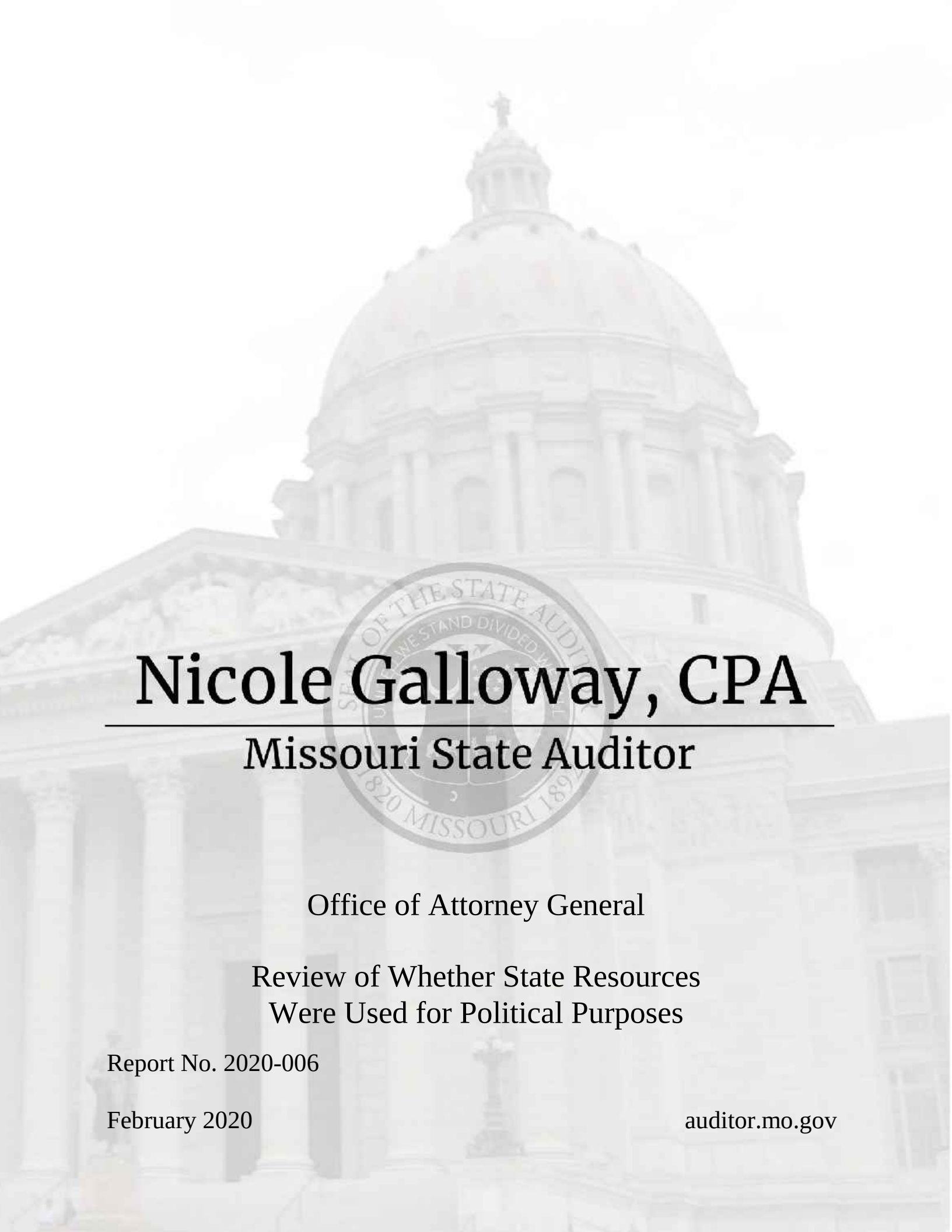

Nicole Galloway, CPA

Missouri State Auditor

Office of Attorney General

Review of Whether State Resources
Were Used for Political Purposes

Report No. 2020-006

February 2020

auditor.mo.gov

Nicole Galloway, CPA
Missouri State Auditor

CITIZENS SUMMARY

Findings in the audit of the Office of Attorney General - Review of Whether State Resources Were Used for Political Purposes

Questionable Use of State Resources	The Attorney General's Office (AGO) staff, under former Attorney General Josh Hawley's administration, coordinated with campaign-paid consultants, and used campaign resources to meet with consultants for purposes not always documented. Former Attorney General Hawley also used a state vehicle and driver/security detail for some trips for which the purpose was not documented on travel itineraries and state vehicle mileage logs. Records reviewed determined (1) at least a portion of some of these trips had political purposes and (2) other trips had the appearance of being personal in nature.
Communication and Retention Policies	Various employees did not comply with AGO policy by using personal email accounts and calendars, and personal phones (text) to conduct official business, communicate, and schedule meetings.
Additional Comments	This report covers only a portion of the AGO audit. Another audit report of the general operations of the office is still in progress, and any additional findings and recommendations will be included in the subsequent report.

Because this report covers only a portion of the audit, no rating is provided.

Office of Attorney General
Review of Whether State Resources Were Used for Political Purposes
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NICOLE GALLOWAY, CPA
Missouri State Auditor

Honorable Josh Hawley
and
Honorable Eric Schmitt, Attorney General
Jefferson City, Missouri

We have audited certain operations of the Office of Attorney General, in fulfillment of our duties under Chapter 29, RSMo. The scope of our audit included, but was not necessarily limited to, the period January 9, 2017, to January 3, 2019. The objectives of our audit were to:

1. Evaluate the office's internal controls over certain management and financial functions.

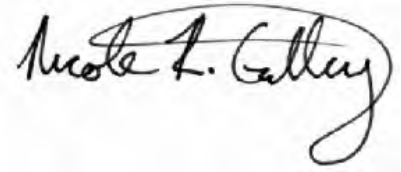
2. Evaluate the office's compliance with certain legal provisions.

3. Evaluate the economy and efficiency of certain management practices and procedures, including certain financial transactions.

We conducted our audit in accordance with the standards applicable to performance audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform our audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides such a basis.

For the areas audited, we identified (1) deficiencies in internal controls, (2) noncompliance with legal provisions, and (3) the need for improvement in management practices and procedures. The accompanying Management Advisory Report presents our findings arising from our audit of the Office of the Attorney General's use of state resources.

Another audit report of the general operations of the Office of Attorney General is still in progress, and any additional findings and recommendations will be included in the subsequent report.



Nicole R. Galloway, CPA
State Auditor

The following auditors participated in the preparation of this report:

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Office of Attorney General
Review of Whether State Resources Were Used for Political Purposes
Introduction

Background

The attorney general serves as the chief legal officer of the state as required by the Missouri Constitution.The attorney general is elected for a 4-year term. On January 9, 2017, Joshua (Josh) David Hawley was inaugurated as the forty-second attorney general of Missouri. On August 2, 2017, Attorney General Hawley formed an exploratory committee with the Federal Election Commission to consider running for United States (U.S.) Senate, and subsequently announced his candidacy on October 10, 2017. On November 6, 2018, he was elected as a member of the U.S. Senate. He served as attorney general until January 3, 2019, when he was sworn in as a U.S. Senator during the 116th Congress.

Scope and Methodology

On November 6, 2018, the Secretary of State's (SOS) Office received a complaint from the American Democracy Legal Fund (See Appendix A) alleging that Attorney General Hawley used public funds to support his candidacy for the U.S. Senate and violated Section 115.646, RSMo. This section states, "No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office."

On December 10, 2018, the SOS's Office requested the State Auditor's Office (SAO) investigate these allegations as part of the closeout audit of Attorney General Hawley's Office (AGO) (See Appendix B). On January 28, 2019, the SAO began a closeout audit of the AGO. While the SOS's Office only evaluated the complaint against Section 115.646, RSMo, our audit scope included other statutory provisions. Other relevant portions of state law are referenced in the report. The SOS issued an investigative report regarding the complaint on February 28, 2019 (See Appendix C).

To gain an understanding of whether state resources were used for political purposes, we reviewed documents, communications, and financial records (including those obtained from the SOS's investigation); and interviewed various personnel of the AGO, as well as certain external parties. The SAO also took testimony from former AGO employees (See Appendixes D, E, and F). This testimony was given under oath and was recorded by a court reporter.[1] Former Deputy Chief of Staff, and later Chief of Staff, Loree Anne Paradise and Timmy Teepell, Partner of OnMessage, Inc., declined to be interviewed, and Gail Gitcho, President of First Tuesday, was unresponsive to auditor requests. The SAO determined that written questions were sufficient for Paradise and Teepell. Paradise and Teepell provided written

[1] The SAO took testimony from (1) Evan Rosell, former Chief of Staff, on July 8, 2019, (2) Michael Martinich-Sauter, former General Counsel, Director of Policy, and Deputy Attorney General for Special Litigation, on July 11, 2019, and (3) Daniel Hartman, former Special Counsel and Director of Legislation, on October 3, 2019. We provided each person the transcript of his testimony for review; however, none of them responded with suggested changes during audit fieldwork.

answers to specific written questions asked by the SAO (See Appendixes G and H). Paradise, Teepell, and Gitcho all reside outside of Missouri.

We obtained an understanding of the internal controls that are significant within the context of the audit objectives and assessed whether such controls have been properly designed and placed in operation. We obtained an understanding of the legal provisions that are significant within the context of the audit objectives, and we assessed the risk that illegal acts, including fraud, and violations of contracts, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting instances of noncompliance significant to those provisions. As part of those procedures, we requested and reviewed emails from the AGO communications systems using multiple email search queries for terms deemed significant to our audit objectives. Additionally, we interviewed the driver/security detail for former Attorney General Hawley, and obtained and reviewed state vehicle mileage logs and travel itineraries.

The scope of our audit included, but was not necessarily limited to the period January 9, 2017, through January 3, 2019, the time period Josh Hawley served as attorney general.

In a December 31, 2019, letter (Appendix I, page 435) in response to seeing a draft copy of this report, the AGO formally objected to the inclusion of interview transcripts in this report, and stated the inclusion of these transcripts would be a disclosure of audit working papers, and therefore, a felony violation of Chapter 29, RSMo. The SAO disagrees with this conclusion. Objections to the inclusion of interview transcripts and audit communications citing Chapter 29, RSMo, are without merit. The confidentiality provisions of Chapter 29 are intended to protect the SAO's working papers from public disclosure. The interpretation that those confidentiality provisions are intended to keep the SAO from disclosing information obtained during the course of the audit is at odds with Chapter 29, RSMo, and Yellow Book requirements, which both require a report of information obtained during an audit be made public. In addition, the statement that the inclusion of working papers as appendices to a public report is unprecedented is not accurate. Including information obtained during an audit as appendices is very common and not unique to this administration. Appendices have been part of audit reports issued by the SAO for decades.

The SAO included these transcripts for the purposes of transparency and public interest. The transcripts and written responses to questions include redactions determined by the SAO as information of a personal, privileged, or sensitive nature. The SAO requested the AGO provide feedback regarding specific personal, privileged, or sensitive information to be redacted, but we received none, other than the request for removal of the transcripts in their entirety. Appendix I also includes other correspondence with the AGO regarding the administration of this audit. This appendix is included for the purposes of transparency and public interest.

1. Questionable Use of State Resources

The Attorney General's Office (AGO) staff, under former Attorney General Josh Hawley's administration, coordinated with campaign-paid consultants, and used campaign resources to meet with consultants for purposes not always documented. Former Attorney General Hawley also used a state vehicle and driver/security detail for some trips for which the purpose was not documented on travel itineraries and state vehicle mileage logs. Records reviewed determined (1) at least a portion of some of these trips had political purposes and (2) other trips had the appearance of being personal in nature.

Article III, Sections 38(a) and 39, Missouri Constitution, prohibit the use of state resources for personal or private gain. Section 36.157, RSMo, states, "An employee may not engage in political activity (1) While on duty; (2) In any room or building occupied in the discharge of official duties; (3) By utilizing any state resources or facilities; (4) While wearing a uniform or official insignia identifying the office or position of the employee; or (5) When using any vehicle owned or leased by the state or any agency or instrumentality of the state." Section 36.159, RSMo, states "It shall be unlawful for any person to intimidate, threaten, command or coerce any employee of the state to engage in, or not to engage in, any political activity, including, but not limited to, voting, or refusing to vote, for any candidate or measure in any election, making, or refusing to make, any political contribution or working, or refusing to work, on behalf of any candidate." In addition, regarding the use of campaign funds, Section 130.034.2 (2), RSMo, states, "…Contributions may be used for any purpose allowed by law including, but not limited to…[a]ny ordinary and necessary expenses incurred in connection with the duties of a holder of elective office."

1.1 Questionable meetings and phone conferences

AGO staff engaged in in-person meetings and phone conferences during regular state working hours with representatives of political campaign consulting companies paid from Josh Hawley's state campaign funds. The purpose of the meetings were not always documented. These meetings and conference calls were sometimes coordinated by AGO staff using private email accounts and text messages.[2] In addition, the AGO did not contract with these political representatives or their respective companies to provide non-campaign advisory services to the office's employees, and no invoices or other documentation detailing the services provided was retained to indicate that these services only related to AGO business.

In a written statement to the Secretary of State's (SOS) Office, former Attorney General Josh Hawley indicated he enlisted campaign consultants with previous experience serving as a Chief of Staff and in communications, to advise his team at the Attorney General's Office on the most effective ways to execute and communicate the Attorney General's agenda and to serve the people of Missouri.

[2] The use of private email accounts and text messages is addressed at MAR finding number 2.

Meetings and phone conferences

Emails, calendars, and testimony indicate that campaign-paid consultants Timmy Teepell, Gail Gitcho, Aaron Trost, and other employees of these consultants' companies, were invited to attend in-person meetings and participate in phone conferences with various AGO employees from January to July 2017 as follows:

Approximate Date of Meeting	Type of Meeting	AGO Employee Notification Method	Attendees Listed in Emails and Meeting Invites	Documented Purpose of Meeting
01/17/2017	In-Person (1)	Unknown (2)	Timmy Teepell, Gail Gitcho, Aaron Trost, Josh Hawley, Evan Rosell, Loree Anne Paradise, Ryan Cross	Brainstorming session
01/24/2017	Conference Call	Personal email	Timmy Teepell, Gail Gitcho, Aaron Trost, Evan Rosell, Loree Anne Paradise, Ryan Cross	Not documented
02/17/2017	Conference Call	Personal calendar meeting invite	Timmy Teepell, Gail Gitcho, Brad Todd, Loree Anne Paradise, Michael Martinich-Sauter	Punch list/human trafficking logistics moving forward
03/14/2017	Conference Call	Personal calendar meeting invite	Timmy Teepell, Gail Gitcho, Evan Rosell, Loree Anne Paradise, Michael Martinich-Sauter	Follow up call
04/24/2017	In-Person (1)	Unknown (2)	Timmy Teepell, Evan Rosell, Loree Anne Paradise, Michael Martinich-Sauter, Daniel Hartman, Rachel Hassani.	Not documented
05/04/2017	Conference Call	Personal email & calendar meeting invite	Timmy Teepell, Gail Gitcho, (3), Evan Rosell, Loree Anne Paradise, Michael Martinich-Sauter, Daniel Hartman	Review Timmy's punch list from his AGO visit last week & discuss 5/31 business coalition roll out date confirmation
06/05/2017	In-Person (1)	Personal email (2)	Timmy Teepell, Gail Gitcho, Evan Rosell, Loree Anne Paradise, Daniel Hartman	Not documented
06/15/2017	Conference Call	Personal calendar meeting invite	Timmy Teepell, Gail Gitcho, Loree Anne Paradise, Michael Martinich-Sauter	Human trafficking, business council, PSA, virtual training
06/29/2017	Conference Call	Personal email	Timmy Teepell, Evan Rosell, Loree Anne Paradise, Michael Martinich-Sauter, Daniel Hartman, Elizabeth Johnson	Hawley press conference
07/13/2017	Conference Call	Personal calendar meeting invite	Timmy Teepell, Gail Gitcho, Savannah Kill, Loree Anne Paradise, Michael Martinich-Sauter, Elizabeth Johnson	Springfield human trafficking
07/14/2017	Conference Call	Personal calendar meeting invite	Timmy Teepell, Gail Gitcho, Savannah Kill, Loree Anne Paradise, Michael Martinich-Sauter, Elizabeth Johnson	Human trafficking

(1) These in-person meetings occurred at the Attorney General's Jefferson City office.

(2) Email discussion and witness statements indicate that an in-person meeting took place on or around this date.

(3) An unknown individual using an "onmessageinc.com" email address was listed as an attendee.

During the time periods these meetings and phone conferences were held:

- Timmy Teepell was a Partner of OnMessage, Inc., a political consulting firm. The Hawley state campaign paid OnMessage, Inc., approximately $80,000 from January 2017 to October 2017.

- Gail Gitcho, was the President of First Tuesday, a company that specializes in communications strategies for political campaigns. Also, Gail Gitcho's Linkedin profile indicates she has experience as a communications director for various political campaigns. First Tuesday was paid approximately $31,000 from the Hawley state campaign from January 2017 to October 2017.

- Aaron Trost was the owner of HLC Strategic, LLC, a political consulting company specializing in advising political candidates and organizations. HLC Strategic, LLC was paid $30,000 from the Hawley state campaign in January 2017.

Also, former Attorney General Hawley's federal campaign paid OnMessage, Inc., $4,284,891 and First Tuesday $98,967 from August 2017 to October 2018. Records reviewed also identified other employees of OnMessage, Inc., who were invited to participate in conference calls including: Brad Todd, who is a founding Partner of OnMessage, Inc., and a political writer; Savannah Kill, who was an Assistant and Office Manager at OnMessage, Inc.; and another employee of OnMessage, Inc. All other attendees at these meetings were AGO employees.

In addition to the meetings and calls previously mentioned, private email communications and personal calendar meeting invites obtained indicated other meetings or phone conferences may have been held; however, documentation of those meetings were not retained or provided. For example, in a group private email message dated May 1, 2017, from Timmy Teepell to Evan Rosell, Loree Anne Paradise, and Daniel Hartman, Mr. Teepell wrote "**I enjoyed spending time with everyone over the last few days**." [emphasis added by the SAO]. Based upon this email, it appears meetings may have been held on multiple days around April 24, 2017. However, official AGO calendars, emails, and records do not contain documentation of meetings being held over a few days' time. In another example, the March 14, 2017, meeting invite listed in the table on the previous page indicated the meeting was a follow-up call; however, documentation of a previous meeting or phone conference (other than the February 17, 2017, phone conference) was not retained or provided. Further, Timmy Teepell's witness statement to the SOS Office indicated he met with AGO employees in St. Louis at events involving the press in April and June 2017 and in Springfield in July 2017, and Gail Gitcho's witness statement to the SOS Office indicated she met with AGO employees in St. Louis at an anti-human trafficking event in April 2017.

Questionable interactions

The content and timing of several of the personal emails of AGO staff demonstrate potentially inappropriate communications with campaign-paid consultants:

- In an email thread initiated by Timmy Teepell in which he suggests a weekly conference call between members of the AGO administrative team and the campaign-paid consultants, Gail Gitcho sent an email to Loree Anne Paradise, Evan Rosell, Ryan Cross, Timmy Teepell, and Aaron Trost on January 19, 2017, at 10:24 a.m., which stated: "**Sounds great. If we can do a call next Tuesday or Wednesday, that would work great because I am having lunch with Chris Wallace on Thursday and was going to pitch Josh as power player of the week - but we should all get on the same page with that before I pitch him.**" [emphasis added by the SAO]. Chris Wallace is a television anchor and political commentator who hosts a Fox Broadcasting Company/Fox News program, Fox News Sunday. This email suggests that Gail Gitcho, who is a campaign-paid public relations consultant, was coordinating with AGO officials about obtaining national publicity for the elected official she was contracted to publicize.

- Elizabeth Johnson sent an email to Michael Martinich-Sauter on August 1, 2017, at 3:59 p.m. inviting him to edit an attached Google document, Backpage OPED,[3] and Elizabeth Johnson wrote, "**Gail says we need a clear tic-toc** [*sic*] **on how the events transpired for the record so that Josh gets appropriate credit. We can pull from his remarks & the TPs** [talking points]**. I will start putting something together.**" [emphasis added by the SAO]. This message was sent a day before former Attorney General Hawley formed an exploratory committee to consider running for the United States (U.S.) Senate. In a written witness statement in response to the SOS's investigation, Gail Gitcho indicated she provided consulting services to AGO employees from January to June 30, 2017. This message demonstrates Gitcho was corresponding with AGO staff past the date she was providing consulting services to AGO employees, and up to the date Hawley's Senate exploratory committee was created.

[3] During testimony given by Michael Martinich-Sauter (Appendix E), he indicated he had no recollection of seeing this communication or the attached "Backpage OPED" Google document, but indicated the document was likely related to a civil investigation. The State Auditor's Office (SAO) requested the Google document from the AGO, but the office did not provide the document.

These two interactions between Hawley administration officials and campaign-paid consultants give the appearance of political activity by state employees while using state resources, but no evidence exists that any laws were violated.

Conclusion

Campaign-paid consultants, by definition, serve a political function. They are hired to get their candidate elected to office. In contrast, AGO staff serve an administrative function and are in place to perform the work of the government. By allowing campaign-paid consultants to interact and advise AGO staff, former Attorney General Hawley potentially used state resources for political purposes. If better documentation had been maintained to show these interactions were solely official in nature, any appearance of impropriety could have been avoided. However, because most of the communications between the campaign and AGO staff were conducted via private communication channels, the full content and context of these interactions cannot be determined. The lack of transparency of the relationships and communications between the campaign-paid consultants and former AGO officials give the appearance that non-AGO business may have been discussed and not retained, and that state resources may have been used improperly.

The law permits campaign resources to be used for government purposes but does not permit government resources to be used for campaign purposes. Section 130.034.4(2), RSMo, permits campaign funds to be used for "ordinary and necessary expenses" incurred in connection with an elected office. But this section neither defines "ordinary and necessary expenses" nor specifies whether using campaign funds to pay consultants to provide administrative guidance is allowable. Section 36.157, RSMo, prohibits state employees from engaging in "political activity" while on duty or while using state resources. But this section does not define "political activity."

While the interactions between campaign paid consultants and government officials described in this report give an appearance of impropriety, we cannot conclude that any laws were violated.

1.2 Political and apparent private use of state vehicle and driver/security detail

Former Attorney General Hawley used a state vehicle and driver/security detail for some trips for which the purpose was not documented on travel itineraries and state vehicle mileage logs. Records reviewed determined (1) at least a portion of some of these trips had political purposes and (2) other trips had the appearance of being personal in nature.

Trips with political purposes

Travel itineraries and/or mileage logs show a state vehicle and driver/security detail were used to transport former Attorney General Hawley to visit with various individuals and groups for political purposes. The driver/security detail was directed to take specific hours of leave from state time, and was paid from federal campaign funds for specific meeting times; however, no campaign funds were used to pay any portion of the travel or other expenses

of the trips. The travel itineraries maintained by the AGO and/or the invoices submitted to the federal campaign for payment of the driver/security detail reported the specific times of each of these meetings.

- On March 30, 2017, the state vehicle and driver/security detail transported former Attorney General Hawley to Springfield and to multiple meetings. The driver/security detail was directed to take an hour of leave from his state job from 3 to 4 p.m. and was paid by the federal campaign for this time. No travel itinerary was provided to the SAO for this trip. A summary list of "AG Hawley Travel through May '17" indicated being at Evangel University at 11:30 a.m. on this date, which may have represented official business; however, the summary list did not document the purpose of the trip, the details of the meeting from 3 to 4 p.m., or any other meetings during the course of the day. The mileage log indicated 408 miles were driven in the state vehicle and payroll records indicated the driver/security detail worked 7 state-paid hours on this date.

- On April 6, 2017, the state vehicle and driver/security detail transported former Attorney General Hawley to Kansas City and to multiple meetings. The travel itinerary indicated the driver was to pick up and drop off former Attorney General Hawley in Columbia at the start and end of the day. The driver/security detail was directed to take 2 hours of leave from his state job from 11:30 a.m. to 12:30 p.m. and 2:30 p.m. to 3:30 p.m. and was paid by the federal campaign for this time. The travel itinerary indicated former Attorney General Hawley met with two private citizens[4] (Citizens A and B) at these times. The purpose of the meetings with Citizens A and B were not documented. The travel itinerary indicated that former Attorney General Hawley had a local television interview at 10:30 a.m. and another media appointment at 1:30 p.m., which would represent official business. The mileage log indicated 437 miles were driven in the state vehicle and payroll records indicated the driver/security detail worked 6 state-paid hours on this date.

- On April 11, 2017, the state vehicle and driver/security detail transported former Attorney General Hawley to Kansas City and to multiple meetings. The travel itinerary indicated the driver was to pick up and drop off former Attorney General Hawley in Columbia at the start and end of the day. The driver/security detail was directed to take an hour of leave from his state job from 10 to 11 a.m. and was paid by the federal campaign for this time. The travel itinerary indicated former Attorney

[4] To protect the identity of the citizen, company, or association, we refer to each in this manner through-out the remainder of the report. Citizens are referred to as Citizen A through G, companies are referred to as Company A and B, and associations are referred to as Association A and B.

General Hawley met with officers of Company A from 10 to 10:45 a.m. The travel itinerary indicate former Attorney General Hawley met with Company B and Association A from 11 a.m. to 12:30 p.m. and Citizen C from 1 to 2 p.m. The driver/security detail was paid by the state for his time worked and was not paid from federal or state campaign funds for these specific meetings. The travel itinerary did not include any stated purpose for any of the meetings that day. The mileage log indicated 338 miles were driven in the state vehicle and payroll records indicated the driver/security detail worked 7 state-paid hours on this date.

- On April 13, 2017, the state vehicle and driver/security detail transported former Attorney General Hawley to St. Louis and to multiple meetings. The travel itinerary indicated the driver was to pick up and drop off former Attorney General Hawley in Columbia at the start and end of the day. The driver/security detail was directed to take leave from his state job and was paid for 2 hours of work by the federal campaign for the specific time periods of 10:45 to 11:15 a.m. and 12:30 to 1:30 p.m. While these time periods only represent 1 and 1/2 hours, the campaign paid the driver/security detail for 2 hours of work. The driver/security detail took 1 hour of leave from his state job and indicated he used his lunch hour for the other hour of the meetings. The travel itinerary indicated former Attorney General Hawley met with Citizen D from 10:45 to 11:15 a.m. and Citizen E from 12:30 to 1:30 p.m. The travel itinerary indicated former Attorney General Hawley met with Citizen F from 10 to 10:30 a.m. in Maryland Heights and Association B from 3:15 to 3:45 p.m. in O'Fallon. The travel itinerary did not include any stated purpose for any of the meetings that day. Only one meeting, held from 2:30 to 3 p.m., listed on the travel itinerary clearly involved official business. The mileage log indicated 306 miles were driven in the state vehicle and payroll records indicated the driver/security detail worked 7 state-paid hours on this date.

- On June 19, 2017, the state vehicle and driver security detail transported former Attorney General Hawley to Kansas City and to meet with multiple parties. The travel itinerary indicated that former Attorney General Hawley attended a Police Foundation event from 11:45 a.m. to 1:15 p.m., and an E-board meeting at a Kansas City newspaper from 2:20 to 3:30 p.m., both of which represented official business. However, the itinerary also showed he attended the Platte County Lincoln Days event from 6:30 to 7:30 p.m. that day, which is a political event. No campaign funds were used to pay the driver/security detail on this date. The travel itinerary indicated the driver was to pick up and drop off former Attorney General Hawley in Columbia at the start and end of the day. The mileage log indicated 370 miles were driven in the state vehicle and payroll records indicated the driver/security detail worked 13 state-paid hours (8 hours of regular time and 5 hours of overtime) on this date.

The payments made to the driver/security detail from federal campaign funds demonstrate at least a portion of these trips had some political purpose.

These campaign-related hours worked in March and April 2017, were also not paid by the federal campaign until September 6, 2017. As previously noted, former Attorney General Hawley did not form an exploratory committee to consider running for U.S. Senate until August 2, 2017, or announce his candidacy until October 10, 2017. A February 26, 2019, news article in The Kansas City Star indicated Hawley's spokeswoman said the payment of these driver/security detail expenses from the federal campaign rather than the state campaign "…was a clerical mistake." However, federal and state campaign records were not corrected, and Hawley's state campaign committee was initially terminated on January 31, 2019, and an amended termination was filed as of January 16, 2020.

While there are no provisions in state law that allow for reimbursement for non-official use, such reimbursements by elected officials have taken place in the past. Specifically, see Report No. 2008-08[5] regarding then Attorney General Nixon's reimbursement of travel expenses. We asked AGO officials in September 2019 and again in January 2020 if any travel reimbursements were provided by former Attorney General Hawley covering his time in office. In both instances they indicate they were not aware of any reimbursements.

Trips with appearance of personal purposes

Travel itineraries and/or mileage logs show a state vehicle and driver/security detail were used to transport former Attorney General Hawley for trips that had the appearance of being personal in nature.

- The travel itinerary and state vehicle log indicated on Thursday, April 27, 2017, the driver/security detail drove former Attorney General Hawley and his family to Springfield to meet with a local church pastor and to attend a retirement party for the former Attorney General Hawley's father. The travel itinerary also provided for a visit to the Attorney General's Springfield office from 2 to 3 p.m. with the time flexible; however, the driver/security detail stated a stop at that office did not occur. The mileage log indicated 413 miles were driven in the state vehicle and payroll records indicated the driver/security detail worked 12 state paid hours (8 hours of regular time and 4 hours of overtime) on this date. In the response provided to the audit findings, former Attorney General Hawley indicated the meeting with the pastor covered official business. We

[5] SAO, Attorney General Reimbursement, report number 2008-08, issued February 2008. A copy of the report can be found on the SAO website, https://app.auditor.mo.gov/Repository/Press/2008-08.pdf.

received no documentation during audit fieldwork indicating the purpose of that meeting.

- On Saturday, December 16, 2017, mileage logs show a state vehicle was used to transport former Attorney General Hawley to Kansas City. The driver/security detail stated he transported former Attorney General Hawley and his wife in a state vehicle to a Kansas City Chief's game, where they watched the game in Citizen G's private box.[6] State payroll and federal campaign records indicated the driver/security detail was not paid by the state or the federal campaign for this event. The driver/security detail indicated he did not purchase a ticket for the game and he volunteered his time to drive the Hawleys so that he could attend the football game. The mileage log indicated 322 miles were driven in the state vehicle for the purpose of a "KC - meeting w/AG." No travel itinerary with an official business purpose was provided to the SAO for this trip. In the response provided to the audit findings, former Attorney General Hawley indicated he was asked to attend the game in his capacity as Attorney General and he attended the game as the Attorney General. We received no documentation during audit fieldwork indicating this information.

Article III, Sections 38(a) and 39, Missouri Constitution, prohibit the use of state resources for personal or private gain. Section 301.260, RSMo, provides that no officer or employee or other person shall use a state owned motor vehicle for other than official use. State of Missouri Administrative Policy SP-4, Article III, Section F, Subsection 3, indicates, "Only authorized passengers are permitted to ride in state vehicles. Non-state individuals such as volunteers, spouses, and children should not be passengers in a state vehicle unless they are involved in the conduct of business." Also, Article III, Section A, Subsection 3 of this policy indicates, "Vehicle usage logs must be maintained for each state vehicle and include the following information:...purpose of use." Code of State Regulations, 1 CSR 10-3.010(1)(A), requires that state payment of goods and services have a clear business relationship to the agency work program.

In addition, Section 36.157(5), RSMo, states, "An employee may not engage in political activity…[w]hen using any vehicle owned or leased by the state or any agency or instrumentality of the state." Complete and accurate vehicle usage logs, including documentation of the purpose of each trip, are necessary to document the appropriate use of vehicles and to support fuel purchases and

[6]The Missouri Ethics Commission lists an expenditure of two football tickets costing $500 being claimed by a lobbyist for former Attorney General Hawley on December 16, 2017; however, it was amended to $0 on this same date due to a reimbursement of the costs. The lobbyist indicated the Hawleys reimbursed him for the cost of the tickets.

maintenance expenses. Periodically reviewing logs for completeness and reasonableness is necessary to ensure compliance.

Conclusion

Former Attorney General Hawley used state resources for some trips for which the purpose was not documented on travel itineraries and state vehicle mileage logs. Records reviewed determined (1) at least a portion of some of these trips had political purposes and (2) other trips had the appearance of being personal in nature. We did not see documentation that all potential political costs associated with these trips were paid for from non-state sources or reimbursed to the state.

Recommendations

The Attorney General:

1.1 To eliminate the appearance of using state resources for political purposes, the AGO should refrain from using campaign-paid staff to advise state employees. At a minimum, when campaign resources are used in this capacity the officeholder should ensure the purpose of such activity is adequately documented and not made for political purposes. The AGO should also ensure official channels and methods are used to communicate and conduct official business, including emails, texts, and calendar meeting invites.

1.2 Ensure travel expenditures are necessary and reasonable for the operation of the office. Ensure documentation of the specific business-purpose of all trips in state vehicles is maintained, and state resources are not used for personal purposes. Determine the amount of state resources used for political and, if applicable, personal purposes by former Attorney General Hawley, and seek reimbursement for such costs.

Auditee's Response

Former Attorney General Hawley's written response, provided by his attorney, is included at Appendix J and his answer to a question regarding the response provided is included at Appendix L.

Current Attorney General Schmitt's written response, provided by the General Counsel, is included at Appendix K.

Auditor's Comment

1.1 & 1.2

The current Attorney General Office's written response to this report is unresponsive to the audit's recommendations to ensure documentation is prepared to support the purpose of activity and travel and steps are taken to ensure official channels and methods are used to communicate and conduct official business.

1.2 The political purpose of a least a portion of the trips cited in the finding is not questioned in the response. We did not receive

documentation supporting that applicable political costs of the travel were reimbursed to the state, which the response suggests occurred.

We asked a follow-up question regarding former Attorney General Hawley's responses. His representative indicated (Appendix L) the payments from the federal campaign to the driver/security detail (discussed on pages 9 through 12) were the reimbursements to the state mentioned in the response. Those payments would not be reimbursements to the state since the driver/security detail was not compensated as a state employee for those hours.

The answer provided also indicated "We understand this is the same practice adopted by Mr. Hawley's predecessors." That is not accurate. The Nixon campaign reimbursement (discussed on page 12) included both mileage and personnel costs. In addition, the answer indicated "We are not aware of any additional outstanding invoices from the state, but if you can identify any such invoices or expenses, we are happy to pay them." At a minimum, vehicle/mileage costs associated with the "incidental stops" need to be reimbursed to the state to complete any reimbursement under the same practice as predecessors. Those costs would need to be determined by former Attorney General Hawley in conjunction with the AGO.

As indicated in the finding, the documentation provided to us did not explain the business purpose of the trips we cited as being apparently personal in nature.

The assertion that audit standards require the SAO to perform the calculation of the amount to be reimbursed is incorrect, and the Yellow Book citation is misapplied. As the report states, there is no provision in state law or state policy that allows any state official to use state resources for non-official purposes. As a result, there is no basis for this office to calculate any potential reimbursement. Similarly, the reference to the 2008 Nixon letter is misapplied. In that instance, the Nixon campaign had calculated an amount to be reimbursed to the state and had transmitted payment to the Office of Administration. The objective of that SAO review was to determine if the reimbursed amount was appropriate. The objectives of the current audit are, in part, to determine if there were any instances of noncompliance with certain legal provisions. Yellow Book Standard 7.14 (2011 Yellow Book) states that "auditors should present sufficient, appropriate evidence to support the findings and conclusions in relation to the audit objectives." The audit report meets this standard.

2. Communication and Retention Policies

Various employees did not comply with AGO policy by using personal email accounts and calendars, and personal phones (text) to conduct official business, communicate, and schedule meetings as noted in MAR finding number 1.1 and the following issues.

- In sworn testimony, Evan Rosell, the former Chief of Staff, indicated he used personal text and personal email to communicate with AGO employees, but he did not retain the personal email or text messages related to AGO business. Appendix D, page 14, lines 19 and 23 (report page 47) and page 16, lines 11 and 15 (report page 49).

- In sworn testimony, Daniel Hartman, the former Special Counsel and Director of Legislation, indicated he used personal email to communicate with AGO employees. Appendix F, page 20, line 21 (report page 285).

- In a written statement to the SOS Office, Timmy Teepell indicated he did not recall ever communicating with state employees using their official state email addresses and indicated he used the personal email addresses he had.

- In sworn testimony, Michael Martinich-Sauter, the former General Counsel, Director of Policy, and Deputy Attorney General for Special Litigation stated he never initiated any communications over personal email with anyone in the office; however, he had received AGO communications at his personal email address from other state employees' personal email addresses. Appendix E, page 10, lines 21 through 23 and page 11, lines 1 through 7 (report pages 161 and 162).

  When asked about some of the personal email calendar meeting invites from his Gmail account, Martinich-Sauter stated in sworn testimony that he did not (1) use his Google calendar, (2) create the calendar meeting invites, (3) know who sent the invites, and (4) review the invites at the time of the phone calls. Appendix E, page 50, lines 17, 18, 19, and 25 (report page 201); page 52, lines 2 through 4 (report page 203). However, he also indicated "…I recognize that there is a tension between what I'm saying and what those documents say." Appendix E, page 51, lines 10 and 11 (report page 202). After audit fieldwork, we received an explanation from Martinich-Sauter's representative about how Gmail calendar invites can be sent by someone and look like they came from another attendee. We determined that this situation can occur. Therefore it is plausible that while he received these invites he did not create them.

AGO personnel policy No. 9.0, titled Electronic Written Communication on Personal Electronic Devices requires, "all electronic written communication made or received in connection with the transaction of official business be made or received using the AGO's Communication Systems." It also states that employees shall not use their personal cell phone, Blackberry, laptop,

tablet or other portable electronic devices, or home computer for AGO business unless they are remotely logged into their official account as part of the AGO's communication systems.

In addition to this policy that was in effect from January 2017 to January 2019, the AGO adopted an addendum in April 2018, that stated existing AGO policies require AGO personnel to retain all materials in the manner and for the duration specified in the applicable record-retention schedules issued by the State Records Commission and as prescribed by Chapter 109, RSMo. This April 2018 addendum, while not in effect during part of our audit period, makes clear that all communications using text message or text message applications must be retained if an email with the same content would be required to be maintained.

The AGO also did not develop procedures to help ensure its employees complied with AGO personnel policy No. 9.0 and the record retention schedules approved by the State Records Commission, and did not identify business related communications that are required to be retained in accordance with those schedules.

Conclusion

While the AGO has a process for retaining email messages initiated from AGO communication systems, email messages covering official business from employee personal email accounts were not always retained. In addition, because the AGO did not retain all business related communications and some employees did not comply with AGO personnel policy No. 9.0, we cannot be certain we received all such communications. Improper methods of communication could cause the loss or destruction of records and harm the public's confidence in the AGO.

Recommendation

The AGO ensure personnel policies are followed regarding use of personal email accounts and personal devices, and business communications are retained in accordance with the record retention schedules approved by the State Records Commission.

Auditee's Response

Former Attorney General Hawley's written response, provided by his attorney, is included at Appendix J.

Current Attorney General Schmitt's written response, provided by the General Counsel, is included at Appendix K.

Auditor's Comment

Former Attorney General Hawley's representative did not provide a specific response to this recommendation.

The current Attorney General Office's written response to this report only indicates policies are in place covering this recommendation.

Objections to the inclusion of interview transcripts and audit communications citing Chapter 29, RSMo, are without merit. The confidentiality provisions of Chapter 29 are intended to protect the SAO's working papers from public disclosure. The interpretation that those confidentiality provisions are intended to keep the SAO from disclosing information obtained during the course of the audit is at odds with Chapter 29, RSMo, and Yellow Book requirements, which both require a report of information obtained during an audit be made public. In addition, the statement that the inclusion of working papers as appendices to a public report is unprecedented is not accurate. Including information obtained during an audit as appendices is very common and not unique to this administration. Appendices have been part of audit reports issued by the SAO for decades.

The audit response from Senator Hawley's representative makes claims of political bias against SAO staff:

The inadvertently sent email from the Audit Manager cited in the response is not evidence of a lack of objectivity, rather evidence that the audit team was appropriately evaluating audit evidence. Presented with evidence that satisfied one area of concern, the audit team removed a potential finding, and when presented additional evidence to support another existing area of concern, made the decision to include that information in the initial draft of the report. As with all audit reports, the draft report underwent a thorough review process with many revisions, including the areas of concern noted in the email, before it was provided to the AGO.

Regarding David Kirby's role in this audit report, there was none. Mr. Kirby's conflict regarding this audit was disclosed and documented as part of the audit planning process. As a result, he was excluded entirely from any discussions or decisions pertaining to this audit.

American Democracy Legal Fund
455 Massachusetts Avenue, NW
Washington, DC 20001

November 2, 2018

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

Re: **Complaint Against Missouri Attorney General Josh Hawley**

Dear Secretary Ashcroft,

In accordance with Mo. Ann. Stat. § 115.642, American Democracy Legal Fund ("ADLF") respectfully requests that the Missouri Secretary of State's Office commences an investigation against Missouri Attorney General Josh Hawley. Evidence strongly suggests that Hawley used public funds as Attorney General to support his candidacy for U.S. Senate, by instructing political consultants to direct state, taxpayer-paid staff to undertake tasks that would raise Hawley's profile in his bid to represent Missouri in the U.S. Senate. This constitutes a misuse of public funds, in violation of Mo. Ann. Stat. § 115.646. Consequently, the Secretary of State should immediately investigate this violation and aid in the state's prosecution of this offense.

I. Factual Background

Josh Hawley assumed office as the Attorney General of Missouri on January 9, 2017. Just six months and 24 days later, on August 2, 2017, Hawley formed an exploratory committee to run for U.S. Senate.[1] Two months after that, on October 10, 2017, Hawley officially declared his intent to run for the Republican nomination to represent Missouri in the U.S. Senate.[2]

On October 31, 2018, *The Kansas City Star* reported that political consultants outside of Missouri "gave direct guidance and tasks to [Hawley's] taxpayer-funded staff, and followed up to ensure the tasks were completed . . . ."[3] These political consultants reportedly include Timmy Teepell, a Washington, D.C.-based partner at a consulting firm who advised Hawley's campaign; and Gail Gitcho, a Republican political operative who has advised Hawley on communications.[4]

Emails obtained by *The Kansas City Star* demonstrate that consultants directed taxpayer-paid staff members of the Attorney General to undertake tasks intended to "shape the attorney general's image and agenda for the year

[1] *See* Simone Pathe, *Missouri's Josh Hawley Forms Exploratory Committee for Senate Bid*, Roll Call (Aug. 2, 2017 6:05 PM), https://www.rollcall.com/news/politics/missouri-josh-hawley-senate-bid.
[2] *See* Jim Salter, *Missouri Republican Hawley Announces Run for Senate*, RealClearPolitics (Oct. 10, 2017), https://www.realclearpolitics.com/articles/2017/10/10/missouri_republican_hawley_announces_run_for_senate_135223.html.
[3] Lindsay Wise, Jason Hancock, & Steve Vockrodt, *Out-of-state political consultants helped direct Josh Hawley's Missouri AG office*, Kan. City Star (Oct. 31, 2018 3:51 PM), https://www.kansascity.com/news/politics-government/election/article220870465.html.
[4] *See id.*

ahead."[5] Not only did the consultants communicate with staff members using private email addresses, but the consultants also reportedly met in-person with the staff members at Attorney General Hawley's office.[6]

Among the agenda items reportedly discussed between consultants and taxpayer-paid staff was an effort by Hawley to initiate a lawsuit against opioid manufacturers,[7] which Hawley did in June 2017.[8] The lawsuit, which his political consultants went to lengths to publicize,[9] has become a major talking point of Hawley's Senate campaign. For instance, Hawley's campaign website states that he is "fighting the big opioid manufacturers,"[10] a talking point his political consultants and taxpayer-paid staff members worked to craft, per *The Kansas City Star*'s report.

II. Legal Violation

Under Mo. Ann. Stat. § 115.646, "No contribution or expenditure of public funds shall be made directly by an officer, employee, or agent of any political subdivision to advocate, support, or oppose any . . . candidate for public office." Public funds constitute "monies belonging to government or any department of it in the hands of public officials."[11] The Attorney General of Missouri has opined that, to determine whether a contribution or expenditure of public funds "advocate[s], support[s], or oppose[s]," one should "look to such factors as the style, tenor and timing" of the contribution or expenditure.[12]

Here, the facts strongly indicate that Attorney General Josh Hawley used public funds to support his candidacy for the U.S. Senate, by instructing his political consultants to direct taxpayer-paid staff to undertake tasks that would raise Hawley's profile in advance of his Senate run. As public records obtained by *The Kansas City Star* indicate, taxpayer-paid staff took directions from out-of-state political consultants and even met with consultants on government property, all under Hawley's watch.[13] In an email to staff, consultant Gail Gitcho wrote, "It seems to me that going forward we should start compiling a punch list of what we need to do to roll out each of our agenda items this year . . . ."[14]

And Hawley's staff reportedly undertook these tasks—on the taxpayer's dime—in the name of crafting a public image and record that would aid in Hawley's bid to represent Missouri in the U.S. Senate. In another email to taxpayer-paid staff, Gitcho reportedly wrote that she was "having lunch with ['FOX News Sunday' anchor]

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[5] *Id.*
[6] *See id.*
[7] *See id.*
[8] Press Release, Mo. Att'y Gen. Josh Hawley, *Missouri Attorney General Sues Opioid Manufacturers for Fraud* (Jun. 21, 2017 8:13 AM), https://www.ago.mo.gov/home/news-archives/2017-news-archives/missouri-attorney-general-sues-opioid-manufacturers-for-fraud.
[9] *See, e.g.*, Timmy Teepell (@TimmyTeepell), Twitter (Jun. 22, 2017) ("Great Fox piece on Hawley's lawsuit"), https://twitter.com/search?l=&q=from%3ATimmyTeepell%20since%3A2017-06-21%20until%3A2017-06-23&src=typd&lang=en; Gail Gitcho (@ggitcho), Twitter (Jun. 21, 2017) ("More excellent work from @HawleyMO . . . ."), https://twitter.com/ggitcho/status/877529148943589376; Gail Gitcho (@ggitcho), Twitter (Jun. 21, 2017), https://twitter.com/ggitcho/status/877531195172560896.
[10] Josh Hawley for Senate, *About*, https://joshhawley.com/about/ (last visited Nov. 1, 2018).
[11] Mo. Ethics Comm'n Advisory Op. No. 2003.07.105 (2003). *See also* Mo. Ethics Comm'n, Conflict of Interest for Elected & Public Officials 20 (revised Mar. 2013), *available at* http://www.mec.mo.gov/WebDocs/PDF/Complaint/Conflict_of_Interest_03_2013-fullsize.pdf.
[12] Mo. Att'y Gen. Advisory Op. No. 54-90 (Aug. 14, 1990), *available at* https://ago.mo.gov/docs/default-source/opinions/1990/054_1990.pdf?sfvrsn=2
[13] *See* Wise et al., *supra* note 3.
[14] *Id.*

Chris Wallace . . . and was going to pitch [Hawley] as power player of the week."[15] She then instructed the Attorney General's staff, "[W]e should all get on the same page with that before I pitch him."[16]

Under Hawley's oversight and with his approval, political consultants appear to have used Missouri's taxpayer-funded resources to construct a carefully-curated communications strategy that would puff up Hawley's public image and prepare him for his Senate candidacy. And just months after this operation began, Hawley declared his candidacy for the U.S. Senate, relying on the very talking points these consultants reportedly worked with his taxpayer-paid staff to build.

Ultimately, Attorney General Josh Hawley's use of taxpayer-paid staff to advocate and support his candidacy for U.S. Senate constitutes a misuse of public funds in violation of Mo. Ann. Stat. § 115.646.

III. Conclusion

Upon declaring victory in the November 2016 general election to serve as Missouri's Attorney General, Josh Hawley told his supporters, "To the political establishment in Jefferson City, those of you, consultants and the lobbyists and the professional political class who've gotten used to running our state: your day is over."[17] Hawley suggested nobody is above the law. And, as Missouri's chief law enforcement officer and advisor, neither is he.

Hawley reportedly instructed political consultants from outside of Missouri to direct state, taxpayer-paid staff members to help shape Hawley's image for his next campaign—this time for U.S. Senate—which began less than a year after that Election Night speech, and less than seven months after he took office as Missouri Attorney General. Hawley's conduct violates the trust that Missourians gave him to serve the public interest and enforce this state's laws honorably. And most of all, Hawley's conduct appears to demonstrate a misuse of public funds, in violation of Mo. Ann. Stat. § 115.646.

Therefore, in accordance with Mo. Ann. Stat. § 115.642, ADLF respectfully requests that the Secretary of State commences an investigation against Attorney General Josh Hawley and aids in the state's prosecution of this offense.

Sincerely,

Brad Woodhouse

[15] *Id.*
[16] *Id.*
[17] Lindsey Argo, *With Win, AG-Elect Hawley Says Political Establishment's Days are Numbered*, KSMU (Nov. 9, 2016), http://www.ksmu.org/post/win-ag-elect-hawley-says-political-establishments-days-are-numbered#stream/0.

Elections Complaint Form
Missouri Secretary of State's Office

Note: if you believe you have witnessed a violation of Title III of the Help America Vote Act of 2002 for federal elections, please fill out a Title III of HAVA Elections Complaint Form.

Name Brad Woodhouse, American Democracy Legal Fund
Address 455 Massachusetts Avenue, NW Washington, DC 20001
County District of Columbia
Phone 202-251-5669
Email woodhouse.brad@gmail.com
My complaint pertains to the Election held on 11/6/18

I have or will file a complaint with (check all that apply):

Missouri Attorney General's Office	☐ Yes ☐ No
Missouri Ethics Commission	☐ Yes ☐ No
Local Election Authority	☐ Yes ☐ No
Local Law Enforcement	☐ Yes ☐ No

Missouri Secretary of State ✓

My complaint is regarding (check one):
☐ Absentee voting
☐ Candidate Qualifications
☐ Voting
☐ Election Judge Misconduct
☐ Improper Voter Registration
☑ Other Election law violation Use of taxpayer money for political purposes

State the facts of the alleged violation including:
- **The name and mailing address of the person or persons alleged to have committed the violation; and**
- **A description of the act or acts you believe to be a violation.**

See attached

1

(*facts cont'd*)

By my signature I swear or affirm that, to the best of my knowledge, the information provided on this form is true.

Signature of person filing complaint

Date 11/2/18

Please be as thorough as possible and attach supporting documentation or additional facts, if any.

Return this form to:
Missouri Secretary of State's Office
Attn: Elections Division
600 W Main St.
Jefferson City, MO 65101

2

JOHN R. ASHCROFT
SECRETARY OF STATE
STATE OF MISSOURI

STATE CAPITOL
(573) 751-2379

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

December 10, 2018

VIA HAND DELIVERY

The Honorable Nicole Galloway
Missouri State Auditor
State Capitol, Room 121
Jefferson City, MO 65101

Re: Closeout Audit of Missouri Attorney General's Office

Dear Auditor Galloway:

This office received a complaint from the American Democracy Legal Fund alleging that Missouri Attorney General Josh "Hawley used public funds as Attorney General to support his candidacy for the U.S. Senate." A copy of the complaint is enclosed.

See Appendix A

We have commenced an investigation of the allegations in the complaint. We request you investigate these allegations as part of your audit of the Missouri Attorney General's Office that will take place due to the change in officeholder ("closeout audit"). We do not have the same tools that the Auditor's Office has to conduct an investigation. For example, under section 115.642, RSMo, we have no subpoena power over documents or persons. It is unknown at this time whether relevant documents cited in the news article were from the Attorney General's Office, or from a person or entity not subject to the Sunshine Law. Additionally, it is not clear whether some part of the allegations are based upon oral statements.

As Auditor, you have free access to the Attorney General's Office for this audit, as well as subpoena power over persons and documents. § 29.235, RSMo. Your office's experience in this area is demonstrated by your audit of the Missouri Governor's Office in 2017, in which you found that Governor Nixon used state resources for political and personal purposes.

In addition to requesting that you investigate these specific allegations as part of the closeout audit, we also request that you give us access to the parts of the audit that relate to the allegations of improper use of state resources. Specifically, we request access to or copies of any records (of the agency or third parties) obtained that are relevant to the allegations in the complaint. If you plan to interview employees about the allegations, we request to at least sit in on such interviews.

If you issue subpoenas for non-employees and will take their deposition under oath, we request the same access.

As we continue our investigation, if we obtain information or records that would be beneficial to your audit, we will share them with you.

If you have any questions, please contact my General Counsel, Frank Jung, at 573/751-4875.

Sincerely,

John R. Ashcroft
Missouri Secretary of State

Enclosure

JOHN R. ASHCROFT
SECRETARY OF STATE
STATE OF MISSOURI

STATE CAPITOL
(573) 751-2379

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

February 28, 2019

The Honorable Nicole Galloway, CPA
State Auditor
State Capitol Building, Room 121
Jefferson City, MO 65102

Dear Auditor Galloway:

We appreciate your assistance in the elections complaint filed with my office on Nov. 6, 2018, by American Democracy Legal Fund in regard to former Attorney General Josh Hawley.

My office has completed its investigation into the complaint, and has not found probable cause to believe that Mr. Hawley or his Office violated Section 115.646, RSMo. as alleged. Since Hawley did not violate Section 115.646, I am officially closing this matter. A copy of the report is enclosed.

I am pleased our investigation reached a clear conclusion in this matter. Thank you again for your assistance.

Sincerely,

John R. Ashcroft

Enclosure

600 W. Main Street • Jefferson City 65101
Administrative Rules • Business Services • Elections • Publications • Securities • State Archives • State Library • Wolfner Library

JOHN R. ASHCROFT
SECRETARY OF STATE
STATE OF MISSOURI

CAPITOL OFFICE
(573) 751-2379

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER

ELECTIONS INVESTIGATION REPORT

COMPLAINT

On November 6, 2018, my office's Election Division received a complaint alleging Attorney General Josh Hawley[1] misused public funds pursuant to Section 115.646, RSMo. ("Complaint"). Mr. Brad Woodhouse with the American Democracy Legal Fund ("ADLF") filed the Complaint.

The Complaint alleges that Attorney General Hawley violated Section 115.646, RSMo. by using public funds (taxpayer-funded staff) to support his candidacy for the United States Senate. Specifically, the Complaint alleges:

- Attorney General Hawley used outside political consultants to direct employees of the Attorney General's Office ("AGO") to undertake tasks that would construct his public image and raise his profile, preparing him for his candidacy for U.S. Senate; and
- Attorney General Hawley instructed outside consultants to direct employees of the AGO to implement priorities to benefit Attorney General Hawley's campaign and/or future campaign. These priorities included his opioid manufacturer and human trafficking initiatives.

