. Laub testified that Austin Chambers called him on April 24, 2017.¹³⁶ 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?”¹³⁷

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.”¹³⁸ Laub learned a week later that “putting his name down”

¹³⁰ Ex. 11.

¹³¹ Ex. 11 at ¶6.

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

¹³³ Ex. 10 at 2,9.

¹³⁴ Ex. 10 at 1.

¹³⁵ Tr. Hafner at 39:4-10.

¹³⁶ Tr. AGO Laub at 269:2-11.

¹³⁷ Tr. AGO Laub at 270:3-17.

¹³⁸ 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.”¹³⁹ Instead, Laub testified that he had been “affirmatively misled” by Chambers.¹⁴⁰

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.”¹⁴¹ Laub testified he would have never authorized Chambers to use his name as someone who donated the list “because that’s untrue.”¹⁴² Further, Laub testified that the TMC list was not donated to the campaign on March 1, 2015.¹⁴³ 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.”¹⁴⁴ Laub further testified that everything of substance in the settlement agreement between Greitens and the MEC was untrue.¹⁴⁵

- a. Laub did not contribute the list to the campaign. Instead, it was contributed by Greitens himself through his directions to Proctor.¹⁴⁶
- 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 7.¹⁴⁷

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.”¹⁴⁸

¹³⁹ Tr. AGO Laub at 272:12-20.

¹⁴⁰ Tr. AGO Laub at 275:18-22.

¹⁴¹ Tr. AGO Laub at 276:2-4.

¹⁴² Tr. AGO Laub at 277:18-22.

¹⁴³ Tr. AGO Laub at 278:2-5.

¹⁴⁴ Tr. AGO Laub at 278:22 to 279:1.

¹⁴⁵ Tr. AGO Laub at 281:7-12.

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

¹⁴⁷ Ex. 3.

¹⁴⁸ Tr. AGO Laub at 282:14-20.