SCOPE OF INVESTIGATION

The secretary of state's responsibility to investigate election complaints is codified in Section 115.642, RSMo. The Complaint was received by my office on November 6, 2018. This is important because amendments to Section 115.642, RSMo. went into effect the following day, after the close of the 2018 election cycle. The law in effect at the time did not allow the office to dismiss a complaint as "frivolous" nor did it require the complaint to be a sworn statement. Section 115.642, RSMo. provided my office a limited scope, pertaining specifically and only to matters related to election laws. My office may not, under state law, investigate matters outside its authority.

[1] Attorney General Josh Hawley was elected to the United State Senate in November of 2018. For ease of use and so as not to confuse the reader, he will be referred to as "Attorney General Hawley". This by no means is intended to disrespect Senator Hawley; but rather to identify his position during the time period alleged in the Complaint.

LAW

Section 115.642, RSMo. states any person may file a complaint with the secretary of state alleging a violation of Sections 115.629 to 115.646, RSMo. Within thirty days of receiving a complaint, the secretary of state must notify the person filing the complaint whether or not the secretary has dismissed the complaint or if the secretary will commence an investigation. To date, this office has received more than 100 election complaints.

There is no case law or Attorney General Opinions that discusses this statute as it relates to contributions or expenditures to candidates or public officials. However, there is case law and/or Attorney General Opinions related to ballot measures.

Section 115.646, RSMo. states, "No contribution or expenditure of public funds shall be made *directly* by any officer, employee or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office." (Emphasis added). In discussing this statute as it relates to ballot measures, Attorney General Opinion 54-90 states that in determining whether a violation of Section 115.646, RSMo. occurred, one must look at the "style and tenor" of the communication related to the ballot measure.

Furthermore, in reviewing a writ of prohibition regarding a survey commissioned by the City of Richmond Heights that was related to a ballot measure, the Missouri Court of Appeals noted that a violation of Section 115.646, RSMo. must be determined by the "communication" made by the City. *State ex rel. Wright v. Campbell*, 938 S.W.2d 640, 644 (Mo. App. E.D. 1997). The Court of Appeals stated that the dissemination of information that is purely factual is not considered to be advocating or supporting; and further stated that, at best, the survey might be relevant as to whether any communications regarding the ballot measure with residents was necessary. *Id.* The Court of Appeals made clear communication of information that is purely factual is not prohibited under Section 115.646, RSMo. *Id.*

FINDINGS

1) ADLF generally complains that Gail Gitcho (First Tuesday) and Timmy Teepell (OnMessage Inc.) ("outside consultants") sent emails to AGO employees directing their activities. Specifically, ADLF alleges that Attorney General Hawley used outside consultants to direct AGO employees to engage in activities for the purpose of raising his profile. ADLF further alleges Attorney General Hawley directed outside consultants to instruct AGO employees to implement priorities that benefited Attorney General Hawley's campaign and/or future campaign, those priorities being opioid manufacturer and human trafficking initiatives.

2) In support of its claims, ADLF refers to an article written by Jason Hancock, Lindsay Wise and Steve Vockrodt that appeared in the October 31, 2018, edition of the *Kansas City Star*. ADLF has not provided my office with any emails or other documentation to support its claims. In addition, ADLF's December 14, 2018, letter to my office specifically indicates they did not have any evidence that these emails exist and relied on the *Kansas City Star*

article for its Complaint. Furthermore, there are no allegations that the activities in question took place after June of 2017.

3) In conducting this investigation, my office requested documents from Mr. Hancock. The *Kansas City Star* responded through counsel that it would not provide my office any source documents its reporters gathered in the course of their investigation.

4) My office also requested documents from the AGO. The AGO provided 85 pages of documents consisting of emails, drafts of documents related to the human trafficking initiative and an opioid manufacturer lawsuit, conference call requests, and calendar entries. The AGO also provided closed material consisting of documents related to a personnel matter.[2]

5) Current Attorney General Eric Schmitt also voluntarily provided my office additional information related to AGO employees, including but not limited to, timesheets and other financial records. He likewise provided my office with a copy of the AGO's Employee Handbook and Code of Conduct.

6) During the investigation my office requested, and received, purchasing card documentation from the AGO.

7) In addition to reviewing the documents provided by the AGO, my office contacted eleven individuals during the course of this investigation.[3] One of the individuals contacted declined to participate in this investigation.[4]

8) The information provided by the AGO employees who agreed to be interviewed by my office can be summarized as follows:

   i. Mr. Teepell and Ms. Gitcho first became involved with the AGO in January of 2017.

   ii. The meetings with Mr. Teepell and Ms. Gitcho were to discuss the priorities set forth by Attorney General Hawley.

   iii. The majority of the executive staff Attorney General Hawley brought on at the AGO had no government experience.

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[2] Section 610.021, RSMo. allows personnel records to be closed.
[3] My office also reviewed public information such as Missouri's Transparency Portal. That search showed no payments to Mr. Teepell or Ms. Gitcho or to their consulting firms, OnMessage Inc, and First Tuesday, in 2017.
[4] My office requested assistance from the State Auditor as my office does not have authority under Chapter 115 to subpoena any individual or records. Auditor Galloway's subpoena powers were not needed in light of Attorney General Schmitt's willingness to provide documents that would normally be closed to my office. I commend both Auditor Galloway and Attorney General Schmitt for their cooperation.

iv. Mr. Teepell's role was to provide guidance to senior staff not only on how to roll out those priorities, but also on how to run a governmental entity. Mr. Teepell assisted AGO employees by sharing his experience in government administration and rolling out priorities.

v. Ms. Gitcho's role was to provide guidance on how to communicate with the media.

vi. Ms. Gitcho never focused on any particular media (e.g. national versus local), although she indicated to AGO employees she knew people at CNN.

vii. Attorney General Hawley had made clear his priorities to AGO employees from the time he took office and the meetings with the consultants were simply on how to accomplish those priorities as they all related to the AGO's work priorities.

viii. Mr. Teepell also assisted in reviewing "vague" job titles and gave guidance as to who should be doing what in the office to reduce duplication.

ix. AGO employees did not know what Ms. Gitcho meant in her January 19, 2017 email when she said "we should all get on the same page with that before I pitch him" to Fox News.

x. AGO employees used Google Docs because it allowed multiple individuals to work on a document at the same time.

xi. Not all AGO employees participated in the weekly telephone calls noted on the calendars provided.

xii. Not all weekly telephone calls noted on the calendars provided occurred.

xiii. Not all AGO employees attended the meetings listed on the calendars provided.

xiv. AGO employees were unsure who attended specific meetings or participated in specific conference calls that did take place.

xv. AGO employees did not feel that they had to follow the advice Mr. Teepell or Ms. Gitcho offered.

xvi. Attorney General Hawley running for United States Senate was never brought up during any of the meetings or conference calls.

xvii. Mr. Teepell and Ms. Gitcho never spoke of campaigning and only spoke of office management or strategies for rollout of initiatives at the meetings and during conference calls.

xviii. Attorney General Hawley announced he was running for United States Senate at an executive staff meeting in August of 2017. At this meeting, he stated this was not something he had planned on doing but something he felt compelled to do.

9) My office also contacted the two main consultants in the documents provided by the AGO, Mr. Teepell and Ms. Gitcho. The information they provided can be summarized as follows:

i. Mr. Teepell and Ms. Gitcho were requested to consult with AGO employees by Attorney General Hawley.

ii. Mr. Teepell's primary contact at the AGO was Evan Rosell, Chief of Staff. Ms. Gitcho's primary contact was Loree Anne Paradise, Deputy Chief of Staff.

iii. Mr. Teepell stopped consulting with AGO employees in the summer of 2017. Ms. Gitcho stopped consulting with AGO employees in June of 2017.

iv. Mr. Teepell provided advice in helping the office function effectively. His advice was strategic in nature in helping AGO employees execute Attorney General Hawley's goals and priorities. Ms. Gitcho assisted in getting Attorney General Hawley's communication team up and running effectively.

v. Mr. Teepell travelled to Missouri six times during his consulting for the AGO, and participated in three meetings at the AGO (January, April and June). The other three times he travelled to Missouri were to attend press conferences (two in St. Louis and one in Springfield).

vi. Ms. Gitcho attended a human trafficking event in St. Louis in April of 2017. She also attended a meeting at the AGO in June of 2017.

vii. Ms. Gitcho's January 19, 2017 email to AGO employees stating "we should all get on the same page with that before I pitch" Attorney General Hawley to Fox News was meant to see if everyone agreed with her on that idea.

viii. Mr. Teepell did not recall Attorney General Hawley participating in any of the meetings or conference calls.

ix. In August of 2017, Mr. Teepell joined the Senatorial Exploratory Committee. Ms. Gitcho started working on the U.S. Senate campaign in October of 2017.

x. There were no discussions during any meetings or conference calls with AGO employees regarding Attorney General Hawley running for the United States Senate.

xi. Mr. Teepell and Ms. Gitcho sent emails to AGO employees' Gmail accounts because those were the email addresses they had for them.

xii. Mr. Teepell and Ms. Gitcho never received any payments from the AGO.

10) My office also contacted Attorney General Hawley. He provided the following information to my office:

i. It was his decision to use Mr. Teepell and Ms. Gitcho as consultants. He made this decision in January of 2017; however, Mr. Teepell did provide informal advice during the transition.

ii. Ms. Gitcho stopped providing advice to AGO employees in June of 2017. Mr. Teepell stopped providing advice to AGO employees in July of 2017.

iii. The primary reason he enlisted Mr. Teepell to advise his team was that Mr. Teepell had previously served as chief of staff for a congressman and a governor, and it was the most effective way to execute his agenda.

iv. Ms. Gitcho was enlisted to advise his communications staff on communicating his priorities effectively because she was an expert in communications.

v. Mr. Teepell's primary contact at the AGO was Evan Rosell. Ms. Gitcho's primary contact was Loree Anne Paradise.

vi. Attorney General Hawley did not inform Mr. Teepell he was planning on running for the United States Senate until sometime in August of 2017.

vii. The AGO made no payments to either Mr. Teepell or Ms. Gitcho. Both were paid by the Hawley for Missouri Committee.

11) The documents provided my office show no emails between consultants and AGO employees after June of 2017.

12) Independent research included reviewing the following: (a) quarterly reports of the Hawley for Missouri Committee (Jan 2017 through Oct 2018 - accessed via the Missouri Ethics Commission website); (b) filings by the Josh Hawley Senate Exploratory Committee (FEC Form 1, filed August 7, 2017, and the October 10, 2017 amended statement changing the name to Josh Hawley for Senate - accessed via the Federal Election Commission web site); (c) a complaint filed by ADLF against Attorney General Hawley with the FEC dated August 2, 2017 (which also cites the *Kansas City Star* article); (d) campaign finance data for Josh Hawley for Senate for the 2018 election (accessed via the FEC website, relating to disbursements to First Tuesday and OnMessage Inc.); (e) press releases from the AGO (with a focus on human trafficking, Backpage.com and/or opioid manufacturer lawsuit releases); (f) news coverage of the Hawley Attorney General campaign regarding human trafficking and/or opioid manufacturer issues; (g) Twitter feeds for Gail Gitcho and Timmy Teepell; (h) Twitter and Facebook feeds for the Hawley campaign as well as the Hawley campaign YouTube channel; (i) previous versions of the Hawley campaign web site (joshhawley.com,

showing an October 13, 2016 news release announcing the release of a human trafficking campaign ad (using WaybackMachine)); and (j) information available on the internet regarding when various states sued opioid manufacturers.

13) With respect to the initiatives cited in the Complaint, research showed that Attorney General Hawley included human trafficking in his campaign for attorney general. While my office did not find any indication that suing opioid manufacturers was part of his campaign, Missouri was not the first state to sue pharmaceutical companies relating to marketing of opioids (three had before 2017). The Missouri lawsuit was announced June 21, 2017. Ten other states filed such suits in 2017. Another 15 filed in 2018.

14) ADLF alleges Attorney General Hawley used outside consultants to direct AGO employees to raise his profile. However, the consultants were used to advance Attorney General Hawley's priorities as Attorney General for the State of Missouri. There is nothing showing that the consultants were used to promote him as a candidate; a requirement under Section 115.646, RSMo. In fact, Attorney General Hawley was not a candidate for any office at the time the consultants were being used, nor does the tone of the emails provided show the consultants were using AGO employees to advocate or support Attorney General Hawley as a candidate. While ADLF alleges an email just prior to Attorney General Hawley appearing on Fox News demonstrates they were attempting to raise Attorney General Hawley's profile, the email simply stated that they needed to "get on the same page." ADLF does not offer what was meant by this, and those interviewed did not know what Ms. Gitcho meant by her statement. Ms. Gitcho indicated she was wanting AGO employees' feedback to see if they agreed on pitching Attorney General Hawley to Fox News.

CONCLUSION

My office's review of the Complaint is limited to Section 115.646, RSMo. which states expenditure of public funds may not be used to directly advocate or support any candidate for public office. If reasonable grounds appear that an alleged offense has been committed, Section 115.642, RSMo. states the secretary of state may issue a probable cause statement. Probable cause exists when there is reasonable and trustworthy information that would warrant a person of "reasonable belief" to conclude an offense has been committed. *See Safford United School District No. 1 v. Redding*, 129 S.Ct. 354 (2009).

This office takes allegations that public funds were used to promote or advocate a candidate seriously. The documents reviewed only show that the consultants assisted AGO employees implementing Attorney General Hawley's priorities. The communication between the consultants and AGO employees advocated positions Attorney General Hawley held during his attorney general campaign or wished to advance after he took office. It is not unusual for elected officials to develop priorities or conduct media interviews to communicate office-related priorities that may raise their public profile.

Because the documents my office reviewed and the interviews conducted do not show that there is reasonable and trustworthy information that an offense has been committed, a probable cause statement will not be forwarded to the local prosecutor and this investigation is closed.

OFFICE OF THE STATE AUDITOR
STATE OF MISSOURI

INTERVIEW OF: EVAN ROSELL

Landers State Office Building
149 Park Central Square, Room 816
Springfield, Missouri 65806

JULY 8, 2019
12:00 p.m.

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ALARIS Litigation Services

INDEX OF QUESTIONERS

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EXHIBIT INDEX

EXHIBITS	DESCRIPTION	PAGE NO.
A	[redacted] e-mail from Loree Anne Paradise to Evan Rosell and others, 5/1/17	65
B	Copy of article from "The Kansas City Star" entitled "Are self-erasing messages at top of Missouri government the tip of the iceberg?"	88
C	E-mail from [redacted] to Loree Anne Paradise, 4/21/17, and e-mail from Loree Anne Paradise to Evan Rosell, 4/23/17	65
D	AGO policy regarding computer use and electronic written communication	82

Exhibits were retained by Ms. Allison

P R O C E E D I N G S

MR. ANDERSON: Okay. Make sure I've got all the names here.

MR. HADEN: The first thing, Joel, I know you called me to see if we were all right with the AG's attorney sitting in, and we don't have any objection to that. And to the extent that the Attorney General's Office believes or wants to cite some privilege that may be part of it, we'll just have to see what happens --

MR. ANDERSON: Sure.

MR. HADEN: -- obviously during the discussion here. But obviously, there's no objection to that, and I know you understand that obviously anytime you work as an attorney for anyone, including for the Attorney General, there are certain ethical obligations, so we'll have to -- as far as confidentiality and everything else, and so obviously the Attorney General holds certain privileges, if they want to assert them, then having counsel there I think is helpful so they can make that determination rather than us having to speculate about it.

MR. ANDERSON: It sounds good to me, and I think we have enough attorneys in the room to cover

just about everything that could possibly come up, so...

THE WITNESS: At least real ones, yeah.

MR. ANDERSON: Okay. Are we about ready?

MS. ALLISON: I'm good.

MR. ANDERSON: Okay. Mr. Rosell, I'm going to just kind of start things off. I don't intend to ask you any questions, any audit type questions.

THE WITNESS: Sure.

MR. ANDERSON: Pam Allison is the person doing the audit, so she's the one with the questions.

THE WITNESS: Sure.

MR. ANDERSON: This is not a courtroom deposition, but it still will operate in much the same way simply because it is being transcribed. You'll be sworn in here in a second. And we'll also afford you the same courtesy you have in a normal deposition, once it is transcribed, you'll be able to look at it to make sure it was transcribed correctly, make any changes if you need to make them.

If at any time you have any question that you feel like you need to discuss with your attorney before answering, that is no problem. You can take your attorney out of the room if you want to.

THE WITNESS: Just take him off

speakerphone.

MR. ANDERSON: Right, right, if you need to consult with him on that, that's fine.

THE WITNESS: Okay.

MR. ANDERSON: And as usual -- you are an attorney?

THE WITNESS: Yeah, inactive, but, yes.

MR. ANDERSON: All right. So you can go to sleep here for a second. Any question that's not perfectly clear to you, please ask for us to repeat it or rephrase it before you answer it.

THE WITNESS: Sure.

MR. ANDERSON: You won't be asked to speculate or if you are asked to speculate, you'll be told you're being asked to speculate. But we want to make sure that the answers that you give are the truth to the best of your knowledge. And if you are speculating, tell us that you're speculating so that we can separate those out.

THE WITNESS: Sure.

MR. ANDERSON: Your attorney just mentioned the attorney-client privilege. We have no need or desire to get into any privileged matters. I think we can probably phrase our questions so that we don't, but we don't necessarily know what might lead into it.

So we'll have to depend on you, your attorney, and the Attorney General's Office to stop us if something is getting into a privileged matter.

THE WITNESS: I understand.

MR. ANDERSON: Okay. All right. Anything else preliminary, Pam, that you can think of?

MS. ALLISON: Not that I can think of.

MR. ANDERSON: Okay. If we could swear the witness, I guess we can begin.

EVAN ROSELL,

being first duly sworn, testified:

EXAMINATION

BY MS. ALLISON:

Q. Mr. Rosell, can you tell us a little bit about your background prior to joining the AGO.

A. [redacted], went to school in Texas, and went to law school at Washburn University School of Law in Topeka, Kansas, and while in law school, I served as the law clerk for the Secretary of State at the time doing legal research and whatnot.

Second summer of my law school, worked for the district attorney's office in Wichita, and then upon graduating law school worked for Johnson County, Kansas, civil courts as a law clerk for two years.

And then worked for a litigation law firm called Shaffer Lombardo Shurin in Kansas City for two and a half, three -- a number of years doing medical malpractice defense work, other type of litigation work.

It was a little bit -- in 2008 we were a part of a church plant, which is kind of the start of a church, in the center or urban core of Kansas City, Missouri, and as that church grew, my lay leadership within that church grew, as well, and started to grow an affection for leading and cultivating leaders more than maybe litigating or fighting. And so eventually left the law firm to serve as a pastor at -- it's called Redeemer Fellowship Church, and there my role was to continue to grow our staff and develop our teams and develop leaders within that context.

We were still engaged in -- my wife's an attorney, as well. We were engaged in some issues related to education and engaged in some broader type engagement beyond just like, you know, neighborhood issues, and so just through natural curiosity began starting to read some of the articles that Senator Hawley had written at the time. We grew to know each other through that. I think I was at a CLE once that he taught a number of years back.

And so that's kind of my background at least leading up to the AGO.

[redacted]

Q. So that's kind of how you got to know Attorney General Hawley, then, or --

A. Yeah. Yeah.

Q. So kind of what transpired to have you be the chief of staff of the AGO?

[redacted]

[redacted]

[redacted]

And after the election, I called him to congratulate him on his victory. This would have been in November, 2016, I believe, a couple of days after that election. And he had kind of -- we'd had some career type conversations as friends just, you know, where -- where I felt like the Lord was leading me and kind of how that would play out.

And then after he won, he asked, you know, Well, where are you on some of those thoughts? And I said, Well, you know, I don't know. I really would like to lead from a public kind of role. And so he said, Well, let me think about that because there may be a role for you in the administration, particularly relating to, you know, staff and organizations. I think he was aware at the time that it hadn't -- the office hadn't changed parties in a long time, and so just the nature of how to organizationally do some of that change, I think, and maybe that was in his mind. I can't speak for him in terms of why he brought that up, but through a series of conversations, we both -- he asked me to come be his chief of staff in, I think, late -- mid to late November. I don't remember the specific date, we committed to that.

Q. Okay. Did you start -- when did you start working for the Attorney General's Office?

A. For the office, when we took office in -- was that July or --

Q. January?

A. January 9th or --

Q. 2017?

A. Yes, ma'am, yes, ma'am.

Q. Okay.

A. I believe there was a point in time where I had worked for the transition. I remember receiving one check from the transition budget line, or something to that effect, as we were beginning to set up the office.

Q. So what did your duties and responsibilities entail as chief of staff, and then did those change or how did they change over the course of your employment?

A. Yeah, I think the heart of things really working toward budget work, making sure that from a budget standpoint, we were able to implement the initiatives that then General Hawley -- I'll be confused as to what to call him. But if I refer to "Senator Hawley," it's because I'm referring to then Attorney General Hawley.

So budget was a key piece, and in that respect I worked a lot with Rhonda Meyer, who's a deputy chief of staff and had been in that role for decades across many different administrations. And she was just a vital resource and was a fantastic person to work with in terms of experience and knowing how the office worked and those types of things.

Staffing was another big piece, personnel. We -- I believe General Koster had run for governor, did not win, so there was kind of some staff shakeup in terms of, you know, folks who were perhaps going to be a part of his office or not.

But there was a significant amount of personnel work that needed to be done in terms of taking a look at how the office had functioned in the past, taking a look at how we had structured the different divisions and sections and how they related to each other, and thinking through whether there were opportunities for efficiency within the office, and so from that kind of organizational framework was a part of that.

Also, part of just the nitty-gritty of helping to hire a number of different attorneys. I've found that in the public sector, it's a great opportunity to come and get great legal experience. And so oftentimes we'd have young lawyers coming to the Attorney

General's Office, I'm sure like the Auditor's office or the Secretary of State's office or the Governor's office, or any other public sector area where you can get some real hands-on experience, and then use that to then further your career outside of the office. And so with that kind of turnaround, we would always -- it was constant work to be, um, you know, replenishing great attorneys throughout the state and those types of things.

So those were the broad, the big, broad significant categories then.

Q. Okay. So when did you leave the AGO?

A. Let's see, March, I believe my final day was March 1st of 2018. Whether or not that was the -- that was the general time frame. I'd have to look back and see when the actual technical final day was but, yeah, March of '18.

Q. Okay. So when you were in office, chief of staff, how did you communicate with Attorney General Hawley?

A. Mostly we would communicate through phone calls, through in-office meetings. There would be a weekly kind of senior staff meeting. I believe it was on Tuesday mornings. We would -- we would communicate that way.

Oftentimes, I'd communicate through other people who would have more direct touch points with him. Loree Anne Paradise was one who had frequent touch points with General Hawley. Mike Martinich-Sauter had frequent touch points with General Hawley. John Sauer would have, particularly in the legal realm, would have frequent touch points with General Hawley.

So those were kind of the broad ways we'd communicate.

Q. And did you use e-mail or text or --

A. Yeah, sometimes we would text, kind of short, you know, Are you coming in? Are you coming in today? Are you available for a phone call later on? Those types of conversations. And generally e-mail, not -- not really, no.

Q. Okay. So, did you use your state-issued phones for the text or was it a personal cell phone for texts?

A. I believe it was personal for phone -- or for the texts, yeah.

Q. Okay. Would you be able to provide those to us?

A. I don't believe that I have any of those, um, uh, but I could look.

Q. Okay. So how did you communicate with the

staff in the Attorney General's Office, kind of the same --

A. Yeah, I think generally speaking we -- most of us were based in Jefferson City. I was based in Jefferson City. Loree Anne was based in Jefferson City. Mike Martinich and John Sauer were based in Jefferson City, although they would -- well, they had offices in St. Louis, but they were in Jefferson City a couple days a week. Probably spent a lot of time on the road.

So I -- mostly we would just talk in person in the office. Darrell Moore obviously was a part and was in Jefferson City, although he was based and lived in Springfield. Ryan Bangert was based in Jefferson City, as well.

So mostly we would talk in person. Sometimes we would talk via our AGO e-mails, I'd say that would be the bulk of kind of nonpersonal interaction.

There would be times where we would text about different stuff. If it was kind of a short, quick kind of area, Are you coming to this meeting? type of thing.

And then there were odd, you know, certain instances where private e-mail was used, and, but that wasn't, certainly, the bulk of, I think, our

communications.

Q. Okay. So you would have used private e-mail and then private text or state text?

A. I think I used my private text. Those were the numbers that I had in my phone when we first met each other and sometimes in the transition, and so we would use those texts for the most part, yeah.

Q. Okay. And then private e-mail, do you think you interacted with staff with private e-mail or --

A. Yeah, at times, yeah. I would say certainly the bulk of that through public e-mail, but at times private e-mail.

Q. Like Gmail or --

A. Yeah.

Q. Okay. So would you be able to provide some of those e-mails?

A. I could look to see what -- what remains. In terms of mine, I could certainly take a look at that.

Q. Okay. So how were -- I'm going to kind of talk about meetings, but how are meetings and conferences with the Attorney General scheduled or held, or where were they held and how were they scheduled?

A. Yeah, I think there would be, you know, standing meetings as a category and then other, you know, either subject matter based or impromptu, those types of meetings, as well.

So standing meetings, I believe it was Tuesday mornings every week that we would meet. And the folks who were involved in those would be John Sauer as first assistant; Ryan Bangert as Deputy Attorney General with the civil division; Darrell Moore, Deputy Attorney General over the criminal division; Mike Martinich, who is Deputy Attorney General, I don't know the specific title, but kind of policy and general counsel type stuff, and, uh, Loree Anne Paradise, who was deputy Attorney General, as well. So, we would meet probably weekly, Tuesday mornings.

And then to the extent other meetings would come up with General Hawley, you know, he'd call one of us on the office line or Mike would say, Hey, I'm going to meet with General Hawley on X, Y, and Z; can you pop in? those types of things. So that's essentially how those meetings would go.

Q. Did you put those on your calendar and use the calendar invite?

A. For the standing meeting, I would certainly probably have had that on my calendar. For the

others, it was mostly based around General Hawley's availability, and so I think those wouldn't have been set in stone, so much.

They were more frequently context where General Hawley was in the office and wanted to discuss a certain matter and it was, Hey, go grab Evan. Or, Hey, Evan, can you grab Mike or can you grab Ryan? and we can discuss a certain matter. And we'd just do that immediately so there wouldn't have been a need to put that on the calendar, I don't think.

Q. Okay. Now did Attorney General Hawley have the office calendar and then a personal calendar, or do you know?

A. I don't know. I was aware of a Gmail calendar that was used. I don't think I did any scheduling for him, so I'm not sure --

Q. Okay.

A. -- how exactly he used that. Um --

Q. So do you know who did the scheduling?

A. I believe Loree Anne did that, so, I think -- you'd have to talk to her about how that was done, and that sort of thing.

So, um, my schedule, um, was the -- the public schedule. I had an assistant for a period of time named Shantell Taylor who did some scheduling work,

and then after that another assistant helped with some of that work, as well, so...

Q. So did they kind of track your calendar or put those meetings, like those Tuesday meetings on your calendar?

A. Yeah, yeah, those types of things, uh-huh.

Q. Okay. Anybody else attend those meetings or conferences other than those that you mentioned?

A. I don't believe so. That was certainly the regular, um -- the regular group when I was there. Um, I believe once Daniel Hartman came in to discuss, um, a software update within the office called iManage, but that was kind of a -- um, he came in to talk to that group but wasn't a regular attendee in those meetings.

Q. Okay. So did you have like meeting agendas or did you know kind of what you were going to talk about at each meeting? Was there written agendas or notes or --

A. No, I think I would -- and this is a number of years ago, so I'm trying to think through kind of what our daily practice was or our weekly practice. I would generally connect with John Sauer, and John would have -- as first assistant, would have me, Ryan Bangert, Darrell Moore, Loree Anne in his office, Mike

probably. Essentially everybody who was in that meeting besides the Attorney General, we would meet ahead of time just to discuss which issues were mature to bring up in that meeting, what updates were material. It circled a lot on legal work, um, how cases were moving forward and those types of things.

So I'd say John was probably the point person on -- on that meeting, um, but it was helpful for the rest of us to get a view into the different things that were happening within the office, and, um, so that's kind of how we would put things together.

I don't know that we -- I don't think we had a written agenda just because we would roll from that kind of planning meeting into -- into, um, the meeting with the Attorney General, so...

Q. Okay. Would you have taken any notes?

A. I mean, I'm sure at some point would have taken notes about different things. I couldn't tell you that I have anything like that.

Q. So you don't think you have any of those notes --

A. I don't --

Q. -- or think you would still have any --

A. No, I don't think I have any of those notes.

Q. Okay. So how are meetings with the consultants, specifically Mr. Teepell and Ms. Gitcho, scheduled or held?

A. There was, early on, let's see, early on in the administration, I'd say January, February-ish, there was a call with Attorney General Hawley where Loree Anne, Mike, and I from the office would jump on that call. Um, I believe Timmy and Gail or some very -- you know, I don't know if it was both of them all the time or one of them or -- or -- or what.

I remember three or four instances early on where we would have a -- a phone call, um, and I think this was, um -- I'm not sure if our Tuesday afternoon -- or Tuesday morning kind of office meetings had been established at that point, but we would kind of talk through. General Hawley would raise different policy issues. Mike Martinich was kind of leading the human trafficking and opioids work, and so that was a context to update General Hawley on those initiatives.

And then we would jump off the phone at a certain point, and then I believe General Hawley would stay on and discuss other matters with Gail and Timmy. But there was always a point where we jumped off the phone, and our involvement in those phone calls were only relating to our official kind of office -- office

type initiatives.

And so, um, I -- I would imagine that sometimes Gail and Timmy would weigh in on those types of initiatives, those types of things, but it certainly wasn't something to cross the line toward political or anything like that. Campaign -- no discussion, ever, of campaign or that -- that sort of strategy or anything like that.

Q. So, um, how many of those meetings or phone calls did -- did you have?

A. I remember --

Q. Do you know?

A. This is an estimation, but three or four, and I recall that there was a standing invite -- or there was a standing meeting on my calendar that Shantell put on there that probably persisted beyond the times that I actually joined those calls or was in that meeting. And so I remember noticing that when the Secretary of State's office looked at some of our calendar stuff, and it seemed like there was a recurring meeting that went on beyond the times that I would have joined.

So I would have said three or four of those -- of those calls, but that's, again, an estimation.

Q. Okay. And who all was in on those phone

calls?

A. Um, I believe it was General Hawley, Loree Anne Paradise, Mike Martinich, sometimes Timmy, sometimes Gail. I don't know if someone named Brad Todd was in on those calls, as well. Um, Aaron Trost, perhaps, I think was associated with those calls early on, but I couldn't tell you.

Q. And Brad and Aaron are with -- are they with the AG's office or are they with --

A. No, I believe those were -- I believe Brad Todd, I believe he was with OnMessage. I've never met him, so I don't -- I haven't followed these issues, so I couldn't tell you where they are today.

And Aaron Trost was involved, I believe, with the AG campaign in 2016. [redacted]

But those were the folks that I would -- I believe were on those calls, at least that I was there with.

Q. Okay. So you mentioned those phone calls were typically on your AGO calendar or were they your private calendar?

A. I believe they were on my AGO calendar.
Q. So that's kind of how those were tracked?
A. Yeah, for my own sake. I couldn't tell you about other folks, but for me, we were discussing office -- office initiatives and so that was on that one.
Q. Okay. So you'd talked about those Tuesday meetings. On your calendar there were 10:30 executive meetings held every Thursday; is that kind of the meeting that you were talking about?
A. Yeah, I described that as the -- I don't recall at this point when, exactly, it was, but that sounds right, yeah.
Q. And so what you've mentioned before was generally what was discussed, kind of policy and what was going on in the office versus civil or criminal?
A. Which -- what meeting are you referring to?
Q. The Tuesday, 10:30 meetings.
A. Okay.
Q. The executive meetings --
A. The executive meetings.
Q. -- is what it was called on the calendar.
A. Yeah. Again, those would have had John Sauer and Darrell Moore, Ryan Bangert, Mike Martinich, General Hawley, Loree Anne, and I would say that those

issues were, um -- there were certainly legal elements to those, updates, case updates, kind of getting direction from General Hawley on things.

I imagine there would be updates that I would provide about staffing or budget or to the extent there were legislative things that our office needed to think through, we tried to have that as a meeting to understand kind of the different complexities of the office and how they related together and making sure we were being efficient and comprehensive.

So I wouldn't say that they were policy only or legal only. It was probably a mix of both, but I -- I I couldn't tell you that there was --

Q. Okay.

A. You know.

Q. So sometimes on your calendar they were called "executive meetings," and then other times they were called "executive litigation meetings." So I didn't know if there was a clear -- when it was executive litigation, you were talking more the mix versus -- so can you explain the difference, I guess.

A. Yeah. Um, to the extent I can. I know that, um, probably as our -- as those meetings developed and as we honed in on what was productive, um, there was probably a -- a focus on litigation.

You know, General Hawley was a very engaged litigator, you know, so he would, um, have had input on -- on cases and those types of things.

And there was probably a shift early on where Mike Martinich would have more policy conversations with General Hawley one on one in his office or via phone call or something. I'm speculating to that effect.

And so that meeting probably matured toward efficiency by focusing in on litigation type things, but I think, you know, that was -- from what I can remember, that was the thrust of it.

So that's where our premeetings with John -- John kind of led that as kind of leading the legal element of the office, and Ryan Bangert and Darrell Moore would kind of bring updates on significant cases and, um, we would certainly be a part of those conversations. I say "we" meaning me and Mike and Loree Anne.

But, you know, as deputies, Darrell and Ryan worked a lot with John Sauer and they would kind of bring things to General Hawley as they warranted his attention.

Q. Okay. So do you think when those were scheduled as executive versus executive litigation, there was kind of a defining line on how you scheduled

those?

A. I don't -- I don't -- I don't know that there was a dividing line. I think Shantell probably scheduled some of those, and I don't know if she was aware of the nature of the liti -- you know, the litigation nature of that, but I couldn't tell you, you know, whether or not that gradual shift affected how we scheduled it or not or what language was used.

I think Shantell left at a certain point in time in the office, at which point I probably put "executive litigation," because that's what -- and I'm speculating here again, I don't have those calendar things in front of me. But if she would have put the first kind of recurring meeting times up there, perhaps when she was gone I put "executive litigation" calendar meetings, because that was more appropriate to what it was, but I couldn't say much more than that.

Q. Okay. And you don't think you had any agendas or itinerary or you would have taken any notes or kept any of those, right --

A. Uh --

Q. -- from what you said earlier?

A. I probably would have kept notes, just kind of action points for myself, but I can't imagine that

I've kept any of those.

Q. Okay. Okay. Also throughout 2017, it looked like there was a nine o'clock phone call to phone number 641-715-3580 every Tuesday prior to those executive meetings. Who was involved in those phone calls?

A. Okay. That's the phone call I was describing earlier. So, you know, this was -- it's a guess, but probably three or four calls that I was a part of that. Again, this is where Shantell probably would have scheduled something and then it was recurring, but I -- I -- I recall that I, um -- I was not on these phone calls probably more than three or four times as a guess.

In terms of your question of who was there, that was again the group with General Hawley, Loree Anne Paradise, Mike Martinich from the office, and then probably Timmy Teepell, Gail Gitcho, perhaps Aaron Trost was on a couple of those calls, perhaps Brad Todd was on a couple of those calls. I couldn't tell you with certainty who was on every time.

Q. Okay. So was an agenda sent to you by Hawley or Teepell or Ms. Gitcho about what topics you were going to discuss?

A. I can't recall that. It would have largely

been -- um, I'm trying to remember, but it would have largely been relevant to whatever major issue the office was pursuing at the time. So if we were working hard on human trafficking and if there was a human trafficking issue that was coming up, it would have been, you know, relevant to that type of a conversation. If there -- if there was an opioid conversation, then it would have been relevant to that.

And, again, I probably had three or four of these, as a guess. Not very long. I don't recall that these persisted beyond much of early 2017.

Q. What kind of time frame do you think?

A. Um, you know, if they were weekly and it was three or four, I'd probably say -- again, this is a guess. I don't have any of these dates in front of me, but probably not beyond February, 2017, or March, 2017. But I, again, I -- if -- if there was an outlier call or something, that could be true --

Q. Okay.

A. -- I just don't know.

Q. So you don't think there's any notes or agenda or --

A. I don't believe so.

Q. -- anything?

A. (Shaking head.)

Q. So would you have received an invite from a personal e-mail or a personal calendar or --

A. If it was --

Q. -- or is that your state calendar?

A. I -- I mean, if there was an invite on my -- on my state calendar, I believe that would have been it. I don't know, having gone back and looked at that, um --

Q. So you think Shantell scheduled that for you, or Loree Anne?

A. I believe so. Yeah, I believe -- no, Loree Anne didn't ever schedule anything for me --

Q. All right.

A. -- but I would -- Loree Anne and I, our offices were right next to each other, so there certainly could have been occasions where, Hey, are we having a nine o'clock call today? Yes. You know. And if the number was on my state calendar, then I just -- I'd call it. I don't remember discussing much in that meeting. I remember deferring to Mike on kind of policy updates and those types of things.

Q. All right. So to talk a little bit more about the consultants, in your statement to the Secretary of State, you indicated you worked with both

Timmy Teepell and Gail Gitcho during your time as chief of staff at the AGO's office, and that Attorney General Hawley first introduced you to Teepell.

A. (Nodding head.)

Q. Do you recall the time and manner in which Hawley introduced you to Mr. Teepell?

A. Yes, generally, and I haven't reviewed any of the Secretary of State's materials here, but from memory, I believe, after I had committed to the role of chief of staff in November of 2017, General Hawley said, Hey, I want to put you in touch with Timmy Teepell. He was a former chief of staff, I believe, for the governor in Louisiana, and has great insight and guidance on the role.

And so I remember having a number of conversations with him before we took office about just the role of chief of staff. And, you know, I'd had some public sector experience in law school, but -- but relatively new to the world, um, and, uh, and so would have kind of conversations with him about, you know, what it's like, when it's -- when we're in session, you know, when the legislature is in session versus out of session and how kind of those rhythms work well, or, you know, the role of the office or the major initiatives and -- and -- and those types of things.

So it was more probably, um, I'd -- I'd phrase it in terms of mentoring or conversations about how to be a good chief of staff within the office. Nothing that I can recall in terms of campaign stuff or, um, politics or that sort of thing.

Q. So were those in-person meetings or was that phone calls?

A. Early on --

Q. Kind of prior to inauguration.

A. Yeah, prior to inauguration, that would have been phone calls. Maybe we'd chat once a week or so about things. Um, I probably -- and this is going, again, by memory [redacted] but, um, I probably met him for the first time in person after we were in office, but I -- I couldn't -- I couldn't swear to that. But I think that's the general memory of it I have.

Q. So how did Teepell become involved with the Attorney General?

A. I don't know. Um --

Q. Okay.

A. My understanding was that they worked on the campaign, the 2016 attorney general campaign together. That was my understanding when I first met him, but I --

Q. Then how did he become involved with the Attorney General's Office?

A. Sure. I believe there were a couple of instances when they were in town. I said "they," probably Timmy and Gail or maybe -- I can probably recall two or three times when they were in town, um, and that they would come by the office, um, and either meet with General Hawley and -- and office staff about office initiatives, um, or, uh, there were instances where he would meet with some of our staff without General Hawley, and we would talk about kind of key initiatives within the office and those types of things.

So, um, you know, it was always my understanding that General Hawley knew about that and, um, um, kind of -- I couldn't speak to their -- his conversations with Timmy about that, but I think the intent was always to help our staff grow and to, um, help -- help us think through the best ways to bring about effective results in the initiatives that our office was -- was defining.

Q. Do you remember the dates of when they came to the office?

A. I remember something in January or February, I think early on in 2017, but that was a

very short meeting. I think, um -- I remember General Hawley being there, I remember John Sauer being there, perhaps Mike Martinich was there. But it was like end of the day, they'd maybe had some other meetings that I don't think I was a part of, and then we just talked about like human trafficking or those types of initiatives.

The other -- refresh me again on your question? I want to make sure I'm tracking you.

Q. Just when do you think those meetings occurred --

A. Yeah, yeah.

Q. -- there in the office?

A. Okay. Yeah. I know there was a time after the legislative session in 2017, or toward the middle part of 2017. I couldn't tell you a specific date, whether it was April, May, June, or July, but sometime in that time frame where I remember Timmy coming in town, meeting with some of us individually in the office about office initiatives, about, you know, how we could move forward things like opioids -- opioids or human trafficking, those types of things.

And then I remember a meeting with Timmy -- I don't know if Gail was there or not -- sometime within that time period, probably connected to our -- to an

individual meeting that I'd had or that we had had with them separately. And maybe after that meeting we all got together or maybe before that big meeting, all of us met with them individually, where we went kind of around a big table. And I believe that included Loree Anne, Daniel Hartman, um, Rachel Hassani, who was doing legislative work at the time, um, perhaps Elizabeth Johnson, who had grown into the office to help Loree Anne with some of the communications work, and there may have been others, as well.

But that was a, um, a meeting that was probably an hour or something, and we had talked about office initiatives and kind of what direction we'd had from General Hawley and how we could implement some of those things well.

Then I remember, um, maybe it was associated with that time period, as well, going to breakfast with Timmy, and that was kind of more just of a personal nature of, you know, the role of a chief of staff is -- can be difficult and having to navigate different complexities with staff and personnel and how do you -- how do you do it?

I think my core ethos was I want to work my hardest to put our team in positions where they have the resources that they need to be successful; they

have the clarity that they need to be successful, and that they have the capacity and, um, desire to be successful, as well.

So, you know, just from a leadership development standpoint, I remember a conversation with Timmy at Panera about, Hey, how can I grow to do that? And I believe that was in the same time period, probably summer-ish of 2017, although I couldn't tell you specifically.

There may have been other meetings in addition to that, but I wouldn't -- I wouldn't say that there were more than three or four, total.

Q. Okay.

A. Um --

Q. Were those all held at the Attorney General's Office in Jefferson City or were there some in Kansas City or St. Louis?

A. So anytime I ever met with Timmy or Gail, it would have been at the Attorney General's Office in Jefferson City, with the exception of that one one-on-one meeting where we met at Panera in Jefferson City, which was, again, kind of more of a personal development type deal.

There were times where we saw them. Like we had an event at a safe house in St. Louis for human

trafficking, and they were present there, but that wasn't a meeting with them. It was more just seeing them there and that sort of thing.

Q. Okay. So would you have taken any notes or had any agendas of those actual in-person meetings?

A. I don't know that I would have taken notes, um, not in the one-on-one meetings and if so, I don't -- I don't have them. I sometimes would, if we'd have meetings, would send e-mails to folks saying, Hey, just following up, you know. We discussed this, this, and this, and here are some key action points.

I think any good meeting has action points coming out of it and, you know, trying to keep the team clarified and those types of things, would have been there, but I -- I don't recall. I'm sure I took notes, but I don't have any of those notes with me.

Q. So who set up the meetings with Mr. Teepell and Ms. Gitcho?

A. Yeah, I don't know that there was a practice. I don't know that there was a, um, this is how this always happens. I think we're probably talking over a six-, seven-month time period that, you know, two or three -- two or three deals. I, you know, it's probably such that Loree Anne said, Hey,

Timmy and Gail are going to be in town; they're going to stop by the office on this date or that date, but, uh -- or perhaps General Hawley would have said something about that, but I don't recall a practice or the specifics of how those things would have been set up.

Q. You think it would be in person or e-mail or --

A. It depends on the logistics of it. I think --

Q. Or --

A. I can't recall one way or the other. I'm sure, when we had the big circle group together, that there was probably e-mail because it was just more complex in terms of, Hey, can everybody get together at, you know, this time in the AG's office in the big conference room there.

Q. Do you think that was done personal e-mail or state e-mail?

A. I can't remember right now, I truly can't. So, I don't want to speculate as to what that was. It could have been personal, it could have been public. I'm not sure.

Q. You think those would have been put on your calendars?

A. Could have been, yeah. I can't -- I don't have a specific memory of whether it was or not. Um, you know, sometimes you'd put a hold, a general hold or something on a calendar. So I don't know, but it wouldn't be outside the reach for it to be on my calendar.

Q. Would you have exchanged any e-mails with outside political consultants prior to the inauguration?

A. Yes.

Q. Okay. Do you think you have those?

A. I don't know. I could look, but I don't know.

Q. If you could provide them if you do. Do you know what the details of those e-mails would have been or...

A. I recall some logistics in terms of the inauguration itself. Um, I recall e-mailing with General Hawley ahead of the inauguration about kind of office stuff or transition stuff. Um, it's possible we could have e-mailed with Timmy and Gail about transition stuff, as well, so I -- I couldn't tell you. That's going on almost three years ago, so I -- I couldn't tell you specifically.

Q. Okay. So in your statement to the

Secretary of State, you stated the first time you met Ms. Gitcho was mid January, 2017, at the AGO's office. Do you know who arranged for Ms. Gitcho to attend that meeting?

A. I would assume General Hawley, but I wouldn't know. This was -- I think I referenced this -- that meeting, um, earlier a few minutes ago when there was -- when I described a meeting in January or February or sometime early in the -- in the administration when, um -- the way I recall it, General Hawley was meeting with them.

They were in the office and it was a circumstance where John and I popped in or -- John Sauer and I, perhaps, or Mike Martinich and I. I couldn't tell you exactly who all was there, but I recall General Hawley and Gail Gitcho and Timmy being there, and when we popped in, it was probably thirty minutes or something. It was probably, A, to meet in person and, B, to talk about some of the key office initiatives, which I believe at the time would have been, you know, some of the federal overreach work, some of the human trafficking work, opioids work, some of those types of things that General Hawley had set as kind of office priorities.

But, again, that's -- the substance of that is

speculation, but that's kind of generally all we ever spoke about there. So, that's the same meeting where I probably met Timmy and Gail at the same time.

Q. Okay. Did you have any meetings with any other outside consultants besides Ms. Gitcho and Mr. Teepell?

A. I don't believe so. I remember talking with a gal named Katie McGurk in the transition, and I believe she had done fundraising work for General Hawley.

But my only engagement or interaction with her was with regard to the logistics of the inauguration of, you know, invites or, you know, where General Hawley needed to be at a certain point in time. And I was kind of a point man for General Hawley that day, and his wife, Erin, to help them get to the different spots that they needed to be.

So I would have talked with her, I'm sure, about some of those logistics because she was kind of running point on that, I think.

Q. Do you know what kind of time frame?

A. That would have been, um, December, early January of 2016 and '17.

Q. Okay. And that was the only time you met them or met her?

A. I believe so. (Nodding head.)
Q. Okay.
A. Uh, one day I took a vacation day to go to a Lincoln Days event. Is that what it's called, is it called Lincoln Days?
Q. Mm-hmm.
A. I had never been to one of those before. I thought it would be a good opportunity to meet other lawmakers and folks that worked either in the legislature or those types of things, and she may have been there at that event, too. I couldn't tell you when the specific date was of that, but I didn't have any responsibilities then. I just, um, drove down and drove back up.
Q. Where was that at, Lincoln Days?
A. I think it was Springfield.
Q. Okay.
A. But, again, I couldn't tell you the logi -- I couldn't tell you.
Q. You think that was in 2017?
A. Yeah, I believe it was --
Q. Spring?
A. -- in '17, yes, ma'am.
Q. Okay. All right.
A. Is it held in the same time period every

year?

Q. I'm not sure.

A. So...

Q. All right. So in your statement to the Secretary of State, you stated you met with the outside political consultants three to four times, and you kind of indicated just now you thought January of '17, then you thought -- when do you think the other two or three times were?

A. Um, this is an estimate. I truly don't recall all the specifics of it. I know that there was probably one, uh, series of meetings over the course of a day or two, and if that would have been May, June, July, um, could have been August, but I doubt that it would have been that deep, where I -- I recall the breakfast meeting with Timmy, the one-on-one kind of personal development meeting.

There was probably another meeting in my office that was one on one with Timmy, same sort of thing. And then there was a roundtable meeting of four or five different folks from our office that were present, and I believe Timmy was present there, too. I don't know if Gail was there.

So that combined with the January meeting would probably be the three or four that I'm -- I'm

referring to, or those types of things.

Q. So the four or five that were at the roundtable meeting, same folks, or anybody additional?

A. Same folks. Same as what? I'm asking. I don't understand your question.

Q. Loree Anne Paradise, you indicated Martinich-Sauter, Sauer, anybody else from the AG that would have been in those meetings?

A. I don't know -- I don't think I described Sauer as being at that meeting.

Q. Okay.

A. I think that meeting, remember it being in the afternoon, I remember Loree Anne being there. I think Elizabeth Johnson was probably there. She'd worked with and kind of for Loree Anne at the time. Rachel Hassani was there from the legislative standpoint. Maybe somebody from constituent repre -- constituent services was there. Daniel Hartman was probably there. He was doing work on some veterans initiatives, and, um, some early-stage human trafficking stuff.

And so those were the folks that I can recall, at least today, being at those meetings. There could have been more, there could have been fewer. Um, but just from a general recollection --

Q. Okay.

A. -- I believe that's, um, the majority of those folks.

Q. And that meeting was in Jeff City, too?

A. Yes, ma'am.

Q. Okay.

A. In the office.

Q. All right. And those meetings scheduled on their office calendar --

A. I believe so. Yeah, I think --

Q. -- or by e-mail or --

A. Yeah, I think -- and I believe I referenced this a second ago. I think I would have scheduled those on my office calendar, um, and having that -- those -- those people at the, um -- at the table, I'm sure there was an e-mail that went out about scheduling that just with -- you know, if it's one or two people, you can kind of grab -- you know how the office works. If it's one or two people, you can kind of grab them on the fly.

To the extent you're trying to find a time where folks can all be there, I think either an in-person conversation -- I remember having a conversation with Rachel Hassani about it, or an e-mail. At this point, today, I couldn't tell you which.

Q. Do you think state e-mail or personal e-mail?

A. I don't know.

Q. Okay.

A. I don't recall today.

Q. Okay.

A. As we sit here, I couldn't tell you one way or the other.

Q. Okay. Great. Were there any agendas for those meetings so that folks knew kind of what to prepare for?

A. Um, I don't know that an agenda was ever written down. To the extent that we --

Q. Could it have been included in an e-mail or --

A. Potentially. I just -- I can't recall. But to the extent I would go and talk to them in person or probably in the e-mail kind of about the logistics of getting together, it would have been, Hey, you know, talking through some of our office initiatives and, you know, thinking what could we do best to effectuate those things.

And I -- I have the vague recollection of kind of going around the table saying what we're working on and how we can do it better, how we can, you know,

work with other people in our office to do something, more efficiently, or what are good ideas that we all have on different things, so...

Q. So that big roundtable meeting, it would have probably taken quite a bit to schedule. Do you know who reached out to the consultants to schedule that, who made the arrangements, got the room?

A. Yeah, um, specifically I don't recall that. Um, it probably would have been a scenario where Loree Anne would have said, Hey, they're coming in town on this day and this day, hoping to meet with different folks in the office. I'm not sure if that was a direction from General Hawley or not, I don't know, but it probably would have been around their coming in town.

Q. So you think Mr. Teepell and Ms. Gitcho would have contacted Loree Anne?

A. Yeah, or perhaps on the phone with me, I'm not sure. Maybe Timmy would have called and said, Hey, I think we're coming into town this date or that date; you know, it would be great to get everybody together to talk about the office. That is possible, too. I just don't have --

Q. Okay.

A. -- the logistics or specifics on

remembering how that stuff would come about.

Q. Okay. So before the meetings with the consultants, would you have discussed those meetings with anybody, Attorney General Hawley or your staff?

A. Well, I just referenced, you know, when we would bring -- we were checking schedules and seeing, you know, logistics of time -- would, I'm -- I'm sure, that if it was in -- in person, it would have been, Hey, Timmy and Gail are coming; it would be great to get everybody to sit down and talk about what we're working on and how do we -- how do we do that, how do we do that well.

So I'm sure there was some kind of general -- general table-setting, so to speak, that was communicated to folks. Certainly never communicated that there would have been a political or a campaign, you know -- it was always my understanding kind of based on conversations with Mike Martinich or John Sauer that it was appropriate for campaign consultants to come alongside the work of the office and aid in the work of the office, and so that was always my kind of operating understanding in kind of these contexts.

And so probably would have communicated that to -- to folks to the extent we had conversations about, Hey, this is what this meeting would be. It would

just be us talking about what we were working on in the office and how we do it better and those types of things.

Q. Okay. So what all topics do you think you discussed? You've mentioned opioids and trafficking. Is there any other topics you would discuss?

A. In -- in --

Q. In the meetings with the consultants.

A. All the different meetings?

Q. Sure.

A. Um, well, kind of going to the three or four different meetings that I can recall, um, yeah, there was -- there were meetings that -- maybe that first one in January probably would have been federal overreach and human trafficking. Um, I think human trafficking was one of the first initiatives that really started getting -- well, federal overreach and working with our -- like our federalism's unit, so to speak, to take more of a national position toward federal overreach was probably the first real major initiative that our office implemented, and I'm sure there was some discussion about that. John Sauer probably would have -- John and Mike would have led those initiatives.

Human trafficking, I think, was the second mature

initiative that really kind of got -- got rolling. And so I'm sure that that would have been something that we would have discussed, as well.

And then to the extent opioids probably starting to get more traction the summer of '17, that would have been something that we would have discussed generally, as well.

[redacted].

Q. Were a lot of the topics more national, trying to get national issues? You mentioned the federal and then the --

A. No, I think the -- the issues, really, that we talked about substantively were how do we, um, initiate and execute on the initiatives that General Hawley had set for the office. And those general

initiatives that General Hawley had set were kind of working back on federal overreach.

I remember things like John Sauer working on letters about waters of the United States or, you know, the endangered species rules, those types of things; that that was something that a direction had been set by General Hawley that those were areas that we were going to pursue as an office. And then human trafficking, obviously something that he had set as an agenda item for the office. Opioids was a big piece that General Hawley had set as a major initiative for the office.

And then toward the end of my time, veterans, how do we as an -- how does an attorney general's office -- is it uniquely suited by -- suited to aid in the care of veterans? And so we were working on initiatives about how do you mobilize some of the legal expertise across the state toward pro bono hours and those types of things, as well.

So those were kind of the major policy things that General Hawley would set for our office, and to the extent we'd have conversations with Timmy or Gail, at least from my perspective, it was, you know, rooted in those issue -- how do we bring about those issues that General Hawley had already set for the office.

And I don't think there was a national versus local, or national versus state consideration there, but that's -- that's -- that's me speculating on it.

Q. Okay. During the meetings with the consultants, were any topics raised that were only campaign related?

A. No. Not that I can remember, no. Um, General Hawley was really precise about those things, um, really, um, disciplined to just keep conversations related to the work our office was doing. Um, certainly our office has a public dimension -- you know, a public and visible dimension to it, but, you know, no other campaign type stuff.

I mean, I remember, um, learning that General Hawley was running for senate, uh, when he published a video saying that he was running for senate. You know, all of us had read the -- kind of the speculation articles and stuff, but that was never something that as an office we discussed or anything like that.

And I even recall when he announced that he was running for senate, he sat the executive team down and just said, Hey, this doesn't change anything for us. We -- our -- our direction is still the same thing, is to go about the work of our office in a way that's,

um, vigilant and honorable. Something to that effect, that's what he said.

So it was a very clear ethos that our work at the office was to be doing the work of the office. And so, yeah, I never stepped foot in a campaign office or anything like that.

Q. So were there any references in the meetings with the political consultants regarding Attorney General Hawley running for senate, since they were also his campaign consultants?

A. I, uh -- I don't recall any of that, you know, I don't recall. I don't recall any mention of things like that. That would have been odd to me.

Q. Any discussion drift towards campaign-related issues?

A. I don't believe so. No, I don't believe so.

MR. HADEN: And I'm going to -- I -- I got to say, I'm going to object to this. I'm going to object here, I guess, as to form of vagueness, because when you say "towards campaign issues," I guess I could see anything theoretically being a campaign issue. So maybe if there's a more specific question, I think it's fine, but to the extent he can even know what a "campaign issue" was, he said they didn't -- he

didn't talk about the campaign, so...

Q. (By Ms. Allison) During the meetings with the consultants, were any topics raised that caused you concern?

A. No.

Q. How was your staff informed of the topics for the meetings with the consultants?

A. Again, I think this is going back to how we would have, um, described it, which I don't -- I don't have a specific memory or recollection of. Um, but certainly there would have been a table-setting -- or I'm sure, be it e-mail or in person, there would have been some table-setting type of conversation about, Hey, Timmy and Gail, or maybe just Timmy, I don't recall if it was both of them coming into the office, wanted to talk about some of our key office initiatives, and the same thing that we've discussed here. So...

Q. Okay. And were they given any documents to prepare them for the meetings?

A. I don't recall that. I don't know.

Q. Okay. Did you or your staff take notes, do you know if your staff took some notes?

A. I don't know. I wouldn't know.

Q. Okay. Following the meetings with the

consultants, did anyone ever come to you and discuss concerns with the meetings or with the political consultants?

A. I believe, um, perhaps prior to the meeting, I remember having an in-person conversation with Rachel Hassani, and Rachel expressing concerns that consultants were in the office. She said something to the effect of, It's illegal to have consultants in the office. And this is from memory, but I recall saying, I, you know, certainly don't want you to feel uncomfortable here. You don't have to come to the meeting if you don't feel comfortable. It's my understanding that it's -- it's perfectly fine for them to come alongside the office's work and help us in that respect.

[redacted]

MR. SMITH: And I'll just say, yeah, we object to privilege, if there was any discussion between you and anyone else in the office about a legal issue like that.

MS. ALLISON: Okay.

MR. ANDERSON: And you may want to ask if it was a legal issue.

Q. (By Ms. Allison) Was it a legal issue?
A. It was based on --
MR. ANDERSON: Can I interrupt for a second?
THE WITNESS: Sure.
MR. ANDERSON: This may be one of those instances if you want to talk to your attorney outside of everybody's hearing, you can do that.
THE WITNESS: Sure, no, I'm fine. I just -- it doesn't matter --
MR. HADEN: I guess -- I guess here's what I would say, Evan, I mean, I'm happy to say it on the record. I mean, if -- I think that we've got a lot of lawyers on the call. I mean, the test -- the -- what the test is. So, if you were discussing a legal interpretation or the law, um, then I think that meets the definition of a legal issue. So --
MR. ANDERSON: That's --
MR. HADEN: -- if that's the discussion, I think the answer would be yes.
MR. ANDERSON: That's -- that's --
MR. SMITH: Yes, that would be our position, as well --
MR. HADEN: And that's -- that's not me saying that is the fact. Obviously, you know the

facts. We don't know the facts. But if that is the fact, then, I think it's appropriate to say that.

Obviously, the AG has already asserted their privilege. So you, as an attorney to the AG within that office, have to honor their assertion, as well. But I mean, I think you -- I'm not telling you don't answer his question. So, I think --

THE WITNESS: Yeah.

MR. HADEN: -- said what I'm going to say. You do your thing.

A. Yeah, it was my understanding that it was a legal conversation.

Q. (By Ms. Allison) Okay. So what was the role of the consultants with the Attorney General's Office and who determined their roles?

A. Their role, I would say, was within the ethos of the things that were described -- that we're talking about today. Early on in the administration, they would come alongside the office and help on thinking through different issues, those types of things.

Um, General Hawley led the office, set the -- set the trajectories, decided what we were going to pursue, what we weren't going to pursue and those types of things. And so I think all of us took pretty

seriously our role to serve Missourians, and if there were ideas we can glean about how to do that well, uh, then, um -- and if it was within the bounds of the law and it was appropriate and it was above board, then -- then certainly, um, uh, listened to them on those kind of limited number of -- of -- of issues within -- within the office. Um --

Q. So they were kind of advisory or guidance, or how do you --

A. Yeah, it's supplemental. I think they would come in and help and share expertise and share thoughts related to issues within the office and office-based initiatives, but certain -- I -- I didn't experience them as being directional or directory in terms of -- you know, if I ever had a question about what we should pursue or what we shouldn't pursue, that would have been a question to John Sauer or Mike Martinich, who had probably more frequent conversations with General Hawley than I did, or those types of folks. I think they were to help us to think through different issues.

In terms of whose direction they were there from, I -- it's my understanding that General Hawley knew and was aware and, um -- and -- and, uh, um, you know, appreciated their insight on those -- on those

particular issues. But I don't know, um -- I wasn't -- I wasn't part of conversations that he had with them about, um, Hey, I want you to do this, this, and this within the office. I -- I wouldn't -- I wouldn't know how that direction was set.

Q. Okay. So how was the role of the consultants explained to the staff?

A. Which staff?

Q. Um, just your staff there at the Attorney General's Office that might have interacted with them or even those who --

A. Sure.

Q. -- saw them there, and then how and when was that communication, if there was any, conveyed.

A. Yeah, I, um, I couldn't speak to everybody because I -- I didn't -- I didn't define the terms of, um, their engagement with our staff. Um, uh, I think Rhonda Meyer and I -- she was a direct report relationship to me, as was Rachel Hassani for a time, but other folks like Mike or John or Ryan or Darrell or Loree Anne, those would have had other kind of direct report organizational relationships. So I don't know that I had any of those types of conversations with any of them.

But my conversation with Rachel was, again, I

think I remember that face-to-face meeting saying, Hey, they're here to help us think about some of the initiatives in our office, you know, um, our major initiatives, and also some of the operational things like constituent services, how do we -- how do we increase our ability to respond to, um -- to those we serve, or legislatively how do we -- you know, how do you build relationships with great -- with the legislature, unto kind of the work of our init -- you know, our key initiatives.

So those probably would have been the conversations I would have had with folks. I don't recall any specific conversations with Rhonda Meyer.

Q. Do you know how or when those conversations would have occurred, whether they were personal, one-on-one conversations or --

A. Yeah, I believe so. I think the two conversa -- or the two, you know, folks that I'm referring to would be Rhonda and Rachel. Rachel, I remember that -- I remember that in-person meeting where we talked about that and she expressed concern.

I later went back and told her, "I don't believe that there's anything to be concerned about, but if you don't feel comfortable coming to the meeting, you certainly don't have to."

And then I don't know that Rhonda and I ever discussed it deliberately.

Q. Do you think that conversation took place early when they took office or later on?

A. With Rachel?

Q. Or either, or Rhonda or --

A. I don't know that I had a conversation with Rhonda about any of these things --

Q. Okay.

A. -- but Rachel, it would have been within the proximity of that roundtable meeting, May, June, July-ish of '17. I don't know that she would have had any other touch points with them other than that, at least that I was aware of, so I don't know.

Q. So in some of the Secretary of State work that we reviewed, kind of the role of the consultants was described as administrative consulting services; would you agree with that or --

A. I don't -- I don't know. It -- it depends on what somebody means by that.

Q. Okay.

A. And I'm not sure who said it or what the context was, so I don't know. Um, um --

Q. Well, I guess describe the process of how the consultants worked with the AGO's office.

A. Well, again, it's kind of like we've been talking about, um, that either Timmy would call in to me or would talk to Loree Anne, or I don't know if General Hawley would ever say, Hey, they're coming to town; it would be great to get everybody to sit down and talk about the work we're doing for the office.

Um, but, yeah, if we would have, it would have been, you know, How do you think about certain issues? How do we get more effective as an office to achieve these office initiatives? You know, essentially everything that you and I have been talking about --

Q. Okay.

A. -- would be how I'd describe it.

Q. So how long did the consultants serve kind of in that role?

A. Um, I don't recall much of anything else beyond the summer of 2017, and I don't -- I don't say that with a firm date in my mind.

Q. Maybe January to July or --

A. Maybe -- yeah, maybe from a general standpoint. But if you told me there were some -- you know, there was something in, you know, August or September, I don't know. But, again, this kind of being almost three years ago, that was the season in which I think the bulk of these meetings or

conversations would have been had, um --

Q. Okay.

A. -- so...

Q. Was your staff expected to report to the consultants?

A. Uh, no. That was never my expectation. Um, but it --

Q. Kind of follow their direction or guidance?

A. I -- I -- if you're asking me to jump inside their head, you'd have to ask -- you'd have to ask members of the staff. It was never my -- my intention or understanding at all, from those who would have, um, um, interaction with them, that that would have been the case. I think it was always clear that General Hawley led the office and the direction came from him.

You know, one example I recall was, um, Mike Martinich and General Hawley -- this would maybe be a for-example of how something like this would happen. Martinich and General Hawley were wanting to bolster our capacity to, um, execute the, uh, human trafficking initiatives, and so we talked about a human trafficking coordinator.

So obviously there's a legal element of things, but then also how do you get the right people in the

room and around the same table so that effective conversations are being had across the state, and so -- and, also, Mike Martinich, his time limitations, and so what would that role look like.

And so I remember, uh, General Hawley and, um, Mike calling me into General Hawley's office and saying, Hey, let's move forward on a human trafficking coordinator position. Do we have budget, you know, flexibility to do that? How would we -- how will we make that work? And I'd say, Well, I think we do. I think we could use these funds or these funds, and kind of logistically, this would be how we would piece it together. Let me work with Rhonda to figure out a plan of attack. And, you know, who would this person report to or the office out of? Is this something where it would have to be Jefferson City, only, or could this person be in Kansas City or in St. Louis or Springfield, and, if so, what's our office capacity for those types of things? And then, you know, we would kind of get working on that.

And I recall that being an issue once, that Timmy raised in one of these meetings, is, Hey, how are we doing on that human trafficking coordinator position? But, you know, he would only raise that and assuming that -- that General Hawley and, uh, Martinich had

already given the directive that this was something we wanted to pursue.

So it was kind of like, How are we coming on that? What do we think the timeline is on that? You know, Mike, what do you envision about the role? You know, those types of things. So that would be kind of a practical example of how those types of things would work, but the direction would come from General Hawley.

And then in terms of logistics and execution, to me, would, um, would help to kind of think through how -- how we do that well, um, those types of things.

Q. Okay. I'm going to show you an e-mail -- a couple of e-mails. This was sent on May 4th of '17 -- oh, I'm sorry, May 1st of 2017, that you -- and it looks like -- um, or Loree Anne sent. I'll let you take a look at it.

And then here's another one from Loree Anne to you on 4/23 of '17. I got a copy for you, too. So I've got Exhibit A and Exhibit C. There you go.

So on this first one, which has got the 5/4/17 date at the top --

A. Is the first one Exhibit A?

Q. Right.

A. Okay.

Q. But probably the e-mail I'm going to talk about is the one dated on May 1st of '17.

A. Okay.

Q. So this e-mail kind of has some action points --

A. Mm-hmm.

Q. -- for like Daniel, Loree Anne, Rachel, Mike, and yourself, to address. So how were those action points determined?

A. Um, let's see -- give me a second to review it.

Q. That's all right.

A. Sorry. Coming in blind, here. Sure. Let's see. Your question again, how would they -- how were the action points arrived at?

Q. Right. It looks like you're sending the e-mail out to all of those kind of as a group e-mail. So how were those action points determined? Was this something that Attorney General Hawley dictated or was this something the consultants asked that you put together, or I guess how did it get started?

A. Yeah. So these are all issues that, um, at least to the best of my memory here, these are all issues that we were focusing in on as an office, and that these would be -- have been directed by General

Hawley. Now maybe not to the pure logistical level, but, you know, to the extent of Daniel, you know, intergovernmental affairs, you know, Hey, let's -- let's build some relation -- this is early on in the administration, right. This is everybody kind of understanding how to work with everybody. I think this was coming out of, you know, the first legislative session.

So, you know, you get -- General Hawley is inaugurated January, and then you go straight into the -- into the legislative session. And so I think, given the date of this kind of coming in toward the end of the -- of the session, and then almost kind of catching our breath a little bit and getting to work on building the core competencies of the office.

So, if we go through these generally, these would have been focus areas that all of us would have with relation to our work in the office as directed by General Hawley.

So, you know -- or -- or as directed by, um -- as self-initiated. Many of these things were things that all of us were already working on, and if I recall this e-mail, it would have been -- it would have been, um, kind of a summary of our conversations at that roundtable meeting, that -- this is me kind of

capturing action points that we had discussed together or that people would have said, um, Hey, I'm going to work on this, this, and this.

And so it may be a little bit of a dovetail here, but David Allen wrote a book called "Getting Things Done," and he talked about -- and I kind of used that as a process.

THE WITNESS: Joel, are you familiar with David Allen?

MR. ANDERSON: Mm-hmm.

A. So, capturing action points and kind of following up with people just so that we all kind of -- we're on the same page and everybody can see it together. But this would have captured our conversation at the roundtable context. Um --

Q. (By Ms. Allison) So up here at the top it says, "Follow Up From Timmy's Visit." That would be Timmy Teepell --

A. Yeah.

Q. -- the consultant?

A. Yeah, yeah. So this would have been the meeting that Timmy was present for, and it looks like Daniel was there, Loree Anne was there, Rachel was there, Mike was there, I was there. And so this would be an example of the type of, um --

Q. This Thursday at 9:00 a.m., you think that's the meeting with Timmy or is this kind of after you've met with Timmy?

A. I think this is after.

Q. Okay.

A. Yeah, I mean, if it says "Follow Up From Timmy's Visit" as the subject line, that this would have been afterward, and that this would have captured some of our conversation points that we would have discussed as a team with Timmy present. And just from my --

Q. So do you think these action points are then from what Timmy suggested at the meeting, then?

A. I mean, he may have had -- he may have had things that he added, you know, that these may have incorporated some of -- some of the suggestions, but it wasn't -- I don't recall this meeting as being Timmy hosting the meeting and saying, Evan, you do this; Daniel, you do this; Loree Anne, you do this; Evan, you know, Rachel, you do this, everybody break.

It was -- the way I recall this meeting was everybody kind of going around saying, What are the big issues? What are the big items in our hopper? You know, if Mike's working on opioid stuff -- and this would have kind of matched the time period that I

described to you where, toward the summertime, we were starting to get more involved in the opioid issue. Mike was working on that and the veterans pro bono project as an example. Those were all issues that General Hawley would have directed Mike to be working on. And this would have been more in terms of capturing some of our conversation and action points rather than -- rather than Timmy saying --

Q. So was Attorney --

A. -- you do this, you do that, you do that.

Q. Was Attorney General Hawley present at the meeting --

A. I don't believe so.

Q. -- with Timmy at this time frame --

A. I don't believe so.

Q. Okay. All right.

A. I'm sorry, I marked on this. Is that --

Q. It's your copy.

A. Okay.

Q. So could you explain what some of these items are on the action point list.

A. Sure.

Q. For example, a target list of local and key officials for intergovernmental affairs.

A. Yeah, I think this would have related to --

I mean, Dan -- this would be good to ask Daniel about because this would have been within his -- his kind of scope. And he didn't report to me, so to speak.

So, um -- but a target list of local and key officials. Again, this was kind of coming out of the first session for us and it was the first time, I think as an office, that we wanted to take that summer to kind of think through developing relationships, think through how we could build partnerships throughout the state, think through where efficiencies and partnerships might be possible to pursue different initiatives.

For example, one of them would have been kind of working with Whiteman Air Force Base or different military installations, or the Missouri Bar Association to identify some pro bono needs on kind of veterans type issues, and using that information from them, kind of work with them to -- to figure out how the Attorney General's Office could help, to help do that. That would be an example of this.

Coalition groups, probably the same -- same type of -- of thing, where -- I couldn't tell you two and a half years later what, you know, specifically "coalition groups" meant. But perhaps it was human trafficking groups, nonprofits, or veterans groups and

nonprofits, or maybe ag -- ag industry groups and nonprofits that we wanted to build relationships with to further things.

Q. How about the relational engagement over the summer with the key legislators?

A. Yeah.

Q. What would that be?

A. What's that?

Q. What would that be?

A. Um, I think this was pretty self-explanatory. Who are some of the key legislators that we want to build relationships with over the summer? And I remember having a -- perhaps a conversation at that roundtable to say, you know, um, in the hustle and bustle of the legislative session, sometimes you have to jump into issues before you can jump into relationships with them.

So, using that summer, then, to build key relationships with people, um, throughout the state, um.

Q. So how -- how did -- how did they do that?

A. I don't know that this ever materialized, but this was kind of one of our suggestions about, you know, who -- who would be, uh, key, and you'd look at things like -- and I'm speculating here, but, you

know, budget chairs or appropriations chairs or key committees, maybe a committee that had sponsored a human trafficking initiative, you know, and talking to folks that, um, from a policy sense were sensitive to the same issues that our office was sensitive to and having kind of introductory conversations with folks.

I don't think this ever materialized. [redacted] and I couldn't tell you exactly when that was. Um --

Q. So were these lists that you asked them to prepare, were they turned in to you?

A. Um, I'm not sure that that was ever turned in.

Q. Okay.

A. I don't know that that was ever --

Q. Or like the target list of local and key officials, there are several of these that have lists on them.

A. Yeah. I don't recall those ever coming back to me. Um, and, again, this was -- the tone of this e-mail was not necessarily like as chief of staff, You guys do these things and, you know, report back. That's not the tone of this at all.

It was more capturing what people had said and so -- or capturing kind of things that folks -- we had

talked about in the room and everybody thought was a pretty decent idea, and thought, Well, okay, how do we -- how do we move toward clarity on some of these things? But obviously some of them didn't -- didn't materialize, just by the fast-moving nature of things.

MS. ALLISON: Okay.

THE WITNESS: If it's okay, could we turn the air-conditioning back on?

MR. ANDERSON: Yeah.

THE WITNESS: Is anybody else warm?

MS. ALLISON: It's warm in here.

THE COURT REPORTER: Do you want to take a break?

MS. ALLISON: Yeah, we can take a break, too.

MR. ANDERSON: Thank you.

(Break in proceedings from 1:38 to 1:41 p.m.)

MS. ALLISON: Are we back on the record?

MR. ANDERSON: She's waiting on you.

MS. ALLISON: Oh, okay.

Q. (By Ms. Allison) Okay. So you don't think any of these lists or any of this actually got done, or do you think --

A. I don't --

Q. -- some of these folks would have done some

of this?

A. Um, so things like -- I'm sure some of these things would have gotten done, obviously. I don't know that I was the bottleneck in terms of everything passing through me, but, you know, constituent services, I know that we did some great work updating that. I know that Loree Anne did find and hire a press secretary. I know Brad Johnson joined the office for a little while.

Q. Right, which I think this e-mail on 4/23 talks about Brad Johnson --

A. Okay.

Q. -- being the body man for the AG.

A. Okay.

Q. What exactly is a body man?

A. Are we shifting to Exhibit C?

Q. Yeah.

A. Um, so a body man is just kind of a casual term for somebody that would go with General Hawley to different official events, state and public events, and help either drive or help him with the logistics, kind of trying to help with -- maximize Attorney General Hawley's time, those types of things.

I knew Brad. He went to church with me and he was in law school at the time at UMKC, um, but also had

another connection to General Hawley. I'm not sure what the connection was, but had another connection to General Hawley, I believe, that Hawley had raised his name to me, and I said, "I know Brad. He's a great young guy." [redacted] so, you know, I think could be a little bit more flexible in terms of time.

And so I remember talking to General Hawley as our -- you know, what is this, April of '17? It was kind of in transition, though, at this point. It's three months in office, three and a half months in office, much of that spent during the legislative season, kind of hit the ground running, and so constantly trying to look for ways to make the office more efficient and kind of respond to needs and be dynamic in that sense.

My -- there were times where I would travel with General Hawley on things, um, but, uh, um, my role with kind of personnel and budget and those types of things and trying to just help make the -- the office flow well, um, I think General Hawley identified a need for somebody to help him with this type of thing. So I believe --

Q. Okay.

A. -- Brad Johnson came on board to do --

Q. And that was kind of one of those action points, right?

A. Uh --

Q. Job description for --

A. Yeah, yeah, yeah. So what would that job look like? And so I believe, this is from memory, but I believe it was a hybrid of certainly doing some of the work with General Hawley in terms of being with him and kind of helping him as an aide, but also working with Loree Anne in kind of constituent services and helping chase down issues when they're raised to our office from the general public. I believe it was a hybrid of some sort there.

Q. Okay.

A. And then to the extent we're talking about discussing it with Timmy, it would have been, you know, Hey, what kind of -- what would a role have been like, you've seen, for body -- I mean, how -- how do we -- what -- what would that look like for the office? What are some things that you've seen that have been helpful? What are some elements that you -- you know, what kind of characteristics are we looking for, those types of things.

But I remember when I kind of had initial conversations with Brad, then Attorney General Hawley

had a number of longer conversations with him and eventually hired him. And I don't know that I was directly involved in those. I don't think I was involved in those conversations.

Q. Did anybody else kind of serve as the body man or a driver --

A. Um --

Q. -- to events or --

A. I think Daniel did it at times. I did it sometimes. I believe that's all I can recall. But it would be things like we'd run over -- you know, General Hawley and I would run over to the capitol because he would speak at a -- you know, I remember --

Q. What about Steve Hayden, do you think he would have done that --

A. Yeah, yeah, Steve would have driven. I don't know that he was involved in things like the logistics or stuff like that, but I know that his -- I think it was consistent with what General Koster had done, in terms of his kind of driving and security and those types of things, um, and --

Q. Is that kind of the same thing Brad Johnson did?

A. Brad, I think, was probably in addition to Steve, but I don't know. I wasn't on a lot of those

trips, so I couldn't tell you exactly how that played out. But perhaps Brad would have done some of the calendaring and scheduling and the logistics, and Steve would have driven and kind of provided security. He had post certification, I believe at some -- some level, park ranger or something. So there was a security element that he would provide that Brad, though he is a strapping young lad, that he wouldn't have formally provided.

Q. And did you interact with the political consultants outside of the meetings?

A. Um, there would be phone calls every now and again, um, um, maybe e-mails, I'm not sure. But it would -- um, the thrust of those things were related to kind of the three or four meetings that we had.

Q. Okay. So take a look at these e-mails. These e-mails are all going, Loree Anne Paradise --

A. Which -- which --

Q. Exhibit A, I'm sorry. Exhibit A.

A. Okay.

Q. So we've got LoreeAnnParadise@gmail.com.

A. Mm-hmm.

Q. We've got evanrosell@gmail.com. We've got mcmartinich@gmail.com. We've got hartman@gmail.com.

We've got hassani@gmail.com.

So this is all personal e-mail. This is not state e-mail, right?

A. Mm-hmm.

Q. So is this typically how these communications occurred, even though this is supposedly state business?

A. Uh, I don't --

Q. Or is this because it was --

A. This meeting --

Q. -- Timmy's meeting or the meeting with the consultants?

A. You mean this e-mail or these --

Q. Right.

A. -- types of communications?

Q. I mean, is this pretty typical?

A. Uh, I -- I don't know that there would have been a typical way that we would communicate, in the sense that it would be only one way or the other. I know a couple of considerations for me is just from a practical sense, well, hey, it wasn't ever my understanding that it was improper to do that. We'd sometimes -- Mike would send e-mails and his general counsel trusted his, you know, guidance on what was appropriate and what wasn't. Would certainly defer to

them in terms of their -- what best practice is on Sunshine and stuff would be.

This was early on and a couple of other factors that I remember, A, the relationship with Timmy began via the Gmail stuff, and so there's probably a pattern, and I'm not sure if this was responding to anything from Timmy or somebody else, this particular e-mail.

I also -- I had met with the former chief of staff for General Koster, Jim -- his last name escapes me, but he had talked about a practice that he had where his e-mail wasn't open to outside e-mails, so really just only the people that were within a list of internal folks could e-mail him. And so, I -- I just maintained that practice in the office. And so to the extent Timmy or somebody like that would have e-mailed my AGO office, it just wouldn't -- it wouldn't have worked, so, um, potentially use Gmail.

But in terms of practice or standard of practice or those types of things, I don't know that there was ever a set -- sometimes you're -- you're at home and you kind of errantly reach for e-mail that, um -- and use, you know, Gmail. But obviously in this case, sending it to all Gmail folks, I don't know that that would be the case.

Q. So are you aware of -- I'm going to show you Exhibit D. So this is the AGO's policy regarding computer use and electronic written communication. Where it says: It's the policy of the AGO that all electronic written communication made or received in connection with the official business be made or received using the AGO's communications system. You should not use your personal cell phone, Blackberry, laptop, tablet for AGO business unless you're -- here, you can read over that.

So you're saying you weren't aware of that policy?

MR. ANDERSON: Do we have a copy for --

MS. ALLISON: Oh, yes, right here. Sorry.

MR. HADEN: I'm sorry I'm not there, but does that have a date on it, that policy?

MS. ALLISON: It's two pages out of the AGO's policy. I can get him the complete policy with the date.

MR. HADEN: I just didn't know if it was current or contemporaneous to the date he started or --

MS. ALLISON: I think this policy was in place during this time frame and it continues on concurrently now, too.

MR. HADEN: Sure. You know how sometimes

it will have like a little date stamp in the corner --
MS. ALLISON: Right.
MR. HADEN: -- showing you the origination date. I didn't know if it had that. We'll figure it out. I just wondered, but we'll figure that out. Thank you.
MS. ALLISON: No, I can get him a complete copy.
MR. HADEN: Okay.
THE WITNESS: Yeah, the date of this, I, um -- are you referring specifically to section 9.0?

Q. (By Ms. Allison) Right, and a little bit of 8 encompasses it, too, so policies 8 and 9.

A. Okay. I don't recall seeing this or this kind of being the operative policy when I was in the office. So I'd be curious to know what the date of this was. So, no, I -- I wouldn't have -- um, it was not my understanding that this was the internal policy at the time that these e-mails were sent.

Q. Okay. So, back to when you were -- if this is AGO business, is there any reason why you'd be using a Gmail account instead of your state e-mail account, or could you explain kind of why you chose to use Gmail instead of state?

A. Yeah, I -- generally -- I couldn't go back

to each of the e-mails and give you a specific mindset at the particular time, but generally speaking, it's kind of what I just described, my e-mail wasn't open to everybody to send it. There were contexts where you would errantly send something via Gmail.

But I think more importantly, I -- I didn't believe that it was improper to -- it was not my understanding, based on conversations with our -- our counsel, at least at the time that these e-mails were sent, that that was improper at all. And so, those would have kind of generally been the, um, the responses.

Q. So would you have instructed your staff to use Gmail or how did you get everybody's Gmail account; do you know?

A. I don't believe we ever instructed anybody to use Gmail. I would have had these e-mail -- well, mostly from transition, really.

Rachel's e-mail I would have had because of conversations that we would have had via e-mail within the hiring process before we took office.

Um, Martinich, same -- same thing. I wasn't involved in his hiring, but, um, preoffice, you know, we didn't have any -- we didn't have like transition AGO e-mails, right, so it would have been just -- we

would have had those generally.

I know Loree Anne, I had her e-mail address because of the transition work, and one time we went to lunch before we took office just to meet each other and, you know, that sort of thing.

So historically that's where we would have gotten these e-mail addresses, but...

Q. So these wouldn't have been set up just prior to -- for the AGO use? Because, you know, a lot of people have Yahoo.com or other, you know, personal e-mail --

A. I couldn't speak to anybody else, but mine certainly no, that was -- that's an e-mail I've had for years. That was my personal e-mail.

Q. Was there any discussion about these e-mails being public record and whether the e-mails needed to be retained?

A. I don't recall conversations about that. That would have been within the scope of Daniel Hartman and Mike Martinich, and so, I can't recall any kind of specific conversations about that. That would be something that they could speak to.

Q. Any concerns with Sunshine Law compliance or anything like that?

A. Same thing. That would have been within

their kind of scope within the office, and that, uh, every, um -- everything I did, um, I believe was within the scope that they kind of set for us from a, um, um, policy standpoint, as I'm not sure who was custodian or who -- you know, Martinich would -- would have done the work, the legal work on that kind of stuff and would have, um --

Q. So would these personal e-mails sent through Gmail have been sent through the state e-mail system to preserve them, or what was the steps --

A. I don't know that I --

Q. -- you all took to --

A. -- had a practice -- I don't know that I had a practice of that. I don't think that's --

Q. Okay.

A. -- I couldn't speak to --

Q. And that wasn't ever communicated office-wide?

A. Not that I -- no, not that I can recall, no.

Q. Okay.

A. I can't speak to everybody else, but, no, it wasn't my understanding or practice.

Q. Okay. Do you think you probably used your Gmail account to communicate with Timmy and Gail --

A. Um --

Q. -- rather than your state account?

A. I think most of it would have been phone calls or in person. But, you know, like I mentioned, my state e-mail was restricted from outside use, and so I could probably e-mail them, but they wouldn't have been able to e-mail me back because they weren't on our internal list of e-mail addresses that my e-mail address could receive it. So, most of it would have been in person or on the phone.

Q. Do you have restrictions on your e-mail?

A. Right, yeah. That's what I was describing earlier. The prior chief of staff for General Koster had a system set up where there were restrictions as to who could send e-mail to his public -- his public account and, um -- and so I think we just probably maintained the same. I think the IT guy said, You want to do the same thing? And it was like, Sure.

Q. But you don't know what those specific restrictions are or anything?

A. It would have been the restrictions of these are the -- these are the e-mail addresses that we can -- you know, who could -- who could send me e-mails. I think the idea being you don't want some lobbyist or somebody kind of hounding you or something

like that. And so...

Q. So who would those e-mails go through constituent services or -- you'd have -- need to have that public, you know --

A. I think there was --

Q. -- traffic coming in?

A. Again, you'd have to talk to kind of the IT folks, but my understanding was that it would be a bounceback as like undeliverable or something like that. I don't know. So...

Q. Okay. In a news article on December 7th of '18, here's the news article, you indicated that you told one or two people in the AG's office that you'd downloaded the "Confide" app. Who did you tell in the AG's office?

A. Um --

MR. ANDERSON: This is Exhibit B, right?

MS. ALLISON: Exhibit B. Sorry.

A. I don't have a specific memory of who I told that I had it. I believe Mike Martinich knew that I had it. And -- and I potentially mentioned it to Darrell Moore or John Sauer as, yeah, I think I had that for a second, you know, I think I had that app for a second. I wasn't super familiar with it.

Q. (By Ms. Allison) Are you aware of anybody

else in the office downloading the Confide app?

A. I believe Mike Martinich had it.

Q. Okay.

A. And the context of that was a lobbyist -- I think it was early, you know, January, February, a lobbyist sent a link to me saying, Have you seen this? And I -- I downloaded it. I didn't know what it was. [redacted] This is kind of weird. I remember I forwarded a link to Martinich, saying, Do you know what this is? Have you seen this? And he probably downloaded it, because we texted back and forth once and just said -- he made a joke about, you know, "Russian spy?" or something. It was a total joke. It had nothing to do with anything in the office.

But as general counsel and kind of Sunshine lead for our office, I wanted him to know that that was out there and it wasn't something that I had been familiar with. And so we'd sent a joke or -- he sent a joke. I remember something like, you know, him saying, Is this where I can admit I like KU basketball? It was something to that effect. I mean, it was kind of a frivolous thing, and that's the extent to which I ever used it, to the best of my recollection. It wasn't something that we used at all within the context of

the office.

Q. Okay. So you didn't use "Confide" other than --

A. I don't believe so, no.

Q. Okay.

A. That's the only memory that I have, at least with Mike.

Q. Do you think Mike used it?

A. I don't believe he did, no. You know at that point in time, we didn't know what it was and didn't know that it was an issue that was --

Q. And you didn't use it to communicate with the consultants?

A. No.

Q. Okay. Was that on your personal phone or your state phone?

A. Personal phone.

Q. Did you use your state phone very much?

A. Um, no, not very much. Mainly just from carrying two different phones. And, you know, I had, uh, at first used it because e-mail was more accessible, but I figured out how through the Internet I could log into my office phone -- my office e-mail through my personal phone and send e-mails from AGO.mo.gov through, you know, Safari or something like

that, so...

Q. Okay. So you probably used your personal phone for a lot of text messages, then, correct --

A. Yeah.

Q. -- regarding AGO business?

A. Yeah, I mean, it would have been largely kind of transitory and logistical type stuff. We didn't have a major practice of discussing substantive or legal stuff via text. It's not a format that is beneficial to that. Most of our time was spent either on the phone or in person talking about those types of things.

Q. So did you ever retain your text or like send it to your e-mail to retain it?

A. I don't believe so.

Q. Okay. So do you have any documenta -- do you have any of those texts on your phone?

A. I don't believe so. I think from a storage standpoint, I don't know if, um, settings are such that it, you know, deletes after a period of time. I don't know. So, but, no, I -- I don't have any of that, certainly, now.

Q. So were you the only one communicating with the consultants, or did others in the office communicate with the consultants?

A. I believe others communicated with the consultants, as well.

Q. Would it have been probably through this Gmail account or --

A. I couldn't.

Q. -- state e-mail?

A. I couldn't speak as to how they did it. I think --

Q. Or through text or --

A. Yeah, again, I couldn't -- I couldn't -- I wasn't, you know, looking over their shoulder while they were communicating, but probably would have been Loree Anne having touch points with them. Maybe some of the press team, Elizabeth Johnson, maybe Mary Compton, and this is speculation on my end, Mike Martinich, from a policy standpoint, would have probably had some touch points, but you'd have to ask them about some of those.

Q. So was it pretty commonplace to use your personal cell phone and your personal e-mail to conduct AGO business?

A. Um, I think phone calls, yeah, likely that would have certainly been the case. I think text messages were, again, like we talked about, at least that I can remember, things like, you know, transitory

kind of logistic type, you know, Hey, I'm out today, or, Hey, you know, are you in the office? Do you want to chat about -- you know, want to chat about something? You know, something short, you know, that are for that format, generally speaking. But I don't know the extent to which other people used their things.

Q. Okay. So you're not sure whether everybody was aware of the policy there in Exhibit D regarding texts and personal e-mail being used in violation of the policy?

A. I'm not aware of the date of that policy and when that came into effect. I'd say that that's -- I would be surprised if that policy was in effect when -- when we were, um -- when I was in the office, um. It was always my understanding through conversations with, um, Mike and -- and John that what we -- you know, what -- again, that was in their realm of kind of direction and -- and what was appropriate and what wasn't appropriate. It was always my understanding that what we were doing was appropriate and above board.

Q. Okay. So did you retain any documentation, personally, of any kind of communications, meetings, notes, calendars, that you could provide to us --

A. Uh --

Q. -- would you have to look and --

A. Yeah, I'd have to take a look.

Q. Okay.

A. I don't know that I, you know, to this day two or three years later -- again, it's a little bit of a blast from the past, here, so I -- I can take a look and see if there's anything there.

MR. ANDERSON: Since you're represented, maybe you could give that to your attorney.

THE WITNESS: That's fine.

Q. (By Ms. Allison) Okay. So were the consultants ever paid out of state funds?

A. No. Not to my knowledge, no.

Q. So if the consultants were providing some administrative consulting or guidance or kind of working alongside the campaign and working with state employees on state time, why were they being paid out of campaign funds instead of state funds, if they were working with state employees?

MR. HADEN: I'm going to object to that question as completely conclusory, and I understand it's investigative, not a deposition, but your whole setup is completely conclusory. It's kind of like, "Did you stop beating your wife last week or the week

before?" type question.

So if you want to rephrase, that's fine, but, otherwise, I'm going to direct you not to answer that question because the preamble, the whole first half is conclusory to the question underlying the investigation.

MR. ANDERSON: I'm not sure I follow the objection. You want to break the question down?

MR. HADEN: Okay, so the objection is, you set it up as if -- if all this was happening, if X, Y, and Z was happening, then why? Well, it's presumptive when the first half of the question asks whether that is happening. And I don't want to turn it around and see some press report that, Oh, well, Evan Rosell answered in the affirmative to this and here's how he answered when we asked him this, as if we're agreeing with the initial premise.

That's a conclusory statement we don't agree with -- that I don't agree -- I don't know, but I don't agree with the -- the premise is some sort of settled question that then leads to the second half of that compound question.

Q. (By Ms. Allison) So do you un -- or can you explain why the consultants were not paid with state funds when they were in the Attorney General's

Office working with the Attorney General employees?

A. I have no knowledge of how they were paid or, um, no knowledge of the campaign fees or structures or anything like that. I know, at least from my understanding, that they were not paid at all from the -- the office, uh, but beyond -- beyond that, I have no knowledge of how that worked.

Q. So did you find it unusual that they were not being paid, when they were working with state employees, from state funds?

A. Uh, no, I didn't find it unusual.

Q. Did you ever think about it or question it in any way?

A. It's my understanding that the campaign could -- could help the office and if that was campaign paying for the time of consultants to aid the office, that that was -- that was appropriate. But other than that, I -- I didn't have any type of conclusion or analysis or kind of legal or even just kind of personal wonder as to what, um --

Q. So, no concerns with state employees getting paid to meet with them?

A. I didn't have any concerns based on conversations --

MR. HADEN: I'm going to object again.

Hold on, Evan. Don't answer that question. I'm going to object again. That is a conclusory statement. You're saying state employees -- your premise was state employ -- you don't -- do you have a concern about state employees getting paid to meet with them, right? And it's a conclusory statement that they were being paid to meet with them. Isn't that conclusory on its face? I mean, what if we don't agree with that premise?

MR. ANDERSON: Well, the witness can answer. If he doesn't agree with it, he can say that, I suppose.

MR. HADEN: Well, I'm his attorney and that's why I'm entering the objection. So, if you want to rephrase -- Evan, I'm going to direct you not to answer. Obviously, you're a big boy, you can make your own decision.

If you want to rephrase the question, that's fine, but I have a problem with the setup of an argumentative question. You're asking an argumentative question at this point.

Most of this interview has been great. You've asked open-ended questions that aren't leading or argumentative questions. But that is an argumentative question because the underlying premise of it assumes

some violation or assumes the premise that that's what they were being paid for.

Q. (By Ms. Allison) So, state employees met with Mr. Teepell and Ms. Gitcho on state time, correct?

A. Yeah, to do state work, yes, to do office initi -- to -- to think through and talk about office initiatives that were directed by General Hawley, yes.

Q. But the political consultants weren't paid by the state?

A. No, not to my knowledge. I don't believe that that's the case, and I don't have any under -- I don't have any knowledge other than the fact that it certainly wasn't paid through the state. I don't have any knowledge of that payment --

Q. Okay.

A. -- payment relationship.

Q. So, campaign records indicate that OnMessage was paid 75,000, roughly, and First Tuesday was paid a little over 30,000 by Hawley's state campaign from the period January of '17 to July of '17. Do you have any -- do you know if any of those payments were for working with the AGO?

A. I have no idea. I have no understanding or involvement with any of that.

Q. So if these services were being provided by the attorney -- provided to the attorney general's office, was there a contract detailing the work the consultants were going to perform for the Attorney General's office?

A. Not that I'm aware.

Q. Okay. And since they weren't paid, there weren't any invoices showing what they were working on?

A. I don't -- I don't have any knowledge of any kind of invoices like that.

Q. Okay. So the OnMessage, Inc.'s website indicates their purpose is to elect candidates to political offices. It doesn't really indicate that they have any role to provide administrative services. And then Ms. Gitcho, First Tuesday, has experience as a communication director for various political campaigns.

Can you explain why these firms would have been selected for providing those type of services?

A. No, I -- no, that's far beyond my, um -- any kind of exposure I had or I have no -- nothing to add to -- to that. I have truly no idea.

Q. So did you or anyone else question using those type of firms or the perception of using those

firms?

A. No. It was always my understanding, based on conversations with, um, Mike and John that it was all perfectly appropriate.

Q. So those professional services weren't procured through a selection process of any kind?

A. I wouldn't know. I wasn't involved in procuring them.

Q. Okay. And you don't know if any other firms were considered or other individuals were considered?

A. Again, I have -- I don't have any knowledge or involvement in that.

Q. Okay. So when you started with the Attorney General's Office, were you allowed to claim relocation expenses?

A. I believe so.

Q. When did you claim those expenses?

A. Um, I'm not sure. It would have been probably January of 2017.

Q. Okay. Who gave you approval to claim those expenses?

A. Gosh, um, it would have -- it would have been something I would have discussed with either General Hawley or Rhonda Meyer. I believe Rhonda

Meyer kind of operatively had been in the office, what, thirty-something years and knew some of those -- those things. But, um, I believe it -- I'm sure at some -- I don't have a specific memory of that, but I assume or I would speculate that there was a conversation with General Hawley and, uh, probably more likely a conversation with Rhonda Meyer.

Q. Okay. Did they kind of detail what kind of expenses you could claim or -- or --

A. I don't recall that. I don't know.

Q. Do you remember what kind of expenses you claimed?

A. It probably would have only been moving expenses, but I'm speculating again. I don't have a specific memory of that.

Q. Okay. Are you aware of any other employees receiving relocation expenses?

A. Um, off the top of my head, I don't know. That's not to say that others didn't. I just don't know.

Q. Do [redacted] from out of [redacted]

[redacted]

[redacted]

But those types of logistic things would have -- would have -- practice would have been to run that through Rhonda and trust her direction as to what was -- what was appropriate or not.

Q. So you got relocation expenses. Did Loree Anne Paradise get relocation expenses?

A. I don't know.

Q. You don't know?

A. And you mentioned that I got them. I -- I think I did. I don't have a specific memory of it, I promise --

Q. Okay.

A. -- you know, like I said, we got there and, uh --

Q. Well, I would have thought you would have, [redacted]

[redacted]

So, I don't have a specific memory of that. I wish I could help you. If it happened, then it happened. I'm not sure.

MR. ANDERSON: Let me know before you finish your finishing strategy.

MS. ALLISON: Okay.

Q. (By Ms. Allison) Are you aware of any state resources being used for political or personal purposes, for example maybe a state vehicle?

A. I'm not aware of any -- I'm not aware of any of those -- of anything like that.

Q. Okay. Were you aware of anything unlawful or --

MR. ANDERSON: Is this your last stretch?

MS. ALLISON: Yes.

MR. ANDERSON: I want about two seconds.

MS. ALLISON: Okay.

(Break in proceedings from 2:20 to 2:23 p.m.)

MS. ALLISON: Are we ready to wrap up?

[redacted]

[redacted]

Q. (By Ms. Allison) Okay. So, were you aware of anything unlawful or inappropriate regarding political resources or political use of public resources taking place while you were at the Attorney General's Office?

A. No, with the only qualification that I didn't do the legal research on that myself. So, um, no, it was never my understanding that anything improper was happening.

Q. Okay. Have you had any contact or conversations with anyone other than your attorney about this audit or this meeting?

A. When you first called, the day that you called, um, I had -- I called Mike Martinich just to say -- because I've been out of the loop, I haven't followed the news story -- just to say, What -- what is -- what's going on? But we didn't talk about anything substantive. I didn't ask him about who else had been called. I haven't reviewed anything, I haven't, um -- I haven't spoken to anybody other than that. And even -- and even with Mike, it wasn't, um -- we didn't have any conversations about potential answers or potential questions or things like that. It was more just kind of, What's going on? You know.

From my under -- we'd worked with the auditor's office when they were doing an end-of-session or end-of-administration audit for General Koster, and I didn't know if this was a standard end-of thing or if there was a unique situation. He didn't really say much. He said, you know, I don't know, I have -- you know, he's out of the office, too, so that was -- that was it, but nothing -- nothing substantive on this kind of stuff.

Q. Are there any individuals you think we should talk to?

A. Certainly names that you brought up today. I don't believe anything improper happened. It wasn't -- certainly wasn't my understanding, based on conversations, that anything improper happened. Um, I think, you know, we've -- we just -- we worked hard for the State of Missouri. I think we really felt a passion for things like human trafficking and for opioids and for developing relationships with folks across the state in order to pursue those types of things.

But back to your question, um, I'd say certainly people on the e-mails and -- but I'll let the auditors be the auditors. I don't have any direction for you.

MS. ALLISON: All right. Well, thank you

for your time.

THE WITNESS: Appreciate it.

MS. ALLISON: Appreciate you traveling up here to visit with us.

THE WITNESS: Well, I felt like it was -- did you have to come down from Jeff City, Joel?

MR. ANDERSON: Mm-hmm, mm-hmm.

THE WITNESS: Well, I apologize for that. Is it -- middle ground --

MR. ANDERSON: I'm holding him responsible for it. Not --

THE WITNESS: How long of a drive was it?

THE COURT REPORTER: We're still on the record?

THE WITNESS: That's fine.

MR. ANDERSON: Okay. Let's finish this part of it up. This will be transcribed. We'll have a copy for you to review, if you want to do that, and sign it, or you can consider it done. I haven't gotten with our -- since I'm used to courtrooms and not audits, I haven't gotten with our people on, you know, whether this is some kind of an audit paper that needs to be protected for some reason or another.

So whether we send you an electronic copy or provide one for you to look at, I haven't figured that

out yet, but we'll figure it out.

THE WITNESS: I don't have a preference. I think we're --

MR. ANDERSON: Yeah, I think either way, if you want to, you know, just make sure that, you know, it's transcribed correctly, we can definitely do that. Other than that, I don't think there's anything else.

MR. SMITH: And we would certainly appreciate a copy of the transcript, and we're grateful that -- for the auditor's office allowing us to participate.

MR. ANDERSON: Well, we're happy to have you.

I think we're off the record now.

(Proceedings concluded at 2:28 p.m.)

REPORTER'S CERTIFICATE

STATE OF MISSOURI)
) ss.
COUNTY OF GREENE)

I, Christine Richele, Certified Shorthand Reporter, Registered Professional Reporter, Certified Court Reporter #385, Certified Realtime Reporter (Mo), within and for the State of Missouri, do hereby certify that I was personally present at the proceedings as set forth in the caption sheet hereof; that I then and there took down in stenotype the proceedings had at said time, which were thereafter transcribed by me and is a true and accurate reproduction of the proceedings, set forth in the preceding pages.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on July 21, 2019.

Christine Richele, CSR, CRR, CCR #385
Registered Professional Reporter

Exhibit A [redacted]

;;;;
---------- Forwarded message ---------
From: Loree Anne Paradise <loreeaparadise@gmail.com>
Date: Mon, May 1, 2017 at 5:54 PM
Subject: Re: Follow Up From Timmy's Visit
To: Evan Rosell <evanrosell@gmail.com>
Cc: Michael Martinich-Sauter <mcmartinich@gmail.com>, Daniel Hartman <daniel.c.hartman@gmail.com>, Rachel Hassani <rachelhassani@gmail.com>

Call will be Thursday at 9am. Dial-in info is: 641-715-3580; Access Code: 723-423

Thx all!

LA

On Mon, May 1, 2017 at 5:52 PM, Evan Rosell <evanrosell@gmail.com> wrote:

Hey guys --
Thanks for making time to meet together last week. We've been talking through action points for each of us -- I've communicated with several of you about these already. Let me put your respective action points below. I think we'll likely have a conference call toward the end of the week to discuss. LA, can you make sure everyone's square on time/date?

DANIEL: Intergovernmental // Coalition-Building

- Develop a target list of local and key officials for intergovernmental affairs.
- Develop a target list of coalition groups

LOREE ANNE: Communications and Constituent Services

- Find and hire press secretary
- Review constituent services and determine needs and format
- Inventory owned/shared media assets
- Develop list of administration accomplishments
- Job Description for Brad Johnson (Special Assistant to the AG)

RACHEL: Legislative Affairs

- Develop list of key legislators for relational engagement over the summer
- Develop system for tracking legislative requests

MIKE: Policy

- Next steps on Opioid front
- Review Daniel's Veteran's Pro Bono project

EVAN: Admin/Budget/Personnel

- Secure funding for Human Trafficking Coordinator
- Secure funding for additional constituent services representative

- **Finalize line attorney rebuild (Lit, GA)**

Let me know if you guys have questions.

F.

--
Loree Anne Paradise
(912) 245.0212 (mobile)
--
Rachel Hassani
417-838-3067

LATEST NEWS

asing messages at top of Missouri government the tip of the iceberg?

BY LINDSAY WISE AND JASON HANCOCK
DECEMBER 07, 2018 10:31 AM, UPDATED DECEMBER 07, 2018 05:11 PM

Consultants worked to raise Josh Hawley's national profile and helped direct the state office's work, records show. BY

JEFFERSON CITY

When news first broke last December about the use of the self-destructing text message app Confide in the governor's office, the scandal appeared to be confined to a handful of people — former Gov. Eric Greitens and his closest advisers.

A year later, the list of known Confide users in Missouri government has grown alarmingly long, with the true extent of its use still an open question.

A lawsuit uncovered 27 members of Greitens staff who used Confide, which automatically deletes text messages once they are read.

The Star reported last week that Attorney General Josh Hawley's former chief of staff, Evan Rosell, used it while overseeing the operations of the office that cleared Greitens of any wrongdoing. The St. Louis Post-Dispatch disclosed last month that chief of staff for the incoming state attorney general, Missouri Treasurer Eric Schmitt, also downloaded the app.

By deleting messages the moment they are read, Confide ensures text conversations vanish without a trace —a potential subversion of Missouri laws designed to make the inner workings of government open to public scrutiny.

Facing new scrutiny over Confide use in their offices, Hawley and Schmitt addressed the issue Thursday at a press briefing to discuss transition matters.

Hawley, a Republican who will resign Jan. 3 when he is sworn is as a U.S. Senator, said he didn't know that his top aide used Confide.

"We have a policy in this office that says that Confide is not to be used for public business," Hawley said, "and we take that seriously and expect everyone in this office to abide by it."

Schmitt, a Republican appointed to replace Hawley as attorney general, was just as adamant that no one in government "should be using Confide for public business."

"That is my position, and that will be my position in this office," he said. "Confide is not something people should be using when they are elected to public office."

Mark Pedroli, a St. Louis-area attorney who sued the governor's office last year over the use of Confide, pointed out that "Greitens said the same thing" about Confide use by his staffers.

"They always add on the 'for public business' in their quotes and in their policies," Pedroli said. "That's the loophole. They allow it to be downloaded and used and then ask the public to just trust that they aren't going to cross the line. The use of burner apps that are unable to retain communications permanently must be banned for all state officials on all phones and for all reasons."

Pedroli worries the revelations about Confide use in state government over the last year could be just the tip of the iceberg. He's become convinced his lawsuit is the best way to sort out just how widespread Confide use has become in state government.

But over and again, he says he's run into a pair of roadblocks: Gov. Mike Parson and Hawley.

Parson's attorneys, holdovers from the Greitens administration, continue to urge the judge in his case to dismiss the suit. And Pedroli said Hawley's legal conclusion that cleared Greitens' of wrongdoing in the Confide investigation has been weaponized against him in the courtroom.

Now that it's known the top aides of three GOP statewide officials — Greitens, Hawley and Schmitt — all used Confide, Pedroli is calling on Parson to stop fighting his lawsuit in court and for Hawley and Schmitt to recuse themselves from "all burner app investigations."

"Draining the swamp of secret, shredded, government communications is what our litigation is all about," he said. "Holding government officials accountable is a critical component of preventing future violations."

The Star first revealed use of Confide in Greitens office in early December 2017.

Hawley launched an investigation into whether the app was being used to destroy public records two weeks later. The inquiry consisted of interviews with eight Greitens staffers, but not Greitens.

Hawley's office never filed a request for records pertaining to Confide use in the governor's office.

The two-month inquiry ultimately concluded that there was no evidence of wrongdoing, in part because Confide ensured there was no evidence.

Pedroli's lawsuit would later uncover that 27 members of the governor's office, including Greitens himself, used Confide. Public records obtained by Pedroli show Greitens' staff openly discussing use of the app to conduct public business not only among themselves but also with people outside the governor's office.

The fact that Rosell used Confide during his 15 months as Hawley's chief of staff was never disclosed.

Rosell said last week that he did not use Confide for public business. He said he might have told "one or two" people in the attorney general's office that he had downloaded it, but he did not say whether Hawley knew.

When asked by The Star shortly before the election, Hawley said he didn't know whether any of his taxpayer-funded staff had ever used Confide.

Asked again Thursday, Hawley insisted that he was never aware Rosell ever used Confide.

Pedroli said Hawley is either "concealing the truth or his chief of staff and a handful of additional senior staff were concealing it from Hawley. Sounds like we have a genuine question that requires an investigation."

Hawley stood behind his investigation of Greitens on Thursday, saying "we found what we found with the tools we were able to use." He noted he lacks subpoena power in Sunshine Law investigations, something he urged legislators to address to improve enforcement of open records laws.

Pedroli said the findings of Hawley's Confide investigation are both factually wrong and marred by a possible conflict of interest, creating the appearance that the attorney general's staff exonerated Greitens' office to protect their own use of burner apps.

Parson took over the governorship after Greitens resigned in June. He banned the use of Confide in his office, but the attorneys defending the governor's office against Pedroli's lawsuit continue making the same arguments that the app doesn't violate Missouri's Sunshine Laws.

The legal tussling between Pedroli and the governor's office culminated in June, when Cole County Circuit Judge Jon Beetem halted all discovery in the case.

Pedroli will ask the judge to reconsider that order next month and allow him to continue collecting evidence.

Parson's spokesman, Steele Shippy, said the governor's office is committed to government transparency.

"That's why we banned the app," he said. "We wanted to lead by example. But we don't have the authority to tell someone they can't have Confide on their personal device. We don't have the legal authority to do that."

Barbara Smith, one of the private attorneys defending the governor's office in the lawsuit, said it's unfortunate that the plaintiffs are "more focused on trying this case in the press and not inside the courtroom, which reveals the fact that they have zero legal argument to stand on. We are confident in the litigation moving forward and we have nothing to hide."

Pedroli said the last time the governor's attorneys said he had no chance in his case "they lost their motion to dismiss." He added that "it's "perfectly appropriate that an open records lawsuit over the use of burner apps in government is being extensively discussed in the media. Defendants should welcome the coverage, but they won't."

Michael Wolff, a retired judge of the Missouri Supreme Court and former dean of St. Louis University Law School, said the question is whether the use of Confide by Hawley's chief of staff or other people in the attorney general's office was unlawful.

"I'm not sure whether it's a conflict of interest or whether two office holders' offices disobeying the same law," Wolff said. "The only way this gets fully investigated if at all would be through a private lawsuit ... So the question is (Pedroli) going to expand his lawsuit to include the AG's office. Otherwise, unless there's a suit involving the office the AG and his staff don't have to answer any questions."

Hawley seemed to agree with Wolff on Thursday, telling reporters that because of his office's lack of subpoena power in Sunshine Law investigations "civil litigants often have more authority and tools at their disposal than this office."

A bill introduced during the 2018 legislative session by Rep. Gina Mitten, D-St. Louis County, would have banned state employees from conducting public business using software designed to send encrypted messages that automatically self-destruct.

It was never given a hearing or referred to committee, but Mitten said she plans to re-file the bill in 2019.

Schmitt said he hasn't seen the bill so he can't comment on it specifically, but "I don't have any problem with that becoming law or policy."

Jonathan Groves, president of the nonprofit Missouri Sunshine Coalition, said he hopes there will be hearings about Confide and other such apps as the legislature considers strengthening the state's open records laws.

"The Sunshine Law has not really kept up with technology," Groves said, "and this is one of the cases where we need to say: Will the legislature step up and look at this law and how we can beef up the law so that it can keep up with technology? ... There's not an easy solution to this but there's a broader conversation that needs to be had, and the legislature is a place where that could happen."

Comments

To: Paradise, Loree Anne[LA.Paradise@ago.mo.gov]
From: Rosell, Evan
Sent: Sun 4/23/2017 10:12:00 PM
Subject: Re: Assistance

;;;;;;What do you think about a press intern for the summer? I'd like us to think about what our actual needs are going forward in comms/scheduling/etc. I found a body man for AG -- Brad Johnson -- who can start in May. He's a really smart and capable dude, so I'm sure he can help on some press/human trafficking projects.

Will be good to discuss with Timmy tomorrow.

E

From: Paradise, Loree Anne
Sent: Saturday, April 22, 2017 10:57:38 AM
To: Rosell, Evan
Subject: FW: Assistance

[redacted]

6.8 Annual Review of Policies

Each year, on or before March 31, the AGO shall review Sections 6.0-6.8 and Section 7.0 to determine whether any provisions of those sections should be changed or updated. A decision not to change any portions of those sections shall be memorialized in writing.

7.0. Discrimination and Equal Employment Opportunity

It is the AGO's policy to maintain a working environment free from discrimination. Discrimination based on gender, race, color, religion, national origin, disability, age, veteran status, sexual orientation, or other characteristic protected by law is prohibited. This applies to all areas of employment including hiring, training, salary administration, promotion, benefits, discipline, and termination.

The AGO will provide a "disabled" employee with a reasonable accommodation to enable the employee to perform the essential functions of his or her job. An employee seeking a reasonable accommodation for a disability should direct his or her request for an accommodation to either: (1) Deputy Chief of Staff, Rhonda Meyer (or her successor); or (2) Chief of Staff.

As with harassment, AGO employees must report incidents of discrimination using the process described above for reporting harassment. The AGO will follow the guidelines set forth in Section 6.3 for investigating and remedying harassment when addressing allegations of discrimination. The guidelines described in Section 6.4, 6.5, and 6.6 also apply to complaints of discrimination made under this policy.

8.0. Computer Use and Electronic Communications Systems

The use of computers, facsimile machines, telephones, electronic mail, and voice mail are part of your everyday tasks. This policy applies to employee use of the AGO's Electronic Communications Systems (referred to here as "Communications Systems") which include, but are not limited to, office-issued telephone, computer, facsimile machine, electronic mail, internet and intranet systems, and voice mail hardware and software.

All Communications Systems and any documents or messages created or contained within the Communications Systems are the property of the AGO and regarded as documents belonging to the AGO. The Communication Systems are to be used primarily for business purposes. Excessive use of the Communication Systems for personal reasons, or use of the Communication Systems for inappropriate purposes (*e.g.*, illegal conduct, sexual harassment, etc.) is prohibited and may lead to disciplinary action, up to and including termination of employment.

Employees should not expect that any communication created, sent or received on the Communications Systems is private. The AGO reserves the right to monitor, review, access, reproduce or disclose anything created, sent, or received on the Communications Systems, at any time, without notice.

The AGO's Communications Systems' resources may not be used for the transmission or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (viruses and/or self-replicating code), or any other unauthorized or improper use.

9.0 Electronic Written Communication on Personal Electronic Devices

It is the policy of the AGO that all electronic written communication made or received in connection with the transaction of official business be made or received using the AGO's Communications Systems.

You should not use your personal cell phone, Blackberry, laptop, tablet or other portable electronic device, or home computer for AGO business unless you are remotely logged into your official account as part of the AGO's Communications Systems, whether through the AGO's webmail portal (https://webmail.ago.mo.gov), its Mobile Iron (or successor) platform, its virtual desktop program, or otherwise.

10.0. Blogging and Social Media

The guidelines in this policy are intended to assist the AGO's employees to make appropriate decisions about work-related blogging and the contents of blogs, personal websites, postings on social media websites (*e.g.*, Facebook, Twitter, etc.), wikis, and other interactive sites, postings on video or picture sharing sites (*e.g.*, YouTube), or in the comments that employees make online on blogs, elsewhere on the public internet, and in responding to comments from posters either publicly or via email. Any of the AGO's other electronic communications policies (e.g., Computer Use and Electronic Communications Systems) remain in effect and are not modified by this policy.

These guidelines will protect the privacy, confidentiality, and interests of the AGO, our employees, and the constituencies we serve.

10.1. Guidelines for Interactions About the AGO on the Internet

If employees are developing a website, writing a blog, or make comments on social media websites (*e.g.*, Facebook, Twitter, etc.) that will mention the AGO, our employees, or matters likely of interest to the AGO, identify that you are an employee of the AGO and that the views expressed on the blog or website are yours alone and do not represent the views of the AGO.

Unless given written permission by the Attorney General or the Chief of Staff, employees are not authorized to speak on behalf of the AGO, nor to represent that employees are authorized to do so.

Employees should let the Chief of Staff or Deputy Chief of Staff know if they are developing a website or writing a blog that will mention the AGO, our employees, or matters likely of interest to the AGO. The AGO's management may choose to visit those websites from time to time to determine whether employees' comments comply with this policy.

IN RE:)
) No. 33-02.00
AUDIT OF MISSOURI ATTORNEY)
GENERAL'S OFFICE)

SWORN STATEMENT OF MICHAEL MARTINICH-SAUTER

JULY 11, 2019

I N D E X

WITNESSES

EXHIBITS

IN RE:)
) No. 33-02.00
AUDIT OF MISSOURI ATTORNEY)
GENERAL'S OFFICE)

SWORN STATEMENT OF MICHAEL MARTINICH-SAUTER, produced, sworn, and examined on July 11, 2019, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day, at the office of the Wainwright State Office Building, 111 North 7th Street, St. Louis, Missouri, before Stephanie D. Darr, a Certified Shorthand Reporter and Notary Public within and for the State of Missouri, in re: Audit of Missouri Attorney General's Office.

APPEARANCES

Chief Litigation Counsel:

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Reported By:

Stephanie Darr, CCR(MO)
ALARIS LITIGATION
711 North 11th Street
St. Louis, Missouri 63101
314/644-2191

IT IS HEREBY STIPULATED AND AGREED by and between counsel that this sworn statement may be taken in shorthand by Stephanie D. Darr, CCR and Notary Public, and afterwards transcribed into printing, and signature by the witness expressly reserved.

(Sworn statement proceedings began at 10:00 a.m.)

* * * * *

MR. ANDERSON: I'm just going to go ahead and start it off. Ms. Allison will be asking most of the questions. Since we have so many lawyers in the room, I thought I'd start off by saying this isn't exactly a deposition like we're normally used to. It's more of a sworn statement. I don't think lawyers know how to act anyway other than if it's a deposition. Pam Allison is the primary audit staff on this, and she will be asking most of the questions. I don't plan on saying anything unless something maybe needs to be clarified or if there is some kind of objection we need to deal with. I don't expect there to be many of those. Just like a deposition, the Attorney General's office is here to ensure confidentiality as far as communications and so forth. If there is

ever any time you need to discuss something with them, that's fine. We can go off the record and step out in the hall. That's not a problem at all. It's not our intention to get into anything like that. But we may not know what question leads to that. I think this is easier to do with lawyers around than it is with lay people. The usual rules apply. If you don't understand something we'll repeat it until you do. This is mainly a bunch of stuff that I don't understand because it has to do with numbers. Pam understands, and she can certainly explain it. Other than that, do you have any questions?

THE WITNESS: I don't think so.

MR. ANDERSON: Pam.

MICHAEL MARTINICH-SAUTER,

of lawful age, produced, sworn, and examined, deposes and says:

DIRECT EXAMINATION

QUESTIONS BY MS. ALLISON:

Q. Well, to get started, can you tell us a little bit about your background prior to joining the AGO.

A. Sure. How far back would you like me to go? I'll just go back. [redacted]

[redacted] I went to undergrad in law school here in St. Louis. After law school I spent a year clerking for a federal court of appeals judge. I worked a couple of years as a private practice lawyer. In January of 2017 I accepted a position in the Attorney General's office. I worked for the Attorney General's office until I believe February 1st of this year. Since then I've been back in private practice in St. Louis.

Q. So how did you know former Attorney General Hawley?

A. While I was in private practice my law firm represented I guess a not-for-profit entity he was associated with, drafting some amicus briefs, some federal appellate court cases. So that's how I get to know him.

Q. So kind of how did your job at the AGO transpire? Did you just go through the normal application process, or did you kind of reach out after he got elected?

A. Sure. So Attorney General Hawley hired John Sauer as his first assistant. I was in private practice with John, and frankly we had a

four person law firm. The two of us were full time. One person I think billed zero hours the year before, and the other person was a law professor at Stanford. So when John left it was sort of necessary to find a new job. John recommended me to Attorney General Hawley, and I accepted.

Q. Okay. So you started working in?

A. January 2017, either the 9th or 10th. I'm not sure. I believe the 9th was inauguration. I'm not sure when my employment formally started. But the day after inauguration was my first day doing work.

Q. So tell us a little bit about your duties and responsibilities while you were at AGO and if they changed during the time of your employment.

A. Sure. I would say I wore two hats generally. One hat was to provide equivalent of sort of in-house counsel legal advice to the office, sort of a general counsel like role. The other hat that I wore was to staff and service lead counsel in, you know, lawsuits or investigations that needed someone working on them. I would say that broadly speaking those duties persisted

throughout my two years there. Obviously the specifics changed, you know, as different cases were involved or, you know, different issues came forward. But broadly speaking that's what I did for two years.

Q. So you said you left in February?

A. Yes. I believe February 1st was my last day at the office.

Q. So how did you communicate with Attorney General Hawley, through e-mail, phone, in person? Can you expand kind of on --

A. Sure. I would say that the two principle media of communication were by telephone and in person. You know, I live in St. Louis, and I lived in St. Louis throughout my time working for the Attorney General's office. I came to Jeff City quite a bit. When I was in Jeff City I would say we spoke principally face to face. When I was in St. Louis or if for whatever the AG was traveling around the state we spoke by phone.

Q. Did you use e-mail at all, the state e-mail system or private e-mail?

A. When you say did I use e-mail, to communicate with the AG or in general?

Q. With the AG.

A. I know that we did communicate by e-mail some, particularly early on. My recollection is that over time the AG just didn't use e-mail all that much. So certainly I did communicate with him by state e-mail to be clear when I say e-mail. But that was principally early on in 2017.

Q. Okay. So how did you communicate with the AGO staff primarily?

A. Telephone principally, especially if, you know, I was in St. Louis and whoever I was speaking with in Jeff City. In person if I was in the same office. Then e-mail. You know, I would say certainly when I was dealing with attorneys on cases that was mostly by e-mail or, you know, in person if I was in the same office.

Q. So would that be state e-mail?

A. Correct. Yes.

Q. Okay. Did you ever use personal e-mail?

A. To the best of my recollection, I never initiated any communications over personal e-mail with anyone in the office. My recollection based on reviewing documents in late 2018 in response to a request from the Secretary of State's

office is that I did receive a couple of e-mails from, you know, Evan Rosell and maybe one or two other people. I believe that I responded to one of those based on the e-mails that I produced to the office. Any e-mails that would fit into that category were produced to the Secretary of State's office.

Q. Okay.

A. So that set of documents you probably know better than I do.

Q. Okay. So what about text messages? Did you use the state phone or private texts?

A. I received probably about five or six text messages on my state phone. I never sent a text message on my state phone. I would occasionally exchange logistical text messages on my personal phone of the nature, you know, are you in Jeff City today or do you have availability? Can you talk like at 11:00 a.m.? Things like that.

Q. Okay. So regarding meetings and conferences, meetings and conferences with Attorney General Hawley, how were they scheduled or where were they held?

A. What sorts of meetings or conferences are you referring to?

Q. Any kind of meetings you would have had regarding state business with Attorney General Hawley, either in Jefferson City or in St. Louis, how were those typically scheduled? Were they put on your Outlook calendar and kind of where were they held, or did you participate by phone?

A. Sure. I mean obviously over the course of two years there were a lot of meetings. So I would have to sort of group them into categories.

Q. Okay.

A. We had more or less weekly executive team meeting. My recollection is it was on Mondays or Tuesdays. I think that changed over time. That I believe there was always an Outlook event. You know, I don't recall who sent those. I think Evan did when he was chief of staff, and then Loree Anne did when she was chief of staff. I don't know who sent them after Loree Ann left. But certainly that should be available from the calendar invites. In terms of other meetings, I mean I would say they were mostly informal in nature. So my office was in the basement of the Supreme Court building. It was quite common for Josh to call me up and say, hey, can you come up

here and talk about X, Y and Z? You know, there wouldn't be calendar entries for that largely because they popped up out of the blue.

I'm having trouble recalling any other meetings outside the executive staff meeting with Attorney General Hawley that were sort of planned in advance, at least that I participated in.

Q. So did you participate by phone for those executive meetings every Tuesday, or did you go to Jeff City?

A. I may have participated in one or two by phone. I tried to come to Jeff City unless there was some reason I had to be elsewhere in the state.

Q. And so those were held in the conference room there?

A. Correct.

Q. In the AG's office?

A. Yes.

Q. So who typically attended those meetings or conferences?

A. The executive team meetings?

Q. Uh-huh.

A. The Attorney General, John Sauer,

me, Loree Ann Paradise, Evan when he was in the office, Ryan Banger, who was the head of civil litigation, Daryl Moore, who was the head of criminal litigation. Daniel Hartman at some point started attending them. He didn't attend them sort of early on. I don't recall precisely when he did start attending them. You know, I hate to guess. But if I had to guess it would be late 2017. But I don't recall any specific triggering event that I was aware of or anything like that. To the best of my recollection, it had something to do with as the office was implementing the I-manage document management system Daniel was really the point person on that. So as that was crystalizing he started attending meetings to provide updates on it.

Q. Okay. So were these meetings that you said those were tracked on your Outlook calendar, your AGO calenders, right, the executive meetings?

A. I certainly know that many, if not most, if not all of them, were -- I mean I can't sit here and guarantee that every single one of those were an Outlook entry. But I believe so.

Q. Did -- so were those also logged

like on a private calendar or anything like that?

A. You know, I didn't have a private calendar when I was in the office, and I don't know whether anybody else logged in on any other calendar.

Q. How were the meetings with consultants, for example, Timmy Teepell and Gail Gitcho, scheduled or held?

A. I only recall being in one such meeting. I believe it was in April of 2017. I don't recall sort of when I first learned it was happening. I do know that I had a calendar entry. I know that we produced that calendar entry to the Secretary of State's office, and I believe that calendar entry would reflect who sent the calendar invite.

Q. So you think that's the only meeting you had with Timmy Teepell or Gail?

A. That's the only thing that I would characterize as a meeting. I know that they came to the Supreme Court building in January 2017 and I, you know, met them and shook hands with them. But I didn't participate in any substantive discussions with them, and I don't know the nature of any meetings they may have had while they were

there.

Q. Did you participate in any phone conference meetings with them?

A. I know that I was on, you know, at least one phone call with them. I don't know how many. I couldn't really give you a ballpark. It could be anywhere between one and whatever. I don't have strong recollections of them.

Q. Okay. So who normally participated in those meetings or conferences?

A. In telephone conferences with Timmy or Gail?

Q. Uh-huh.

A. To the best of my recollection, from the office I don't recall anyone other than Loree Anne participating. As I said, I don't recall anyone else participating. It's possible that Evan might have. But I don't recall anyone beyond them.

Q. Okay. And then the in-person meeting in April, same thing?

A. So to the best of my recollection, the folks who attended that meeting at least while I was there was Timmy. I don't believe Gail was there, to the best of my recollection. Daniel

Hartman was there. Loree Anne Paradise was there. Rachel Hassani was there. I was there. It's possible that Elizabeth Johnson was there, but I don't recall. I don't recall anyone else being there.

Q. And so were those type of meetings tracked on your Attorney General calendar?

A. As I said, to the best of my recollection, I only attended one such meeting. To the best of my recollection, that's on my official calendar.

Q. Would you have put those on like a private calendar?

A. As I said, I didn't have a private calendar at the time.

Q. So throughout 2017 it appears there was a 10:30 executive meeting held nearly every Tuesday. Is that what you were referring to earlier with the staff?

A. Correct.

Q. Okay. What was generally discussed at those meetings?

A. I would say largely, if not entirely, case-related issues. More or less the purpose of it was that, you know, as you guys know,

state offices do a lot of things. Not every action by a state office requires the approval of the elected official. But some things do, and particularly in the Attorney General's office there is certain litigation decisions like settlement or a decision to institute certain lawsuits requires the Attorney General to give the thumbs up or the thumbs down. So the principle purpose of that meeting was to provide the office the opportunity to, in a structured way, put those issues in from of the Attorney General on a regular basis.

Q. So sometimes those meetings were called executive meetings on the calendars, and then other times they were called executive litigation meetings. Could you explain the difference, or was there a difference?

A. No. I couldn't explain the difference. I didn't put together those calendar entries. Frankly, until you raised it I'm not sure that I knew that that difference existed. But I would say that all of the meetings were litigation oriented. So I don't know what that different wording reflects.

Q. Okay. You may have mentioned this earlier. But who attended those meetings?

A. So the Attorney General did, John Sauer did, Ryan Banger and Daryl Moore, who were the heads of the respective civil and criminal litigation divisions. Loree Anne Paradise did. Daniel Hartman began attending them at some point I attended them. I don't recall anyone else. Obviously those names changed in, you know, January 2019 when the Attorney General changed. But I assume we're talking about AG Hawley.

Q. Correct. So was there an agenda for those meetings or kind of any itinerary or agenda or anything that detailed what you were going to discuss each week?

A. So generally sort of everyone but the Attorney General would meet in person right before the executive staff meeting, and we would talk about what we wanted to present in the executive staff meeting. John Sauer generally preside over those. I think -- I don't want to speak for him. But I think he viewed his role as streamlining it. In particular identifying issues that he as first assistant could say yes or no to without the Attorney General sort of having to weigh in on it because the executive staff meetings sometimes lasted hours, which wasn't really

necessarily an efficient use of anyone's time. So we met in advance of them to try and identify what needed to be presented, what didn't, and then, you know, come up with an order. That usually manifested as we would go around the circle, Mike, what issues do you need to present today? Ryan, what issues do you need to present today? And on around the circle.

Q. So mostly verbal then and probably no written agenda?

A. I don't recall whether or not -- let me say this: I believe that there were meetings that had written agendas. I don't think every meeting did, and I couldn't tell you sort of what percentage. But I don't recall those ever being circulated. So I don't know whether it was sort of a situation of somebody sitting at a computer while we were meeting and then typing it up and printing it out. I know there were meetings that had agendas. Not all of them. And I don't really know the details of how they came about.

Q. So would you have any of those agendas that you could provide them?

A. I don't have them. I don't know whether the Attorney General's office has them or

not.

Q. So did you take notes at those meetings?

A. The pre-meetings?

Q. Uh-huh. Or at your executive meetings. Pre or executive.

A. I'm sure that I did take notes. If there was an issue that I needed to present to the Attorney General, I certainly wrote down, yes, we can move forward on this or, no, we can't.

Q. So would you have any of those left?

A. I don't have any such notes. You know, to the extent that I took notes they would certainly be reflected in sort of like the litigation of decisions that were taken. I suspect that -- I can't think of any issue I ever presented in those meetings that wouldn't be privileged and/or work product.

Q. So throughout 2017 it appears there was a 9:00 phone call that occurred to the number everybody dialed in at (641) 715-3180 every Tuesday prior to the executive meetings. Were you involved in any of those phone calls?

A. I don't -- I don't recall that. I

don't recall a regular phone call in advance of the executive staff meetings.

Q. Would this have been those meetings, those pre-meetings you think? Did anyone participate by phone or --

A. I don't recall whether anyone participated in them by phone. But if somebody did participate by phone, I suspect it would have been sitting in John Sauer's office, you know, him calling that person or that person calling his desk line. I guess that's somewhat speculative because I don't recall whether or not anyone did. But I certainly don't recall sort of a regular pre-meeting call in.

Q. So do you think your pre-meeting -- so the other executive meeting was at 10:30. What time do you think your pre-meeting might have gotten started?

A. I don't recall the specificity. Honestly, the starting time is generally governed by when John and I would get in from St. Louis. We generally carpooled together. Sometimes we would get in early, 7:30 or 8:00. Sometimes if for whatever reason we were delayed in St. Louis we'd get in at like 10:00. So the timing would just

depend on when we were in town.

Q. So regarding the consultants, in your statement to the Secretary of State you indicated you attended a meeting with Timmy Teepell in late April 2017. Was that the first time you met people? You kind of indicated you might have met him in January. Or did you meet him prior to joining the AGO?

A. The first time I met Timmy Teepell was in January 2017 in that instance that I described earlier.

Q. So how did Mr. Teepell become involved with the AGO?

A. I don't know the answer to that.

Q. So in your statement to the Secretary of State you stated you had a couple of conference calls with Timmy Teepell in attendance prior to the April 2017 meeting. Can you provide any details of kind of what was discussed or what those meetings involved?

A. To the best of my recollection, the phone call or phone calls, again, I don't recall how many there were, were in advance of the offices roll out of our human trafficking regulations. So the subject matter of those calls was sort of

planning that roll out.

Q. So what do you mean by roll out?

A. Sure. So we made several announcements. We issued human trafficking regulations. We also created a unit within the Attorney General's Office focussed on addressing human trafficking issues. I believe there was another component, but off the top of my head I can't recall what it was. So in order to implement those various components, you know, there were a lot of moving pieces. There was a regulatory component. There was the office logistical component of setting up a team, you know, budgeting for someone or someone to staff it. You know, identifying who would be the right people to staff it. Figuring out where in the office to house it, and that tied in closely with the budgeting issues in terms of where money was available in the budget to do something like that. So we wanted to have all of those issues sorted out before making a public announcement about it. So there was a logistical matter to address before that public announcement.

Q. Okay. So did you take any notes of those phone calls or meetings?

A. I don't recall.

Q. Would there have been agendas for those meetings?

A. To the best of my recollection, I put into the possession the Attorney General's Office several documents that were housed on Google docs. To the extent that I believe one of them -- I don't know whether I would characterize it as an agenda. But to the extent that there was anything like an agenda, that document is in the possession of the Attorney General' office and was produced to the Secretary of State.

Q. Okay. So did you exchange any e-mails with the outside consultants prior to the inauguration?

A. No.

Q. Do you know how the meetings with the consultants were scheduled?

A. I don't. I was not involved in it.

Q. So when was the first time you met Gail Gitcho?

A. I believe the first time I met her -- the first time I met her was in January 2017 at that, you know, handshake in the Attorney General's office. I know that she also attended the press

conference where we announced the human trafficking regulations. But to the best of my recollection, she didn't attend the April meeting.

[redacted]

Q. What about any phone conference calls?

A. To the best of my recollection, any phone conference calls in advance of the roll out involved her. I recall at least one phone call that she was on.

Q. Okay. So what would have been discussed like at the roll out or at that first meeting when you had the handshake meeting?

A. As I said, there was no substantive discussion at the handshake meeting. You know, I had no idea who Timmy Teepell or Gail Gitcho were and Josh. Just said, hey, this is Timmy. This is Gail. I shook their hands.

Q. So you might have already answered

this. But are you aware of who arranged for Gail to attend those meetings?

A. I am not aware.

Q. Okay. So did you have any meetings with any other outside consultants besides Timmy Teepell and Gail Gitcho?

A. No. Not to the best of my recollection.

Q. So you indicated earlier I think you met with the outside consultants in January and in April. Did you meet with them any other time?

A. I would say I met them in January, and I had a meeting with Timmy in April. I don't recall any other meetings.

Q. Okay. Then phone conferences, you thought just a couple or --

A. Yeah. I mean, as I said, I don't recall a specific number. I know there is at least one.

Q. Okay.

A. But I don't -- I just don't have a recollection of how many there were and precisely when they occurred.

Q. So for the April meeting that was in person, who established the agenda for that

meeting, or was there an agenda?

A. I don't recall an agenda. My understanding, the purpose of the meeting -- welcoming into the meeting I didn't really have any understanding what the purpose was. You know, as the meeting began, my understanding of the purpose was principally to help identify the roles or lanes of various people on the executive team. You know, we had several people on the executive team whose roles were either ill defined or overlapping, including certain components of my role. I understood the purpose of the meeting to delineate the roles so that there wasn't duplication of efforts or sort of turf wars so to speak. I mean that's what I understood the agenda to be. But I don't recall a written agenda or anything that was provided in advance either in writing or orally.

Q. So do you know who was responsible for coordinating the visits with the consultants?

A. I don't know.

Q. And do you know, did you include those meetings on your Outlook calendar?

A. The April meeting?

Q. Uh-huh.

A. I believe there is an entry on my

Outlook calendar for it. To the best of my recollection, and, again, this will be reflected in the documents, it was a calendar entry sent to me by someone else.

Q. Okay. So before the meetings with the consultants, did you discuss the meetings with them with anyone?

A. Not to the best of my recollection. I suspect that at some point somebody told me that the meetings were happening. But I don't recall who that was or what the discussion was.

Q. So during those meetings with the consultants, were any topics raised that were only campaign related?

A. No. Never discussed anything campaign related.

Q. So were there any references of the Attorney General running for Senate?

A. No. In fact, all of those -- well, one meeting. But also the handshake meeting in January, all of those occurred months before I knew that he was going to run for Senate.

Q. So how did you come to know he was running for Senate?

A. I learned in the papers.

Q. So he didn't make an announcement to the employees or anything?

A. Well, he -- we had an executive staff meeting soon after he made his announcement. At the executive meeting he said something to the effect of you may have seen in the papers that I'm running for U.S. Senate and I don't want it to change the office operates. We're doing important work here. I also don't want an elephant in the room. I learned in the papers. But he did address it when the next executive meeting was.

Q. What do you think the timeframe was when all of this occurred?

A. I don't recall. In terms of what month?

Q. Yes.

A. I don't recall when he announced.

Q. So did discussion in those meetings with the consultants ever drift towards campaign issues or --

A. No. In fact, I'm not sure at that time that I even realized that Timmy or Gail had any sort of professional, you know, campaign roles either with Josh's campaign or with any other campaign.

Q. So when you're meeting with Timmy and Gail, were there any topics that ever caused you concern that were brought up?

A. No.

Q. Do you know if any of the topics or the issues with the consultants caused any other AGO staff concerns?

A. I need to tread carefully here in terms of privilege. To the best of my recollection, Rachel Hassani in advance of the meeting raised concern to Adam Rosell. I believe she raised them in advance of the meeting. Therefore, her concerns weren't caused by the content of the meeting which had not yet happened but instead the identity of the people we were meeting with. Presumably she, you know, either knew who they were or Googled them. But I was not part of that conversation at least in terms of not privileged information. I can't really speak to what transpired.

Q. So how was the AGO staff informed of the topics of those meetings with the consultants?

A. Well, as I said, I only attended the April meeting. To the best of my recollection,

as I said, there was no advanced notice to me of what the content of the meeting would be. So I guess that's responsive to your question.

Q. Okay. So were you given any documents to prepare for the meetings or after the meetings?

A. Certainly not before the meeting for the reasons I have stated. I don't recall certainly myself having any documents to prepare coming out of the meeting.

Q. Okay. So what was the role of the consultants or what was your understanding of the role of the consultants and who determined their roles?

A. As to the latter part, who determined it, I don't know. My understanding of what their role was, I guess I would say there is two levels of that question. The most basic level and probably the most important one is that most of the people in the Hawley administration had little or no government experience coming in. So, you know, there are -- there is a knowledge base on how to effectively run a government office the people who have been particularly in state government have that I certainly didn't have and Evan didn't have.

So my understanding of the principle role of the consultants was to sort of help us government novices sort of understand how to operate a government office. You know, as I said, sort of a level below that and to my mind the most important thing they did was sort of help us think through the various roles of the people on the executive team so that they were delineated, not conflicting, not overlapping, and also so that we could identify areas there may have been a gap.

So to the best of my recollection, one issues that was discussed in April was the need for more constituents. That was, to the best of my recollection, something that came out of concerns raised by Loree Anne but was really clarified by Timmy who had run a governor's office and, therefore, sort of hand, I think, a pretty good handle on what statewide constituent services should look like. So to the best of my recollection, one action item coming out of that meeting, although it wasn't an action time for me, was to consider whether or not we could hire someone to spend more time on constituent services. If not, if there was a way to sort of reallocate various tasks so that there would be more time to

spend on constituent services.

Q. So was there any direction clearly given that consultants were not performing campaign work?

A. I don't recall ever being told they're not performing campaign work. But I also don't recall ever thinking that they were such that such instruction would be required, if that makes sense.

Q. So was the role of the consultants explained to the staff?

A. I don't recall anyone ever explaining to me expressly here is the role of the consultants.

Q. So how long did the consultants serve in that role?

A. I don't know. I mean I know my interactions with them. You know, as I have described, I met them in January of 2017. There was one or more phone calls in the human trafficking roll out. There was the April meeting of Timmy Teepell. I don't have personal knowledge of sort of beyond that time period, their interactions with the office, if any.

Q. Okay. So you think January to May

then?

A. I don't have personal knowledge.

Q. Okay.

A. I don't know.

Q. So would you describe the type of work that they did to be kind of administrative consulting services, or how would you describe it?

A. Yeah. I mean I would sort of compare them to like a McKenzie consultant in terms of operational consulting, which I think is similar to administrative consulting maybe.

Q. So were the AGO staff expected to report to the constituents?

A. I certainly didn't feel like I had to report to them, and no one ever expressed to me that they felt they had to report to them.

Q. Did you feel like you had to follow the direction you gave?

A. I never felt that way certainly, and I don't recall anyone ever expressing to me that they felt that way.

Q. And did you ever interact with the political consultants outside the meetings or phone calls or the phone conferences via e-mail, texts, social media apps, self-erasing or self-destructing

messaging apps?

A. Well, certainly not the last category. I believe that there were e-mails to which I was a party. To the extent that those exist, I produced them or they were produced to the Secretary of State's office. I don't have clear recollection of them. But they're in the record.

Q. Were those state e-mails or personal e-mails?

A. They were over Gmail.

Q. Any texts that you are aware of?

A. I don't recall any. Let me put it this way: In late 2018 I searched all personal digital data that I had available to me. There weren't any. I don't recall any, and I didn't have any when I searched for them.

Q. Okay. So how often do you think you communicated with the consultants either e-mail or phone or --

A. I mean I would say rarely. You know, I mean obviously more than zero as we've discussed. But, you know, not very often and for a pretty time limited period.

Q. So on December 7, 2018, there was a news article that was released quoting that Evan

Rosell had told one or two people in the AG's office that he downloaded a Confide app. Are you familiar with that?

A. With the news article?

Q. Uh-huh.

A. I don't know that I've read the article. But I'm aware that such an article may exist.

Q. Well, I'll show you the news article here. So we've got it as appendix G. That's mine.

A. I'm not sure I actually need a copy.

Q. So did -- were you one of the one or two people that Evan Rosell told about the app?

A. I think the answer to that would be privileged.

Q. Okay. Did he forward you the Confide app?

A. He did not forward me the Confide app.

Q. So are you aware of anyone else in the office downloading a self-destructing messaging app such as Wicker, Telegram, Bleep or Signal?

A. Well, two answers to that. I think

your last question may have been narrower than intended. I downloaded Confide. Or maybe not narrowed. I downloaded Confide probably in January of 2017. I had it on my phone very briefly. The only person I exchanged any messages with was Evan Rosell, probably about five messages back and forth. That app was in the news in early 2017 because of its use by people in the executive branch of the federal government. You know, as somebody who does civil litigation, I kind of wanted to understand the various media that kids are using these days so to speak. I spent a lot of time thinking about ESI issues. So I downloaded it, exchanged a few messages with Evan. Never with anyone else. You know, deleted it not long thereafter.

In terms of other self-deleting apps, I mean I certainly didn't have any. To the best of my recollection, Ryan Banger had Signal on his phone. To the best of my recollection, that was because there was a witness in a case who would only communicate via Signal. I don't believe -- I don't know exactly how Signal works, so I may be misstating it. But to the best of my understanding, Signal is not a self-deleting app.

Instead it has a setting to that effect. I certainly know that Ryan's communications with that witness were retained as part of the case file and were retained, you know, when I left the office in February.

Q. So --

MR. ANDERSON: When you said ESI earlier.

THE WITNESS: Electronically stored information. Computer or electronic data that's evidence in a case.

Q. (By Ms. Allison) So you're not aware of the Signal app being distributed to several staff in January of '17 to be used as an encrypting app?

A. I -- I'm not aware of that. I mean I didn't have Signal.

Q. And you weren't forwarded that app?

A. No. I mean I don't -- and maybe I'm confessing my technical ignorance. I'm not exactly sure what forwarding that means. My understanding is that for Confide there is some sort of setting where you can essentially send a text message to somebody to download this app.

Q. Were you asked to download Signal?

A. I never received such an invite from anybody about any app.

Q. Including Confide?

A. Including Confide.

Q. So how did you come to know about Confide or know to download it?

A. As I said before, it was being discussed in the media in connection with the federal executive branch and to the best of my recollection sort of focusing on the executive branch trying to communicate without their superiors knowing communications were happening. As I said, I, as a civil litigator, trying to keep abreast of sort of potential ESI issues. That's what I spend -- now that I'm back in private practice, that's essentially what I spend all of my time dealing with. So from a professional competency perspective I felt like I needed to at least understand what it was.

Q. But you said you sent some messages back and forth to Evan Rosell. Is that what you indicated earlier?

A. Correct.

Q. Anybody else that you know of?

A. I mean I've never exchanged Confide

messages with anyone else. To be clear for the record, you know, none of the messages I exchanged with Evan were work related. The only one I remember was sort of a mean-spirited joke about KU basketball, Evan being a KU grad. But, you know, certainly not about state business.

Q. Okay. Are you aware or did you use Facebook Messenger or LinkedIn to communicate about state business between staff or communicate with the legislature?

A. I certainly never did, and I'm not aware of anyone who used those media.

Q. Okay. So did you communicate via private or personal e-mail with the consultants?

A. To the extent that such communications exist, they're produced to the Secretary of State. To the best of my recollection, the only e-mail sent by me was a response to, you know, a scheduling e-mail that someone else had sent. I think I said that time works for me. I certainly don't recall initiating any e-mail communications over personal e-mail with them or with anyone else about state business. As I said, I produced all of the, you know, the whole universe of documents to the office. So anything

that existed has been produced.

Q. Okay. Was there any discussion about those e-mails, private e-mails or personal e-mails, being public record and whether those e-mails needed to be retained?

A. I would say that anything responsive to that would be privileged work product.

Q. And so any of those e-mails you said you produced and you retained, correct?

A. When you say any of those e-mails, can you clarify what you mean?

Q. Personal or private e-mails with the consultant?

A. As I said, you know, in 2018 I searched all of the electronic and paper for that matter communications accessible to me and produced to the AG's office anything that would fit into that category. Those materials were all in turn produced to the Secretary of State.

MR. ANDERSON: I'm going to interject something here. On the question you claim privilege on, what was your question, Pam?

MS. ALLISON: Was there any discussion about the e-mails being public record or

whether e-mails needed to be retained?
MR. ANDERSON: Is your assertion privilege, would it be as to the fact of communication?
THE WITNESS: Well, I mean the question asks about communications. Were there communications between me, the general counsel at the office. I mean I can tell you anyone I would have had those communications with would have been the client of the Attorney General's office. So I'm not sure how to answer that question in a way that's not breaching privilege.
MR. ANDERSON: In other words, leaving aside the content, like what was the communication, the fact of the communication which you're claiming privilege to --
MS. ALLISON: So I guess --
MR. ANDERSON: Hang on, Pam.
THE WITNESS: So is your question can I confirm the communications exist without disclosing the content of the communication?
MR. ANDERSON: Right. And you may not care. I was just listening to the question.
MS. ALLISON: Go ahead.
THE WITNESS: I will defer to the

Attorney General's office as to whether or not they think the fact of the communication is privileged.

MR. SMITH: I think the way the question was phrased called for privileged information. So we would ask that you not divulge any such privileged information.

THE WITNESS: Is there a way to rephrase the question that asks -- I mean, Joel, can I take you to be saying were there any communications regarding the subject matter of whether or not -- I can't recall the rest of the question.

MR. ANDERSON: Whether or not they were to be retained. Something like that.

MR. SMITH: Or public record.

MR. ANDERSON: That was my question is the fact of that communication leaving aside what the communication was.

THE WITNESS: I think I can answer that by saying --

MR. ANDERSON: You good with that part?

MR. SMITH: I'm good with him answering that question.

MR. ANDERSON: Okay.

MR. SMITH: And not getting any details.

THE WITNESS: I think I can answer that without breaching privilege by saying, yes, there were privileged communications regarding whether or not -- I guess can you clarify what e-mails? We've had so many communications that I've lost track of what the direct object of the question was.

MR. ANDERSON: And I'm sure I helped it along.

THE WITNESS: Well, I mean you did help us along by getting us where we can have an answer.

Q. (By Ms. Allison) So basically whether those private or personal e-mails were public record and should have been retained?

A. And by those private e-mails, you mean the ones that I put into the possession of the Attorney General's office?

Q. Or just in general should private or personal e-mails to the consultants discussing state business, was there a discussion that those should be retained or should be public record?

A. I mean I now feel like that the

question has been phrased so broadly that I'm not sure. Can we break it up into discrete questions so that I can --

MR. ANDERSON: I think the question is -- you need to listen to me, Pam. Were there communications about whether those --

MR. ALLISON: Types.

MR. ANDERSON: Those types of communications or records should or should not be retained.

MR. ALLISON: Or public record. Right.

THE WITNESS: So do you mind if I articulate what I think the question is, and you can tell me if that's the right question?

MR. ANDERSON: Yes.

MS. ALLISON: Yes.

THE WITNESS: Were there ever communications involving me regarding whether or not communications over personal e-mail needed to be retained under Missouri law?

MS. ALLISON: Right.

THE WITNESS: Yes. The answer to that question is yes.

MR. ANDERSON: Now we can't ask

what the communications were.

Q. (By Ms. Allison) So were -- was there a policy and was there direction given to staff regarding?

A. Regarding what.

Q. Whether those e-mails, personal e-mails or private e-mails, should be returned?

MR. SMITH: I, again, encourage you not to get into the legal advice area. Your question might call for that. So not to disclose any privileged communications.

A. In terms of policies, yes. In terms of guidance, I want to answer this without revealing privileged content. So if the AG office will stop me if they think I'm veering off course. But certainly, yes, legal guidance was given regarding what sorts of documents and communications were subject to retention obligations under Missouri law. I don't know if that answered your question.

Q. (By Ms. Allison) So did you use a private e-mail account to schedule official meetings and press conferences?

A. Did I use -- sorry. Can you repeat the question?

Q. Did you use a private e-mail account, for example, like Gmail that you mentioned earlier, to schedule official meetings and press conferences?

A. No. I want to make sure I understand your question, so I'm going to answer it sort of in parts. I certainly never scheduled any press conferences personally. In terms of scheduling meetings or phone calls, as I said, I believe that there is a document that I produced to the AG's office, which was in turn produced to the Secretary of State, in which there was an e-mail sent to me and several other people, whose identities I don't recall, basically trying to schedule a time. I believe I responded, yeah, that time works for me, or something to that effect.

To the best of my recollection, and as I said, I searched my personal e-mail for a particular response to records. To the best of my recollection, that's the only phone call or sort of communication by e-mail that would be responsive to your question.

Q. Okay. Were consultants included in those type of e-mail invites? You know, you said you were a party or you might have received. So

were the consultants included in those invites?

A. I guess are you asking about e-mails or sort of calendar invites?

Q. Calendar invites.

A. And calendar invites over personal e-mail?

Q. Right.

A. So to the best of my -- well, a couple of things. I never used sort of a Google calendar largely because my phone at the time, the calendar function on my phone didn't work. So I wasn't able to create entries. If people sent entries to me and I accepted it, they didn't show up on my calendar. So I didn't use Google calendar or any other personal calendar, you know, throughout the relevant time period.

After, you know, as I was collecting responsive documents to the Secretary of State's investigation, I went through in my Google account basically every application, whatever the proper noun is for that, in the Google suite. In the course of doing that I realized that there were calendar entries that were accessible from my desktop computer when I was logged in to my Google account that I never seen before.

To the best of my recollection -- and, again, all of those have been produced to the Secretary. So you undoubtedly know the documents better than I do as I sit here. To the best of my recollection, at some of those if not all of them had Timmy and/or Gail as an invite.

Q. Okay. So I was going to show you a couple of things. So Exhibits B, C and D. So to start with Exhibit B.

A. Uh-huh.

Q. So that says Hawley Press Conference Call?

A. Correct.

Q. Created by yourself on your Gmail?

A. It says created by my Gmail address. Correct.

Q. Okay. So you created this calendar invite?

A. I did not.

Q. Can you explain what this is or what this represents?

A. Sure. Well, I can do my best. It says created by my personal Gmail account. As I said before and as I explained to the Secretary of State's office, I didn't use my Google calendar. I

didn't even realize it was an application on my Google account, and I didn't use the calendar function on my phone at this time. I pointed out to the Secretary of State's office that that was there. But this document appears to reflect that I created it. I can't speak to why it says that. I don't know whether it's because in the course of pulling these up and printing them out it somehow modified the calendar entry. I don't know. You know, I recognize that there is a tension between what I'm saying and what these documents say. I don't have an answer for you beyond what I've given.

Q. Okay. So are you saying that somebody else sent you this meeting invite? Is that what you're saying?

A. I don't know the providence of these documents. As I said, I didn't realize they existed until, you know, late 2018 when I was searching through all of the personnel files that are available to me to see whether or not there was anything else out there. It was only in that context -- to the best of my recollection, that's the first time I ever went into Google calendar, and these were there. So I printed them out,

scanned them and put them in the possession of the Attorney General's office. So I don't know who sent them. I didn't review them at the time of the phone calls that are reflected. But that's all I really know about that.

Q. Okay. So the same thing with Exhibit C. It says created by you 9:00 to 10:00 a.m. Central Time-Chicago with Timmy Teepell, Gail Gitcho, Loree Anne Paradise and yourself on June 15th. So this is kind of another time period where I think earlier you indicated you didn't participate with them after April?

A. Well --

Q. Do you remember this conference call or --

A. I would say two things. First, I don't recall saying I didn't participate with them after April. I don't have recollections of it. I certainly didn't have any. I mean I don't recall any specific phone calls in looking at the -- what appears to be an agenda here on Exhibit C, I don't recall discussing any of those issues with Timmy Teepell or Gail. I'm not even sure what PSA or virtual training relate to. I don't know for sure -- I suspect business council relates to the human

trafficking business council that the office later launched. But as I sit here right now, I don't recall ever having discussed that with Timmy or Gail.

Q. Okay. So you don't recall this meeting at all?

A. I have no recollection of a phone call, you know, involving that content, you know, and I don't recall what happened on June 15, 2017.

Q. Okay. Then on the second page there of C, this is another press conference, Hawley press conference, created by yourself, 2:00 to 3:00 p.m. Do you know what press conference that might have been?

A. Again, I have no recollection of that call. I would push back on the wording you used. It says -- rather than saying created by me, the document says created by that Gmail address. As I said, I never created any such calendar entries.

Q. Okay. So do you remember being involved in a press conference in June of '17, or around this time?

A. I mean I -- what do you mean by involved in a press conference?

Q. Did you attend the press conference? Do you know what this press conference was for, or do you remember anything going on at this timeframe?

A. I don't recall when the Attorney General had press conferences. I know that I attended several press conferences. I attended his April 2017 -- I think it was April 2017 press conference regarding the human trafficking regulations. I attended his press conference announcing the opioids lawsuit. I know that over the course of two years I attended other press conferences. They were largely press conferences involving cases or investigations that I was working on. But I have no recollection of anything that was happening in late June of 2017 about which he gave a press conference.

Q. So how would you have been notified of those press conferences?

A. I suspect by phone call probably from Loree Anne Paradise, who as I understand organized the press conferences.

Q. Okay. So do you think she might have sent these invites?

A. I would be speculating about who

sent them. I don't know.

Q. All right. So then Exhibit D, this is in March of '17. It's a Hawley follow-up call. So it's got -- again, it's like the others. It says it's created by your Gmail account. But it's got your response, Yes, I'm going?

A. It reflects on the document the words, Yes, I'm going. As I explained with the others, I didn't realize that these even existed until late 2018. I couldn't speak to the inner workings of the Google accounts and why it reflects what it does. I acknowledge there is a tension between what I'm saying and what the document says. Beyond that I'm not sure what other information I have.

MS. ALLISON: Anything else I should ask him about?

MR. MAGOFFIN: Nothing to add.

Q. (By Ms. Allison) Do you have any idea on the guest list, sometimes it's got your name at the top and sometimes it's at the bottom. Do you have any idea? Is that why it does that?

A. As I said, I don't know how Google calendar works.

Q. Okay.

A. I would just be speculating, and my technical knowledge is such that my speculation is probably not accurate.

Q. Okay. So a lot of these have phone numbers on them. Do you recognize the phone numbers?

A. I don't recognize the phone numbers.

Q. Okay. Because this Exhibit D that has the (641) 715-3580, that's the number of those 9:00 calls that were on everybody's Outlook calendar. So I was just curious as to if you were familiar with that phone number or --

A. I don't recognize it, which is not necessarily to say I didn't recognize it at the time. But as I sit here now I don't know what it is.

Q. All right. So you weren't tasked with setting up the conference calls with the consultants?

A. I was not.

Q. Earlier you indicated you were issued a state phone from the AGO. Did you use it very often for text messages?

A. Well, as I said before, I received

a small handful, maybe like five text messages over the course of two years. I never sent a text message with it.

Q. Were those text messages retained?

A. Yes.

Q. Do you know how long they were retained or just in the course of your employment?

A. Well, they were all case related. To the best of my knowledge, they were incorporated into the relevant case files.

Q. So did you and other AGO staff frequently use personal cell phones to text or communicate?

A. As I said I earlier, I know that I did text with at least some people in the office in sort of a logistical nature of, hey, are you free to talk? Something like that.

Q. So do you have any knowledge of personal text being used to communicate state business?

A. I'm not aware of any such text messages that constitute records.

Q. Was it common place to communicate via private e-mail or private phone, private text or social media apps in the AG office?

A. Well, I'm not aware of anyone communicating over social media apps. With regards to personal e-mail, as I said, I have produced all of those e-mails that I have. The volume of those, especially in the relation to the volume of e-mails that I sent over my state server, I think common place would be an inaccurate word. In terms of text messages, I wouldn't describe it as common place either. Again, they were a logistical nature.

Q. So how would you describe the personal e-mails that were sent, if not common place? Were they used frequently, infrequently?

A. I would say infrequently. Again, I think the volume of them speaks for themselves, especially in relation to the thousands of e-mails I sent from my state e-mail account. So in terms of frequency, I think, yes, infrequently and not common place would be inaccurate statements.

Q. So are you -- here is -- I'm going to give you this. This is Exhibit E. So this is the employee handbook from Missouri Attorney General Hawley. Then if you turn to pages 5 and 6, there on page 5 is the computer use and electronic communication system policy. Then over on page 6

is number 9, electronic written communication on personal electronic devices. Were you aware and familiar with these policies?

A. I don't have a distinct recollection. But I am confident that I was aware of them and familiar with them at the time.

Q. Were other AGO staff aware of this policy?

A. I can't speak to anyone's awareness. But to the best of my recollection, the office requires all new employees to sign a document more or less saying, yes, I've read and understand the policies.

Q. Were any AGO staff ever directed to violate this policy?

A. Not to my knowledge.

Q. Okay. So this policy on page 6, number 9, basically says that, "It is the policy of the AGO that all electronic written communication made or received in connection with the transaction of official business be made or received using the AGO's Communication Systems." "You should not use your personal cell phone, Blackberry, laptop, tablet or other portable electronic device or home computer for AGO business unless you are remotely

logged into your official account." So are you aware of any employees violating that policy or using their personal e-mail account to communicate?

A. I guess I'm aware that, you know -- here is what I would say in terms of personal e-mail accounts. All such communications that I'm aware of I have produced to the office for the record. I do think that, you know, probably at least one or two of those fall within the scope of this policy. I don't believe that their original sending violated the policy. But I certainly think that their being put into the possession of the office cured any violations there might have been.

Q. How about are you aware of any texts that might have violated this policy?

A. I am not aware of any text message that might have violated that policy. I would point out that the first sentence there tracks the language of the definition of record in Chapter 109. Therefore, the scope of the policy is going to track the scope of Chapter 109 as, you know, reflected in conversations that I've had with counsel for the auditor's office and our prior review of the auditor's office. I believe we're on the same page of Chapter 109.

Q. Can you expound on that?

A. Sure. As Joel knows, the AG's office and I led this inquiry I believe is the noun we used involving daughter's (s.i.c.) offices, record retention and Sunshine compliance. In the course of that we had detailed conversations on what Chapter 109 required. I certainly left those meetings thinking that we were all on the same page. Mike Morefield, who reviewed the report that I wrote that includes our legal conclusions, indicated that he agreed with that as well.

Q. Okay. Would you have advised staff that if private e-mails or texts used to conduct state business were requested, that the AGO would fight providing them tooth and nail?

MR. SMITH: And I'm just going to object that it clearly sounds like it's calling for privileged communications.

MR. ANDERSON: Give me the question again.

MS. ALLISON: Would you have advised staff that if private e-mails or texts used to conduct state business were ever requested, the AGO would fight providing them tooth and nail?

MR. ANDERSON: Yeah. I think the

word advised is probably --

MR. SMITH: It's in the question.

THE WITNESS: But I will say this: Hopefully the AG's office doesn't get upset with me. No.

Q. (By Ms. Allison) So you have provided all notes, agendas, correspondence, calendars that you have?

A. Yes. I mean in terms of communications, the calendar entries, those were all produced to the AG office. In terms of notes or things like that, I didn't take any from the Attorney General's office when I left. Notes were incorporated in the case files and things like that. I can't speak to whether or not the AG office retained them since I left. But I assume so.

Q. Okay. Are you aware if the consultants, Mr. Teepell or Gail Gitcho, were paid out of state funds?

A. I am not aware of them being paid out of state funds.

Q. Are you aware of the consultants working with state employees while they were on state paid time?

A. Can you repeat the question?

Q. Were you aware of whether consultants were working with state employees while those state employees were on state time or being paid with state dollars?

A. Could you clarify what you mean by working with?

Q. When they came, for example, to the meeting or the phone conferences, those type of things?

A. Sure. I mean I guess the answer would be yes in the sense that I mean I think probably those meetings happened on state time. There were meetings that involved state business on state time.

Q. But the consultants weren't being paid by the state, correct?

A. I'm not aware of them being paid by the state.

Q. Okay. Would you find that unusual that there are consultants working with state employees on state time that are not being paid by state funds?

A. Would I find it unusual that consultants would provide services without being

paid by the state?

Q. Uh-huh.

A. I wouldn't necessarily find it unusual. I think that it's not uncommon for people to help out so to speak with government without, you know, being paid.

Q. Okay. So from January of '17 to July 2017, campaign records indicate that OnMessage was paid $75,000, roughly, which is Timmy Teepell's organization. Then First Tuesday was paid $30,506 by Hawley's state campaign. Do you think that would represent the amount of work performed providing those kind of administrative consulting services to the AGO?

A. I mean I have no familiarity with, you know, the campaign finance reports, and I have no sense of what they would charge, Timmy and Gail would charge. So I couldn't even begin to speculate about whether or not that would reflect that amount of time, nor do I have a factual basis to say how much time they actually spent in total consulting with the office. I can only speak to the, you know, at least in my experience, limited interactions that I have with them.

Q. Are you aware of there being a

contract for them to provide that work for the AGO?

A. I am not aware of such a contract.

Q. Are you aware of any invoices?

A. I am not aware of any invoices. To be clear, I am not aware of invoices from them. I'm aware of invoices to and from the Attorney General's office. But in the realm of what we're talking about here, no.

Q. Okay. So the OnMessage website indicates their purpose is to elect candidates to political office. There is really no indication on that website that they are in the business of providing administrative services. Then Gail Gitcho, First Tuesday, has experience as a communications director for various political campaigns. Can you explain why these firms would have been selected or providing that type of service of administrative service to the AGO?

A. I mean I have no knowledge of how their affiliation with the AGO came about, and I can't speak to what they do professionally.

Q. Did you or anyone else question using those types of firms or the perception of using those types of firms for those kind of administrative consulting services?

A. As I described before, my understanding is that Rachel Hassani raised concerns about meeting with Timmy and Gail to Evan. I am not aware of anyone else raising concerns about that. You asked about perception. I mean I would certainly say retrospectively whatever benefit their involvement might have had has been outweighed by the sort of perception that has been generated as a result. But that's a retrospective perception of mine.

Q. So you didn't have that concern at the time they were providing those services?

A. I don't recall having that concern. But I also don't recall really knowing much about their backgrounds or, you know, perceptions of them.

Q. Do you know if those firms had previously provided those types of administrative consulting services before?

A. I have no knowledge one way or the other.

Q. Do you know if those professional services were procured through a selection process?

A. I have no knowledge regarding that.

Q. The last payment made to First

Tuesday during that January to July 2017 time period was made on June 30, 2017. After that time period First Tuesday, or Gail Gitcho, was no longer providing any kind of administrative consulting services, correct?

MR. SMITH: If I can just clarify. When you say payment, you mean from the campaign and not the Attorney General's office?

MS. ALLISON: Correct. Campaign.

MR. SMITH: And your question though was related to the campaign services being provided, or to services provided elsewhere?

Q. (By Mr. Allison) To the administrative consulting services. Are you aware of her providing any administrative consulting services after June of '17?

A. You know, as I said before, I don't have a clear recollection of -- I mean, A, I don't have a clear recollection of precisely when any interactions I had with them were. B, you know, I really don't know what interactions they may have had with other people in the office that I was a party to. So the short answer is I'm not sure whether June 30th was a critical date or not. I just don't know.

Q. Okay. Do you know the timeframe in which they began working on the Senate campaign?

A. I have no knowledge on their work on the Senate campaign.

Q. Do you recall roughly when Attorney General Hawley announced he was running for Senate?

A. I don't recall. I mean I think it was in mid 2017. But I couldn't give you the month. I'm not sure.

Q. So I'm going to show you Exhibit A.

A. Can I just say one other thing?

Q. Yes.

A. I believe the words that I used before was I know nothing Timmy and Gail's work on the Senate campaign. To be clear, I do know they worked on the campaign. But I don't know the details of what they did on the campaign. I used more general language than I should have. I just want to be clear.

Q. So this is a Gmail to you from Elizabeth Johnson. It's to your Gmail account from Elizabeth Johnson's Gmail account. Elizabeth Johnson is a state employee, correct?

A. She was at the time.

Q. So she's sending you an invitation

to edit a Google doc Backpage OPED. Can you tell us a little bit about what this document was?

A. Sure. This is -- I mean this is another document that I didn't realize I even had possession of until late 2018 when I went back and ran search terms on my Gmail to identify documents that might be related to the Secretary of State's investigation. Based on sort of the timestamp here, on August 1, 2017 -- well, to take a step back. Earlier in 2017 our office had served a civil investigative demand on a company called Backpage.com in order to investigate their potential facilitation of human trafficking in Missouri. They, rather than complying with the civil investigative demand, filed a Federal 1983 suit against the Attorney General's office in an effort to stop it. On August 1st, which is the apparent date of this communication, we filed a motion to dismiss that lawsuit. Sort of as part of that in support of a jurisdictional argument we're making, we were releasing exhibits of, you know, in our view it was very damning evidence that Backpage was in fact engaged in some extraordinarily heinous behavior.

To the best of my recollection, the

Attorney General was planning on having a press conference in conjunction with that filing. So August 1st was a busy day for me because I spent the first half of it frantically trying to finish a complex and fact intensive filing. [redacted] So I have no recollection of seeing this communication. Frankly, I suspect that I went several days without checking the e-mail at that time. So it doesn't surprise me that I didn't realize this communication came in.

Q. Okay. But would you feel like this does violate the Attorney General's policy number 9?

MR. SMITH: And I would just state to the extent you're asking for a legal conclusion from the office, I think that would call for him to give legal advice from either his role as general counsel or speculate in his role as a private citizen. So we would object to that type of questioning.

MR. ANDERSON: I don't think the question called for an opinion on coming from the office. What was your question -- can I get the question one more time?

Q. (By Ms. Allison) I'm not sure how I phrased it. This -- did you feel like this e-mail or looking at this e-mail now, would this violate Attorney General's policy number 9?

A. Well, I think in order to assess whether or not this violates the policy I think implicates the legal question of whether or not this constitutes a record under Chapter 109. As I sit here right now, I'm not sure that I have the opportunity to sort of run through that legal analysis. But what I would say is that as soon as I was aware that this document existed I brought it into the possession of the Attorney General's office.

Q. So this e-mail says Gail says we need a clear tic-toc on how the events transpired for the record so that Josh gets appropriate credit. We can pull from his remarks and the TPs, which I assume is talking point. I will start putting something together. What did this getting appropriate credit comment mean?

A. I don't know what Elizabeth meant by that. I don't recall the context well enough even to speculate about that what means.

Q. So you don't think this comment is

in reference to promoting his bid for Senate?

A. I mean I certainly have no reason to believe that it relates to promoting his bid for Senate. I also do not know if he was a candidate for Senate at the time. But I mean I suspect that it just relates to getting media attention for the office. Not for any political campaign. But, again, I didn't send that communication. So I don't know what the intent of the communication was.

Q. So do you believe Gail was providing those administrative consulting services to the AGO at this time?

A. I don't know.

Q. Do you know if she was working for the campaign at that time?

A. I have no knowledge of, you know, when she was working for the campaign.

Q. But you indicated that you and Ms. Johnson were state employees at this time of this e-mail?

A. Certainly on August 1, 2018, we were both state.

Q. So did you end up reviewing or revising that Google document at some point in

time?

A. I have no recollection of revising it. As I said, I have no recollection of receiving this at the time. The first recollection I have of this communication is in late 2018 when I was going through my personal accounts to see if there was anything responsive to the Secretary of State. I don't recall for sure. But to the best of my recollection, in late 2018 one of the documents that I put in the possession of the office which then went to the secretary was a Google doc generally relating to Backpage. To the best of my recollection, that was the document that opens if you click open in docs in this communication.

MS. ALLISON: Do have that document?

MR. MAGOFFIN: I can look real quick.

THE WITNESS: I know the Secretary of State has it. It was discussed in my interview with Khris. And Khris is K-h-r-i-s.

Q. (By Ms. Allison) We may come back to that. So I'm going to give you Exhibit F, which is going to make you --

MS. ALLISON: Justin, you've seen

this one before too.

Q. (By Ms. Allison) So this is an e-mail from Evan Rosell. It looks like it went out to several folks. It started -- let me make sure I get this right. So Evan sent it. It's basically action points for each person to address. Do you recall getting this e-mail?

A. To the best of my recollection, I didn't -- again, to the best of my recollection, I didn't recall getting it at the time of the e-mail. This is yet another e-mail that when I was searching through my records in late 2018 I identified sort of the version of this that came from my Gmail account, put it in the possession of the office, and that was in turn produced to the secretary. I don't recall getting this at the time. But I don't sort of have a clear recollection to say definitively. I didn't read it at the time.

Q. Okay. So up at the top it says follow up from Timmy's visit?

A. Uh-huh.

Q. These e-mails are dated May 1st and May 4th. So is this the meeting that they had there in the AGO's office where Timmy was present?

A. As I read this document the reference to "Timmy's visit" most likely refers to when Timmy was in the office in late April.

Q. Okay. And so everybody there at the top, were they all included in that meeting with Timmy, Evan, yourself, Daniel Hartman, Rachel Hassani, Loree Anne Paradise?

A. Yes. I believe that matches up with the roster I provided earlier.

Q. And so this e-mail was sent out to everybody's Gmail account. Do you know, was it also sent to everybody's state e-mail account?

A. Not that I recall. I don't recall receiving an e-mail containing this content on my state e-mail. I also don't recall such an e-mail being identified in the searches I ran in late 2018 on my state e-mail account.

Q. So can you tell me a little bit about the different things that's on each person's list as far as action points that each person is supposed to follow up on, or specifically yours if you're not familiar with the others. Or if you're familiar with the others if you can comment on those.

A. I can certainly comment on the two

under my name. You know, I would need to read other people's, and if there is specific ones you want to ask about I can try and handle those. In terms of "next steps on Opioid front", we had been thinking within the administration for several months about what the office's role, if any, would be in sort of addressing the opioid crisis for lack of a better more specific term. I don't -- I'll try and avoid saying anything about privileged work product.

Obviously at some point we reached the decision to file a lawsuit against three major opioid manufacturers, and later we decided to serve civil investigative demands on a number of others. I don't recall precisely when we decided that, yes, the office's best role on this issue was to file that lawsuit. I believe we filed the lawsuit in mid to late June. So I couldn't say with specificity on whether May 1st we had made that decision yet. I suspect the next steps on opioid front refers either to continuing to think about the office's proper role on this issue and/or if we had already decided to sue, moving that lawsuit forward towards filing.

Q. And then the other bullet point?

A. The other bullet point "Review Daniel's Veteran's Pro Bono project." The office launched sometime in 2017 a program that would facilitate private practice attorneys providing pro bono legal representation to I believe both veterans and active duty members of the military in Missouri. Daniel was -- Dan Hartman was leading that effort. I didn't have much of a role in it, if any.

To the best of my recollection, the state of Nevada launched a substantially similar program, and I spoke by phone with the then chief of staff for the Nevada AG's office sometime in January 2017, within the first couple of weeks of taking the job. I had talked with him about that program, how they had launched it. You know, in particular how they recruited attorneys to participate in it and how they sort of dealt with the authority question of the Office of the Attorney General potentially being construed as providing legal advice to private citizens.

At some point Daniel really took that over. So I know that Evan wanted me to give input on the project as Daniel worked on it. So I guess I understand looking at this bullet point now

to be pointing towards as Daniel continues to work on this project, giving input on it.

Q. So both those topics there for you are state business, correct?

A. Yes. I would characterize both of them as state business.

Q. How about the topics under everybody else, are those all kind of state business?

A. I'll need to read them.

Q. Okay.

A. I mean as I read them I don't see any that look like they're not state business. I confess that, for example, inventory owned/media assets, I don't know what that means. But I don't see any reason to think that it's anything other than state business. I also don't know what develop a target list of coalition groups means. But, again, I see no reason to think it's anything other than state business.

Q. Now, what was that first one did you say?

A. Inventory owned/shared media assets. Loree Anne.

Q. So what would develop a target list

of local and key officials for governmental affair, what would your understanding of that be?

A. Sure. And I couldn't provide you details. But it's very common, I use common place here, for the Attorney General's office to have to interact with and rely on other governmental entities, whether it's other state governmental entities or local entities. Frequently local law enforcement. Sometimes municipalities I certainly reengaged on some housing issues where engaging with municipalities was necessary.

So it's sort of essential when those needs come about that the office have relationships with -- I guess preexisting relationships with the governmental entities. So that's what I read that bullet point to refer to is developing those institutional relationships we can draw on if and when we needed to.

Q. How about under the legislative affairs, develop a key -- develop list of key legislatures for relational engagement over the summer?

A. I confess that my knowledge of the legislative affairs world is pretty limited. But I think this is somewhat similar in the sense that

one goal was for the office to develop institutional relationships with members of the legislature such that, you know, when the office had a legislative priority there would be folks to connect with, whether it's a budget issue. Certainly there were a few legislative proposals that the office had where presumably relationships with key legislatures would have been helpful. That's my understanding of that bullet point. But as I said, my role of legislative affairs was very minor, and I don't know the role that well.

Q. Okay. So this e-mail was sent via Gmail. You don't have -- well, you had indicated earlier that it was rare, infrequent that state business was conducted on private e-mail?

A. Yes. I think that would be an accurate characterization.

Q. So this would have been one of those times?

A. I think this is an e-mail over Gmail that involves state business.

Q. Well, to kind of -- let's see. So when you started with the Attorney General's Office, were you allowed to claim relocation expenses, or have you always been in St. Louis?

A. I don't whether I was allowed to. I certainly didn't.

Q. Are you aware of any other employees receiving relocation expenses?

A. Honestly, until a moment ago I didn't know they existed.

Q. Are you aware of state resources being used for political or personal purposes, including use of a state vehicle, anything like that?

A. I'm not aware of any state resources being used for political or personal purposes.

Q. Okay. Were you aware of anything unlawful or inappropriate regarding state resources being used for political purposes or personal purposes?

A. No.

Q. Have you had any contact or conversations with anyone about this audit?

A. Well, I certainly as a former attorney for the Attorney General's Office, when you initially reached out to me I notified the Attorney General's Office the state auditor wanted to interview me, conduct a interview. So I

consulted with the Attorney General's Office in an effort to protect that office's privilege. I received phone calls from both Evan Rosell and Loree Anne Paradise after, as I understand it, you reached out to them. You know, both of those phone calls were basically them asking whether there had been any outreach to me. At the time there hadn't been. I don't remember the details of those phone calls. But I do recall indicating to them that I thought it was everyone's interest, both theirs, the offices and the auditor's interest, if they would cooperate.

Q. Are there any individuals you think we need to talk to?

A. I mean I suspect that you guys already have on your wish list everyone that would be relevant. I think certainly folks whose names appear on these communications would be relevant individuals.

Q. Anyone else?

A. Are there specific topics that you have in mind in particular?

Q. Just in general regarding the consultants or political use or state resources being used for political purposes?

A. I mean in terms of folks interacting with the consultants, I'm not sure that I'm aware of anyone other than the people that run these communications. I'm not aware of state resources used for political purposes. Therefore, I can't speak to anyone who would have relevant knowledge.

MS. ALLISON: I think we're done.

MR. ANDERSON: Would you like to read a copy?

THE WITNESS: I would appreciate that.

MR. ANDERSON: We'll get you a copy of that. You have my e-mail address there, right? Any questions?

THE WITNESS: No. I don't think so.

(Record proceedings were concludedat 11:44 a.m.)

NOTARIAL CERTIFICATE

I, Stephanie D. Darr, a Certified Court Reporter for the State of Missouri and a duly commissioned Notary Public within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Stephanie D. Darr, CCR

Gmail **Michael Martinich-Sauter <mcmartinich@gmail.com>**

Backpage OPED - Invitation to edit

Elizabeth Johnson (via Google Docs) <johnsonelizabeth816@gmail.com> Tue, Aug 1, 2017 at 3:59 PM
Reply-To: Elizabeth Johnson <johnsonelizabeth816@gmail.com>
To: mcmartinich@gmail.com

Elizabeth Johnson has invited you to **edit** the following document:

Backpage OPED

Gail says we need a clear tic-toc on how the events transpired for the record so that Josh gets appropriate credit. We can pull from his remarks & the TPs. I will start putting something together.

Open in Docs

Google Docs: Create and edit documents online.
Google Inc. 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA
You have received this email because someone shared a document with you from Google Docs.

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Hawley Press Conference Call

Created by: mcmartinich@gmail.com

Time
2pm - 3pm (Central Time - Chicago)

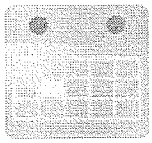
Date
Thu Jun 29, 2017

Where
1 (877) 553-6064

My Notes

Guests
- ✔ Timmy Teepell
  daniel.c.hartman@gmail.com
  Evan Rosell
  Elizabeth Johnson
  Loree Anne Paradise
  Michael Martinich-Sauter

mcmartinich@gmail.com



Conference Call

Created by: mcmartinich@gmail.com

Time
9am - 10am (Central Time - Chicago)

Guests
Timmy Teepell
Gail Gitcho
Loree Anne Paradise
Michael Martinich-Sauter

Date
Thu Jun 15, 2017

Where
1-877-553-6064

Description
Talking Points:
•HT part 2
A) business council
B) PSA
C) virtual training

My Notes

Hawley Follow Up Call

Created by: mcmartinich@gmail.com · Your response: ✔Yes, I'm going

Time
2:30pm - 4pm (Central Time - Chicago)

Guests
- ✔ Michael Martinich-Sauter
  canyoufrythat@me.com
  Evan Rosell
  ggitcho@rnchq.org
  Loree Anne Paradise

Date
Tue Mar 14, 2017

Where
641-715-3580; Access Code: 723-423

Description
641-715-3580; Access Code: 723-423

My Notes

EMPLOYEE HANDBOOK

MISSOURI ATTORNEY GENERAL
JOSH HAWLEY

2017

TABLE OF CONTENTS

1.0. This Handbook's Guidelines and Policies

The guidelines and policies contained in this handbook are for your information only. Because it is impossible to cover all of the possible issues that may arise, this handbook is not all-inclusive and the Office of the Attorney General ("AGO") may add to, revise, or change these guidelines at any time.

This handbook is not an express or implied contract of employment. No employee of the AGO has the authority to create a verbal or written contract of employment with any employee.

2.0. Your Employment Relationship

Your employment with the AGO is "at-will." This means that either you or the AGO may conclude the employment relationship, at any time, for any reason or no reason at all, with or without notice.

3.0. Confidentiality

Lawyers and staff who work with lawyers are expected to keep communications concerning the legal matters they are working on in strictest confidence. The law classifies these communications as "privileged." That means that normally even a court cannot compel a lawyer to disclose confidential information unless the client agrees. This privilege exists so that all clients will feel free to consult counsel without fear that what they may have said to their lawyer in confidence will ever be used to their disadvantage. The counterpart of this privilege is that the lawyer must not, without permission, disclose to others what has been communicated in confidence.

A violation of this rule is a grave breach of professional ethics that may lead to disciplinary proceedings against the lawyer, and even to disbarment.

The practice of law involves lawyers, but also legal assistants, paralegals, and other staff employees. Lawyers frequently must communicate confidential information to staff. All staff employees are charged with the same duty to keep this information absolutely confidential. Every lawyer's and staff member's responsibility to safeguard the confidentiality of clients' information exists both during and *after* the termination of employment with the AGO (regardless of the reason for termination).

All of the AGO's personnel should avoid any discussion of any substantive work of the AGO with friends or family. Discussion of the AGO's matters should not take place in public areas such as elevators, restaurants, or other places where the discussion can be overheard. Any unauthorized disclosure can adversely affect our clients' interests and be a source of grave embarrassment to the AGO.

Violation of this confidentiality policy may result in disciplinary action up to and including termination.

4.0. Use of the AGO's Name

The AGO, including its letterhead and the name of the Attorney General, should be used only by the AGO's personnel in the performance of services or the conduct of business by or on behalf of the AGO. In personal or other matters not involving the AGO's business, the personal letterhead (not governmental letterhead) of the attorney, staff member, or other individual should be used.

No person other than a licensed attorney should sign a letter on the AGO's stationery unless the title of such person (for example, "Legal Assistant," "Paralegal", "Administrative Assistant," or "Administrative Assistant to _____") is indicated below the employee's signature. This disclosure is important so that the recipient of the letter does not mistakenly believe that the author of the letter is an attorney employed by the AGO.

5.0. Substance Abuse

Use of alcohol or the illegal use of drugs by an employee while performing work on behalf of the AGO may result in disciplinary action, up to and including termination of employment.

6.0. Sexual and Other Harassment

It is the AGO's policy to maintain a working environment free from harassment based upon sex, sexual orientation, race, color, religion, national origin, disability, age or any other characteristic protected by law. Unlawful harassment by any person, regardless of whether he or she is a member of the AGO, an AGO employee, a client, or a vendor representative, is prohibited by this policy.

This policy describes prohibited harassment, its forms, and the procedure for reporting and investigating complaints of harassment.

6.1. Sexual Harassment

Unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature constitute sexual harassment prohibited by this policy when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment on the basis of the employee's sex.

Sexual harassment may include subtle pressure for sexual activity; accusations of sexual preference; demands for sexual favors accompanied by promises or threats related to an individual's employment status. In addition, unwelcome sexual suggestive objects, pictures or written words, sexual jokes, slurs or innuendoes, graphic commentaries or descriptions of sexual conduct, suggestive or insulting sounds, touching, leering, whistling, and obscene gestures, if unwelcome, may constitute forms of sexual harassment prohibited by this policy.

6.2. Other Forms of Prohibited Harassment

Prohibited harassment based on other attributes, such as sexual orientation, gender, race, color, religion, national origin, disability, age or other protected characteristics may include, without limitation, unwelcome jokes, slurs, graphic commentaries, insulting sounds, obscene gestures, demeaning remarks and other conduct that has the purpose or effect of interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment on the basis of an employee's protected characteristics.

6.3. Procedure for Reporting Sexual or Other Prohibited Harassment

All AGO personnel are responsible for maintaining acceptable standards of personal behavior in the work environment and for helping to ensure that assigned duties can be carried out in an atmosphere free of prohibited harassment.

The following step-by-step reporting, investigation, and corrective procedure for handling incidences of harassment will be used:

Step 1: **Any employee with a complaint of any form of harassment prohibited by this policy has a responsibility to immediately report such conduct directly to either: (1) Deputy Chief of Staff, Rhonda Meyer (or her successor); or (2) Chief of Staff.**

Because the AGO is concerned about this important topic, reporting violations of this policy to members of the AGO's management other than those specifically designated in this policy are not enough – the AGO has designated the two individuals specifically identified within this policy as the appropriate persons to whom violations of this policy should be reported so that the AGO can ensure that complaints are handled consistently with this policy.

Step 2: An investigation will then be conducted.

Step 3: Upon completion of the investigation, and where it is necessary, the AGO will take corrective measures that the AGO determines are appropriate under the circumstances. Corrective measures will be considered on a case by case basis, will depend on the severity of the behavior, and can include anything, including but not limited to counseling, verbal or written warning, suspension without pay, or termination of employment.

6.4. Retaliation is Prohibited

Retaliation against an individual for making a good faith complaint or report of harassment, or providing information regarding harassment, will not be tolerated. Retaliation will result in discipline, up to and including termination. Any employee with any complaint of retaliation has a responsibility under this policy to immediately report such conduct directly to either: (1) Deputy Chief of Staff, Rhonda Meyer (or her successor); or (2) Chief of Staff.

6.5. Confidentiality

The AGO will attempt to provide as much confidentiality as possible under the circumstances for all parties involved in any complaint of harassment or discrimination.

6.6. False Complaints of Harassment or Discrimination

False accusations or complaints made in bad faith may result in disciplinary action, up to and including the termination of employment of the person making such false or bad faith allegations.

7.0. Discrimination and Equal Employment Opportunity

It is the AGO's policy to maintain a working environment free from discrimination. Discrimination based on gender, race, color, religion, national origin, disability, age, veteran status, sexual orientation, or other characteristic protected by law is prohibited. This applies to all areas of employment including hiring, training, salary administration, promotion, benefits, discipline, and termination.

The AGO will provide a "disabled" employee with a reasonable accommodation to enable the employee to perform the essential functions of his or her job. An employee seeking a reasonable accommodation for a disability should direct his or her request for an accommodation to either: (1) Deputy Chief of Staff, Rhonda Meyer (or her successor); or (2) Chief of Staff.

As with harassment, AGO employees must report incidents of discrimination using the process described above for reporting harassment. The AGO will follow the guidelines set forth in Section 6.3 for investigating and remedying harassment when addressing allegations of discrimination. The guidelines described in Section 6.4, 6.5, and 6.6 also apply to complaints of discrimination made under this policy.

8.0. Computer Use and Electronic Communications Systems

The use of computers, facsimile machines, telephones, electronic mail, and voice mail are part of your everyday tasks. This policy applies to employee use of the AGO's Electronic Communications Systems (referred to here as "Communications Systems") which include, but are not limited to, office-issued telephone, computer, facsimile machine, electronic mail, internet and intranet systems, and voice mail hardware and software.

All Communications Systems and any documents or messages created or contained within the Communications Systems are the property of the AGO and regarded as documents belonging to the AGO. The Communication Systems are to be used primarily for business purposes. Excessive use of the

Communication Systems for personal reasons, or use of the Communication Systems for inappropriate purposes (*e.g.*, illegal conduct, sexual harassment, etc.) is prohibited and may lead to disciplinary action, up to and including termination of employment.

Employees should not expect that any communication created, sent or received on the Communications Systems is private. The AGO reserves the right to monitor, review, access, reproduce or disclose anything created, sent, or received on the Communications Systems, at any time, without notice.

The AGO's Communications Systems' resources may not be used for the transmission or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (viruses and/or self-replicating code), or any other unauthorized or improper use.

9.0 Electronic Written Communication on Personal Electronic Devices

It is the policy of the AGO that all electronic written communication made or received in connection with the transaction of official business be made or received using the AGO's Communications Systems.

You should not use your personal cell phone, Blackberry, laptop, tablet or other portable electronic device, or home computer for AGO business unless you are remotely logged into your official account as part of the AGO's Communications Systems, whether through the AGO's webmail portal (https://webmail.ago.mo.gov), its Mobile Iron (or successor) platform, its virtual desktop program, or otherwise.

10.0. Blogging and Social Media

The guidelines in this policy are intended to assist the AGO's employees to make appropriate decisions about work-related blogging and the contents of blogs, personal websites, postings on social media websites (*e.g.*, Facebook, Twitter, etc.), wikis, and other interactive sites, postings on video or picture sharing sites (*e.g.*, YouTube), or in the comments that employees make online on blogs, elsewhere on the public internet, and in responding to comments from posters either publicly or via email. Any of the AGO's

other electronic communications policies (e.g., Computer Use and Electronic Communications Systems) remain in effect and are not modified by this policy.

These guidelines will protect the privacy, confidentiality, and interests of the AGO, our employees, and the constituencies we serve.

10.1. Guidelines for Interactions About the AGO on the Internet

If employees are developing a website, writing a blog, or make comments on social media websites (*e.g.*, Facebook, Twitter, etc.) that will mention the AGO, our employees, or matters likely of interest to the AGO, identify that you are an employee of the AGO and that the views expressed on the blog or website are yours alone and do not represent the views of the AGO.

Unless given written permission by the Attorney General or the Chief of Staff, employees are not authorized to speak on behalf of the AGO, nor to represent that employees are authorized to do so.

Employees should let the Chief of Staff or Deputy Chief of Staff know if they are developing a website or writing a blog that will mention the AGO, our employees, or matters likely of interest to the AGO. The AGO's management may choose to visit those websites from time to time to determine whether employees' comments comply with this policy.

10.2. Confidential Information Component of the Blogging and Social Media Policy

Employees may not share information that is confidential or proprietary about the AGO. This includes information about personnel matters, legal matters that are subject to attorney-client, work product, or other applicable privileges, and any other information that is not subject to public disclosure by the AGO.

These are given as examples only and do not cover the range of what the AGO considers confidential or proprietary. Any questions about whether information has been released publicly or doubts of any kind about whether information may be shared on the internet should be directed to the Chief of Staff or Deputy Chief of Staff before releasing such information.

The AGO's logos, the Attorney General's name, etc. may not be used without explicit permission in writing from the AGO. This is to prevent the appearance that employees' speak for or represent the AGO officially.

10.3. Respect and Privacy Rights Components of the Blogging and Social Media Policy

Speak respectfully about the AGO, our employees, and the constituencies we serve. Employees should not engage in name calling or behavior that will reflect negatively on the reputation of the AGO or its employees. Use of copyrighted materials, unfounded or derogatory statements, harassing or intimidating comments, or misrepresentation about the AGO or our employees is not viewed favorably by the AGO and can result in disciplinary action up to and including the termination of employment with the AGO.

Honor the privacy rights of our current employees by seeking their permission before writing about or displaying internal AGO happenings that might be considered to be a breach of their privacy and confidentiality.

10.4. Legal Liability Component of the Blogging and Social Media Policy

The AGO's employees should recognize that they may be legally liable for anything they write or present online. Employees can be disciplined by the AGO for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can contribute towards the creation of an unlawful hostile work environment. Employees can also be sued by the AGO, our employees, or other individuals who view employees' online commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous, or that contributes towards the creation of an unlawful hostile work environment.

10.5. Media Contact Component of the Blogging and Social Media Policy

Employees with questions about the guidelines provided in this policy should contact the Chief of Staff or the Deputy Chief of Staff. An employee's failure to comply with this policy may lead to disciplinary action, up to and including the termination of employment, as well as potential legal action against the employee by the AGO and/or our employees or members of the public.

11.0. Media Communications

If you are contacted by the media, you should immediately refer them to the AGO's Communication Director, Ryan Cross. Reporters may be insistent and encourage you to talk "off-the-record." No AGO employee is authorized to communicate with the media without prior authorization from the Press Secretary about an AGO matter in either an on-the-record or off-the-record situation.

12.0. Attendance

Regular and predictable attendance is an essential function of every job with the AGO. Poor attendance is disruptive. When employees are unable to work as scheduled they should notify their immediate supervisor as soon as possible in advance of the anticipated absence. Poor attendance may result in disciplinary action, up to and including termination.

There is no leave without pay unless approved in advance or as provided under the AGO's Family and Medical Leave Act Policy found in Section 13.0. Where appropriate, the AGO may grant unpaid personal leaves of absence. Any employee who does not come to work and is not on approved leave is taking an unapproved and unexcused absence from work.

Any absence without notification and approval will be considered unexcused. The AGO may take disciplinary action, up to and including terminating employment, for any employee who, in the AGO's judgment, has unacceptable attendance.

12.1. Hazardous Travel Policy

Employees who are delayed or prevented from reporting to work due to inclement weather or who wish to leave work early due to worsening weather or road conditions may account for the absence by one of the following methods with the approval of their supervisors:

a. charged to an employee's accumulated compensatory time.

b. charged to an employee's accumulated annual leave.

c. made up by adjusting work schedule. Make-up work shall be completed within a reasonable period after the absence, and the make-up work shall not count toward compensatory time. Employees should consult their Division Chief about an acceptable schedule to make-up the work. Note: Due to the nature of an individual employee's duties, make-up work may not be an available alternative.

d. charged to leave without pay only if the employee has insufficient accumulated compensatory and/or annual leave and the work schedule cannot be adjusted for the absence to be made up.

13.0. Family and Medical Leave Act Policy

Employees may, depending upon whether they meet defined eligibility and qualifications criteria, be entitled to take up to 12 weeks of unpaid, job-protected leave each year in accordance with the AGO's obligations under the Family and Medical Leave Act ("FMLA"). The AGO applies a "rolling calendar" method for determining an employee's eligibility for leave. The AGO may also require an employee to concurrently use paid time off (such as accrued vacation or sick leave) during any period of leave under designated as leave under the FMLA.

13.1. Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care ("bonding time");
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

13.2. Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a

member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

13.3. Benefits and Protections

During FMLA leave, the AGO maintains the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

13.4. Eligibility Requirements

Employees are eligible if they have worked for the AGO for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the AGO within 75 miles.

13.5. Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

13.6. Use of Leave

An employee requiring leave for the employee's own serious health condition or the serious health condition of an immediate family member does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Leave for "bonding time" cannot be taken intermittently but must be taken in one block, and must be used within 12 months of the child's birth or adoption/ foster care placement.

13.7. Substitution of Paid Leave for Unpaid Leave

Employees may choose and the AGO may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the AGO's normal paid leave policies.

13.8. Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

13.9. Employer Responsibilities

The AGO will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as

the employees' rights and responsibilities. If they are not eligible, the AGO will provide a reason for the ineligibility.

The AGO will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the AGO determines that the leave is not FMLA-protected, the AGO will notify the employee.

13.10. Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

13.11. Enforcement

The AGO requests that any employee who believes that the AGO has not complied with the FMLA first bring the employee's concerns to the attention of the Deputy Chief of Staff or the Chief of Staff so that the AGO may first attempt to resolve the matter internally.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the AGO if the employee believes that the AGO has not complied with its obligations under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

14.0. Dress Code and Professional Appearance

The dress code for Monday through Friday is **Business Dress** attire.

Repeated violation of the dress code policy will result in disciplinary action. Questions regarding the appropriateness of particular clothing should be resolved with the Deputy Chief of Staff or Human Resources Manager prior to wearing the clothing to the office. Employees are expected to use good judgment and common sense when deciding on appropriate attire for the workplace. The AGO expects our personnel to dress

professionally. The AGO has the discretion to advise any employee of the AGO that his or her attire is inappropriate and send that person home to change into appropriate attire, without pay, or to impose more severe discipline, up to and including termination.

The following clothing is never appropriate Business Dress attire:

- jeans of any color
- denim skirts or dresses
- t-shirts
- shorts
- tank tops
- bare midriffs
- halter tops
- hats
- low-cut blouses
- sweat suits or wind suits
- skirts or dresses shorter than 3" above the knee
- lycra or spandex tops or bottoms
- tennis shoes
- hiking boots
- casual mules or crocs
- flip flops
- sandals without a heel or ankle strap

15.0. Personal Telephone Usage

The AGO recognizes that employees must from time to time receive personal telephone calls. However, personal telephone calls should not interfere with normal business routine. To the extent possible it is expected that personal calls, other than emergency calls, will be made during the lunch hour. Business hours should not be used to make personal arrangements concerning outside activities.

16.0. Smoking Policy

Smoking is prohibited inside all buildings exclusively occupied by the State of Missouri regardless of whether the building is owned or leased by the State.

17.0. Political Activities

Political activity must not interfere with the normal work for the AGO and never occur on state time. AGO employees cannot post political signs on AGO property. The AGO's name and its supplies, equipment, or services may not be utilized in political causes and activities. Such action could be viewed as an activity of the AGO and result in possible embarrassment to the AGO or in having the value thereof deemed a financial contribution by the AGO.

EMPLOYEE ACKNOWLEDGEMENT FORM

The Employee Handbook of the Office of the Attorney General for the State of Missouri ("AGO") describes important information and guidelines about my employment with the AGO. I understand that my employment with the AGO is terminable "at will," which means that either the AGO or I may terminate the relationship at any time, for any reason or no reason, at any time with or without notice.

Because the information, policies and benefits described in the handbook are necessarily subject to change, I understand that revisions to the handbook may occur. I understand that no such change will affect my at-will employment relationship with the AGO. I understand that revised policies will supersede, modify, or eliminate existing policies.

I acknowledge and understand that nothing contained in this handbook is a contract of employment, either express or implied. I also understand that no AGO employee has the right or authority to create any type of employment contract, either express or implied.

I also acknowledge I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

_____ _____

Employee's Signature Date

_____

Employee's Name (Printed or Typed)

ACKNOWLEDGMENT OF HARASSMENT AND DISCRIMINATION POLICIES

I acknowledge that I have received and read the policies of the Office of the Attorney General for the State of Missouri ("AGO") regarding sexual and other harassment, and discrimination contained in the AGO's Employee Handbook. I understand that the AGO prohibits harassment and discrimination on the basis of sex, race, color, religion, age, disability, national origin, and any other characteristic protected by law.

I understand that I have a responsibility to refrain from engaging in conduct prohibited by the AGO's harassment and discrimination policies.

I understand that if I am subject to conduct that I believe is harassing or discriminatory, I have the responsibility to immediately report such conduct directly to either: (1) Deputy Chief of Staff, Rhonda Meyer (or her successor); or (2) Chief of Staff.

Because the AGO is concerned about this important topic, I understand that reporting violations, incidents of unlawful harassment or discrimination to members of the AGO's management other than those specifically designated in this Acknowledgement is not enough. That is, I understand that I have the responsibility to immediately report unlawful harassing or discriminatory conduct to either of the two individuals specifically identified by the AGO as the appropriate persons to whom incidents of unlawful harassment or discrimination should be reported so that the AGO can ensure that complaints are handled consist with this policy.

I also understand that the AGO's harassment and discrimination policies prohibit retaliation towards an employee who makes a good faith complaint of harassment or discrimination under the AGO's policies.

_____ _____

Signature Date

_____

Name (Printed or Typed)

[redacted]

;;;;
---------- Forwarded message ---------
From: Loree Anne Paradise <loreeaparadise@gmail.com>
Date: Mon, May 1, 2017 at 5:54 PM
Subject: Re: Follow Up From Timmy's Visit
To: Evan Rosell <evanrosell@gmail.com>
Cc: Michael Martinich-Sauter <mcmartinich@gmail.com>, Daniel Hartman <daniel.c.hartman@gmail.com>, Rachel Hassani <rachelhassani@gmail.com>

Call will be Thursday at 9am. Dial-in info is: 641-715-3580; Access Code: 723-423

Thx all!

LA

On Mon, May 1, 2017 at 5:52 PM, Evan Rosell <evanrosell@gmail.com> wrote:

Hey guys --
Thanks for making time to meet together last week. We've been talking through action points for each of us -- I've communicated with several of you about these already. Let me put your respective action points below. I think we'll likely have a conference call toward the end of the week to discuss. LA, can you make sure everyone's square on time/date?

DANIEL: Intergovernmental // Coalition-Building

- Develop a target list of local and key officials for intergovernmental affairs.
- Develop a target list of coalition groups

LOREE ANNE: Communications and Constituent Services

- Find and hire press secretary
- Review constituent services and determine needs and format
- Inventory owned/shared media assets
- Develop list of administration accomplishments
- Job Description for Brad Johnson (Special Assistant to the AG)

RACHEL: Legislative Affairs

- Develop list of key legislators for relational engagement over the summer
- Develop system for tracking legislative requests

MIKE: Policy

- Next steps on Opioid front
- Review Daniel's Veteran's Pro Bono project

EVAN: Admin/Budget/Personnel

- Secure funding for Human Trafficking Coordinator
- Secure funding for additional constituent services representative

- **Finalize line attorney rebuild (Lit, GA)**

Let me know if you guys have questions.

F.

--
Loree Anne Paradise
(912) 245.0212 (mobile)
--
Rachel Hassani
417-838-3067

LATEST NEWS

asing messages at top of Missouri government the tip of the iceberg?

BY LINDSAY WISE AND JASON HANCOCK
DECEMBER 07, 2018 10:31 AM, UPDATED DECEMBER 07, 2018 05:11 PM

Consultants worked to raise Josh Hawley's national profile and helped direct the state office's work, records show. BY

JEFFERSON CITY

When news first broke last December about the use of the self-destructing text message app Confide in the governor's office, the scandal appeared to be confined to a handful of people — former Gov. Eric Greitens and his closest advisers.

A year later, the list of known Confide users in Missouri government has grown alarmingly long, with the true extent of its use still an open question.

A lawsuit uncovered 27 members of Greitens staff who used Confide, which automatically deletes text messages once they are read.

The Star reported last week that Attorney General Josh Hawley's former chief of staff, Evan Rosell, used it while overseeing the operations of the office that cleared Greitens of any wrongdoing. The St. Louis Post-Dispatch disclosed last month that chief of staff for the incoming state attorney general, Missouri Treasurer Eric Schmitt, also downloaded the app.

By deleting messages the moment they are read, Confide ensures text conversations vanish without a trace —a potential subversion of Missouri laws designed to make the inner workings of government open to public scrutiny.

Facing new scrutiny over Confide use in their offices, Hawley and Schmitt addressed the issue Thursday at a press briefing to discuss transition matters.

Hawley, a Republican who will resign Jan. 3 when he is sworn is as a U.S. Senator, said he didn't know that his top aide used Confide.

"We have a policy in this office that says that Confide is not to be used for public business," Hawley said, "and we take that seriously and expect everyone in this office to abide by it."

Schmitt, a Republican appointed to replace Hawley as attorney general, was just as adamant that no one in government "should be using Confide for public business."

"That is my position, and that will be my position in this office," he said. "Confide is not something people should be using when they are elected to public office."

Mark Pedroli, a St. Louis-area attorney who sued the governor's office last year over the use of Confide, pointed out that "Greitens said the same thing" about Confide use by his staffers.

"They always add on the 'for public business' in their quotes and in their policies," Pedroli said. "That's the loophole. They allow it to be downloaded and used and then ask the public to just trust that they aren't going to cross the line. The use of burner apps that are unable to retain communications permanently must be banned for all state officials on all phones and for all reasons."

Pedroli worries the revelations about Confide use in state government over the last year could be just the tip of the iceberg. He's become convinced his lawsuit is the best way to sort out just how widespread Confide use has become in state government.

But over and again, he says he's run into a pair of roadblocks: Gov. Mike Parson and Hawley.

Parson's attorneys, holdovers from the Greitens administration, continue to urge the judge in his case to dismiss the suit. And Pedroli said Hawley's legal conclusion that cleared Greitens' of wrongdoing in the Confide investigation has been weaponized against him in the courtroom.

Now that it's known the top aides of three GOP statewide officials — Greitens, Hawley and Schmitt — all used Confide, Pedroli is calling on Parson to stop fighting his lawsuit in court and for Hawley and Schmitt to recuse themselves from "all burner app investigations."

"Draining the swamp of secret, shredded, government communications is what our litigation is all about," he said. "Holding government officials accountable is a critical component of preventing future violations."

The Star first revealed use of Confide in Greitens office in early December 2017.

Hawley launched an investigation into whether the app was being used to destroy public records two weeks later. The inquiry consisted of interviews with eight Greitens staffers, but not Greitens.

Hawley's office never filed a request for records pertaining to Confide use in the governor's office.

The two-month inquiry ultimately concluded that there was no evidence of wrongdoing, in part because Confide ensured there was no evidence.

Pedroli's lawsuit would later uncover that 27 members of the governor's office, including Greitens himself, used Confide. Public records obtained by Pedroli show Greitens' staff openly discussing use of the app to conduct public business not only among themselves but also with people outside the governor's office.

The fact that Rosell used Confide during his 15 months as Hawley's chief of staff was never disclosed.

Rosell said last week that he did not use Confide for public business. He said he might have told "one or two" people in the attorney general's office that he had downloaded it, but he did not say whether Hawley knew.

When asked by The Star shortly before the election, Hawley said he didn't know whether any of his taxpayer-funded staff had ever used Confide.

Asked again Thursday, Hawley insisted that he was never aware Rosell ever used Confide.

Pedroli said Hawley is either "concealing the truth or his chief of staff and a handful of additional senior staff were concealing it from Hawley. Sounds like we have a genuine question that requires an investigation."

Hawley stood behind his investigation of Greitens on Thursday, saying "we found what we found with the tools we were able to use." He noted he lacks subpoena power in Sunshine Law investigations, something he urged legislators to address to improve enforcement of open records laws.

Pedroli said the findings of Hawley's Confide investigation are both factually wrong and marred by a possible conflict of interest, creating the appearance that the attorney general's staff exonerated Greitens' office to protect their own use of burner apps.

Parson took over the governorship after Greitens resigned in June. He banned the use of Confide in his office, but the attorneys defending the governor's office against Pedroli's lawsuit continue making the same arguments that the app doesn't violate Missouri's Sunshine Laws.

The legal tussling between Pedroli and the governor's office culminated in June, when Cole County Circuit Judge Jon Beetem halted all discovery in the case.

Pedroli will ask the judge to reconsider that order next month and allow him to continue collecting evidence.

Parson's spokesman, Steele Shippy, said the governor's office is committed to government transparency.

"That's why we banned the app," he said. "We wanted to lead by example. But we don't have the authority to tell someone they can't have Confide on their personal device. We don't have the legal authority to do that."

Barbara Smith, one of the private attorneys defending the governor's office in the lawsuit, said it's unfortunate that the plaintiffs are "more focused on trying this case in the press and not inside the courtroom, which reveals the fact that they have zero legal argument to stand on. We are confident in the litigation moving forward and we have nothing to hide."

Pedroli said the last time the governor's attorneys said he had no chance in his case "they lost their motion to dismiss." He added that "it's "perfectly appropriate that an open records lawsuit over the use of burner apps in government is being extensively discussed in the media. Defendants should welcome the coverage, but they won't."

Michael Wolff, a retired judge of the Missouri Supreme Court and former dean of St. Louis University Law School, said the question is whether the use of Confide by Hawley's chief of staff or other people in the attorney general's office was unlawful.

"I'm not sure whether it's a conflict of interest or whether two office holders' offices disobeying the same law," Wolff said. "The only way this gets fully investigated if at all would be through a private lawsuit ... So the question is (Pedroli) going to expand his lawsuit to include the AG's office. Otherwise, unless there's a suit involving the office the AG and his staff don't have to answer any questions."

Hawley seemed to agree with Wolff on Thursday, telling reporters that because of his office's lack of subpoena power in Sunshine Law investigations "civil litigants often have more authority and tools at their disposal than this office."

A bill introduced during the 2018 legislative session by Rep. Gina Mitten, D-St. Louis County, would have banned state employees from conducting public business using software designed to send encrypted messages that automatically self-destruct.

It was never given a hearing or referred to committee, but Mitten said she plans to re-file the bill in 2019.

Schmitt said he hasn't seen the bill so he can't comment on it specifically, but "I don't have any problem with that becoming law or policy."

Jonathan Groves, president of the nonprofit Missouri Sunshine Coalition, said he hopes there will be hearings about Confide and other such apps as the legislature considers strengthening the state's open records laws.

"The Sunshine Law has not really kept up with technology," Groves said, "and this is one of the cases where we need to say: Will the legislature step up and look at this law and how we can beef up the law so that it can keep up with technology? ... There's not an easy solution to this but there's a broader conversation that needs to be had, and the legislature is a place where that could happen."

Comments

STATE OF MISSOURI

OFFICE OF THE STATE AUDITOR

Audit of Missouri Attorney General's Office

Deposition of Daniel Hartman

October 3rd, 2019

INDEX OF EXAMINATION

INDEX OF EXHIBITS

EXHIBITS:

Reporter's Note: The original exhibits were attached to the original transcript.

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Also present:

The Court Reporter:

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Missouri CCR No. 1336
ALARIS LITIGATION SERVICES
2511 Broadway Bluffs, Suite 201
Columbia, Missouri 65201

(The deposition commenced at 10:05 a.m.)

DANIEL HARTMAN,

of lawful age, being produced, sworn, and examined on behalf of the state auditor's office, deposes and says:

MR. ANDERSON: Mr. Hartman, my name is Joel Anderson. I'm not actually going to be the one questioning you, but I usually get these things started. I'm an attorney with the auditor's office. I'm serving more as support staff as the auditors are conducting their interviews for this audit. You met Pam Allison. Pam will be the one asking you some questions.

If at any time -- I'm sure your lawyer has probably already told you this. If at any time a question is not clear to you, just let us know. We'll rephrase it, repeat it, whatever we need to do. We just need to make sure your answers are true to the best of your recollection, and we don't need you to guess at any time. If you need to take a break, if you need to discuss anything with your lawyer, you're more than welcome to do that. This is a department audit of the Missouri Attorney General's office, and there's always a danger of getting into communications that are protected by

law, which would be privileged communications.

Are you an attorney, sir?

THE WITNESS: I am.

MR. ANDERSON: Good. So maybe I can shorten this a little bit, then. If you think something might be privileged -- and we a have representative from the attorney general's office, in addition to your lawyer, but if you have some questions about whether something is privileged and you want to talk to him, we can take a break and you can do that. Is that agreeable with you?

THE WITNESS: Yes.

MR. ANDERSON: Okay. Now, I'll insult you by saying that all of the answers have to be verbal. Head nods won't work -- I know you already know that.

Any questions before we start?

MR. HADEN: I've got a couple.

MR. ANDERSON: Okay.

MR. HADEN: Sorry. I didn't mean to step on you there. All right. So just so I know where we're at, this is your -- this is -- this audit is being conducted as part of the closeout audit of the attorney general's office; is that correct?

MS. ALLISON: That is correct.

MR. HADEN: Is there only a closeout audit, or is there some other function, in terms of the investigation -- or is there an investigation?

MS. ALLISON: It's part of the closeout audit. We're conducting -- we may issue a couple of different reports, but it's all under the same umbrella of the same audit.

MR. HADEN: Okay. So then I just want to make sure -- because, Joel, you and I have talked about this. Obviously, we've got Mr. Hartman under oath today, we're making a transcript. He's here voluntarily, not a true deposition, but we are where we are on that, in terms of agreement. I think -- well, I've gone back and looked at the law on this. I've looked 29.200, and it talks about the audit work papers related to supported material being kept confidential. So is this transcript going to be kept confidential as a -- I don't know if it's an audit work paper, but is it related to supported material?

MR. ANDERSON: Well, as I explained on the phone, the audit report itself -- the final report is public, and anything that is attached to that as an appendix is also public. If the transcript or portions of it are attached to the audit report,

those will be public. If they're not attached to the audit report, they're not.

MR. HADEN: Okay.

MR. ANDERSON: Is that right, Pam?

MS. ALLISON: Right.

MR. HADEN: So what's your obligation to keep confidential versus publish? And I'm going to ask this -- I mean, you-all knew this -- I don't do this. I'm looking at 29.200(17), it's the last paragraph. The very last sentence says:

"Except as provided in this section" -- and the rest of the section talks about certain -- like, government agencies could get it, I presume the legislators could get it, I don't know. Because it says:

"Except as provided in this section, audit work papers and related supportive materials shall be kept confidential, including any interpretations, advisory opinions, or other information or materials used and relied on in performing the audit."

So what part do you have to keep confidential and what part do you not? It's a good faith question. I'm not trying to be argumentative; I'm just trying to figure this out.

MR. ANDERSON: I don't know how much more

I can clarify. If it's not part of the report -- if you, like, concerned with, like, a Sunshine request or something like that?

MR. HADEN: Well, that's what you and I talked about, and I know you said you don't believe that you can even cite an investigatory exception under the Sunshine Act to a Sunshine request for this transcript. I think that's where we left it last time we talked about it.

MR. ANDERSON: Well, I think my point was I don't think it's necessary, because if it isn't a public document under that section, it's got a heck of a lot more protection than something that's closed under the Sunshine Law.

MR. HADEN: Well, that's easy to say when you're not the one not being asked questions here today.

MR. ANDERSON: True.

MR. HADEN: So when we get done, if you want to go under oath, I can ask you, but, I mean --

MR. ANDERSON: But I'm not going to answer those -- you probably guessed --

MR. HADEN: I figured as much. I figured as much. So that's my point, then. I know you say it's not necessary; we can feel our way as we go

here. I just want to make sure I understand -- because -- and the reason -- and, again, I'm not trying to be difficult, but to have this conversation now, so I don't have to accidently blow up your rhythm later, I want to make sure I understand the scope of what you're doing here today, in terms of constitutional authority, the statutory authority of the auditor.

So you're telling me it is a closeout audit under -- and I get that part of the authority, obviously. Are you looking at it as -- 29.201 deals with further investigations or other potential investigations. Do you think you're asking questions under that section of the statute, or is it only under a closeout audit theory?

MR. ANDERSON: Well, I think we're doing a closeout audit, and there's an investigation here.

MS. ALLISON: Right.

MR. HADEN: There's a separate investigation, you think, along with a closeout audit, or separate from the closeout audit?

MR. ANDERSON: How much of this is public? I don't even know. I think part of that's public -- do you know?

MR. HADEN: How much of what you're doing

is public?

MR. ANDERSON: No, no, no. Ordinarily, we don't discuss an ongoing audit, so I need to be careful what I say about what's going on. In terms of -- is what we're doing right now public? No.

MR. HADEN: Well, right. I mean, I understand you're not live streaming our discussion here today, and neither am I, to be clear with everybody.

You understood my concern, because as -- it's not a shock. I mean, a lot of what the auditor does gets press coverage. In particular, what we may talk about here today may. What I asked you was, if a request comes in from the press, are you going to turn around and disclose it on the theory that you don't have the investigatory exception to the Sunshine Act, because that's probably how this is going to go down. Somebody will file and give you a request under 610. Are you going to cite your investigatory exception, or are you going to say, Nope, here it is, here you go?

MR. ANDERSON: Well, I'm not sure what piece I'm leaving out here. Whatever we've got going on in an ongoing audit isn't public.

MR. HADEN: Okay.

MR. ANDERSON: So if they send up something tomorrow because we took this deposition today, is that what you're talking about?
MR. HADEN: Right. Right. Right.
MR. ANDERSON: Well, that's an audit work paper and related support materials.
MR. HADEN: Okay.
MR. ANDERSON: At the very least, it's that.
MR. HADEN: You do believe it's that?
MR. ANDERSON: Once the audit is published, if it's part of it, that part is.
MR. HADEN: I understand that, because of that -- the theory on that would be that it's a public document anyway. Now, what determines whether or not you attach -- because here is my issue -- and you and I have talked about it. We don't have to do this on a transcript. I'm not -- by the way, I'm not necessarily opposed to doing this on a transcript, but he's here voluntarily, and you've got a boss that's running for governor, and you've got a boss that's going to have -- I'm not saying she will do this or she won't do this, and I -- frankly, America is America, but she would have some incentive to take potshots at a sitting senator

from the opposite party.
MR. ANDERSON: You've said that to me before --
MR. HADEN: I have said it, and I'll say it on the record here today.
MR. ANDERSON: You already have said it on the record.
MR. HADEN: Okay. So that being the case, what's --
MR. ANDERSON: I'm kind of done with it at this point.
MR. HADEN: Done with what?
MR. ANDERSON: Well, the same question over and over again.
MR. HADEN: Okay. So -- all right. So what is my assurance that this is not going to be a politicized event? I'm just a lawyer doing my job.
What is my assurance from the auditor's office that this is going to be about doing their job, rather than about pursuing some political agenda?
MR. ANDERSON: I don't know what assurance you're looking for.
MR. HADEN: Well, I'm at least looking for assurance that you will do your utmost to ensure

that doesn't happen.
MR. ANDERSON: What is the "that" that you're talking about?
MR. HADEN: What I just said. It's not going to be some politicized event --
MR. ANDERSON: What does "politicized" mean? Will it be public? Well, an audit is public.
MR. HADEN: Okay.
MR. ANDERSON: I mean, where do you go from there?
MR. HADEN: Okay. All right. Well, we can proceed with the questions, I guess, and see where we end up today.
MR. ANDERSON: If you have an objection to make or a concern with a question, that's why you're here.
MR. HADEN: Obviously.
MR. ANDERSON: Uh-huh.
MR. HADEN: I'm just trying to figure out what exactly the auditor's office is going to do with the information they're gathering.
MR. ANDERSON: They're going to do a report, and it's going to be published, just like every audit they've ever done.
MR. HADEN: Okay. We'll see.

MR. ANDERSON: Good to start?
MR. HADEN: Yes.
MR. ANDERSON: Pam.

EXAMINATION

BY MS. ALLISON:

Q. So, Mr. Hartman, can you tell us a little bit about your background prior to joining the attorney general's office?

A. Sure. I served as a U.S. Army officer for a period of time before going to law school; I did two tours in Iraq as an entry officer. And whenever I went to law school, I attended the University of Missouri, and after that, I actually worked for Mr. Haden, and then I started working for Josh.

Q. So how did you know former Attorney General Hawley?

A. Well, he was my professor in law school, as was his wife, and I got to know him initially at the University of Missouri.

Q. So tell us what your duties and responsibilities were at the attorney general's office and how they changed while you were employed. I think you first started off as special counsel and director of legislation, and then later you became chief of staff; is that correct?

A. Initially, I was -- my title was special counsel, and in that capacity, I handled a number of miscellaneous issues, some legal and nonlegal. For instance, a nonlegal would be the implementation of our document management system at the attorney general's office. A legal responsibility would be the Sunshine Law -- responding to those. I guess another nonlegal role would be, eventually -- you mentioned that I was legislative director. That was not until -- at some point into the term. I don't recall exactly when, but I took over those duties at some point. And then, yes, in 2018, I became chief of staff.

Q. Okay. So kind of what were your duties as director of legislation and then chief of staff?

A. As legislative director, I would -- I was responsible for our monitoring of legislative initiatives occurring at the capital and responding to fiscal notes; I oversaw that. And when legislators had questions or concerns or any contact that they had -- or wanted to have with our office, I was their primary point of contact. As chief of staff, I filled the traditional chief of staff role that one might expect, primarily, operations of the office was my purview.

Q. So when did you leave the AGO?
A. When Senator Hawley took office as senator.
Q. So that would be January of --
A. January 2019, yes.
Q. 2019?
A. Yes.
Q. Okay. So how did you communicate with Attorney General Hawley while you were employed at the office?
A. Primarily, in person and by phone.
Q. Okay. How did you communicate with other staff? Did you use state email, state text, private email, private text? What kind of method?
A. Primarily, in person, phones, certainly used email -- state email accounts.
Q. So is that a -- like a state-issued cell phone, or are you talking office phone?
A. I did have a state-issued cell phone, so, yes, I did use that, in addition to the state desk phone -- I did have a desk phone.
Q. Okay. What about your personal phone or a personal email account?
A. I had a personal phone, and I made calls from it, as well.

Q. Related to attorney general business?

A. I don't recall specific phone calls from --

Q. Okay.

A. -- my personal phone and the content of specific phone calls.

Q. What about texts regarding AGO business?

A. I did use my state-issued cell phone for text, although, primarily, those were received by me, and my ordinary practice was to respond to somebody by calling them back. My state-issued cell phone was distributed to people that I worked with outside of the building -- outside of our office, so when people wanted to reach me, sometimes they would text me. Generally, I would respond to those people with a phone call. And I did retain those text messages on AGO servers.

Q. Okay. What about personal email? Did you ever use personal email to either set up meetings or discuss meetings regarding AGO business?

MR. HADEN: I think method may have a privilege issue, so I'm going to object to the question.

MR. ANDERSON: The method of communication would be a privilege issue?

MR. HADEN: Uh-huh. Potentially. How do you talk to your lawyer when you talk to him, or how as a lawyer do you talk to your client, actually, is more to the specifics here. We've got to be careful, because we've got to make sure that -- I have to make sure that Mr. Hartman as an attorney, as we all do. It's the client's privilege to waive, so --

MR. ANDERSON: Yeah, I've got that.

Do you want to weigh in? I don't think it's a privilege issue, but you may not be that concerned with it. I don't know. Do you have a -- Mr. Smith, do you?

MR. SMITH: Yeah. I mean, we maintain we don't want any privileged -- obviously, he waived, so I -- you mean, it does flag a potential privilege issue, so we would encourage Mr. Hartman not to get into any privileged subject matter.

MR. HADEN: Can I get the question again? I'm sorry.

Q. (By Ms. Allison) Did you communicate regarding any AGO business -- any type at all, whether -- or I can rephrase that to any AGO business that's not legal or attorney-client privileged using personal email?

MR. ANDERSON: Can I interrupt you, Pam? I think he wanted you to repeat the question you asked.

MR. HADEN: Yeah. Sorry. I just want make sure I understood -- I heard it; I want to make sure I'm thinking about the substance of it, so ...

MR. ANDERSON: As best you can.

MR. HADEN: As best you can. I mean, as close as you can to what you asked.

MS. ALLISON: Did you ever use personal email to conduct AGO business or communicate with other staff?

MR. HADEN: Okay. So -- that's a compound question that I ask be broken up, to the extent he is going to answer it, because I think it may be -- it's two different questions. But I still -- I want to make sure I'm clear on what the AG's -- you're saying don't get into privileged material. Does the AG have a position as to whether method would be a privileged matter?

MR. SMITH: The fact of an action being taken, I don't -- I don't think we would claim that as privileged, but, certainly, any communications about business we would claim as privileged.

MR. HADEN: So the substance of the

communication --
MR. ANDERSON: The content, I understand. I think she's just asking did you use this method to communicate or not.
MR. HADEN: I just want to make sure. Okay. So --
MR. ANDERSON: Did I get that right, Pam?
MS. ALLISON: Right.
MR. HADEN: Okay. Now, then, as to AGO -- or business versus communicate with the staff, I would ask that that be bifurcated, because that could be --
MR. ANDERSON: Sure. That's compound.
MR. HADEN: Yeah.
MR. ANDERSON: Yeah, that's fair.
If you just want to break those up into two parts, that'll be fine.
MS. ALLISON: Right.

Q. (By Ms. Allison) So did you use personal email to communicate with other AGO staff?

A. Yes.

Q. Okay. Could you tell us how meetings and conferences with Attorney General Hawley were scheduled or held?

A. Can you tell me during what time frame

you're referring to?

Q. From January of 2017 until July of 2017.

A. And I understand the question is how the attorney general's time was scheduled?

Q. Well, how were meetings held? Were they held in person or were they held -- did you have phone conferences, or how did you typically meet with Attorney General Hawley?

A. I can speak for myself. I was not his scheduler there or involved with his scheduling process. When he was in the office is whenever I would meet with him one-on-one.

Q. Who typically attended those meetings?

A. I don't recall being in that time frame a part of any formal meetings where other people were attending with the attorney general.

Q. Okay.

A. My interactions with him at that time were, as best as I can recall, one-on-one.

Q. Okay. Were those meetings put on your AGO calendar or a private calendar?

A. With the attorney general?

Q. Uh-huh.

A. Not that I recall.

Q. Okay. How were meetings with consultants,

Mr. Teepell and Gail Gitcho scheduled or held?

A. I recall meeting -- one meeting that I attended with Mr. Teepell at the attorney general's office. I do not recall how that was scheduled.

Q. Okay. So that was an in-person meeting?

A. Yes.

Q. Who attended that meeting?

A. I recall that Mr. Teepell was there and then I was there. And as I was instructed earlier not to guess, I don't recall precisely who else was there.

Q. Okay. Do you know an approximate time frame that meeting was held?

A. I can say that it was during working hours that the attorney general's office was open during the day.

Q. Do you know if it was winter, spring, fall or --

A. Oh. I thought you were referring to the time of day.

Okay. In the first half of the year of 2017.

Q. And you may have indicated this earlier -- so was that on your calendar or ...

A. I don't recall.

Q. You don't remember?

So regarding that meeting, was there an agenda or did you take notes?

A. I don't recall there being an agenda. And to extent that I took notes, I don't recall taking any.

Q. Okay. So in your statement to the secretary of state's office, you indicated attending one in-person meeting with Timmy Teepell, and so you think the date of that was within the first six months? Is that what you said earlier, is that one meeting was in the first six months of 2017?

A. Yes. To the best of my recollection.

Q. Was that the first time you ever met Mr. Teepell?

A. No.

Q. When did you previously meet him?

A. I served as the attorney -- then Attorney General Hawley's campaign manager in the 2016 campaign, so I met Timmy in my capacity as campaign manager.

Q. Do you know how Mr. Teepell became involved with the attorney general's office?

A. No.

Q. During your in-person meeting with

Mr. Teepell, what topics were discussed?

A. I recall at the meeting Mr. Teepell looked at me and said something to the effect of, Hey, Dan, you know a lot of people across the street, what do you think about handling intergovernmental relations or intergovernmental affairs, something to that effect.

Q. Okay. Do you recall talking about the iManage software update or veterans initiative or human trafficking?

A. I don't recall any of those.

Q. Did you exchange any emails with the outside political consultants prior to the inauguration?

MR. HADEN: Could I hear that one more time, just to make sure I didn't catch the last part wrong?

Q. (By Ms. Allison) Did you exchange any emails with outside political consultants prior -- just prior to the inauguration? So December --

MR. HADEN: Okay. So I'm going to object to that question on the grounds -- and if you clean it up -- and maybe you're going to -- it's public record. I don't think it's a secret Mr. -- that Mr. Hartman was a campaign employee for Mr. Hawley

before he went to the AG's office, and I don't think any of that would be a proper line of questioning for today, and so -- and I think maybe you were going to clarify at the end, I apologize. I just want to have that on the record.

Q. (By Ms. Allison) Okay. So would you have communicated with the outside political consultants about your future employment with the attorney general's office prior to the inauguration?

A. I do not recall doing that.

Q. In your statement to the secretary of state's office, you indicated the first time you met Gail Gitcho was at a human trafficking press conference in St. Louis. Did you attend any meetings where Gitcho was in attendance?

A. No.

Q. Did Ms. Gitcho participate in any phone conference calls that you would have participated in?

MR. ANDERSON: Pam, I'd suggest a time frame on that, just to be clear.

MS. ALLISON: Okay.

Q. (By Ms. Allison) During your employment at the AGO's office, or even, specifically, the first seven months of 2017, did you participate in any

phone conference calls with Ms. Gitcho?

A. No.

Q. Did you have meetings with any other outside consultants during that first seven months in 2017?

A. No. Not that I recall.

Q. Okay. So how many meetings and phone calls in total did you attend in which outside political consultants were present or participated?

MR. ANDERSON: You need a time frame on that, too.

Q. (By Ms. Allison) During the first seven months of 2017.

A. The only one I recall is the one I referenced earlier that was the at the Supreme Court building.

Q. Do you know who was responsible for coordinating that meeting?

A. I don't have personal knowledge of that.

Q. Before that meeting with the consultants, did you discuss kind of what we were -- you were going to talk about with anyone else at the AGO's office, like a prep meeting or anything like that?

A. No. Not that I recall.

Q. At that meeting with the consultants, were

any topics raised that were only campaign related?

A. No.

Q. Were there any references to Attorney General Hawley running for U.S. Senate at that meeting?

A. No.

Q. Did the discussion ever drift to campaign-related issues?

A. No.

Q. Were there any topics that were discussed that caused you any concern?

A. No.

Q. So how were you informed of what was going to be talked about at that meeting?

A. I don't know that I was given advance notice, so to speak.

Q. Okay. So you weren't given any documents or asked to prepare anything for that meeting?

MR. HADEN: The only thing -- I mean, we're talking about some old events. I'd advise you to answer within your memory and not speculate.

A. This was two and a half years ago. I hope you understand. So the answer to your question is, no, not that I recall.

Q. (By Ms. Allison) Did anyone come to you

and discuss their concerns with meeting with the political consultants?

A. No.

Q. What was the role of the consultants, to your knowledge?

A. My understanding is that they were to advise us on the efficient operations of a state office. I had never been in state government, nor had then-Attorney General Hawley or most of our staff, as I recall -- as best as I can recall.

So I understood it to be advice given that -- for instance, Mr. Teepell, I understand, had experience in government in high levels.

Q. Do you know who determined the roles of Mr. Teepell and Ms. Gitcho?

A. I do not.

Q. Was the role ever -- of the consultants ever explained to you or other AGO staff?

A. No. Not that I recall.

Q. Was there any direction clearly given that the consultants were not performing campaign work?

A. I'm sorry. Can you say that again?

Q. Was there any direction clearly given that consultants were not performing campaign work?

A. I don't recall campaign -- the campaign --

a campaign being discussed at any time.

MR. HADEN: Well, I want to make sure I understand the question. You're saying -- you're asking -- I hope -- or I think -- I hope I understand it -- to the negative -- somebody affirmatively said, Hey, these people are definitely not doing campaign work, they're doing something else, did that ever happen? Is that the question?

MS. ALLISON: That's the question.

MR. HADEN: Okay. So did somebody ever come to you and say, Hey, these guys are definitely not doing campaign work, they're doing some other work?

A. That was my understanding of your question.

THE WITNESS: And thank you for clearing that up, because I wasn't entirely clear.

A. But, no, no one made such an affirmative statement to me.

Q. (By Ms. Allison) Can you describe the type of work that was included in those consulting services?

A. No.

Q. So how did -- when you interacted with Mr. Teepell, kind of what -- what role did he serve

with you?

A. He suggested that I would fill a good, I think -- fill a role as intergovernmental relations, sort of as a point of contact for our office and outside governmental entities.

Q. Were AGO staff expected to report to the consultant or follow their direction?

A. No. And, in fact -- I can only speak for myself here, of course, but in the case of Mr. Teepell's guidance to me, I felt that it was purely advisory in nature and that I was free to disregard it, and, in fact, in large part, I did.

Q. Okay. Did you interact with Mr. Teepell and Gail Gitcho outside of that one particular meeting while -- during that first seven months of 2017?

A. Not that I recall.

Q. On December 7th of 2018, a news article was released stating Evan Rosell told one or two people in the AG's office he had downloaded the Confide app. Were you aware that Rosell had downloaded the Confide app on his phone?

A. I had no personal knowledge of Mr. Rosell's use of Confide.

Q. Okay. Are you aware of anyone else in the

office downloading a self-destructing messaging app?

A. I would ask at what point.

Q. Were you aware during the time frame --

A. Because -- I'm sorry to interject -- because today I am. I know what the papers have reported, let me say that.

Q. So from January of 2017 to July of 2017, were you aware of anyone else in the office downloading a self-destructing messaging app?

A. No.

Q. During that same time frame, were you aware of anyone else in the office downloading a self-destructing messaging app, such as Wickr, Telegraph, Bleep, or Signal?

A. Is this the same question as the previous one? I'm sorry.

Q. No.

A. What is the distinction?

Q. So the distinction is a different type of self-destructing messaging app or a self-encrypting app, such as Wickr, Telegraph, Bleep, or Signal.

A. I don't recall knowing of anyone's use of those apps.

Q. Okay. Were you ever forwarded the Signal app?

A. Can you explain what you mean "forwarded"?
Q. Did anyone send you the Signal app for you to download or use?
A. No.
Q. Was Facebook messenger or LinkedIn used by the attorney general's office or yourself to communicate state business between staff or to communicate with legislature?
A. I heard Facebook Messenger and -- what?
Q. LinkedIn.
A. No. Not to my knowledge.
Q. Okay. So did you ever use the Signal app?
A. During the period that you're referring to, no.
Q. Okay. Did you communicate through private and personal email with the consultants during the time period of January through July of 2017?
A. Yes.
Q. Were you instructed to communicate through private email instead of your attorney general email?
A. No.
Q. Was there any discussion about those emails being public record or whether the emails needed to be retained?

MR. HADEN: I'm going to object to the extent it involves legal advice and legal conclusions, I think in all directions, so ...

MR. ANDERSON: That's agreed. So that would be -- I don't know if there's a way to answer the question without getting into the content of advice. I suppose that's okay, but -- hang on one second.

Well, maybe if we -- and you-all may want to discuss how this is answered, but leaving aside any attorney-client privileged communications or communications with attorneys about what the law is or how it should be followed -- I don't know if there's anything left to discuss there, so, you know, that probably covers it all.

MR. SMITH: They seem intertwined to me.

MR. HADEN: The distinction makes all of the difference here.

Can I hear the question one more time? I just want to make sure that I understand it. Because we -- we want to get through this with you guys; I just want to make sure I understand what you're asking.

MS. ALLISON: Was there any discussion about the emails with the consultants being public

record and whether the emails needed to be retained?

MR. HADEN: Yeah.

MR. ANDERSON: To the extent that's a yes-or-no, that doesn't get into context.

MR. HADEN: I object. I mean, I think that -- I think the question, in general, Did you ever have a discussion with your attorney about X is even privileged. I mean, whether you have a discussion is privileged. The problem I have here is that this actually flows in multiple directions. Dan Hartman as attorney to the AG; Dan Hartman as an AG employee receiving legal advice from within the AG, if they have somebody in a GC or quasi-GC role back the other direction, I ...

And, look, Joel, I understand, it's a complicated situation. Obviously, if you're working on the -- inside the AG as an attorney, but, as -- like we've talked about -- if for any other reason, the ethical obligations are strong on all of us, and we can all get in trouble as attorneys, which we all know, if we accidently violate.

So I'm going object and direct my client not to answer.

MR. ANDERSON: That's fine. You're on the record with that. I would note that whether certain

agency records are or are not public is oftentimes a matter of written agency policy, so that's why -- I think there may be a response to here that goes -- that does not implicate attorney-client privilege or maybe not. I don't know the answer to the question, so I can't say.

MR. HADEN: Fair enough.

MR. SMITH: The application to the policy, though, likely involves some sort of legal judgment or legal advice, and this was not a question asking about policy.

MR. ANDERSON: Well, was there any discussion about these emails being public record, yes or no; whether they need to be retained, yes or no. No, it's not explicitly about policy. Policy could be an answer to it. It could also get into attorney-client privilege, which we don't want to do, so I would guess Mr. Hartman would know the difference, but ...

MS. ALLISON: We may get there later.

MR. HADEN: One of my jobs here is to make sure that Mr. Hartman does not even -- and whether Mr. Hartman wants to answer or not does not inadvertently violate his ethical duties to the attorney general's office as a former attorney there

and does not incidentally waive his rights to privilege as someone who received guidance there.

I, frankly, as I sit here, am not even sure I'm clear -- I'm not even sure what the answer would be. I'm objecting on principle, that I just think the question calls for the disclosure of attorney-client information, so that's where I'm at.

MR. ANDERSON: Did you say you're getting to the policy questions later?

MS. ALLISON: Yeah, we are.

MR. ANDERSON: Okay. Then let's just ask that.

Q. (By Ms. Allison) Were you ever issued a state phone -- I think you said you were.

A. Yes, ma'am.

Q. Were text messages retained?

A. I -- on the state-issued phones? Is that what we're referring --

Q. (Examiner nods.)

A. I retained mine. I mentioned that earlier.

Q. Do you know how long you retained those -- did you send them to your AGO email, or did you just leave them on the phone?

A. I sent them to my AGO email.

Q. Okay. Do you have documentation of those communications?

A. I do not.

Q. We talked about this a little bit earlier. Did you and other AGO staff frequently use personal cell phones to text and communicate?

MR. SMITH: I thought that had been asked and answered.

MS. ALLISON: Right. Right.

Q. (By Ms. Allison) So I'm going to show you an exhibit.

[redacted]

MR. ANDERSON: Oh, sure.

(A recess was taken.)

Q. (By Ms. Allison) Okay. So Exhibit A is an email string -- or an email thread -- I think it originated with Mr. Teepell, but -- so this email was sent to your Gmail account; correct?

MR. HADEN: So before we go any further on this -- because I can see where we're headed here. I think we may have an ongoing litigation objection, to the extent this is going to be anything about Sunshine requests or anything related to the DSCC litigation.

MR. ANDERSON: Can I see it real quick?
I'm not sure it is, so I'll --
MR. HADEN: I'll go question by question, that's fine.
Q. (By Ms. Allison) So my first question is just to confirm that it was sent to your Gmail account danielstevenhartman@gmail.com, and it looks like it's an email thread from Mr. Teepell, so I just want confirmation it was sent to your Gmail account?
MR. HADEN: I'm going to -- I'm going to object. I think the document can speak for itself.
MS. ALLISON: Okay.
MR. HADEN: And -- I mean, I just think it goes to ongoing litigation.
MS. ALLISON: Okay.
MR. HADEN: The DSCC has a lawsuit on this question.
MR. ANDERSON: You can ask him if it's a fair copy of what was sent to his Gmail account.
Q. (By Ms. Allison) Is that a fair copy of what was sent to your Gmail account? And, specifically, this -- I'm going to ask you about this conversation here on Monday, May 1st, 2017.
MR. HADEN: That is an evidentiary

question that may be at issue in ongoing litigation. Even that is an evidentiary question and an evidentiary issue.

MR. ANDERSON: Any opinion on --

MR. HADEN: Well, I don't know. I don't know. I'm not in that lawsuit. I'm just thinking about this from 50,000 foot objectively as an attorney. I have no idea whether -- I have no idea what -- well, I may or may not know what the answer is.

I have no idea whether the attorneys in that suit -- how they would characterize it. Do they have a -- will they stipulate? I don't know. But it is evidentiary -- potential evidentiary issue in ongoing litigation, and my understanding is you-all don't dig in where there's ongoing litigation.

MR. ANDERSON: Who is the litigation between?

MR. HADEN: DSCC.

MR. SMITH: And our office.

MR. ANDERSON: All right. So you have a concern with ongoing litigation?

MR. SMITH: Yeah. I mean -- so I think Brent is stating on behalf of Mr. Hartman in his

individual capacity, if he's a witness. And then from our office's perspective as the defendant in that case and as Mr. Hartman's former employer, I think we also would share that concern about any testimony that may be subject to a separate opinion litigation.

MR. ANDERSON: Okay. That's fair.

Pam, ask whatever questions you plan on asking, and then we'll say that there's something -- reassert their objections to those, and we'll move on.

MR. HADEN: Okay.

Q. (By Ms. Allison) So in this email it says: "Daniel, intergovernmental coalition building" -- and it has a couple of bulleted points. "Develop a target list of local and key officials in intergovernmental affairs and develop a target list of coalition groups."

Can you tell us a little bit about what that represents?

MR. HADEN: I'm going to object to that because it involves a question that's essential to, apparently, an ongoing litigation. I'm going to direct my client not to answer, and then going forward, if it works for you -- because I think

we're going it have a lot this -- I'm going to say same objection to what I just stated to all of these questions, unless you want me to restate the exact objection every time. Alternatively, if you don't want to me to give you a talking objection, I can just say "objection," but, I mean, we're dealing with some pretty heavy stuff here.

MR. ANDERSON: What was your questions? You read him something, but what was your question again?

MS. ALLISON: I asked him if he could tell me what these bulleted points represented -- or what he was being asked to do.

MR. ANDERSON: Okay. Would it serve your needs to simply ask him about those bulleted points, rather than asking about the email itself?

MS. ALLISON: Okay.

MR. ANDERSON: I'm asking you if that would serv- --

MS. ALLISON: Yeah, that serves -- same thing.

Q. (By Ms. Allison) Can you tell me what was represented by developing a target list of local and key officials for intergovernmental affairs?

MR. HADEN: And, again -- so one objection

here is that I think the question was conclusionary, although I think that can be fixed easily. In other words, there's no foundation to the question. It was asked in a conclusionary manner. Secondly, I want the AG to weigh in on whether they think that's a question based on litigation, to the extent that's their issue. Those are my two.

MR. ANDERSON: Okay.

MR. HADEN: Those are my two.

MR. SMITH: For our part -- I understood your question not that you're referring to the email or any contents therein; just asking about subject matter. Is that fair?

MS. ALLISON: That's fair.

MR. ANDERSON: Okay.

MR. SMITH: So if it's not related to the email, then I think our office would probably not have concerns about litigation.

MR. HADEN: Right.

MR. ANDERSON: Could we go off the record?

(A recess was taken.)

Q. (By Ms. Allison) Were you ever asked by Mr. Teepell to develop a target list of local key official -- local and key officials for intergovernmental affairs?

A. Yes.

Q. Could you tell us kind of what that list is?

A. Is the question what I -- how I -- how that manifested itself, so to speak?

Q. Right. Right.

A. Okay. I don't recall it ever manifesting itself in any way. As I referred to earlier, I didn't -- I chose not to do -- to act on his advice there.

Now, I did interact with people from the legislature, of course, given the title that we discussed earlier, and intergovernmental relations, to me, most commonly manifested itself in interactions with legislators and their staff. If someone from -- I don't recall interacting with anybody at the municipal or county level, although at the time, I felt like that might be an avenue that I could pursue, to interact with people at the municipal or county level or other -- any governmental agency to ask how the attorney general's office could serve them in some way. I don't recall that ever coming to fruition.

Q. Okay. Do you recall whether Mr. Teepell asked you to develop a target list of coalition

groups?

A. Yes.

Q. So what is a -- what's the makeup of a target list of coalition groups, and did you make the list?

A. Not that I recall, so I don't know how that would best be defined.

And if I can add to that, I was very busy with my normal duties, and I prioritized my duties how I felt I should.

Q. So I'm going to show you a policy, and this is Exhibit C. And this is the employee handbook for Missouri Attorney General Josh Hawley. And then on Policy No. 9 -- it's titled "Electronic or Communications on Personal Electronic Devices." Would you read over that.

A. Your question was what?

Q. Well, my question is going to be, were you -- you were aware of that policy. And this is a -- the policy of the attorney general's office at the time of your employment --

MR. HADEN: Okay. So it's the same question I had before, I think, when we worked on this in another set of questions you-all had. Do you have a business records affidavit or some

authenticating document, because this is just being put in front of us and represented as being the policy.

MR. ANDERSON: First ask him if he recognizes it as the policy in the effective time that you're talking about.

Q. (By Ms. Allison) Do you recognize this to be the policy of the attorney general's office when you were employed?

A. I read the policy handbook when we came into office. I understand that at some point it was amended or a section was added -- maybe multiple times, but with regard to Section 9, which you pointed out to me, I recall at some point -- I think that was clarified or modified in some way. And I don't remember when Section 9 was in effect, but I do recall, generally, receiving the book, and I -- I know I had to have read it.

Q. Were any AGO staff ever directed to violate that policy?

MR. HADEN: I'm going to object on multiple reasons. I'm not going to give you, without some other proof that is this is the actual policy. This says 2017 on the front, then it has an effective date of March 13th, 2014. That is not

necessarily exclusive, but there's at least a conflict in terms of dating, even in this. It doesn't show that this is an updated or approved version, once now Senator Hawley became the attorney general or what the edits were. I think the version I saw before wasn't even dated, and so this is a different one, I think, than the one I've even seen.

But to the extent it is a -- it's conclusionary that this even is the policy that Mr. Hartman had or would have known, I'm going to direct him not to answer on that, because I think it's a faulty premise. If you can find -- this thing has employee acknowledgment forms in the back and -- if you can find the one that actually authenticates it's the one he read and signed, I think I'd be in a different position, but ...

So I guess -- we had this discussion last time. Any conclusionary question -- and this is across the board -- that's going to start with the premise of, Well, you've seen this, why did you violate it, is a -- essentially, it's my paraphrased version --

MR. ANDERSON: Well, it's a heck of a paraphrase, but I'll let you finish --

MR. HADEN: Well, I think we know where

you're headed with it.

I'm going to object to it because it's conclusionary as a premise.

MR. ANDERSON: Are we done? I'm going to direct her to go if we're done.

MR. HADEN: I'm done.

MR. ANDERSON: Okay.

Q. (By Ms. Allison) Was there a discussion between yourself and other AG employees about whether personal email and texts were public record?

MR. ANDERSON: Subject to an attorney-client privilege.

MR. SMITH: That was the exception. Thank you, Joel.

Without getting into privileged communications.

MR. HADEN: Okay. I want to hear the question again, because I want to make sure it's possible. Was there a discussion with --

Q. (By Ms. Allison) Was there discussion between yourself and other AG employees about whether personal email and texts were public record, exception to attorney-client privilege.

MR. HADEN: Is the AG's position that it is possible that that even could happen? Because if

it's not your position it's even possible, I think it's an easy answer.

MR. SMITH: I'm trying to imagine a scenario where you could be talking to somebody that's an AGO employee -- perhaps a non-staffer, you're not giving legal advice -- are you --

MR. HADEN: Yeah, someone who doesn't work for the AG.

MR. SMITH: A non-attorney not giving legal advice -- if there -- we object to any privileged communications, but if there was a communication, Mr. Hartman, that you had with an AGO employee that did not give privileged information.

A. I am not aware of a conversation that would not get into privileged information.

Q. (By Ms. Allison) Were the consultants ever paid out of state funds, to your knowledge?

A. Not to my knowledge.

Q. If the consultants were providing administrative consulting services, do you know why they were being paid out of campaign funds?

A. I'm without knowledge to that question.

Q. To your knowledge, from January of 2017 to July 2017, campaign records indicate that OnMessage was paid $75,137.65 and 1st Tuesday was paid

$30,505.92 by Hawley's state campaign. Would that represent the amount of work performed providing administrative consulting services to the AGO?

MR. HADEN: I'm going to -- I want to make sure -- I understood the question. I want to make sure I get the date that was at the beginning. What was --

MS. ALLISON: From January 2017 to July 2017.

MR. ANDERSON: I think the "to your knowledge" goes at the end. He may not know what the campaign records say.

A. I do not have knowledge of the rationale of campaign expenditures.

Q. (By Ms. Allison) Do you know if the services were being provided to the AGO -- was there a contract detailing the work performed?

A. Not that I'm aware of.

Q. Were there any invoices sent?

A. Not that I'm aware of.

Q. Can you explain why OnMessage or 1st Tuesday would have been selected for providing that type of service to the attorney general's office?

A. No.

Q. Did you question working with those types of firms or the perception of working with those types of firms with the attorney general's office?

A. No.

Q. Do you know if those firms would have provided those types of services in the past to others?

A. No.

MR. SMITH: And just so I'm clear, no, they didn't, or, no, you don't know?

THE WITNESS: Thank you.

A. I don't know.

Q. (By Ms. Allison) Were the professional services of the consultants procured through a selection process?

A. Not that I'm aware of.

Q. When you started with the attorney general's office, were you allowed to claim relocation expenses?

A. I never made such a request. And if you'd like me to clarify, I've lived in my same house for years.

Q. Are you aware of any other employees receiving relocation expenses?

A. I don't have personal knowledge of that.

Q. Are you aware of any use of state resources for political or personal purposes? For example, the use of a state vehicle?

A. I'm sorry. Say that one again.

Q. Are you aware of any state resources being used for political or personal purposes?

MR. ANDERSON: Sorry, Pam. Could we go ahead and get the time on that, as well?

MS. ALLISON: Sure.

Q. (By Ms. Allison) From July of 2017 -- or from January of 2017 to July of 2017, were you aware of any use of state resources for political or personal purposes? An example would be the state vehicle.

A. No to the state vehicle, and no to your broader question.

Q. On June 29th, 2017, you were invited to a press conference -- and that's going to be this Exhibit B -- where the political consultants were also invited -- [redacted]

MR. HADEN: What is the prominence of this document? I mean, this is literally --

MR. ANDERSON: The question is asking what it is.

MR. HADEN: Okay. That's fine. I'll wait to hear that.

MR. ANDERSON: Just ask him what it is.

Q. (By Ms. Allison) Can you tell me what is?

A. Exhibit B?

Q. Exhibit B.

A. You want to me describe Exhibit B? It says at the top "Hawley Press Conference Call."

Q. Okay. Is that a -- like, a calendar invite to a meeting or a press conference?

A. It would appear to be.

MR. ANDERSON: Let me shortcut it a little bit. Do you recognize that document at all? Have you ever seen it before?

THE WITNESS: I don't recall seeing this. I understand that, for some reason, everyone's -- you have Timmy Teepell's name, Evan Rosell's name -- several other names written out. My email address is on there. I don't recall being a part of that conference call or seeing this.

MR. ANDERSON: Okay.

So, Pam, you may want to -- if there's some content in there you may want to ask him about,

you want to ask him those questions, rather than what the document says or doesn't say.

MS. ALLISON: Okay.

Q. (By Ms. Allison) So your recollection, you don't remember being a part of that press conference call?

A. I don't recall.

Q. And you don't recall being invited or sent the phone line to call in?

A. Not that I recall.

[redacted]

Q. (By Ms. Allison) Okay. Were you aware of anything unlawful or inappropriate taking place while you were employed at the attorney general's office?

A. No.

Q. Have you had any contact or conversations with anyone about our audit?

MR. ANDERSON: Other than communications with your attorneys or -- subject to attorney-client privilege.

A. I've spoken regarding this meeting today with the attorney general's office, with my attorney, and, for what it's worth, my wife.

Q. (By Ms. Allison) Are there any other individuals you think we should talk to?

A. No.

MS. ALLISON: All right.

MR. ANDERSON: Do you-all want to pow-wow, or are you done?

MS. ALLISON: We can pow-wow.

(A recess was taken.)

MR. ANDERSON: We're done. Thank you, Mr. Hartman, for your time. This will be transcribed. We'll get a copy to your lawyer and to the AG, if you want to take a look at it and sign it.

Can we agree that after you get it, you'll sign it and get it back to us within, say, ten days; otherwise, we can use it as if you've read and signed?

MR. HADEN: Yeah, that'll be fine.

MR. ANDERSON: And with the AGO?

MR. SMITH: Yeah. That's fine with us. Are there any more interviews that we need to schedule?

MR. ANDERSON: I honestly don't know. I don't -- I don't know.

MR. SMITH: So maybe.

MR. ANDERSON: Maybe, but I don't know. We're going to have to digest this is see.

MR. SMITH: One other question, is there anything from our office that you-all need pre-audit?

MR. ANDERSON: There may be, but we'll need to review the thing.

MR. SMITH: Nothing comes to mind right now --

MR. ANDERSON: We'll, there may have been some '17 -- I'm not as tuned in on what they may need copies of, so ...

MS. ALLISON: Basically what happens is, once we have a deposition, there might -- that might trigger us to ask for more information or ...

MR. SMITH: Of course.

MS. ALLISON: I don't think there's anything we're waiting on. We're in pretty good shape.

MR. ANDERSON: I appreciate you asking.
MR. SMITH: Yeah. Thank you very much. That's all from me.
(The deposition concluded at 11:17 a.m.)

CERTIFICATE OF REPORTER

I, Lisa Ballalatak, a Certified Court Reporter for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Lisa Ballalatak
Missouri Supreme Court
Certified Court Reporter

[redacted]

;;;;
---------- Forwarded message ---------
From: Loree Anne Paradise <loreeaparadise@gmail.com>
Date: Mon, May 1, 2017 at 5:54 PM
Subject: Re: Follow Up From Timmy's Visit
To: Evan Rosell <evanrosell@gmail.com>
Cc: Michael Martinich-Sauter <mcmartinich@gmail.com>, Daniel Hartman <daniel.c.hartman@gmail.com>, Rachel Hassani <rachelhassani@gmail.com>

Call will be Thursday at 9am. Dial-in info is: 641-715-3580; Access Code: 723-423

Thx all!

LA

On Mon, May 1, 2017 at 5:52 PM, Evan Rosell <evanrosell@gmail.com> wrote:

Hey guys --
Thanks for making time to meet together last week. We've been talking through action points for each of us -- I've communicated with several of you about these already. Let me put your respective action points below. I think we'll likely have a conference call toward the end of the week to discuss. LA, can you make sure everyone's square on time/date?

DANIEL: Intergovernmental // Coalition-Building

- Develop a target list of local and key officials for intergovernmental affairs.
- Develop a target list of coalition groups

LOREE ANNE: Communications and Constituent Services

- Find and hire press secretary
- Review constituent services and determine needs and format
- Inventory owned/shared media assets
- Develop list of administration accomplishments
- Job Description for Brad Johnson (Special Assistant to the AG)

RACHEL: Legislative Affairs

- Develop list of key legislators for relational engagement over the summer
- Develop system for tracking legislative requests

MIKE: Policy

- Next steps on Opioid front
- Review Daniel's Veteran's Pro Bono project

EVAN: Admin/Budget/Personnel

- Secure funding for Human Trafficking Coordinator
- Secure funding for additional constituent services representative

- **Finalize line attorney rebuild (Lit, GA)**

Let me know if you guys have questions.

F.

--
Loree Anne Paradise
(912) 245.0212 (mobile)
--
Rachel Hassani
417-838-3067

Gmail Daniel Hartman <daniel.c.hartman@gmail.com>

Re: Conference Call

1 message

Savannah Kill <savannah@onmessageinc.com> Thu, Jun 29, 2017 at 10:59 AM
To: Timmy Teepell <canyoufrythat@me.com>, Michael Martinich-Sauter <mcmartinich@gmail.com>
Cc: Loree Ann Paradise <loreeaparadise@gmail.com>, Gail Gitcho <gailgitcho@gmail.com>, Daniel Hartman <daniel.c.hartman@gmail.com>, Evan Rossel <evanrosell@gmail.com>, Elizabeth Johnson <johnsonelizabeth816@gmail.com>

Calendar event is sent

From: Timmy Teepell <canyoufrythat@me.com>
Sent: Thursday, June 29, 2017 10:52 AM
To: Michael Martinich-Sauter
Cc: Loree Ann Paradise; Gail Gitcho; Daniel Hartman; Evan Rossel; Savannah Kill; Elizabeth Johnson
Subject: Re: Conference Call

Good deal. Let's do 2pm then.

Savannah - can you send around a calendar invite with my conference call line?

Timmy

> On Jun 29, 2017, at 10:52 AM, Michael Martinich-Sauter <mcmartinich@gmail.com> wrote:
>
> 2-2:30 works for me.
>
> Sent from my iPhone
>
> On Jun 29, 2017, at 10:29 AM, Loree Anne Paradise <loreeaparadise@gmail.com> wrote:
>
> > I can make whatever time work.
> >
> > On Thu, Jun 29, 2017 at 10:24 AM, Gail Gitcho <gailgitcho@gmail.com> wrote:
> >
> > > Im completely jammed today. Please go on without me, and I will catch up with Timmy.
> >
> > ---
> >
> > **From:** Daniel Hartman <daniel.c.hartman@gmail.com>
> > **Date:** Thursday, June 29, 2017 at 11:21 AM

To: Evan Rosell <evanrosell@gmail.com>
Cc: Timmy Teepell <canyoufrythat@me.com>, Savannah Kill <savannah@onmessageinc.com>, Loree Ann Paradise <loreeaparadise@gmail.com>, Michael Martinich-Sauter <mcmartinich@gmail.com>, Gail <gailgitcho@gmail.com>, Elizabeth Johnson <johnsonelizabeth816@gmail.com>
Subject: Re: Conference Call

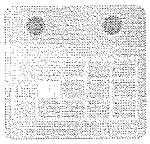
Me too: 2-3:30

Sent from my iPhone

On Jun 29, 2017, at 10:19 AM, Evan Rosell <evanrosell@gmail.com> wrote:

> I'm free between 2 - 3:30
>
> On Thu, Jun 29, 2017 at 10:12 AM, Timmy Teepell <canyoufrythat@me.com> wrote:
>
> > As y'all know, [redacted] Can we do a conference call this afternoon? I want to discuss process for handling press issues while she's gone.
> >
> > My two goals...1) [redacted] and 2) no added burden is shouldered by Josh.
> >
> > Which means the rest of us will all need to pitch in for the team over the next 3 weeks.
> >
> > I'm available this afternoon, anytime after 1:30pm CST.

--
Loree Anne Paradise
(912) 245.0212 (mobile)



Hawley Press Conference Call

Created by: mcmartinich@gmail.com

Time
2pm - 3pm (Central Time - Chicago)

Date
Thu Jun 29, 2017

Guests
- ✓ Timmy Teepell
- daniel.c.hartman@gmail.com
- Evan Rosell
- Elizabeth Johnson
- Loree Anne Paradise
- Michael Martinich-Sauter

Where
1 (877) 553-6064

My Notes

EMPLOYEE HANDBOOK

MISSOURI ATTORNEY GENERAL
JOSH HAWLEY

2017

TABLE OF CONTENTS

1.0. This Handbook's Guidelines and Policies

The guidelines and policies contained in this handbook are for your information only. Because it is impossible to cover all of the possible issues that may arise, this handbook is not all-inclusive and the Office of the Attorney General ("AGO") may add to, revise, or change these guidelines at any time.

This handbook is not an express or implied contract of employment. No employee of the AGO has the authority to create a verbal or written contract of employment with any employee.

2.0. Your Employment Relationship

Your employment with the AGO is "at-will." This means that either you or the AGO may conclude the employment relationship, at any time, for any reason or no reason at all, with or without notice.

3.0. Confidentiality

Lawyers and staff who work with lawyers are expected to keep communications concerning the legal matters they are working on in strictest confidence. The law classifies these communications as "privileged." That means that normally even a court cannot compel a lawyer to disclose confidential information unless the client agrees. This privilege exists so that all clients will feel free to consult counsel without fear that what they may have said to their lawyer in confidence will ever be used to their disadvantage. The counterpart of this privilege is that the lawyer must not, without permission, disclose to others what has been communicated in confidence.

A violation of this rule is a grave breach of professional ethics that may lead to disciplinary proceedings against the lawyer, and even to disbarment.

The practice of law involves lawyers, but also legal assistants, paralegals, and other staff employees. Lawyers frequently must communicate confidential information to staff. All staff employees are charged with the same duty to keep this information absolutely confidential. Every lawyer's and staff member's responsibility to safeguard the confidentiality of clients' information exists both during and *after* the termination of employment with the AGO (regardless of the reason for termination).

All of the AGO's personnel should avoid any discussion of any substantive work of the AGO with friends or family. Discussion of the AGO's matters should not take place in public areas such as elevators, restaurants, or other places where the discussion can be overheard. Any unauthorized disclosure can adversely affect our clients' interests and be a source of grave embarrassment to the AGO.

Violation of this confidentiality policy may result in disciplinary action up to and including termination.

4.0. Use of the AGO's Name

The AGO, including its letterhead and the name of the Attorney General, should be used only by the AGO's personnel in the performance of services or the conduct of business by or on behalf of the AGO. In personal or other matters not involving the AGO's business, the personal letterhead (not governmental letterhead) of the attorney, staff member, or other individual should be used.

No person other than a licensed attorney should sign a letter on the AGO's stationery unless the title of such person (for example, "Legal Assistant," "Paralegal", "Administrative Assistant," or "Administrative Assistant to _____") is indicated below the employee's signature. This disclosure is important so that the recipient of the letter does not mistakenly believe that the author of the letter is an attorney employed by the AGO.

5.0. Substance Abuse

Use of alcohol or the illegal use of drugs by an employee while performing work on behalf of the AGO may result in disciplinary action, up to and including termination of employment.

6.0. Sexual and Other Harassment

It is the AGO's policy to maintain a working environment free from harassment based upon sex, sexual orientation, race, color, religion, national origin, disability, age or any other characteristic protected by law. Unlawful harassment by any person, regardless of whether he or she is a member of the AGO, an AGO employee, a client, or a vendor representative, is prohibited by this policy.

This policy describes prohibited harassment, its forms, and the procedure for reporting and investigating complaints of harassment.

6.1. Sexual Harassment

Unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature constitute sexual harassment prohibited by this policy when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment on the basis of the employee's sex.

Sexual harassment may include subtle pressure for sexual activity; accusations of sexual preference; demands for sexual favors accompanied by promises or threats related to an individual's employment status. In addition, unwelcome sexual suggestive objects, pictures or written words, sexual jokes, slurs or innuendoes, graphic commentaries or descriptions of sexual conduct, suggestive or insulting sounds, touching, leering, whistling, and obscene gestures, if unwelcome, may constitute forms of sexual harassment prohibited by this policy.

6.2. Other Forms of Prohibited Harassment

Prohibited harassment based on other attributes, such as sexual orientation, gender, race, color, religion, national origin, disability, age or other protected characteristics may include, without limitation, unwelcome jokes, slurs, graphic commentaries, insulting sounds, obscene gestures, demeaning remarks and other conduct that has the purpose or effect of interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment on the basis of an employee's protected characteristics.

6.3. Procedure for Reporting Sexual or Other Prohibited Harassment

All AGO personnel are responsible for maintaining acceptable standards of personal behavior in the work environment and for helping to ensure that assigned duties can be carried out in an atmosphere free of prohibited harassment.

The following step-by-step reporting, investigation, and corrective procedure for handling incidences of harassment will be used:

Step 1: **Any employee with a complaint of any form of harassment prohibited by this policy has a responsibility to immediately report such conduct directly to either: (1) Deputy Chief of Staff, Rhonda Meyer (or her successor); or (2) Chief of Staff.**

Because the AGO is concerned about this important topic, reporting violations of this policy to members of the AGO's management other than those specifically designated in this policy are not enough – the AGO has designated the two individuals specifically identified within this policy as the appropriate persons to whom violations of this policy should be reported so that the AGO can ensure that complaints are handled consistently with this policy.

Step 2: An investigation will then be conducted.

Step 3: Upon completion of the investigation, and where it is necessary, the AGO will take corrective measures that the AGO determines are appropriate under the circumstances. Corrective measures will be considered on a case by case basis, will depend on the severity of the behavior, and can include anything, including but not limited to counseling, verbal or written warning, suspension without pay, or termination of employment.

6.4. Retaliation is Prohibited

Retaliation against an individual for making a good faith complaint or report of harassment, or providing information regarding harassment, will not be tolerated. Retaliation will result in discipline, up to and including termination. Any employee with any complaint of retaliation has a responsibility under this policy to immediately report such conduct directly to either: (1) Deputy Chief of Staff, Rhonda Meyer (or her successor); or (2) Chief of Staff.

6.5. Confidentiality

The AGO will attempt to provide as much confidentiality as possible under the circumstances for all parties involved in any complaint of harassment or discrimination.

6.6. False Complaints of Harassment or Discrimination

False accusations or complaints made in bad faith may result in disciplinary action, up to and including the termination of employment of the person making such false or bad faith allegations.

7.0. Discrimination and Equal Employment Opportunity

It is the AGO's policy to maintain a working environment free from discrimination. Discrimination based on gender, race, color, religion, national origin, disability, age, veteran status, sexual orientation, or other characteristic protected by law is prohibited. This applies to all areas of employment including hiring, training, salary administration, promotion, benefits, discipline, and termination.

The AGO will provide a "disabled" employee with a reasonable accommodation to enable the employee to perform the essential functions of his or her job. An employee seeking a reasonable accommodation for a disability should direct his or her request for an accommodation to either: (1) Deputy Chief of Staff, Rhonda Meyer (or her successor); or (2) Chief of Staff.

As with harassment, AGO employees must report incidents of discrimination using the process described above for reporting harassment. The AGO will follow the guidelines set forth in Section 6.3 for investigating and remedying harassment when addressing allegations of discrimination. The guidelines described in Section 6.4, 6.5, and 6.6 also apply to complaints of discrimination made under this policy.

8.0. Computer Use and Electronic Communications Systems

The use of computers, facsimile machines, telephones, electronic mail, and voice mail are part of your everyday tasks. This policy applies to employee use of the AGO's Electronic Communications Systems (referred to here as "Communications Systems") which include, but are not limited to, office-issued telephone, computer, facsimile machine, electronic mail, internet and intranet systems, and voice mail hardware and software.

All Communications Systems and any documents or messages created or contained within the Communications Systems are the property of the AGO and regarded as documents belonging to the AGO. The Communication Systems are to be used primarily for business purposes. Excessive use of the

Communication Systems for personal reasons, or use of the Communication Systems for inappropriate purposes (*e.g.*, illegal conduct, sexual harassment, etc.) is prohibited and may lead to disciplinary action, up to and including termination of employment.

Employees should not expect that any communication created, sent or received on the Communications Systems is private. The AGO reserves the right to monitor, review, access, reproduce or disclose anything created, sent, or received on the Communications Systems, at any time, without notice.

The AGO's Communications Systems' resources may not be used for the transmission or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (viruses and/or self-replicating code), or any other unauthorized or improper use.

9.0 Electronic Written Communication on Personal Electronic Devices

It is the policy of the AGO that all electronic written communication made or received in connection with the transaction of official business be made or received using the AGO's Communications Systems.

You should not use your personal cell phone, Blackberry, laptop, tablet or other portable electronic device, or home computer for AGO business unless you are remotely logged into your official account as part of the AGO's Communications Systems, whether through the AGO's webmail portal (https://webmail.ago.mo.gov), its Mobile Iron (or successor) platform, its virtual desktop program, or otherwise.

10.0. Blogging and Social Media

The guidelines in this policy are intended to assist the AGO's employees to make appropriate decisions about work-related blogging and the contents of blogs, personal websites, postings on social media websites (*e.g.*, Facebook, Twitter, etc.), wikis, and other interactive sites, postings on video or picture sharing sites (*e.g.*, YouTube), or in the comments that employees make online on blogs, elsewhere on the public internet, and in responding to comments from posters either publicly or via email. Any of the AGO's

other electronic communications policies (e.g., Computer Use and Electronic Communications Systems) remain in effect and are not modified by this policy.

These guidelines will protect the privacy, confidentiality, and interests of the AGO, our employees, and the constituencies we serve.

10.1. Guidelines for Interactions About the AGO on the Internet

If employees are developing a website, writing a blog, or make comments on social media websites (*e.g.*, Facebook, Twitter, etc.) that will mention the AGO, our employees, or matters likely of interest to the AGO, identify that you are an employee of the AGO and that the views expressed on the blog or website are yours alone and do not represent the views of the AGO.

Unless given written permission by the Attorney General or the Chief of Staff, employees are not authorized to speak on behalf of the AGO, nor to represent that employees are authorized to do so.

Employees should let the Chief of Staff or Deputy Chief of Staff know if they are developing a website or writing a blog that will mention the AGO, our employees, or matters likely of interest to the AGO. The AGO's management may choose to visit those websites from time to time to determine whether employees' comments comply with this policy.

10.2. Confidential Information Component of the Blogging and Social Media Policy

Employees may not share information that is confidential or proprietary about the AGO. This includes information about personnel matters, legal matters that are subject to attorney-client, work product, or other applicable privileges, and any other information that is not subject to public disclosure by the AGO.

These are given as examples only and do not cover the range of what the AGO considers confidential or proprietary. Any questions about whether information has been released publicly or doubts of any kind about whether information may be shared on the internet should be directed to the Chief of Staff or Deputy Chief of Staff before releasing such information.

The AGO's logos, the Attorney General's name, etc. may not be used without explicit permission in writing from the AGO. This is to prevent the appearance that employees' speak for or represent the AGO officially.

10.3. Respect and Privacy Rights Components of the Blogging and Social Media Policy

Speak respectfully about the AGO, our employees, and the constituencies we serve. Employees should not engage in name calling or behavior that will reflect negatively on the reputation of the AGO or its employees. Use of copyrighted materials, unfounded or derogatory statements, harassing or intimidating comments, or misrepresentation about the AGO or our employees is not viewed favorably by the AGO and can result in disciplinary action up to and including the termination of employment with the AGO.

Honor the privacy rights of our current employees by seeking their permission before writing about or displaying internal AGO happenings that might be considered to be a breach of their privacy and confidentiality.

10.4. Legal Liability Component of the Blogging and Social Media Policy

The AGO's employees should recognize that they may be legally liable for anything they write or present online. Employees can be disciplined by the AGO for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can contribute towards the creation of an unlawful hostile work environment. Employees can also be sued by the AGO, our employees, or other individuals who view employees' online commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous, or that contributes towards the creation of an unlawful hostile work environment.

10.5. Media Contact Component of the Blogging and Social Media Policy

Employees with questions about the guidelines provided in this policy should contact the Chief of Staff or the Deputy Chief of Staff. An employee's failure to comply with this policy may lead to disciplinary action, up to and including the termination of employment, as well as potential legal action against the employee by the AGO and/or our employees or members of the public.

11.0. Media Communications

If you are contacted by the media, you should immediately refer them to the AGO's Communication Director, Ryan Cross. Reporters may be insistent and encourage you to talk "off-the-record." No AGO employee is authorized to communicate with the media without prior authorization from the Press Secretary about an AGO matter in either an on-the-record or off-the-record situation.

12.0. Attendance

Regular and predictable attendance is an essential function of every job with the AGO. Poor attendance is disruptive. When employees are unable to work as scheduled they should notify their immediate supervisor as soon as possible in advance of the anticipated absence. Poor attendance may result in disciplinary action, up to and including termination.

There is no leave without pay unless approved in advance or as provided under the AGO's Family and Medical Leave Act Policy found in Section 13.0. Where appropriate, the AGO may grant unpaid personal leaves of absence. Any employee who does not come to work and is not on approved leave is taking an unapproved and unexcused absence from work.

Any absence without notification and approval will be considered unexcused. The AGO may take disciplinary action, up to and including terminating employment, for any employee who, in the AGO's judgment, has unacceptable attendance.

12.1. Hazardous Travel Policy

Employees who are delayed or prevented from reporting to work due to inclement weather or who wish to leave work early due to worsening weather or road conditions may account for the absence by one of the following methods with the approval of their supervisors:

a. charged to an employee's accumulated compensatory time.

b. charged to an employee's accumulated annual leave.

c. made up by adjusting work schedule. Make-up work shall be completed within a reasonable period after the absence, and the make-up work shall not count toward compensatory time. Employees should consult their Division Chief about an acceptable schedule to make-up the work. Note: Due to the nature of an individual employee's duties, make-up work may not be an available alternative.

d. charged to leave without pay only if the employee has insufficient accumulated compensatory and/or annual leave and the work schedule cannot be adjusted for the absence to be made up.

13.0. Family and Medical Leave Act Policy

Employees may, depending upon whether they meet defined eligibility and qualifications criteria, be entitled to take up to 12 weeks of unpaid, job-protected leave each year in accordance with the AGO's obligations under the Family and Medical Leave Act ("FMLA"). The AGO applies a "rolling calendar" method for determining an employee's eligibility for leave. The AGO may also require an employee to concurrently use paid time off (such as accrued vacation or sick leave) during any period of leave under designated as leave under the FMLA.

13.1. Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care ("bonding time");
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

13.2. Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a

member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

13.3. Benefits and Protections

During FMLA leave, the AGO maintains the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

13.4. Eligibility Requirements

Employees are eligible if they have worked for the AGO for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the AGO within 75 miles.

13.5. Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

13.6. Use of Leave

An employee requiring leave for the employee's own serious health condition or the serious health condition of an immediate family member does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Leave for "bonding time" cannot be taken intermittently but must be taken in one block, and must be used within 12 months of the child's birth or adoption/ foster care placement.

13.7. Substitution of Paid Leave for Unpaid Leave

Employees may choose and the AGO may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the AGO's normal paid leave policies.

13.8. Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

13.9. Employer Responsibilities

The AGO will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as

the employees' rights and responsibilities. If they are not eligible, the AGO will provide a reason for the ineligibility.

The AGO will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the AGO determines that the leave is not FMLA-protected, the AGO will notify the employee.

13.10. Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

13.11. Enforcement

The AGO requests that any employee who believes that the AGO has not complied with the FMLA first bring the employee's concerns to the attention of the Deputy Chief of Staff or the Chief of Staff so that the AGO may first attempt to resolve the matter internally.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the AGO if the employee believes that the AGO has not complied with its obligations under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

14.0. Dress Code and Professional Appearance

The dress code for Monday through Friday is **Business Dress** attire.

Repeated violation of the dress code policy will result in disciplinary action. Questions regarding the appropriateness of particular clothing should be resolved with the Deputy Chief of Staff or Human Resources Manager prior to wearing the clothing to the office. Employees are expected to use good judgment and common sense when deciding on appropriate attire for the workplace. The AGO expects our personnel to dress

professionally. The AGO has the discretion to advise any employee of the AGO that his or her attire is inappropriate and send that person home to change into appropriate attire, without pay, or to impose more severe discipline, up to and including termination.

The following clothing is never appropriate Business Dress attire:

- jeans of any color
- denim skirts or dresses
- t-shirts
- shorts
- tank tops
- bare midriffs
- halter tops
- hats
- low-cut blouses
- sweat suits or wind suits
- skirts or dresses shorter than 3" above the knee
- lycra or spandex tops or bottoms
- tennis shoes
- hiking boots
- casual mules or crocs
- flip flops
- sandals without a heel or ankle strap

15.0. Personal Telephone Usage

The AGO recognizes that employees must from time to time receive personal telephone calls. However, personal telephone calls should not interfere with normal business routine. To the extent possible it is expected that personal calls, other than emergency calls, will be made during the lunch hour. Business hours should not be used to make personal arrangements concerning outside activities.

16.0. Smoking Policy

Smoking is prohibited inside all buildings exclusively occupied by the State of Missouri regardless of whether the building is owned or leased by the State.

17.0. Political Activities

Political activity must not interfere with the normal work for the AGO and never occur on state time. AGO employees cannot post political signs on AGO property. The AGO's name and its supplies, equipment, or services may not be utilized in political causes and activities. Such action could be viewed as an activity of the AGO and result in possible embarrassment to the AGO or in having the value thereof deemed a financial contribution by the AGO.

EMPLOYEE ACKNOWLEDGEMENT FORM

The Employee Handbook of the Office of the Attorney General for the State of Missouri ("AGO") describes important information and guidelines about my employment with the AGO. I understand that my employment with the AGO is terminable "at will," which means that either the AGO or I may terminate the relationship at any time, for any reason or no reason, at any time with or without notice.

Because the information, policies and benefits described in the handbook are necessarily subject to change, I understand that revisions to the handbook may occur. I understand that no such change will affect my at-will employment relationship with the AGO. I understand that revised policies will supersede, modify, or eliminate existing policies.

I acknowledge and understand that nothing contained in this handbook is a contract of employment, either express or implied. I also understand that no AGO employee has the right or authority to create any type of employment contract, either express or implied.

I also acknowledge I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

_____ _____

Employee's Signature Date

_____

Employee's Name (Printed or Typed)

ACKNOWLEDGMENT OF HARASSMENT AND DISCRIMINATION POLICIES

I acknowledge that I have received and read the policies of the Office of the Attorney General for the State of Missouri ("AGO") regarding sexual and other harassment, and discrimination contained in the AGO's Employee Handbook. I understand that the AGO prohibits harassment and discrimination on the basis of sex, race, color, religion, age, disability, national origin, and any other characteristic protected by law.

I understand that I have a responsibility to refrain from engaging in conduct prohibited by the AGO's harassment and discrimination policies.

I understand that if I am subject to conduct that I believe is harassing or discriminatory, I have the responsibility to immediately report such conduct directly to either: (1) Deputy Chief of Staff, Rhonda Meyer (or her successor); or (2) Chief of Staff.

Because the AGO is concerned about this important topic, I understand that reporting violations, incidents of unlawful harassment or discrimination to members of the AGO's management other than those specifically designated in this Acknowledgement is not enough. That is, I understand that I have the responsibility to immediately report unlawful harassing or discriminatory conduct to either of the two individuals specifically identified by the AGO as the appropriate persons to whom incidents of unlawful harassment or discrimination should be reported so that the AGO can ensure that complaints are handled consist with this policy.

I also understand that the AGO's harassment and discrimination policies prohibit retaliation towards an employee who makes a good faith complaint of harassment or discrimination under the AGO's policies.

_____ _____

Signature Date

_____

Name (Printed or Typed)

Appendix G
Office of Attorney General - Review of Whether State Resources Were Used for Political Purposes
Written Answers of Specific Questions Asked of Loree Anne Paradise, Former Deputy Chief of Staff

The State Auditor's Office requested Loree Anne Paradise, former Deputy Chief of Staff to provide written answers to specific questions asked on October 3, 2019, and Ms. Paradise provided those written answers on October 18, 2019. The specific questions, Ms. Paradise's answers, and the related exhibits are noted below.

*****

Please respond to the following questions as fully and as accurately as you can. If you cannot answer a question in full after exercising due diligence to secure the information to do so, please so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

If you have records of any kind that are or may be responsive to a question asked, please describe each such record in detail so that we may properly identify it. You may provide copies of such records in addition to your written response or, if the records are fully responsive to the question, you may provide such records in lieu of a written response (please indicate that you are doing so).

If you believe that you cannot answer any question in whole or in part on the basis of a claim of privilege, please state the ground of the privilege claimed, the general nature of the matter withheld, the date of the origination of the withheld information, the name of the originator, and the names of all persons to whom the withheld information was distributed, shown or explained.

When you are asked about "meetings" in any questions, please include telephone or video conferences, in-person meetings, etc.

1. Please explain how you came to know former Attorney General (AG) Hawley?

Answer: I was introduced to former AG Hawley in December 2015 when I began working part-time on his campaign, handling scheduling issues.

2. Please describe your professional background prior to joining the Attorney General's Office (AGO).

Answer: Prior to serving in the AGO, I worked in multiple legal and political entities, including work for three members of Congress and a law firm. I also obtained a Juris Doctorate from the University of Kansas School of Law December of 2016 prior to joining the AGO.

3. Please describe your duties and responsibilities while employed at the AGO.

Answer: I was hired as the Deputy Chief of Staff prior to being named Chief of Staff. I originally handled scheduling as Deputy Chief of Staff, but then took over the office's communications and constituent services before being promoted to Chief of Staff.

4. For the time period commencing approximately January 9, 2017 to July 2, 2018, please describe the method(s) of written communication used to communicate with former AG Hawley (e.g. state email, state text messages, personal email, personal text, etc.).

Answer: I communicated with former AG Hawley via email, text, and phone conversations.

5. For the time period commencing approximately January 9, 2017 to July 2, 2018, please state the names and job titles of all persons who scheduled meetings and/or who was responsible for scheduling meetings for former AG Hawley.

a. If you scheduled or were responsible for scheduling, please indicate how you scheduled meetings (state email calendar, personal email calendar, personal email, state email, etc.).
b. If personal email calendars or personal emails were used, please provide true and accurate copies of all such records.

Answer: I primarily scheduled meetings during this period. We hired Elizabeth Johnson in the spring of 2017 to assist with scheduling. I do not recall Elizabeth's specific title.

a. I utilized a Google calendar and a state email calendar to schedule meetings.
b. I do not have any records responsive to this request.

6. For the time period commencing approximately January 9, 2017 to July 31, 2017, please state whether you participated in meetings (including phone conferences) with Timmy Teepell. If so, please set forth the following:

a. Please state the specific or approximate date of each meeting.
b. Please describe in detail how you participated in each meeting (e.g., by phone, video conference, in person).
(1) If you participated in any meeting in-person, please provide the location of the meeting(s).
c. Please indicate if you coordinated the in-person and phone conference meetings with Timmy Teepell. If not, please indicate who coordinated/scheduled the meetings.
d. Please indicate if you notified and invited attendees to each of these meetings. If so, please describe how you notified or invited individuals to each meeting (e.g., by office calendar invite, personal calendar invite, state email, personal email, state text, personal text, phone call).
(1) If personal calendars, emails, or texts were used, please provide true and accurate copies of all such records.
e. If you did not notify and invite individuals to these meetings, please describe in detail how you were notified of and invited to each meeting (e.g., by office calendar invite, personal calendar invite, state email, personal email, state text, personal text, phone call).
f. For each meeting described in responses to question No. 6(a-e), please state the following:
(1) Who invited you to or notified you of each meeting.
(2) Who attended each meeting.
(3) Please summarize in detail the discussion that took place at each meeting.
g. Please indicate if agendas were prepared for meetings described in response to questions No. 6(a-f) above. If so, please provide true and accurate copies of all such records.
h. Please indicate if you took notes at meetings described in response to questions No. 6(a-f) above. If so, please provide true and accurate copies of all such records.

Answer: Yes

a. I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add. Mr. Teepell provided guidance and advice to AG Hawley's official office based on his experience as a Chief of Staff. We had several meetings in April, May, and June 2017 that all involved official business with the type of guidance and advice I have previously referenced. I never discussed or participated in any campaign-related meetings with Mr. Teepell.
b. I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add. I do not recall additional details about how I participated in each meeting.
   (1) I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add. I do not recall additional details about the location of each meeting.
c. As the scheduler, I would generally assist with coordinating meetings with Mr. Teepell. I do not recall who scheduled specific meetings with him.
d. I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add.
   (1) I do not have any records responsive to this request.
e. I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add.
f. See below.
   (1) I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add.
   (2) I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add.
   (3) I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add. Every meeting in which I participated involved official business. I never discussed or participated in any campaign-related meetings with Mr. Teepell.
g. I do not recall if agendas were prepared. I do not have any records responsive to this request.
h. I do not recall, but I do not have any records responsive to this request.

7. For the time period commencing approximately January 9, 2017 to June 30, 2017, please indicate if you participated in meetings (including phone conferences) with Gail Gitcho. If so, please set forth the following:

a. Please state the specific or approximate date of each meeting.
b. Please describe in detail how you participated in each meeting (e.g., by phone, video conference, in person).
   (1) If you participated in any meeting in-person, please provide the location of the meeting(s).
c. Please indicate if you coordinated the in-person and phone conference meetings with Gail Gitcho. If not, please indicate who coordinated/scheduled the meetings.
d. Please indicate if you notified and invited attendees to each of these meetings. If so, please describe how you notified or invited individuals to each meeting (e.g., by office calendar invite, personal calendar invite, state email, personal email, state text, personal text, phone call).

e. If you did not notify and invite individuals to these meetings, please describe in detail how you were notified of and invited to each meeting (e.g., by office calendar invite, personal calendar invite, state email, personal email, state text, personal text, phone call).

f. For each meeting described in responses to question No. 7(a-e), please state the following:
- **(1) Who invited you to or notified you of each meeting.**
- **(2) Who attended each meeting.**
- **(3) Please summarize in detail the discussion that took place at each meeting.**

g. Please indicate if agendas were prepared for meetings described in response to questions No. 7(a-f) above. If so, please provide true and accurate copies of all such records.

h. Please indicate if you took notes at meetings described in response to questions No. 7(a-f) above. If so, please provide true and accurate copies of all such records.

Answer: Yes

a. I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add. Ms. Gitcho provided guidance and advice to AG Hawley's official office based on her experience with the media. We had several meetings in February, May, June, and July 2017 that all involved official business with the type of guidance and advice I have previously referenced. I never discussed or participated in any campaign-related meetings with Ms. Gitcho.

b. I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add. I do not recall additional details about how I participated in each meeting.
   (1) I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add. I do not recall additional details about the location of each meeting.

c. As the scheduler, I would generally assist with coordinating meetings with Ms. Gitcho. I do not recall who scheduled specific meetings with her.

d. I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add.

e. I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add.

f. See below.
   (1) I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add.
   (2) I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add.
   (3) I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add. Every meeting in which I participated involved official business I never discussed or participated in any campaign-related meetings with Ms. Gitcho.

g. I do not recall if agendas were prepared. I do not have any records responsive to this request.

h. I do not recall. I do not have any records responsive to this request.

8. Please describe in detail the services provided to the AGO by Timmy Teepell's and Gail Gitcho during the period January 9, 2017 and July 31, 2017.

Answer: I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add.

9. Please state who determined Timmy Teepell and Gail Gitcho's responsibilities or the services they provided to the AGO

Answer: I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add.

10. Please state how and when Timmy Teepell and Gail Gitcho's responsibilities or the services to be provided to the AGO were explained to you and by whom.

Answer: I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add.

11. Please state the time frame in which Timmy Teepell and Gail Gitcho performed the services at the AGO referenced in responses to questions No. 8 and 9 above.

Answer: I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add.

12. Please state whether you received or sent emails or met with Timmy Teepell and Gail Gitcho in December 2016, just prior to the inauguration. If so, please set forth the following and provide any emails:

a. Approximate date of any emails sent or received and meetings.
b. Please summarize in detail the discussion in the emails or at the meetings.

Answer: No, I do not believe I communicated with Mr. Teepell or Ms. Gitcho prior to meeting them in January 2017.

a. N/A
b. N/A

13. In your statement to the Missouri Secretary of State (SOS), you indicated you did not know what Gail Gitcho meant in her January 19, 2017, 10:24 a.m. email when she wrote, "…I am having lunch with Chris Wallace on Thursday and was going to pitch Josh as power player of the week - but we should all get on the same page with that before I pitch him." (See Exhibit A page 2 for email) Please indicate if "pitching" former AG Hawley to Chris Wallace, Fox News, was ever discussed in any other form of communication. If so, please provide the details of that communication.

Answer: I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add. I do not have any responsive documents or additional details about this interaction.

14. On January 19, 2017, at 4:47 p.m., you sent an email (in a group conversation with various AGO employees and Timmy Teepell and Gail Gitcho) to Aaron Trost requesting him to "send around the conference call line from the campaign?" (See Exhibit A, page 1)

a. Please explain why you were using a conference call line from the campaign to schedule a call with AGO employees instead of using a conference call line with the AGO.
b. Please indicate if the campaign call line was used during the other phone conferences (by dates notated in your answers to questions No. 6(a-h) and No. 7(a-h) above) with Timmy Teepell and Gail Gitcho.
c. Please indicate who Aaron Trost was employed by in January 2017 and explain why you were communicating with him.

Answer: See below.

a. As I previously explained to the Secretary of State's office, I was not aware there was another conference call line available for use within the AGO office. I was only aware of a free conference call line that had been previously used for conference calls.
b. It is possible that the free conference call line referenced in the January 19, 2017 email was used for other meetings, but I do not recall specifically.
c. I do not know who employed Mr. Trost in January 2017. I have had a personal and professional relationship with Mr. Trost for many years.

15. On January 19, 2017, email strings indicate routine phone conferences/meetings were planned between former AG Hawley, AGO employees, Gail Gitcho, and Timmy Teepell for 8:30 a.m. on Tuesdays. Please set forth the following:

a. Please state the timeframe that the routine weekly meetings referenced in No. 15 above were held.
b. Please indicate who usually attended/participated in the routine weekly meetings referenced in No.15.
c. Please indicate the purpose and general topics discussed at the meetings referenced in No.15.
d. Please indicate if agendas were prepared for each meeting referenced in No.15. If so, please provide true and accurate copies of all such records.
e. Please indicate if you took notes at the meetings referenced in No.15. If so, please provide true and accurate copies of all such records.

Answer: See below.

a. I did not participate in the scheduled calls and do not have any additional information.
b. I did not participate in the scheduled calls and do not have any additional information about who may or may not have "usually attended/participated."
c. I did not participate in the scheduled calls and do not have any additional information.
d. I did not participate in the scheduled calls and do not have any additional information regarding whether agendas were prepared. I do not have any records responsive to this request.
e. I did not participate in the scheduled calls and do not have any additional information or any responsive records.

16. For the time period commencing approximately January 9, 2017 to July 31, 2017, please describe the method(s) you or other AGO employees used to communicate with Timmy Teepell and Gail Gitcho (e.g. personal email, state email, personal text, state text, social media apps, self-erasing, self-destructing, or encrypting apps).

Answer: I communicated via text message, email, or phone conversations. I did not use any other method of communication. I cannot address what methods "other AGO employees used" to communicate with Mr. Teepell or Ms. Gitcho.

17. Please provide any personal emails and texts used to communicate with Timmy Teepell and Gail Gitcho during the time of your employment with the AGO.

Answer: I do not have any records responsive to this request.

18. Please indicate if you were instructed to communicate with Timmy Teepell or Gail Gitcho using personal email or personal text.

Answer: I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add.

19. Please indicate whether you were aware of AGO policies *8.0 Computer Use and Electronic Communications Systems and 9.0 Electronic Written Communication on Personal Electronic Devices.* (See Exhibit B, pages 8-9). If so, please explain how and when you became aware of this policy.

Answer: I received the AGO policies when I first was employed by the office and was aware of them from that time forward.

20. Please indicate why you communicated with Timmy Teepell, Gail Gitcho, and AGO employees using personal email. (See Exhibit B, page 9)

Answer: I previously provided detailed information to the Secretary of State's office on January 24, 2019 on this topic and do not have additional information to add.

21. On April 26, 2017, at 3:37 p.m. Timmy Teepell sent an email outlining action items for AGO employees to prepare prior to the next set of meetings. (See Exhibit C, page 4)

a. Please indicate if Timmy Teepell developed these action items.
b. Please indicate if you performed any of the action items listed in the April 26, 2017 email and/or prepared the items for the next meeting. If so, please provide true and accurate copies of all such documents prepared.
c. Please explain in detail what each action item listed in the email under "Loree Anne" represented and its purpose to the AGO. (e.g., Inventory Owned and Shared Media Assets, Develop List of Accomplishments).

Answer: See below.

a. I do not know who developed the action items.

b. I am aware that, following the referenced meeting, I hired a press secretary and assed the constituent services office. Other than the information I provided to the Secretary of State's office on January 24, 2019, I do not have any additional information to add and do not have any responsive documents.
c. I did not prepare the list. I have previously explained the actions I took following the meeting in my January 24, 2019 response to the Secretary of State's office. I do not know what "Inventory Owned and Shared Media Assets" refers to.

22. Please indicate if Timmy Teepell (OnMessage, Inc.) and Gail Gitcho (First Tuesday) were paid from state funds for providing the services referenced in questions No. 8 and 9 above.

Answer: I do not have any knowledge whether Mr. Teepell or Ms. Gitcho were paid from state funds. Rhonda Meyer served as the Deputy Chief of Staff for fiscal items in the office and handled payment details.

23. From January 2017 to July 2017, campaign records indicate OnMessage was paid $75,137.65.

a. Please indicate if this compensation includes the services provided while meeting with AGO staff and referenced in questions No.6, 7, 8, and 9 above.
b. If the services referenced in questions No. 8 and No. 9 were provided to AGO staff, please indicate if there was a contract or invoices detailing the work performed. If so, please provide any contracts and/or invoices detailing the services provided.

Answer: See below.

a. I was not the Chief of Staff for the office during this time period. I have no knowledge of the campaign's efforts or what OnMessage was paid to do for the campaign.
b. I was not the Chief of Staff for the office during this time period. I have no knowledge of the campaign's efforts or what OnMessage was paid to do for the campaign. I do not have any contracts or invoices detailing the services provided.

24. The OnMessage, Inc. website indicates their purpose is to elect candidates to political office. Gail Gitcho, First Tuesday, has experience as a Communications Director for various political campaigns.

a. Please explain in detail why Timmy Teepell, OnMessage, Inc. and Gail Gitcho, First Tuesday would be selected by former AG Hawley to provide the services referenced in questions No. 6, 7, 8, and 9 above.

Answer: See below.

a. I was not involved in the campaign or the decision to hire Mr. Teepell or Ms. Gitcho, so I do not have any knowledge why they were selected by former AG Hawley.

25. For the time period commencing approximately January 9, 2017 to July 2, 2018, please indicate if you used a self-erasing/self-destructing/self-encrypting messaging app to communicate with former AG Hawley or AGO employees (e.g. confide, signal).

a. If so, please indicate who you contacted.
b. If so, please indicate what was discussed in these messages.

Answer: No. I did not use any self-erasing/self-destructing/self-encrypting messaging app to communicate with anyone during the period from January 2017 through July 2018.

a. N/A
b. N/A

26. From January 10 through March 22, 2017, you claimed relocation expenses totaling $3,142.01. (See Exhibit D). Please set forth the following:

a. Please indicate if the relocation expenses referenced in Exhibit D were approved prior to incurrence. If so please provide documentation of the prior approval, and state the name of the person who provided the prior approval.
b. Please explain how you became aware of obtaining reimbursement for the types of relocation expenses referenced in Exhibit D.
c. Please explain why you stayed in a hotel for 3 months and claimed reimbursement of expenses for the time period referenced in Exhibit D.
d. Please explain why you claimed 3 months of expenses on March 27, 2017 as referenced in Exhibit D rather than claiming the expenses each month on the "monthly" expense report form.
e. Please indicate if you relocated to Missouri. If so, please indicate when you relocated to Missouri and where you lived.
f. Please indicate who stayed at the hotel for each of the nights claimed on your expense reimbursement (e.g., yourself, your husband, Scott Paradise, etc.) referenced in Exhibit D.
g. Please indicate if you were aware of the Office of Administration's relocation expense policy. (See Exhibit E).
h. Please indicate if you were aware that claiming 3 months of hotel stays was not allowed by OA policy (e.g. temporary lodging expense for up to 30 calendar days, 1 month).
i. Please explain why the bill for the hotel referenced in Exhibit D was sometimes in your name and sometimes in your husband's name.
j. Please indicate if your husband, or his company (Mine Creek Strategies), was working for former AG Hawley's state campaign during the months January, February, and March 2017.
k. In reference to Exhibit D, please explain why you sometimes stayed in Columbia when you worked in Jefferson City.
  (1) Please indicate if this was approved prior to occurrence and who approved.
  (2) Please indicate the location of former Attorney General Hawley's state and federal campaign offices.
l. Please indicate if anyone at the AGO questioned your expense reimbursement. If so, please indicate who questioned your expense reimbursement, what concerns were addressed, and how were they resolved.

Answer: See below.

a. Yes, My relocation expenses were verbally approved by Rhonda Meyer. It is likely that I discussed the relocation expenses with Evan Rosell and others in the fiscal office, but I do not recall specifically. I do not have any written documentation of prior approval.
b. Ms. Meyer at the fiscal office explained that the AGO would pay for up to 30 days of relocation expenses. It is possible that others in the fiscal office provided similar information but I do not recall specifically.
c. I stayed in a hotel for a total of 30 nights as my family explored permanent housing options. I carefully tracked my expenses to ensure that I would not go beyond the 30 nights Ms. Meyer indicated I was allowed.
d. Ms. Meyer advised that I could wait until my 30 days were complete rather than submitting the forms piecemeal. It is possible that others in the fiscal office provided similar information but I do not recall specifically. I carried the cost of the hotel expenses until the 30 nights were complete and then sought reimbursement.
e. Yes. I ultimately relocated in September 2017 to [redacted] I continued to stay in a hotel at my own expense after the 30 nights of relocation expenses were exhausted.
f. I always stayed by myself for each of the nights claimed on my expense reimbursement.
g. I was not aware of a state policy on relocation expenses prior to receiving this document.
h. I was not aware of a state policy on relocation expenses prior to receiving this document. I relied on Ms. Meyer's instructions and approval.
i. As I explained in my January 24, 2019 response to the Secretary of State, my husband and I share a joint credit card and reward programs for various hotels and travel reward programs. I always stayed by myself in the hotel each night for which I sought reimbursement.
j. I was aware my husband and/or Mine Creek Strategies was working for former AG Hawley's campaign during that period.
k. Like many state employees, I chose to stay in the area surrounding Jefferson City [redacted] I did not seek reimbursement for mileage or gas expenses on my commute.
   (1) Yes. Ms. Meyer approved me for 30 nights of reimbursement and instructed me to utilize the government rate, which I did.
   (2) I do not know the address of either former AG Hawley's campaign offices.
l. To the best my recollection, no one in the AGO questioned my expense reimbursements.

27. Please indicate if any AGO employees shared concerns with you that state resources were used for political or personal purposes (e.g. the use of a state vehicle, meeting with Timmy Teepell and Gail Gitcho or other consultants,). If so, please set forth the following:

a. Please indicate who shared the concern.
b. Please indicate the details of the concern
c. Please indicate the approximate date the concern was shared.
d. Please indicate how the concern was addressed.

Answer: I do not recall any AGO employee sharing concerns with me that state resources were being used for political purposes.

a. N/A
b. N/A
c. N/A
d. N/A

Exhibit A

Cc: Taylor, Shantell[Shantell.Taylor@ago.mo.gov]
To: Loree Anne Paradise[loreeaparadise@gmail.com]
From: Evan Rosell
Sent: Sun 1/22/2017 12:42:02 PM
Subject: Re: Follow-up

;;;;;;
Fine with me

ST - calendar

On Jan 22, 2017, at 12:26 PM, Loree Anne Paradise <loreeaparadise@gmail.com> wrote:

All -

So sorry to again change the logistics, but could we move the call to 9am on Tuesdays?

On Thu, Jan 19, 2017 at 4:50 PM, Aaron Trost <aarontrost@gmail.com> wrote:

sure thing. It is:
641-715-3580; Access Code: 723-423

On Thu, Jan 19, 2017 at 4:47 PM, Loree Anne Paradise <loreeaparadise@gmail.com> wrote:

Trost - can you send around the conference call line from the campaign? I no longer have access to my campaign email/calendar. Thanks!

On Thu, Jan 19, 2017 at 4:30 PM, Loree Anne Paradise <loreeaparadise@gmail.com> wrote:

8:30am on Tuesdays it is. Thank you all!

LA

On Thu, Jan 19, 2017 at 4:26 PM, Timmy Teepell <canyoufrythat@icloud.com> wrote:

Me too.

On Jan 19, 2017, at 3:53 PM, Aaron Trost <aarontrost@gmail.com> wrote:

830 works for me

AT

On Thu, Jan 19, 2017 at 3:53 PM, Gail Gitcho <gailgitcho@gmail.com> wrote:

Ok that works here

From: Loree Anne Paradise <loreeaparadise@gmail.com>
Date: Thursday, January 19, 2017 at 1:51 PM
To: Gail Gitcho <gailgitcho@gmail.com>
Cc: Aaron Trost <aarontrost@gmail.com>, Timmy Teepell <canyoufrythat@icloud.com>, Evan Rosell <evanrosell@gmail.com>, Ryan Cross <crossryan@me.com>
Subject: Re: Follow-up

Sorry to completely change things. I thought this was a one-time deal for next Tuesday. Routinely, the earlier in the morning the better for Josh. Can we plan for 8:30am CST on Tuesdays? This

would begin next week, January 24th.

On Thu, Jan 19, 2017 at 3:49 PM, Gail Gitcho <gailgitcho@gmail.com> wrote:

I have a call at that time but I could do 10:30am CST on Tuesdays

From: Aaron Trost <aarontrost@gmail.com>
Date: Thursday, January 19, 2017 at 1:47 PM
To: Timmy Teepell <canyoufrythat@icloud.com>
Cc: Evan Rosell <evanrosell@gmail.com>, Gail Gitcho <gailgitcho@gmail.com>, Ryan Cross <crossryan@me.com>, Loree Anne Paradise <loreeaparadise@gmail.com>
Subject: Re: Follow-up

works here

AT

On Thu, Jan 19, 2017 at 3:46 PM, Timmy Teepell <canyoufrythat@icloud.com> wrote:

Tuesday's at 10 cst works for me.

On Jan 19, 2017, at 3:28 PM, Evan Rosell <evanrosell@gmail.com> wrote:

Josh can do Tuesday or Wednesday after 10 am

> On Jan 19, 2017, at 10:24 AM, Gail Gitcho <gailgitcho@gmail.com> wrote:
>
> Sounds great. If we can do a call next Tuesday or Wednesday, that would work great because I am having lunch with Chris Wallace on Thursday and was going to pitch Josh as power player of the week – but we should all get on the same page with that before I pitch him.
>
> On 1/19/17, 8:08 AM, "Timmy Teepell" <canyoufrythat@icloud.com> wrote:
>
> I enjoyed the brainstorming session on Tuesday!
>
> Josh has put together a strong team, and I'm excited about the opportunities we have to make difference this year.
>
> It seems to me that going forward we should start compiling a punch list of what we need to do to rollout each of our agenda items this year, and we should put together a weekly conference call for all of us to set aside time each week to focus attention on these projects.
>
> I'd like to find a time that works for Josh, so he can participate on the calls as well. And we should invite brad and hanks and wes to participate.
>
> Evan - Any idea what day/time would work best for Josh each week?
>
>

--

Loree Anne Paradise

(912) 245.0212 (mobile)

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Loree Anne Paradise
(912) 245.0212 (mobile)

--
Loree Anne Paradise
(912) 245.0212 (mobile)

--
Loree Anne Paradise
(912) 245.0212 (mobile)

Exhibit B

EMPLOYEE HANDBOOK

MISSOURI ATTORNEY GENERAL
JOSH HAWLEY

2017

TABLE OF CONTENTS

1.0. This Handbook's Guidelines and Policies

The guidelines and policies contained in this handbook are for your information only. Because it is impossible to cover all of the possible issues that may arise, this handbook is not all-inclusive and the Office of the Attorney General ("AGO") may add to, revise, or change these guidelines at any time.

This handbook is not an express or implied contract of employment. No employee of the AGO has the authority to create a verbal or written contract of employment with any employee.

2.0. Your Employment Relationship

Your employment with the AGO is "at-will." This means that either you or the AGO may conclude the employment relationship, at any time, for any reason or no reason at all, with or without notice.

3.0. Confidentiality

Lawyers and staff who work with lawyers are expected to keep communications concerning the legal matters they are working on in strictest confidence. The law classifies these communications as "privileged." That means that normally even a court cannot compel a lawyer to disclose confidential information unless the client agrees. This privilege exists so that all clients will feel free to consult counsel without fear that what they may have said to their lawyer in confidence will ever be used to their disadvantage. The counterpart of this privilege is that the lawyer must not, without permission, disclose to others what has been communicated in confidence.

A violation of this rule is a grave breach of professional ethics that may lead to disciplinary proceedings against the lawyer, and even to disbarment.

The practice of law involves lawyers, but also legal assistants, paralegals, and other staff employees. Lawyers frequently must communicate confidential information to staff. All staff employees are charged with the same duty to keep this information absolutely confidential. Every lawyer's and staff member's responsibility to safeguard the confidentiality of clients' information exists both during and *after* the termination of employment with the AGO (regardless of the reason for termination).

All of the AGO's personnel should avoid any discussion of any substantive work of the AGO with friends or family. Discussion of the AGO's matters should not take place in public areas such as elevators, restaurants, or other places where the discussion can be overheard. Any unauthorized disclosure can adversely affect our clients' interests and be a source of grave embarrassment to the AGO.

Violation of this confidentiality policy may result in disciplinary action up to and including termination.

4.0. Use of the AGO's Name

The AGO, including its letterhead and the name of the Attorney General, should be used only by the AGO's personnel in the performance of services or the conduct of business by or on behalf of the AGO. In personal or other matters not involving the AGO's business, the personal letterhead (not governmental letterhead) of the attorney, staff member, or other individual should be used.

No person other than a licensed attorney should sign a letter on the AGO's stationery unless the title of such person (for example, "Legal Assistant," "Paralegal", "Administrative Assistant," or "Administrative Assistant to _____") is indicated below the employee's signature. This disclosure is important so that the recipient of the letter does not mistakenly believe that the author of the letter is an attorney employed by the AGO.

5.0. Substance Abuse

Use of alcohol or the illegal use of drugs by an employee while performing work on behalf of the AGO may result in disciplinary action, up to and including termination of employment.

6.0. Sexual and Other Harassment

It is the AGO's policy to maintain a working environment free from harassment based upon sex, sexual orientation, race, color, religion, national origin, disability, age or any other characteristic protected by law. Unlawful harassment by any person, regardless of whether he or she is a member of the AGO, an AGO employee, a client, or a vendor representative, is prohibited by this policy.

This policy describes prohibited harassment, its forms, and the procedure for reporting and investigating complaints of harassment.

6.1. Sexual Harassment

Unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature constitute sexual harassment prohibited by this policy when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment on the basis of the employee's sex.

Sexual harassment may include subtle pressure for sexual activity; accusations of sexual preference; demands for sexual favors accompanied by promises or threats related to an individual's employment status. In addition, unwelcome sexual suggestive objects, pictures or written words, sexual jokes, slurs or innuendoes, graphic commentaries or descriptions of sexual conduct, suggestive or insulting sounds, touching, leering, whistling, and obscene gestures, if unwelcome, may constitute forms of sexual harassment prohibited by this policy.

6.2. Other Forms of Prohibited Harassment

Prohibited harassment based on other attributes, such as sexual orientation, gender, race, color, religion, national origin, disability, age or other protected characteristics may include, without limitation, unwelcome jokes, slurs, graphic commentaries, insulting sounds, obscene gestures, demeaning remarks and other conduct that has the purpose or effect of interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment on the basis of an employee's protected characteristics.

6.3. Procedure for Reporting Sexual or Other Prohibited Harassment

All AGO personnel are responsible for maintaining acceptable standards of personal behavior in the work environment and for helping to ensure that assigned duties can be carried out in an atmosphere free of prohibited harassment.

The following step-by-step reporting, investigation, and corrective procedure for handling incidences of harassment will be used:

Step 1: **Any employee with a complaint of any form of harassment prohibited by this policy has a responsibility to immediately report such conduct directly to either: (1) Deputy Chief of Staff, Rhonda Meyer (or her successor); or (2) Chief of Staff.**

Because the AGO is concerned about this important topic, reporting violations of this policy to members of the AGO's management other than those specifically designated in this policy are not enough – the AGO has designated the two individuals specifically identified within this policy as the appropriate persons to whom violations of this policy should be reported so that the AGO can ensure that complaints are handled consistently with this policy.

Step 2: An investigation will then be conducted.

Step 3: Upon completion of the investigation, and where it is necessary, the AGO will take corrective measures that the AGO determines are appropriate under the circumstances. Corrective measures will be considered on a case by case basis, will depend on the severity of the behavior, and can include anything, including but not limited to counseling, verbal or written warning, suspension without pay, or termination of employment.

6.4. Retaliation is Prohibited

Retaliation against an individual for making a good faith complaint or report of harassment, or providing information regarding harassment, will not be tolerated. Retaliation will result in discipline, up to and including termination. Any employee with any complaint of retaliation has a responsibility under this policy to immediately report such conduct directly to either: (1) Deputy Chief of Staff, Rhonda Meyer (or her successor); or (2) Chief of Staff.

6.5. Confidentiality

The AGO will attempt to provide as much confidentiality as possible under the circumstances for all parties involved in any complaint of harassment or discrimination.

6.6. False Complaints of Harassment or Discrimination

False accusations or complaints made in bad faith may result in disciplinary action, up to and including the termination of employment of the person making such false or bad faith allegations.

7.0. Discrimination and Equal Employment Opportunity

It is the AGO's policy to maintain a working environment free from discrimination. Discrimination based on gender, race, color, religion, national origin, disability, age, veteran status, sexual orientation, or other characteristic protected by law is prohibited. This applies to all areas of employment including hiring, training, salary administration, promotion, benefits, discipline, and termination.

The AGO will provide a "disabled" employee with a reasonable accommodation to enable the employee to perform the essential functions of his or her job. An employee seeking a reasonable accommodation for a disability should direct his or her request for an accommodation to either: (1) Deputy Chief of Staff, Rhonda Meyer (or her successor); or (2) Chief of Staff.

As with harassment, AGO employees must report incidents of discrimination using the process described above for reporting harassment. The AGO will follow the guidelines set forth in Section 6.3 for investigating and remedying harassment when addressing allegations of discrimination. The guidelines described in Section 6.4, 6.5, and 6.6 also apply to complaints of discrimination made under this policy.

8.0. Computer Use and Electronic Communications Systems

The use of computers, facsimile machines, telephones, electronic mail, and voice mail are part of your everyday tasks. This policy applies to employee use of the AGO's Electronic Communications Systems (referred to here as "Communications Systems") which include, but are not limited to, office-issued telephone, computer, facsimile machine, electronic mail, internet and intranet systems, and voice mail hardware and software.

All Communications Systems and any documents or messages created or contained within the Communications Systems are the property of the AGO and regarded as documents belonging to the AGO. The Communication Systems are to be used primarily for business purposes. Excessive use of the

Communication Systems for personal reasons, or use of the Communication Systems for inappropriate purposes (*e.g.*, illegal conduct, sexual harassment, etc.) is prohibited and may lead to disciplinary action, up to and including termination of employment.

Employees should not expect that any communication created, sent or received on the Communications Systems is private. The AGO reserves the right to monitor, review, access, reproduce or disclose anything created, sent, or received on the Communications Systems, at any time, without notice.

The AGO's Communications Systems' resources may not be used for the transmission or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (viruses and/or self-replicating code), or any other unauthorized or improper use.

9.0 Electronic Written Communication on Personal Electronic Devices

It is the policy of the AGO that all electronic written communication made or received in connection with the transaction of official business be made or received using the AGO's Communications Systems.

You should not use your personal cell phone, Blackberry, laptop, tablet or other portable electronic device, or home computer for AGO business unless you are remotely logged into your official account as part of the AGO's Communications Systems, whether through the AGO's webmail portal (https://webmail.ago.mo.gov), its Mobile Iron (or successor) platform, its virtual desktop program, or otherwise.

10.0. Blogging and Social Media

The guidelines in this policy are intended to assist the AGO's employees to make appropriate decisions about work-related blogging and the contents of blogs, personal websites, postings on social media websites (*e.g.*, Facebook, Twitter, etc.), wikis, and other interactive sites, postings on video or picture sharing sites (*e.g.*, YouTube), or in the comments that employees make online on blogs, elsewhere on the public internet, and in responding to comments from posters either publicly or via email. Any of the AGO's

other electronic communications policies (e.g., Computer Use and Electronic Communications Systems) remain in effect and are not modified by this policy.

These guidelines will protect the privacy, confidentiality, and interests of the AGO, our employees, and the constituencies we serve.

10.1. Guidelines for Interactions About the AGO on the Internet

If employees are developing a website, writing a blog, or make comments on social media websites (*e.g.*, Facebook, Twitter, etc.) that will mention the AGO, our employees, or matters likely of interest to the AGO, identify that you are an employee of the AGO and that the views expressed on the blog or website are yours alone and do not represent the views of the AGO.

Unless given written permission by the Attorney General or the Chief of Staff, employees are not authorized to speak on behalf of the AGO, nor to represent that employees are authorized to do so.

Employees should let the Chief of Staff or Deputy Chief of Staff know if they are developing a website or writing a blog that will mention the AGO, our employees, or matters likely of interest to the AGO. The AGO's management may choose to visit those websites from time to time to determine whether employees' comments comply with this policy.

10.2. Confidential Information Component of the Blogging and Social Media Policy

Employees may not share information that is confidential or proprietary about the AGO. This includes information about personnel matters, legal matters that are subject to attorney-client, work product, or other applicable privileges, and any other information that is not subject to public disclosure by the AGO.

These are given as examples only and do not cover the range of what the AGO considers confidential or proprietary. Any questions about whether information has been released publicly or doubts of any kind about whether information may be shared on the internet should be directed to the Chief of Staff or Deputy Chief of Staff before releasing such information.

The AGO's logos, the Attorney General's name, etc. may not be used without explicit permission in writing from the AGO. This is to prevent the appearance that employees' speak for or represent the AGO officially.

10.3. Respect and Privacy Rights Components of the Blogging and Social Media Policy

Speak respectfully about the AGO, our employees, and the constituencies we serve. Employees should not engage in name calling or behavior that will reflect negatively on the reputation of the AGO or its employees. Use of copyrighted materials, unfounded or derogatory statements, harassing or intimidating comments, or misrepresentation about the AGO or our employees is not viewed favorably by the AGO and can result in disciplinary action up to and including the termination of employment with the AGO.

Honor the privacy rights of our current employees by seeking their permission before writing about or displaying internal AGO happenings that might be considered to be a breach of their privacy and confidentiality.

10.4. Legal Liability Component of the Blogging and Social Media Policy

The AGO's employees should recognize that they may be legally liable for anything they write or present online. Employees can be disciplined by the AGO for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can contribute towards the creation of an unlawful hostile work environment. Employees can also be sued by the AGO, our employees, or other individuals who view employees' online commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous, or that contributes towards the creation of an unlawful hostile work environment.

10.5. Media Contact Component of the Blogging and Social Media Policy

Employees with questions about the guidelines provided in this policy should contact the Chief of Staff or the Deputy Chief of Staff. An employee's failure to comply with this policy may lead to disciplinary action, up to and including the termination of employment, as well as potential legal action against the employee by the AGO and/or our employees or members of the public.

11.0. Media Communications

If you are contacted by the media, you should immediately refer them to the AGO's Communication Director, Ryan Cross. Reporters may be insistent and encourage you to talk "off-the-record." No AGO employee is authorized to communicate with the media without prior authorization from the Press Secretary about an AGO matter in either an on-the-record or off-the-record situation.

12.0. Attendance

Regular and predictable attendance is an essential function of every job with the AGO. Poor attendance is disruptive. When employees are unable to work as scheduled they should notify their immediate supervisor as soon as possible in advance of the anticipated absence. Poor attendance may result in disciplinary action, up to and including termination.

There is no leave without pay unless approved in advance or as provided under the AGO's Family and Medical Leave Act Policy found in Section 13.0. Where appropriate, the AGO may grant unpaid personal leaves of absence. Any employee who does not come to work and is not on approved leave is taking an unapproved and unexcused absence from work.

Any absence without notification and approval will be considered unexcused. The AGO may take disciplinary action, up to and including terminating employment, for any employee who, in the AGO's judgment, has unacceptable attendance.

12.1. Hazardous Travel Policy

Employees who are delayed or prevented from reporting to work due to inclement weather or who wish to leave work early due to worsening weather or road conditions may account for the absence by one of the following methods with the approval of their supervisors:

a. charged to an employee's accumulated compensatory time.

b. charged to an employee's accumulated annual leave.

c. made up by adjusting work schedule. Make-up work shall be completed within a reasonable period after the absence, and the make-up work shall not count toward compensatory time. Employees should consult their Division Chief about an acceptable schedule to make-up the work. Note: Due to the nature of an individual employee's duties, make-up work may not be an available alternative.

d. charged to leave without pay only if the employee has insufficient accumulated compensatory and/or annual leave and the work schedule cannot be adjusted for the absence to be made up.

13.0. Family and Medical Leave Act Policy

Employees may, depending upon whether they meet defined eligibility and qualifications criteria, be entitled to take up to 12 weeks of unpaid, job-protected leave each year in accordance with the AGO's obligations under the Family and Medical Leave Act ("FMLA"). The AGO applies a "rolling calendar" method for determining an employee's eligibility for leave. The AGO may also require an employee to concurrently use paid time off (such as accrued vacation or sick leave) during any period of leave under designated as leave under the FMLA.

13.1. Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care ("bonding time");
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

13.2. Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a

member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

13.3. Benefits and Protections

During FMLA leave, the AGO maintains the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

13.4. Eligibility Requirements

Employees are eligible if they have worked for the AGO for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the AGO within 75 miles.

13.5. Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

13.6. Use of Leave

An employee requiring leave for the employee's own serious health condition or the serious health condition of an immediate family member does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Leave for "bonding time" cannot be taken intermittently but must be taken in one block, and must be used within 12 months of the child's birth or adoption/ foster care placement.

13.7. Substitution of Paid Leave for Unpaid Leave

Employees may choose and the AGO may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the AGO's normal paid leave policies.

13.8. Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

13.9. Employer Responsibilities

The AGO will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as

the employees' rights and responsibilities. If they are not eligible, the AGO will provide a reason for the ineligibility.

The AGO will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the AGO determines that the leave is not FMLA-protected, the AGO will notify the employee.

13.10. Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

13.11. Enforcement

The AGO requests that any employee who believes that the AGO has not complied with the FMLA first bring the employee's concerns to the attention of the Deputy Chief of Staff or the Chief of Staff so that the AGO may first attempt to resolve the matter internally.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the AGO if the employee believes that the AGO has not complied with its obligations under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

14.0. Dress Code and Professional Appearance

The dress code for Monday through Friday is **Business Dress** attire.

Repeated violation of the dress code policy will result in disciplinary action. Questions regarding the appropriateness of particular clothing should be resolved with the Deputy Chief of Staff or Human Resources Manager prior to wearing the clothing to the office. Employees are expected to use good judgment and common sense when deciding on appropriate attire for the workplace. The AGO expects our personnel to dress

professionally. The AGO has the discretion to advise any employee of the AGO that his or her attire is inappropriate and send that person home to change into appropriate attire, without pay, or to impose more severe discipline, up to and including termination.

The following clothing is never appropriate Business Dress attire:

- jeans of any color
- denim skirts or dresses
- t-shirts
- shorts
- tank tops
- bare midriffs
- halter tops
- hats
- low-cut blouses
- sweat suits or wind suits
- skirts or dresses shorter than 3" above the knee
- lycra or spandex tops or bottoms
- tennis shoes
- hiking boots
- casual mules or crocs
- flip flops
- sandals without a heel or ankle strap

15.0. Personal Telephone Usage

The AGO recognizes that employees must from time to time receive personal telephone calls. However, personal telephone calls should not interfere with normal business routine. To the extent possible it is expected that personal calls, other than emergency calls, will be made during the lunch hour. Business hours should not be used to make personal arrangements concerning outside activities.

16.0. Smoking Policy

Smoking is prohibited inside all buildings exclusively occupied by the State of Missouri regardless of whether the building is owned or leased by the State.

17.0. Political Activities

Political activity must not interfere with the normal work for the AGO and never occur on state time. AGO employees cannot post political signs on AGO property. The AGO's name and its supplies, equipment, or services may not be utilized in political causes and activities. Such action could be viewed as an activity of the AGO and result in possible embarrassment to the AGO or in having the value thereof deemed a financial contribution by the AGO.

EMPLOYEE ACKNOWLEDGEMENT FORM

The Employee Handbook of the Office of the Attorney General for the State of Missouri ("AGO") describes important information and guidelines about my employment with the AGO. I understand that my employment with the AGO is terminable "at will," which means that either the AGO or I may terminate the relationship at any time, for any reason or no reason, at any time with or without notice.

Because the information, policies and benefits described in the handbook are necessarily subject to change, I understand that revisions to the handbook may occur. I understand that no such change will affect my at-will employment relationship with the AGO. I understand that revised policies will supersede, modify, or eliminate existing policies.

I acknowledge and understand that nothing contained in this handbook is a contract of employment, either express or implied. I also understand that no AGO employee has the right or authority to create any type of employment contract, either express or implied.

I also acknowledge I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

_____ _____

Employee's Signature Date

_____

Employee's Name (Printed or Typed)

ACKNOWLEDGMENT OF HARASSMENT AND DISCRIMINATION POLICIES

I acknowledge that I have received and read the policies of the Office of the Attorney General for the State of Missouri ("AGO") regarding sexual and other harassment, and discrimination contained in the AGO's Employee Handbook. I understand that the AGO prohibits harassment and discrimination on the basis of sex, race, color, religion, age, disability, national origin, and any other characteristic protected by law.

I understand that I have a responsibility to refrain from engaging in conduct prohibited by the AGO's harassment and discrimination policies.

I understand that if I am subject to conduct that I believe is harassing or discriminatory, I have the responsibility to immediately report such conduct directly to either: (1) Deputy Chief of Staff, Rhonda Meyer (or her successor); or (2) Chief of Staff.

Because the AGO is concerned about this important topic, I understand that reporting violations, incidents of unlawful harassment or discrimination to members of the AGO's management other than those specifically designated in this Acknowledgement is not enough. That is, I understand that I have the responsibility to immediately report unlawful harassing or discriminatory conduct to either of the two individuals specifically identified by the AGO as the appropriate persons to whom incidents of unlawful harassment or discrimination should be reported so that the AGO can ensure that complaints are handled consist with this policy.

I also understand that the AGO's harassment and discrimination policies prohibit retaliation towards an employee who makes a good faith complaint of harassment or discrimination under the AGO's policies.

_____ _____

Signature Date

_____

Name (Printed or Typed)

Exhibit C

Gmail Daniel Hartman <daniel.c.hartman@gmail.com>

Re: follow - up
1 message

Evan Rosell <evanrosell@gmail.com> Mon, May 1, 2017 at 9:28 AM
To: Timmy Teepell <canyoufrythat@icloud.com>
Cc: Gail Gitcho <gailgitcho@gmail.com>, Loree Anne Paradise <loreeaparadise@gmail.com>, Daniel Hartman <daniel.c.hartman@gmail.com>

I'm out those days

On May 1, 2017, at 9:20 AM, Timmy Teepell <canyoufrythat@icloud.com> wrote:

if Josh is eager for us to meet sooner, the other option i have is may 8 and 9.

On Apr 30, 2017, at 2:54 PM, Gail Gitcho <gailgitcho@gmail.com> wrote:

Yes

From: Timmy Teepell <canyoufrythat@icloud.com>
Date: Sunday, April 30, 2017 at 1:53 PM
To: Loree Anne Paradise <loreeaparadise@gmail.com>
Cc: Gail Gitcho <gailgitcho@gmail.com>, Evan Rosell <evanrosell@gmail.com>, Timmy Teepell <timmy@onmessageinc.com>, Daniel Hartman <daniel.c.hartman@gmail.com>
Subject: Re: follow - up

That works for me.

On Apr 30, 2017, at 2:29 PM, Loree Anne Paradise <loreeaparadise@gmail.com> wrote:

No worries! Is everyone still free June 5/6?

On Sat, Apr 29, 2017 at 4:12 PM, Gail Gitcho <gailgitcho@gmail.com> wrote:

Timmy – [redacted]

Just kidding. Good to know. Lets work on something after Mem Day.

Gail

From: Timmy Teepell <canyoufrythat@icloud.com>
Date: Saturday, April 29, 2017 at 5:09 PM
To: Loree Anne Paradise <loreeaparadise@gmail.com>
Cc: Evan Rosell <evanrosell@gmail.com>, Timmy Teepell <timmy@onmessageinc.com>, Gail Gitcho <gailgitcho@gmail.com>, Daniel

Hartman <daniel.c.hartman@gmail.com>
Subject: Re: follow - up

Okay. I've got bad news for y'all. We need to go back to the drawing board for dates for our next trip. I can't do may 18 and 19. [redacted] I had it wrong on my schedule. Sorry guys.

On Apr 27, 2017, at 5:53 AM, Loree Anne Paradise <loreeaparadise@gmail.com> wrote:

If that works for Gail, we will be prepared on our end.

On Wed, Apr 26, 2017 at 10:13 PM, Evan Rosell <evanrosell@gmail.com> wrote:

> I think I can make that work
>
> On Apr 26, 2017, at 9:58 PM, Timmy Teepell <timmy@onmessageinc.com> wrote:
>
> > Josh suggested we meet may 18-19 even though he's out of town he probably doesn't need to be in the meeting. We can fill him in afterwards.
> >
> > I can do those dates.
> >
> > Gail?
> >
> > On Apr 26, 2017, at 5:25 PM, Evan Rosell <evanrosell@gmail.com> wrote:
> >
> > Works for me. Let's plan on it
> >
> > On Wed, Apr 26, 2017 at 5:07 PM, Gail Gitcho <gailgitcho@gmail.com> wrote:
> >
> > > Great!
> > >
> > > Sent from my iPhone
> > >
> > > On Apr 26, 2017, at 5:49 PM, Loree Anne Paradise <loreeaparadise@gmail.com> wrote:
> > >
> > > > Perfect! It's on Josh's calendar. We will see y'all June 5-6. Thanks!
> > > >
> > > > On Wed, Apr 26, 2017 at 4:48 PM, Timmy Teepell <timmy@onmessageinc.com> wrote:
> > > >
> > > > > June 5 and 6 works for me.
> > > > >
> > > > > How about you gail?
> > > > >
> > > > > On Apr 26, 2017, at 4:43 PM, Loree Anne Paradise <loreeaparadise@gmail.com> wrote:

Hi Gail!

May 18 Josh is traveling within MO. May 20-21 he's traveling to Chicago.

First week of June would be easier (if that's not too late)? He's traveling June 7th to St. Louis but completely free June 5-6. Thoughts?

On Wed, Apr 26, 2017 at 4:39 PM, Timmy Teepell <timmy@onmessageinc.com> wrote:

[redacted] and forgot to add gail.

On Apr 26, 2017, at 4:39 PM, Timmy Teepell <timmy@onmessageinc.com> wrote:

I have to be in Florida for RGA stuff 15-17. What about 18-19? I'm adding gail to see her availability. Otherwise we could do that first week of June.

On Apr 26, 2017, at 3:45 PM, Loree Anne Paradise <loreeaparadise@gmail.com> wrote:

Thanks Timmy! We will get this completed and taken care of.

Session ends Friday, May 12. FYI, Josh may be out of town until May 17th. I should have confirmation on that by tomorrow or Friday. The body guy starts May 22nd, but I know Evan is out that week. Josh is out again May 25 through Memorial Day (May 29).

Most likely, the best date would be sometime May 15-17, so I will ping you when I know Josh's travel schedule that week.

On Wed, Apr 26, 2017 at 3:37 PM, Timmy Teepell <timmy@onmessageinc.com> wrote:

> I enjoyed spending time with everyone over the last few days. Here are the action items to

prepare for the next set of meetings in a couple weeks. Y'all let me know if I'm missing anything.

Evan

1. Find money for Human Trafficking Executive Director
2. Find money for another Constituent Services Rep (in case we need one)

Mike

1. Flesh out options on Opioids.

Rachel

1. Develop Target list of Key Legislators
2. Develop system for tracking Legislative Requests

Loree Anne

1. Find a press secretary.
2. Assess our constituent services and determine what our needs are.
3. Inventory Owned and Shared Media Assets
4. Develop List of Accomplishments
5. Develop Job Description for Press Secretary and body guy.

Daniel

1. Develop target list of Local Officials for intergovernmental affairs
2. Develop target list of coalition groups and stake holders for Opioid and Veteran rollouts.

Our next meeting we will go over these items, but I want to spend the majority of the time brainstorming and fleshing out our Human Trafficking 2.0 plans, Opioid Plan, and Veteran Pro Bono Plan. So be thinking about those items in the coming weeks.

When does session end? I'd like to get a date set so we can get Gail to come too to help brainstorm the Human Trafficking 2.0 plans, Opioid Plan, and Veteran Pro Bono plans.

Timmy

P.S. I don't have Mike and Rachel's emails so can y'all get their stuff to them? Thanks.

--
Loree Anne Paradise
(912) 245.0212 (mobile)

--
Loree Anne Paradise
(912) 245.0212 (mobile)

--
Loree Anne Paradise
(912) 245.0212 (mobile)

--
Loree Anne Paradise
(912) 245.0212 (mobile)

--
Loree Anne Paradise
(912) 245.0212 (mobile)

Exhibit D

STATE OF MISSOURI
MONTHLY EXPENSE REPORT

PVE282X7000 000927

FOR MONTH OF Jan 2017 thru Mar 2017 | PAGE ____ OF GR

THE WHITE AREAS MUST BE COMPLETED. THE GRAY AREAS ARE OPTIONAL FOR AGENCY USE. SEE INSTRUCTIONS ON BACK.

DEPARTMENT/DIVISION OR INSTITUTION: Attorney General Office

ACCEPTED

EMPLOYEE NAME (LAST, FIRST): Paradise, Loree Anne

VENDOR CODE (SOCIAL SECURITY NUMBER): [redacted]

MAR 28 2017

OFFICE ADDRESS: 207 West High Street (MO Supreme Court Building) | WORK PHONE NO.: 1-3389 | UNIT/COUNTY: | LOCATION CODE OR DOCUMENT NO.:

DATE	FROM/TO & PURPOSE	OVER-NIGHT STAY (X)	RET (X)	STANDARD MILES	FLEET MILES	BREAK-FAST	LUNCH	DINNER	LODGING	OTHER*	
1/10/17	1/10/17 - 1/12/17 - Holiday Inn Express	2 ✓							$224.68	✓	0
1/17/17	1/17/17 - 1/20/17 - Holiday Inn Express	3 ✓						320.01	~~$322.01~~	✓	0
1/23/17	1/23/17 - 1/27/17 - Holiday Inn Express	4 ✓							$426.68	✓	0
1/31/17	1/31/17 - 2/03/17 - Residence Inn	3 ✓							$308.43	✓	0
2/6/17	2/6/17 - 2/10/17 - Residence Inn	4 ✓							$411.24	✓	0
2/14/17	2/14/17 - 2/17/17 - Capitol Plaza Hotel	3 ✓							$313.20	✓	0
2/21/17	2/21/17 - 2/23/17 - Holiday Inn Express	2 ✓							$206.52	✓	0
2/28/17	2/28/17 - 3/01/17 - Holiday Inn Express	1 ✓							$103.26	✓	0
3/6/17	3/6/17 - 3/10/17 - Holiday Inn Express	4 ✓							$413.04	✓	0
3/13/17	3/13/17 - 3/15/17 - Holiday Inn Express	2 ✓							$206.52	✓	0
3/20/17	3/20/17 - 3/22/17 - Holiday Inn Express	2 ✓							$206.52	✓	0
		30 Days									0
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
									3140.10		0
	TOTALS OF ABOVE ▸			0	0	0	0	0	~~$3,142.10~~	0	0.00
	TOTALS FROM OTHER PAGES ▸										0.00

RECEIVED
MAR 28 2017
M.O. ATTORNEY GENERAL
FISCAL OFFICE

	TOTAL STANDARD MILES ▸	0	AT .37 ¢ PER MILE ▸	0
	TOTAL FLEET MILES ▸	0	AT .26 ¢ PER MILE ▸	0

TOTAL INSTATE: $ | TOTAL OUTSTATE: $ | TOTAL REIMBURSABLE EXPENSE ▸ ~~$3,142.01~~ 3140.10

DATE	*EXPLANATION OF OTHER			
				3140.10 PAID
				MAR 30 2017
				MO. ATTORNEY GENERAL

I hereby certify the above claim is correct, that these expenses were necessary to conduct state business, that payment has been made from personal funds for which I have not been reimbursed, nor will I receive from any source any payment for these expenses.

APPROVAL SIGNATURE | CLAIMANT SIGNATURE: Loree Ann Paradise | DATE: 3/27/17

TITLE: Deputy Chief of Staff | DATE APPROVED: 3/27/17 | TITLE: DPD. Chief of Staff | OFFICIAL DOMICILE: JC

VERIFIED BY AND DATE	FUND	AGCY	ORG/SUB	APPR UNIT	ACTIVITY	FUNCTION	OBJ/SUB	JOB NUMBER	REP CAT	AMOUNT
	0101	282	/	7586			2943 /			3140.10
			/				/			
CODED BY AND DATE			/				/			
			/				/			
			/				/			
DK CATEGORY			/				/			
			/				/			
			/				/			

MO 300-1189 (1-11) SAM II

Holiday Inn Express & Suites

2

61 01-18-17

Scott Paradise [redacted]	Folio No. : 43679	Room No. : 236 (1-10-17)
	A/R Number :	Arrival : 01-08-17
	Group Code : JHI	Departure : 01-12-17
	Company : Inauguration	Conf. No. : 67082274
	Membership No. :	Rate Code : IGCOR
	Invoice No. :	Page No. : 1 of 1

Date	Description	Charges	Credits
01-08-17	Deposit Transfer at Check-In	-	224.68
01-08-17	*Accommodation	99.00	
01-08-17	State Tax (8.475%)	8.39	
01-08-17	Lodging Tax (5%)	4.95	
01-09-17	*Accommodation	99.00	
01-09-17	State Tax (8.475%)	8.39	
01-09-17	Lodging Tax (5%)	4.95	
01-10-17	*Accommodation	99.00	
01-10-17	State Tax (8.475%)	8.39	112.34
01-10-17	Lodging Tax (5%)	4.95	
01-11-17	*Accommodation	99.00	
01-11-17	State Tax (8.475%)	8.39	112.34
01-11-17	Lodging Tax (5%)	4.95	
01-12-17	American Express [redacted]		224.68
	Total	449.36	449.36
	Balance	0.00	

Guest Signature: _____

I have received the goods and / or services in the amount shown heron. I agree that my liablity for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or associate fails to pay for any part or the full amount of these charges. If a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.

Holiday Inn Express & Suites Columbia
1402 Cinnamon Hill Lane
Columbia, MO 65201
Telephone: (573)442.8034 Fax: (573)442.8035

Owned and Operated by RVR Enterprises

3

34 01-18-17

Scott Paradise [redacted]	Folio No. : 43846 A/R Number : Group Code : Company : Work in Jeff City Membership No. : Invoice No. :	Room No. : 130 Arrival : 01-17-17 Departure : 01-20-17 Conf. No. : 64363244 Rate Code : IDARP Page No. : 1 of 1	

Date	Description		Charges	Credits
01-17-17	*Accommodation		94.00	
01-17-17	State Tax (8.475%)		7.97	
01-17-17	Lodging Tax (5%)		4.70	
01-18-17	Market	Post It No.43454	1.84	
01-18-17	Market Tax	Post It No.43454	0.16	
01-18-17	*Accommodation		94.00	
01-18-17	State Tax (8.475%)		7.97	
01-18-17	Lodging Tax (5%)		4.70	
01-18-17	*Accommodation	19-JAN-2017	94.00	
01-18-17	State Tax (8.475%)	19-JAN-2017	7.97	
01-18-17	Lodging Tax (5%)	19-JAN-2017	4.70	
01-18-17	American Express	[redacted]		322.01
		Total	322.01	322.01
		Balance	0.00	

106.67

Guest Signature: _____

I have received the goods and / or services in the amount shown heron. I agree that my liablity for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or associate fails to pay for any part or the full amount of these charges. If a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.

Holiday Inn Express & Suites Columbia
1402 Cinnamon Hill Lane
Columbia, MO 65201
Telephone: (573)442.8034 Fax: (573)442.8035

Owned and Operated by RVR Enterprises

Holiday Inn Express & Suites

4

46 01-26-17

Scott Paradise [redacted]	Folio No. : 44240	Room No. :	322
	A/R Number :	Arrival :	01-23-17
	Group Code :	Departure :	01-27-17
	Company : Work in Jeff City	Conf. No. :	60703917
	Membership No. :	Rate Code :	IDARP
	Invoice No. :	Page No. :	1 of 1

Date	Description	Charges	Credits
01-23-17	*Accommodation	94.00	
01-23-17	State Tax (8.475%)	7.97	106.67
01-23-17	Lodging Tax (5%)	4.70	
01-24-17	*Accommodation	94.00	
01-24-17	State Tax (8.475%)	7.97	
01-24-17	Lodging Tax (5%)	4.70	
01-25-17	*Accommodation	94.00	
01-25-17	State Tax (8.475%)	7.97	
01-25-17	Lodging Tax (5%)	4.70	
01-26-17	*Accommodation	94.00	
01-26-17	State Tax (8.475%)	7.97	
01-26-17	Lodging Tax (5%)	4.70	
01-26-17	American Express [redacted]		426.68
	Total	426.68	426.68
	Balance	0.00	

Guest Signature: _____

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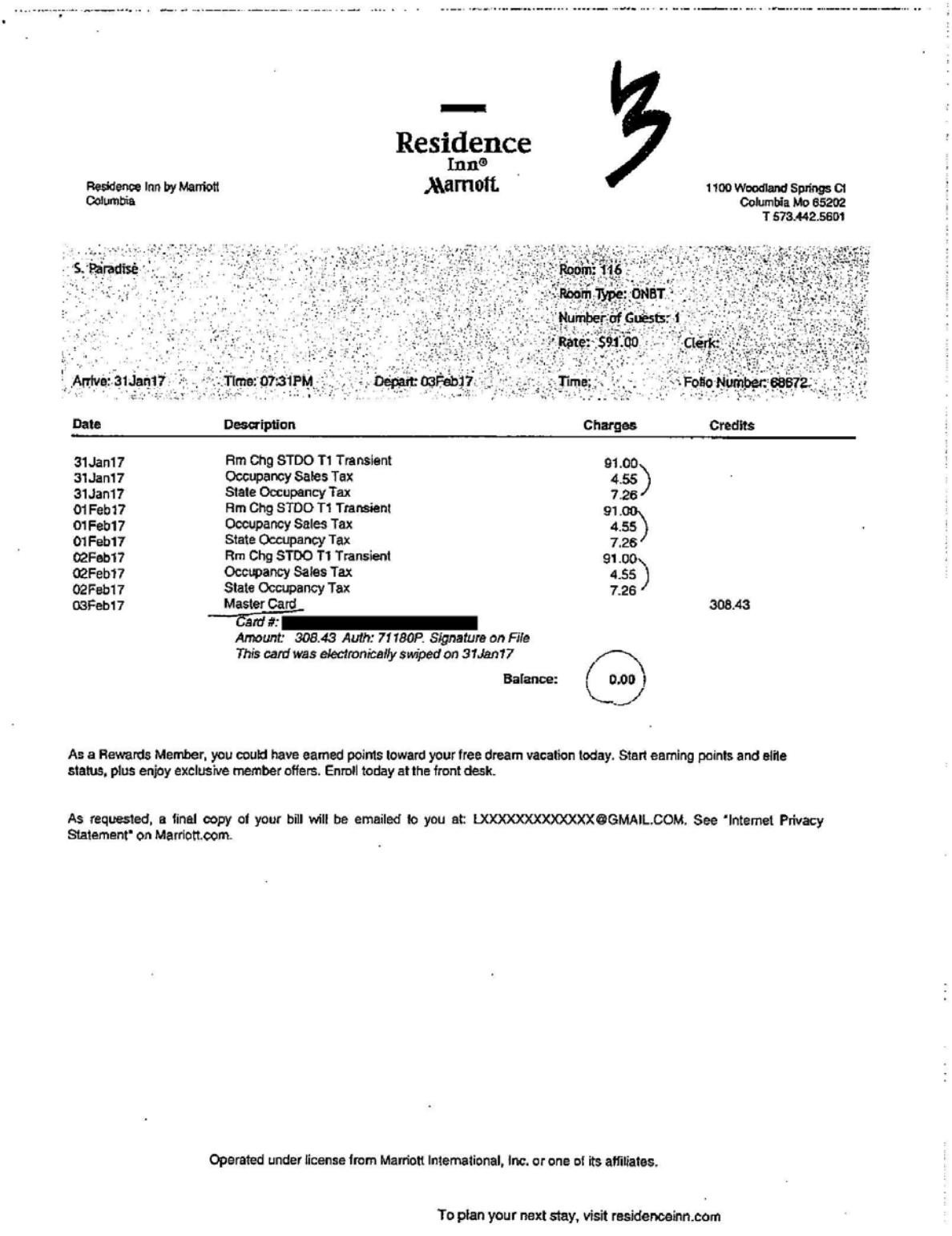

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1100 Woodland Springs Ct
Columbia Mo 65202
T 573.442.5601

S. Paradise

Room: 116
Room Type: ONBT
Number of Guests: 1
Rate: $91.00 Clerk:

Arrive: 31Jan17 Time: 07:31PM Depart: 03Feb17 Time: Folio Number: 68672

Date	Description	Charges	Credits
31Jan17	Rm Chg STDO T1 Transient	91.00	
31Jan17	Occupancy Sales Tax	4.55	
31Jan17	State Occupancy Tax	7.26	
01Feb17	Rm Chg STDO T1 Transient	91.00	
01Feb17	Occupancy Sales Tax	4.55	
01Feb17	State Occupancy Tax	7.26	
02Feb17	Rm Chg STDO T1 Transient	91.00	
02Feb17	Occupancy Sales Tax	4.55	
02Feb17	State Occupancy Tax	7.26	
03Feb17	Master Card		308.43
	Card #: [redacted]		
	Amount: 308.43 Auth: 71180P. Signature on File		
	This card was electronically swiped on 31Jan17		
	Balance:	0.00	

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L. Paradise

Room: 111
Room Type: TOBT
Number of Guests: 1
Rate: $91.00 Clerk:

Arrive: 06Feb17 Time: 07:10PM Depart: 10Feb17 Time: Folio Number: 68928

Date	Description	Charges	Credits
06Feb17	Rm Chg STDO T1 Transient	91.00	
06Feb17	Occupancy Sales Tax	4.55	
06Feb17	State Occupancy Tax	7.26	
07Feb17	Rm Chg STDO T1 Transient	91.00	
07Feb17	Occupancy Sales Tax	4.55	
07Feb17	State Occupancy Tax	7.26	
08Feb17	Rm Chg STDO T1 Transient	91.00	
08Feb17	Occupancy Sales Tax	4.55	
08Feb17	State Occupancy Tax	7.26	
09Feb17	Rm Chg STDO T1 Transient	91.00	
09Feb17	Occupancy Sales Tax	4.55	
09Feb17	State Occupancy Tax	7.26	
10Feb17	American Express		411.24
	Card #: [redacted]		
	Amount: 411.24 Auth: 179851 Signature on File		
	Balance:	0.00	

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Capitol Plaza Hotel

Loree Anne Paradise
[redacted]

3

Room No.	: 816
Arrival	: 02-14-17
Departure	: 02-17-17
Page No.	: 1 of 1
Folio No.	: 445757
Conf. No.	: 1432347
Cashier No.	: 45
User ID	: MKOELLING

INVOICE
Membership No. :
A/R Number :
Group Code
Company Name

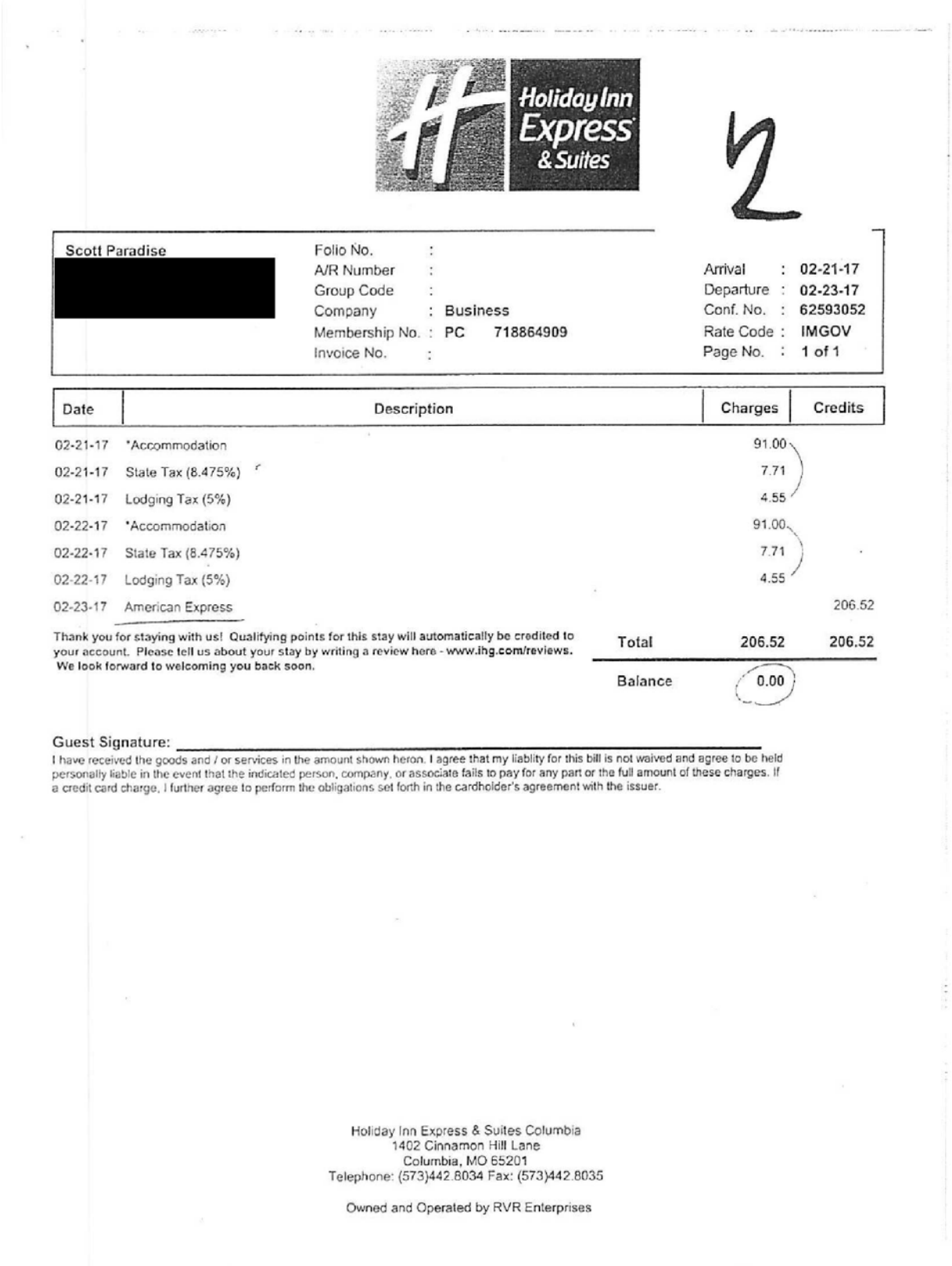
Thank You For Staying With Us 02-17-17

Date	Text	Charges USD	Credits USD
02-14-17	Guest Room	91.00	
02-14-17	Lodging Tax	6.37	
02-14-17	State Tax	7.03	
02-15-17	Guest Room	91.00	
02-15-17	Lodging Tax	6.37	
02-15-17	State Tax	7.03	
02-16-17	Guest Room	91.00	
02-16-17	Lodging Tax	6.37	
02-16-17	State Tax	7.03	
02-17-17	American Express [redacted] 12/21		313.20
	Total	313.20	313.20
	Balance	0.00 USD	

Merchant ID		Credit Card #	[redacted]
Transaction ID	838654	Credit Card Expiry :	12/21
Approval Code	169124	Capture Method :	Manual
Approval Amount :	313.20	Transaction Amount	313.20

We value your opinion.
Please tell us how we did by taking our online survey - https://www.surveymonkey.com/s/NMVT9VD

415 McCarty Jefferson City, MO 65101
Hotel Phone (573) 635-1234 Reservations 1-800-338-8088



Holiday Inn Express & Suites

2

Scott Paradise
[redacted]

Folio No. :
A/R Number :
Group Code :
Company : Business
Membership No. : PC 718864909
Invoice No. :

Arrival : 02-21-17
Departure : 02-23-17
Conf. No. : 62593052
Rate Code : IMGOV
Page No. : 1 of 1

Date	Description	Charges	Credits
02-21-17	*Accommodation	91.00	
02-21-17	State Tax (8.475%)	7.71	
02-21-17	Lodging Tax (5%)	4.55	
02-22-17	*Accommodation	91.00	
02-22-17	State Tax (8.475%)	7.71	
02-22-17	Lodging Tax (5%)	4.55	
02-23-17	American Express		206.52
	Total	206.52	206.52
	Balance	0.00	

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Guest Signature: _____

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1

03-01-17

Loreeanne Paradise [redacted]	Folio No. :	Room No. :	203
	A/R Number :	Arrival :	02-28-17
	Group Code :	Departure :	03-01-17
	Company : Mizzou	Conf. No. :	64927076
	Membership No. :	Rate Code :	IMGOV
	Invoice No. :	Page No. :	1 of 1

Date	Description	Charges	Credits
02-28-17	*Accommodation	91.00	
02-28-17	State Tax (8.475%)	7.71	
02-28-17	Lodging Tax (5%)	4.55	
03-01-17	American Express		103.26
	Total	**103.26**	**103.26**
	Balance	**0.00**	

Guest Signature: _____

I have received the goods and / or services in the amount shown heron. I agree that my liablity for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or associate fails to pay for any part or the full amount of these charges. If a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.

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53 04-04-17

Attorney Generals Office	Folio No.	: 46548	Room No.	:	137
po box 899	A/R Number	: 5692	Arrival	:	03-06-17
Jefferson City MO 65102	Group Code	:	Departure	:	03-10-17
United States	Company	: Attorney Generals Office	Conf. No.	:	68847104
	Membership No.	:	Rate Code	:	IMGOV
Paradise, Loreeanne	Invoice No.	: 4445	Page No.	:	1 of 1

Date	Description		Charges	Credits
03-06-17	*Accommodation		91.00	
03-06-17	State Tax (8.475%)		7.71	
03-06-17	Lodging Tax (5%)		4.55	
03-07-17	*Accommodation		91.00	
03-07-17	State Tax (8.475%)		7.71	
03-07-17	Lodging Tax (5%)		4.55	
03-08-17	*Accommodation		91.00	
03-08-17	State Tax (8.475%)		7.71	
03-08-17	Lodging Tax (5%)		4.55	
03-09-17	*Accommodation		91.00	
03-09-17	State Tax (8.475%)		7.71	
03-09-17	Lodging Tax (5%)		4.55	
03-13-17	State Tax (8.475%)	tax exempt	-30.84	
3/10/17	American Express [redacted]			
		Total	-382.20	0.00
		Balance	382.20	

Guest Signature: _____

I have received the goods and / or services in the amount shown heron. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or associate fails to pay for any part or the full amount of these charges. If a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.

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2

03-15-17

Loreeanne Paradise [redacted]	Folio No. :	Room No. :	339
	A/R Number :	Arrival :	03-13-17
	Group Code :	Departure :	03-15-17
	Company : Mizzou	Conf. No. :	60600604
	Membership No. :	Rate Code :	IMGOV
	Invoice No. :	Page No. :	1 of 1

Date	Description	Charges	Credits
03-13-17	*Accommodation	91.00	
03-13-17	State Tax (8.475%)	7.71	
03-13-17	Lodging Tax (5%)	4.55	
03-14-17	*Accommodation	91.00	
03-14-17	State Tax (8.475%)	7.71	
03-14-17	Lodging Tax (5%)	4.55	
03-15-17	American Express		206.52
	Total	206.52	206.52
	Balance	0.00	

Guest Signature: _____

I have received the goods and / or services in the amount shown heron. I agree that my liablity for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or associate fails to pay for any part or the full amount of these charges. If a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.

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Holiday Inn Express & Suites

46 03-24-17

Scott Paradise [redacted]	Folio No. : 47347	Room No. : 139	
	A/R Number :	Arrival : 03-20-17	
	Group Code :	Departure : 03-24-17	
	Company : meeting	Conf. No. : 67435242	
	Membership No. : PC 718864909	Rate Code : IMGOV	
	Invoice No. :	Page No. : 1 of 1	

Date	Description	Charges	Credits
03-20-17	*Accommodation	91.00	
03-20-17	State Tax (8.475%)	7.71	
03-20-17	Lodging Tax (5%)	4.55	
03-21-17	*Accommodation	91.00	
03-21-17	State Tax (8.475%)	7.71	
03-21-17	Lodging Tax (5%)	4.55	
03-22-17	*Accommodation	91.00	
03-22-17	State Tax (8.475%)	7.71	
03-22-17	Lodging Tax (5%)	4.55	
03-23-17	*Accommodation	91.00	
03-23-17	State Tax (8.475%)	7.71	
03-23-17	Lodging Tax (5%)	4.55	
03-24-17	American Express [redacted]		413.04
	Total	413.04	413.04
	Balance	0.00	

Thank you for staying with us! Qualifying points for this stay will automatically be credited to your account. Please tell us about your stay by writing a review here - www.ihg.com/reviews. We look forward to welcoming you back soon.

Guest Signature: _____

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Exhibit E

OFFICE OF ADMINISTRATION
ADMINISTRATIVE POLICY

POLICY TITLE: Payment of Relocation and Recruitment Expense	AUTHORIZED BY:
POLICY: B-4	PAGE: 1 of 2
ISSUED: August 1, 1984	REVISED: August 1, 1994

I. General Statement

In the course of recruitment and relocation of employees the question of payment of certain expenses may be raised. This is particularly true in higher level and competitive employment areas where such expenses may be a factor in employment negotiations. This policy is established to define the expenses which the Office of Administration may pay and the circumstances under which payment may be offered to a prospective employee or to an existing employee.

II. Guidelines

A. General Guidelines

1) A person who is recruited in a professional, supervisory, or management capacity or any existing employee required to relocate by the Office of Administration is eligible for reimbursement under this policy.

2) All offers to reimburse recruitment and relocation expenses must be approved in writing by the Division Director and the Commissioner of Administration prior to the offer being made to an employee or perspective employee. Requests will be evaluated on an individual case basis for appropriateness, consistency with past decisions, and the availability of funds.

3) Divisions are responsible for the approval of recruitment and relocation expenses that serves the requirement of the state most economical and advantageously in accordance with the State of Missouri Travel Regulations. This includes the method of Travel (airfare, mileage, etc.), meal costs, lodging costs, etc.

4) All payments for recruitment and relocation expenses will be on a reimbursement basis unless a written request to direct bill charges is approved by the Commissioner of Administration. The employee or prospective employee must submit appropriate verification when requesting reimbursement which includes original invoices, proof of payment, prior approval letter, and any other documentation required by the Missouri Travel Regulations. All costs must be itemized on the payment request. Existing employees must request reimbursement on a Monthly Expense Report. Prospective employees may request reimbursement using a Monthly Expense Report or by letter.

III. Reimbursement Guidelines

A. Recruitment Expenses Eligible for Reimbursement

OFFICE OF ADMINISTRATION
ADMINISTRATIVE POLICY

POLICY TITLE: Payment of Relocation and Recruitment Expense	AUTHORIZED BY:
POLICY: B-4	PAGE: 2 of 2
ISSUED: August 1, 1984	REVISED: August 1, 1994

1) A Person who is asked to interview and meets the general guidelines under this policy may be reimbursed the following allowable recruitment expenses:

Allowable relocation expenses shall consist of the following items:

a) The cost of moving household goods and personal belongings.

b) Lodging expenses at no more than the single room rate. Lodging invoices should clearly indicate that the single room rate was charged.

c) Meal charges incurred during recruitment travel. Receipts are not required for meal charges. However, individuals are expected to exercise the same care in incurring expenses as if traveling on personal business.

B. Relocation Expenses Eligible for Reimbursement

1) A person meeting the above general guidelines may be reimbursed the cost, up to 10 percent of the employee's annual salary, of relocating at the time of employment, plus temporary lodging for up to thirty calendar days. Temporary lodging is defined as hotel expenses (meals are not included) or temporary apartment rental with utilities.

Allowable relocation expenses shall consist of the following items:

a) The cost of moving household goods and personal belongings.

b) The cost of storing household goods and personal belongings for up to one month when it is necessary that they be stored until the move is completed.

c) The transportation cost (meals are not included) of one round trip by the employee and family to locate a new residence and one one-way trip by the employee and family to make the actual move.

C. Relocation and/or Recruitment Expenses Not Eligible for Reimbursement

1) Recruitment and relocation expenses not listed above (real estate fees, payment of fees to employment agencies, first class airfare, etc.) may not be offered to prospective or existing employees.

Appendix H
Office of Attorney General - Review of Whether State Resources Were Used for Political Purposes
Written Answers of Specific Questions Asked of Timmy Teepell, Partner of OnMessage, Inc.

The State Auditor's Office requested Timmy Teepell, a Partner of OnMessage, Inc., to provide written answers to specific questions asked on September 5, 2019, and Mr. Teepell provided those written answers on September 30, 2019. Emails, calendars, and testimony indicate that Timmy Teepell attended various meetings with Attorney General's Office (AGO) employees at the Jefferson City office and participated in phone conferences with various AGO employees from January to July 2017. The specific questions, Mr. Teepell's answers, and the related exhibits are noted below.

*****

Please respond to the following questions as fully and as accurately as you can. If you cannot answer a question in full after exercising due diligence to secure the information to do so, please so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

If you have records of any kind that are or may be responsive to a question asked, please describe each such record in detail so that we may properly identify it. You may provide copies of such records in addition to your written response or, if the records are fully responsive to the question, you may provide such records in lieu of a written response (please indicate that you are doing so).

If you believe that you cannot answer any question in whole or in part on the basis of a claim of privilege, please state the ground of the privilege claimed, the general nature of the matter withheld, the date of the origination of the withheld information, the name of the originator, and the names of all persons to whom the withheld information was distributed, shown or explained.

When you are asked about "meetings" in any questions, please include telephone or video conferences, in-person meetings, etc.

Mr. Teepell provided the following response to our request for answers to the questions:

Thank you for giving me the opportunity to address the issues you've outlined. My answers are below. Please note that I am providing these answers in the spirit of cooperation, and not as an acknowledgment of the office's authority to investigate these matters or to require me to provide information for the audit.

1. Please explain how you came to know former Attorney General Hawley?

Answer: We were introduced by a mutual acquaintance.

2. Please state your relationship to the organization known as OnMessage, Inc.

Answer: I am a partner with OnMessage Inc.

3. Please state your relationship to the organization known as First Tuesday.

Answer: The partners of OnMessage Inc. owned a minority stake in First Tuesday.

4. Did you provide any services to any political campaign of former Attorney General Hawley, whether personally or through any organization to which you were associated? If so,

a. Please identify each campaign of former Attorney General Hawley to which you have provided services and the dates of such services, and the entity through which you rendered such services.

b. Please describe the services rendered that you identified in response to 4(a) above.

Answer: I along with OnMessage Inc., provided consulting, polling and advertising services to Josh Hawley's 2016 primary campaign for Attorney General from July 2015 until Election Day, August 2016, his general election campaign for Attorney General from August 2016 until Election Day, November 2016, his 2018 primary for US Senate upon launch of the Hawley Exploratory Committee in August 2017 until Election Day, August 2018, and his 2018 general campaign for US Senate from August 2018 until Election Day, November of 2018.

5. Please describe any relationship you had with the Missouri Attorney General's Office.

Answer: I provided advice in helping the office function as effectively as possible in serving the people of Missouri and accomplishing the priorities of the Attorney General.

6. Did you provide any services to the Missouri Attorney General's Office, whether personally or through any organization to which you were associated? If so,

a. Please identify the dates on which services were rendered to the Missouri Attorney General's Office and the entity through which you rendered such services.

b. Please describe the services rendered that you identified in response to 6(a) above.

Answer: Neither I, nor OnMessage, Inc. received any compensation from the Attorney General's Office. However, I did provide advice in helping the office function as effectively as possible in serving the people of Missouri and accomplishing the priorities of the Attorney General. My first conversations with Evan Rosell occurred during the transition period prior to the Attorney General's inauguration, and I continued to provide advice until the Summer of 2017 when Josh Hawley began exploring a run for the US Senate.

7. With respect to the services to be provided to the Missouri Attorney General's Office, please state:

a. Whether there was a written contract, memorandum of understanding, or any other written memorialization of the terms of services to be rendered by you or any organization through which you provided such services. If so, please identify this record and summarize its contents. Alternatively, if such record can be provided, please attach a copy to your responses.

Answer: To the best of my recollection, there are no such records.

8. To whom did you report at the AGO?

Answer: My primary contact was Evan Rosell.

9. Did you sign any non-disclosure agreement (NDA) with the AGO? If so, please provide copies of all such non-disclosure agreements. If copies are not available please set forth the following:

a. The specific or approximate date each such NDA was signed.
b. Please describe the type of information protected from disclosure by each NDA to the extent possible.

Answer: No

10. Did you participate in any regularly scheduled meetings (including phone conferences) with AGO staff? If so, please set forth the following:

a. Please state the specific or approximate date of each meeting.
b. Please describe in detail how you participated in each meeting (e.g., by phone, video conference, in person).
(1) If you participated in any meeting in-person, please provide the location of the meeting.
c. Please describe in detail how you were notified of and invited to each meeting (e.g., by calendar invite, email, phone call).
d. For each meeting, described in your response to this question, please state the following:
(1) Who invited you to or notified you of each meeting?
(2) Who attended each meeting?
(3) Please summarize in detail the discussions that took place at each meeting.

Answer: I traveled to Missouri 6 times over the course of six months. I participated in meetings in the Attorney General's Office on three separate occasions in January 2017, April 2017, and June 2017. I also traveled to Missouri on three other occasions to attend events involving the press. These included St. Louis in April and June 2017, and Springfield in July 2017. To the best of my recollection, the meetings I participated in also included Evan Rosell, Ryan Cross, Loree Anne Paradise, Rachel Hasani, Daniel Hartman, and Michael Martinich. I do not recall who attended which meetings. To the best of my recollection, I had phone conversations and/or conducted conference calls with Evan Rosell, Ryan Cross, Loree Anne Paradise, Daniel Hartman, and occasionally Michael Martinich. I do not recall who attended which conference calls. The Attorney General participated in the January 2017 meeting I attended, where he laid out the goals he had for his first year in office. He did not participate in the meetings I attended in April and June of 2017. To my recollection, the Attorney General also did not participate in conference calls that I led with AGO staff.

11. Exhibit A attached hereto is a list of meeting dates and other information about the meetings appearing in the AGO records. For each:

a. Confirm whether each listed meeting occurred and the accuracy of the date. If not accurate, set forth the correct information.
b. Confirm whether the "Type of Meeting" shown is accurate. If not accurate, set forth the correct information.
c. Confirm whether the "AGO Employee Notification Method" is accurate. If not accurate, set forth the correct information.

d. Confirm whether each listed attendee was in attendance at the meeting. If other attendees were at the meeting who are not listed, please set forth the name of each such attendee.
e. Confirm whether the "Purpose of Meeting, If Documented" is accurate. If not accurate, set forth the correct information.
f. For each instance in which the word "unknown" appears in the chart, or where no information appears, please supply the correct information.

Answer: I do not have any specific recollection to contradict the details presented in Exhibit A. I also do not recall enough details to affirm its accuracy.

12. Were you working for OnMessage, Inc. at the time of the meetings with AGO staff referenced in question Nos. 10 and 11 above?

Answer: Yes

13. From January 2017 to July 2017, campaign records indicate OnMessage was paid $75,137.65. Does this compensation include the services provided while meeting with AGO staff and referenced in question No. 10 and 11 above?

Answer: Yes

14. Did the Attorney General's Office pay OnMessage for any of the services provided while meeting with AGO staff and referenced in question No. 10 and 11 above?

Answer: No

15. Have you or OnMessage, Inc. provided services to any other governmental entity similar to the services provided to the Missouri Attorney General's Office. If so, please state:

a. The name of the state and department/public office.
b. The dates such services were provided.
c. A detailed explanation of the services provided to the entities referenced.

Answer: I served as Chief of Staff to Louisiana Congressman Bobby Jindal in 2005 and 2006, I ran his transition team for Governor in 2007, and served as his Chief of Staff in the Governor's office from 2008 to 2011. In his 2nd term, I provided advice and help to his senior staff as an outside advisor paid by his campaign committee from 2012 until 2015. I have also provided training for Governors and their senior staff on responding to crisis and natural disasters, setting up an official office and navigating transition in sessions with the National Governors Association and the Republican Governor's Association.

16. Please describe each method used by you to communicate with AGO employees (for example, AGO employee personal email, state email, personal or state phone, personal or state text message, messaging apps).

a. If you communicated with AGO employees by their personal emails, personal texts, or social media apps, please set forth the following:

(1) The method of communication.
(2) Describe in detail the frequency of the communications.
(3) A detailed explanation of the content of the messages exchanged.
(4) Please provide copies of those communications.

Answer: To the best of my recollection all substantive communications occurred via email, phone calls, and in person meetings.

17. Have you ever used a self-erasing/self-destructing/self-encrypting messaging application to communicate with former Attorney General Hawley or AGO employees about AGO or State of Missouri business (e.g., Confide, Signal, etc.) from January, 2017 through July, 2017?

a. If so, please provide a list of the individuals contacted.
b. If so, please provide a detailed explanation of the content of the messages exchanged.

Answer: No

18. On April 26, 2017, at 3:37 p.m. you sent an email outlining action items for AGO employees to prepare prior to the next set of meetings. (See Exhibit B, pages 4 and 5). Please set forth the following:

a. Who developed the action items?
b. Did AGO employees prepare documents outlined in the action items? If so, please provide the documents prepared.
c. Please explain in detail what each action item listed in the email represented and its purpose to the AGO. (e.g., Loree Anne-4. Develop List of Accomplishments).

Answer: These actions items were developed in consultation with Evan and each of the staff members listed. Developing a List of Accomplishments is an important exercise for any organization. In this case, the Attorney General's office serves the people of Missouri, and developing a list of accomplishments is important to maintain the trust and confidence of the people in your effectiveness on their behalf. The other items are self-explanatory, but if you have questions about them I am happy to answer those questions, as well.

Exhibit A

Approximate Date of Meeting	Type of Meeting	AGO Employee Notification Method	Attendees Listed in Emails and Meeting Invites	Purpose of Meeting
01/17/2017	In-Person (1)	Unknown (2)	Timmy Teepell, Gail Gitcho, Aaron Trost, Joshua Hawley, Evan Rosell, Loree Anne Paradise, Ryan Cross (2)	Brainstorming session
01/24/2017	Conference Call	Personal email	Timmy Teepell, Gail Gitcho, Aaron Trost, Evan Rosell, Loree Anne Paradise, Ryan Cross	Not documented
02/17/2017	Conference Call	Personal calendar meeting invite	Timmy Teepell, Gail Gitcho, brad@onmessageinc.com, Loree Anne Paradise, Michael Martinich-Sauter	Punch list. human trafficking logistics moving forward
03/14/2017	Conference Call	Personal calendar meeting invite	Timmy Teepell, Gail Gitcho, Evan Rosell, Loree Anne Paradise, Michael Martinich-Sauter	Follow up call
04/24/2017	In-Person (1)	Unknown (2)	Timmy Teepell, Evan Rosell, Loree Anne Paradise, Michael Martinich-Sauter, Daniel Hartman, Rachel Hassani.	Not documented
5/04/2017	Conference Call	Personal email & calendar meeting invite	Timmy Teepell, Gail Gitcho, faith@onmessageinc.com, Joshua Hawley, Evan Rosell, Loree Anne Paradise, Michael Martinich-Sauter, Daniel Hartman	Review Timmy's punch list from his AGO visit last week & discuss 5/31 business coalition roll out date confirmation
06/05/2017	In-Person	Personal email	Timmy Teepell, Gail Gitcho, Evan Rosell, Loree Anne Paradise, Daniel Hartman	Not documented
6/15/2017	Conference Call	Personal calendar meeting invite	Timmy Teepell, Gail Gitcho, Loree Anne Paradise, Michael Martinich-Sauter	Human trafficking, business council, PSA, virtual training
06/29/2017	Conference Call	Personal email	Timmy Teepell, Evan Rosell, Loree Anne Paradise, Michael Martinich-Sauter, Daniel Hartman, Elizabeth Johnson	Hawley press conference
07/13/2017	Conference Call	Personal calendar meeting invite	Timmy Teepell, Gail Gitcho, savannah@onmessageinc.com, Loree Anne Paradise, Michael Martinich-Sauter, Elizabeth Johnson	Springfield human trafficking
07/14/2017	Conference Call	Personal calendar meeting invite	Timmy Teepell, Gail Gitcho, savannah@onmessageinc.com, Loree Anne Paradise, Michael Martinich-Sauter, Elizabeth Johnson	Human trafficking

(1) These in-person meetings were located at the AGO in Jefferson City.

(2) Email discussion and witness statements indicate that an in-person meeting took place on or around this date.

Exhibit B

Gmail Daniel Hartman <daniel.c.hartman@gmail.com>

Re: follow - up
1 message

Evan Rosell <evanrosell@gmail.com> Mon, May 1, 2017 at 9:28 AM
To: Timmy Teepell <canyoufrythat@icloud.com>
Cc: Gail Gitcho <gailgitcho@gmail.com>, Loree Anne Paradise <loreeaparadise@gmail.com>, Daniel Hartman <daniel.c.hartman@gmail.com>

I'm out those days

On May 1, 2017, at 9:20 AM, Timmy Teepell <canyoufrythat@icloud.com> wrote:

if Josh is eager for us to meet sooner, the other option i have is may 8 and 9.

On Apr 30, 2017, at 2:54 PM, Gail Gitcho <gailgitcho@gmail.com> wrote:

Yes

From: Timmy Teepell <canyoufrythat@icloud.com>
Date: Sunday, April 30, 2017 at 1:53 PM
To: Loree Anne Paradise <loreeaparadise@gmail.com>
Cc: Gail Gitcho <gailgitcho@gmail.com>, Evan Rosell <evanrosell@gmail.com>, Timmy Teepell <timmy@onmessageinc.com>, Daniel Hartman <daniel.c.hartman@gmail.com>
Subject: Re: follow - up

That works for me.

On Apr 30, 2017, at 2:29 PM, Loree Anne Paradise <loreeaparadise@gmail.com> wrote:

No worries! Is everyone still free June 5/6?

On Sat, Apr 29, 2017 at 4:12 PM, Gail Gitcho <gailgitcho@gmail.com> wrote:

Timmy –[redacted]

Just kidding. Good to know. Lets work on something after Mem Day.

Gail

From: Timmy Teepell <canyoufrythat@icloud.com>
Date: Saturday, April 29, 2017 at 5:09 PM
To: Loree Anne Paradise <loreeaparadise@gmail.com>
Cc: Evan Rosell <evanrosell@gmail.com>, Timmy Teepell <timmy@onmessageinc.com>, Gail Gitcho <gailgitcho@gmail.com>, Daniel

Hartman <daniel.c.hartman@gmail.com>
Subject: Re: follow - up

Okay. I've got bad news for y'all. We need to go back to the drawing board for dates for our next trip. I can't do may 18 and 19. [redacted] I had it wrong on my schedule. Sorry guys.

On Apr 27, 2017, at 5:53 AM, Loree Anne Paradise <loreeaparadise@gmail.com> wrote:

If that works for Gail, we will be prepared on our end.

On Wed, Apr 26, 2017 at 10:13 PM, Evan Rosell <evanrosell@gmail.com> wrote:

> I think I can make that work
>
> On Apr 26, 2017, at 9:58 PM, Timmy Teepell <timmy@onmessageinc.com> wrote:
>
> > Josh suggested we meet may 18-19 even though he's out of town he probably doesn't need to be in the meeting. We can fill him in afterwards.
> >
> > I can do those dates.
> >
> > Gail?
> >
> > On Apr 26, 2017, at 5:25 PM, Evan Rosell <evanrosell@gmail.com> wrote:
> >
> > Works for me. Let's plan on it
> >
> > On Wed, Apr 26, 2017 at 5:07 PM, Gail Gitcho <gailgitcho@gmail.com> wrote:
> >
> > > Great!
> > >
> > > Sent from my iPhone
> > >
> > > On Apr 26, 2017, at 5:49 PM, Loree Anne Paradise <loreeaparadise@gmail.com> wrote:
> > >
> > > > Perfect! It's on Josh's calendar. We will see y'all June 5-6. Thanks!
> > > >
> > > > On Wed, Apr 26, 2017 at 4:48 PM, Timmy Teepell <timmy@onmessageinc.com> wrote:
> > > >
> > > > > June 5 and 6 works for me.
> > > > >
> > > > > How about you gail?
> > > > >
> > > > > On Apr 26, 2017, at 4:43 PM, Loree Anne Paradise <loreeaparadise@gmail.com> wrote:

Hi Gail!

May 18 Josh is traveling within MO. May 20-21 he's traveling to Chicago.

First week of June would be easier (if that's not too late)? He's traveling June 7th to St. Louis but completely free June 5-6. Thoughts?

On Wed, Apr 26, 2017 at 4:39 PM, Timmy Teepell <timmy@onmessageinc.com> wrote:

[redacted] and forgot to add gail.

> On Apr 26, 2017, at 4:39 PM, Timmy Teepell <timmy@onmessageinc.com> wrote:
>
> I have to be in Florida for RGA stuff 15-17. What about 18-19? I'm adding gail to see her availability. Otherwise we could do that first week of June.
>
> On Apr 26, 2017, at 3:45 PM, Loree Anne Paradise <loreeaparadise@gmail.com> wrote:
>
> Thanks Timmy! We will get this completed and taken care of.
>
> Session ends Friday, May 12. FYI, Josh may be out of town until May 17th. I should have confirmation on that by tomorrow or Friday. The body guy starts May 22nd, but I know Evan is out that week. Josh is out again May 25 through Memorial Day (May 29).
>
> Most likely, the best date would be sometime May 15-17, so I will ping you when I know Josh's travel schedule that week.

On Wed, Apr 26, 2017 at 3:37 PM, Timmy Teepell <timmy@onmessageinc.com> wrote:

> I enjoyed spending time with everyone over the last few days. Here are the action items to

prepare for the next set of meetings in a couple weeks. Y'all let me know if I'm missing anything.

Evan

1. Find money for Human Trafficking Executive Director
2. Find money for another Constituent Services Rep (in case we need one)

Mike

1. Flesh out options on Opioids.

Rachel

1. Develop Target list of Key Legislators
2. Develop system for tracking Legislative Requests

Loree Anne

1. Find a press secretary.
2. Assess our constituent services and determine what our needs are.
3. Inventory Owned and Shared Media Assets
4. Develop List of Accomplishments
5. Develop Job Description for Press Secretary and body guy.

Daniel

1. Develop target list of Local Officials for intergovernmental affairs
2. Develop target list of coalition groups and stake holders for Opioid and Veteran rollouts.

Our next meeting we will go over these items, but I want to spend the majority of the time brainstorming and fleshing out our Human Trafficking 2.0 plans, Opioid Plan, and Veteran Pro Bono Plan. So be thinking about those items in the coming weeks.

When does session end? I'd like to get a date set so we can get Gail to come too to help brainstorm the Human Trafficking 2.0 plans, Opioid Plan, and Veteran Pro Bono plans.

Timmy

P.S. I don't have Mike and Rachel's emails so can y'all get their stuff to them? Thanks.

--
Loree Anne Paradise
(912) 245.0212 (mobile)

--
Loree Anne Paradise
(912) 245.0212 (mobile)

--
Loree Anne Paradise
(912) 245.0212 (mobile)

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Loree Anne Paradise
(912) 245.0212 (mobile)

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Loree Anne Paradise
(912) 245.0212 (mobile)

ATTORNEY GENERAL OF MISSOURI

ERIC SCHMITT
ATTORNEY GENERAL

JEFFERSON CITY
65102

P.O. Box 899
(573) 751-3321

February 15, 2019

Frank Jung
Missouri Secretary of State's Office
600 West Main Street
Jefferson City, MO 65101

Dear Frank,

Pursuant to your authority under § 115.646 RSMo., we are providing documents responsive to the request made by the Auditor's Office dated February 5, 2019. Although we are unaware of any constitutional or statutory authority that allows the Auditor to request the information sought, other than as part of an end-of-term audit, we are providing said documents under your authority previously referenced and in the spirit of full cooperation.

Sincerely,

Christopher R. Wray

CHRISTOPHER R. WRAY
Chief of Staff

NICOLE GALLOWAY, CPA
Missouri State Auditor

February 21, 2019

Mr. Christopher R. Wray, Chief of Staff
Missouri Attorney General's Office
Supreme Court Building
207 W. High Street
Jefferson City, MO 65102

Dear Mr. Wray:

I am writing this letter to outline the conflict of interest that prevents the Attorney General's Office from representing the State Auditor's Office in any case related to an audit. Because of this conflict, the State Auditor's Office will not tender any case to your office where the authority of the State Auditor to conduct audits under the performance audit standards is being challenged.

As you are aware, the State Auditor's Office is conducting an audit of the Attorney General's Office. Our office has two audit teams--one for the Attorney General's Office closeout and one for the allegations of potential use of state resources for political purposes. During our meeting on February 14, 2019, you stated that the Auditor's Office didn't have the authority to request the information contained in the letter dated February 4, 2019 as a part of a performance audit, and that the State Auditor has no authority to conduct performance audits of the Attorney General outside of closeout audits. Further, you stated that you were making this assertion as the attorney for the Auditor's Office and that it was your legal advice that the audit be conducted as a single closeout audit. You gave legal advice about, and subsequently attempted to direct, a pending audit of the Attorney General's Office.

You seem to be unaware that any closeout audit is also conducted under the performance audit standards. While the audit teams have determined that they should entrance with the Attorney General's Office under a single governance letter, the auditors review evidence to determine the facts and do not presume facts before they have obtained sufficient evidence. Planning is a continuous part of the audit process, and auditors may need to adjust the objectives, scope, and methodology as work is being completed, including separating the inquiries into two audits or multiple reports. Furthermore, this office cannot assure you what will and will not be in a final report or reports.

During our meeting, I questioned whether the Attorney General's Office can represent the State Auditor's Office given your office's opinion that the State Auditor's Office is not authorized to request information contained in the letter dated February 4, 2019 as part of a performance audit. This creates an irreconcilable conflict that renders it impossible for the Attorney General's Office to serve as the attorney for the State Auditor's Office in any cases related to our office's audit functions, and especially in any case where the authority of the State Auditor's Office to conduct performance audits is being challenged.

This conflict was further demonstrated in your response to information requested by our audit team in a letter dated February 15, 2019. In that letter, to another statewide official, you again challenged the authority of the State Auditor to obtain information related to the audit. The Attorney General's Office explicitly stated that it was "unaware of any constitutional or statutory authority that allows the Auditor to request the information sought." The "information sought" included very basic records such as calendar events, conference room meeting bookings with attendees, timesheets, leave records, expense accounts, dates of employment, financial disclosure forms, contracts with consultants, and personnel policies and procedures. I have attached a copy of this letter. This letter is on page 410

These documents are requested regularly in audits by this office. In the letter, you suggested that the only authority this office would have to request this information is "as a part of an end-of-term audit." By law, however, the State Auditor has the authority to audit state offices on her initiative and as often as she deems necessary.

Further, under Rule 4-1.6, an attorney representing a client "shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation," or unless the disclosure is otherwise authorized by the rule. As stated in the comments to Rule 4-1.6, "A fundamental principle in the client-lawyer relationship is that, in the absence of the client's informed consent, the lawyer must not reveal information relating to the representation."

I am aware of no authority for you to release information related to your alleged representation of this office. The fact that you, in communication with another client, actively took a position contrary to the State Auditor's Office on an issue between our offices that we were attempting to resolve calls into question whether the Attorney General's Office can represent the State Auditor's Office in any matter related to the Auditor's authority.

In the February 14 meeting, we also discussed the *Clay County Commission v. State Auditor* case that is currently pending in Cole County. You acknowledged that this office had not yet tendered the case and asked that this office do so. Given the conflict as to the Auditor's authority, this case will not be tendered to your office.

Given the irreconcilable conflict created by your: (1) taking a position against the authority of the State Auditor's Office; (2) attempting to give legal advice and direct the audit of the Attorney General's Office; and (3) communicating your position against the authority of this office to a third-party, the Attorney General's Office cannot serve as attorney for this office in any case related to its core audit function.

Sincerely,

Michael A. Moorefield
Chief of Staff and Counsel

Enclosure

ATTORNEY GENERAL OF MISSOURI

ERIC SCHMITT
ATTORNEY GENERAL

JEFFERSON CITY
65102

P.O. Box 899
(573) 751-3321

February 21, 2019

Mr. Michael Moorefield, Esq.
Missouri State Auditor's Office
State Capitol, Room 121
Jefferson City, MO 65102

Dear Mr. Moorefield,

In your February 21, 2019, letter to this Office, you expressed your belief that a disqualifying conflict exists that should prevent the Attorney General's Office from representing the State Auditor's Office "in any case related to an audit." On this basis, you declared the Auditor's sweeping refusal to tender any case to this Office "where the authority of the State Auditor to conduct audits under performance audit standards is being challenged." For the reasons discussed below, not even the appearance of a conflict exists with respect to the Attorney General's representation of the Auditor in any legal matter.

When we shared our view that the Auditor's attempt to conduct a separate performance audit of the Attorney General's Office surpassed her authority we did so as your office's auditee, not as its attorney. As is clear at this point, the Auditor's Office does not consider itself a client of the Attorney General's Office and has not tendered any relevant matter for representation. For this reason, the Attorney General's Office does not currently consider the Auditor's Office a client agency.

Myriad incorrect statements within your letter deserve attention, but we will focus on three of the more egregious: (1) At no point did we attempt to direct any pending audit; (2) We did not share legal advice with you within an attorney-client relationship; and, (3) We did not declare the Auditor's Office generally unable to conduct performance audits. We merely pointed out that Section 29.005(6), RSMo., outlines when the Auditor may conduct a separate performance audit, and then asked you to cite the provision upon which you were relying in this instance. Unable or unwilling at the time to answer our question, you repeatedly rested on a blanket

assertion of the Auditor's general audit authority. The Auditor's decision yesterday, acknowledged in your letter today, to abandon the separate performance audit of the Attorney General's Office validates the concern we shared as your auditee.

Neither our pointing out that the Auditor's now-rescinded performance audit upon this Office, in this instance, lacked statutory or constitutional authority, nor our explanation of why your continued representation of the state's interests in court proceedings is similarly unconstitutional (the validity of which you tacitly acknowledge by not challenging our reasoning), make it impossible or untenable for the Attorney General to deliver good faith arguments on the Auditor's behalf in any matter.

Likewise, our accurate statement of law to the Secretary of State relating to our position as your prospective auditee creates no disqualifying conflict. That statement was made as the focus of audit proceedings, and we provided you with a copy of the letter to the Secretary of State. Finally, our informing the Secretary of State of our concerns regarding your office's constitutional or statutory authority for its attempted actions in this instance in no way relates to any potential representation of your office by ours. After expressing this concern, we fully disclosed the requested documents to the Secretary of State pursuant to his authority under Section 115.646, RSMo., "and in the spirit of full cooperation." For these reasons, your suggestion that our communication with the Secretary of State somehow violated Rule 4-1.6 is wholly without merit.

As no general or specific conflict exists, please be reminded that if the Auditor's Office continues to represent itself in the lawsuit brought against it by the Clay County Commission, it will do so beyond the coverage of the Legal Expense Fund, for the reasons cited in our letter of February 8, 2019.

Your signature line now reflects that in addition to serving as the Auditor's Chief of Staff you are also your office's Counsel. As lawyers, we owe it to our profession, our colleagues, and the public generally to be cautious and measured in all of our statements, including those about other lawyers. As your professional colleagues, we encourage you to avoid leveling false and frivolous allegations against others, and to make sure to read and fully understand statutes, court rules, and rules of professional conduct before inaccurately citing them. Finally, such allegations – and similar behavior by you and your office – call into question whether your office maintains independence in appearance and independence in mind pursuant to the AICPA Code of Professional Conduct, *Government Auditing Standards*, and other professional rules governing audits.

This Office strives to work with the Auditor and her staff cooperatively, and even collaboratively. We raised good-faith, well-founded concerns regarding your

office's conduct and authority, which were validated by your office's subsequent actions.

Sincerely,

Terry J. Brady
General Counsel

TJB/krw

NICOLE GALLOWAY, CPA
Missouri State Auditor

June 27, 2019

Terry J. Brady, General Counsel
Jonathan Hensley, Deputy General Counsel
Office of the Attorney General
Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102

Re: Audit of the Attorney General's Office

Dear Mr. Brady and Mr. Hensley:

I am writing this letter to request your assistance with interviews the audit team intends to conduct related to the audit of your office.

As a part of your office, the State Auditor's Office intends to interview the following people on the record:

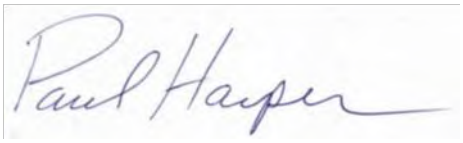
Name	Job Title	Date of Service
Loree Anne Paradise	Deputy Chief of Staff	1/9/17-7/2/18
Daniel Hartman	Special Counsel and Director of Legislation, Chief of Staff	1/9/17-1/2/19
Elizabeth Johnson	Executive Secretary, Press Secretary	2/14/17-1/25/19
Brad Johnson	Special Assistant	6/17-9/17
Ryan Cross	Director of Communications	1/9/17-2/28/17
Timmy Teepell	Consultant	
Gail Gitcho	Consultant	

We have been having difficulty setting up interviews or obtaining contact information for these individuals. We have left four messages with Timmy Teepell, four with Loree Anne Paradise, and one with Ryan Cross. We have discussed the matter with Daniel Hartman and Loree Anne Paradise's attorney, but have not yet set a date for the interviews. We have also left

three messages with Senator Hawley's attorney, David Thompson, regarding obtaining contact information.

Your assistance would be appreciated in setting up these on-the-record interviews.

Sincerely,



Paul Harper
General Counsel

PH/dd

ATTORNEY GENERAL OF MISSOURI
ERIC SCHMITT

July 1, 2019

Paul Harper
General Counsel
Office of the Missouri State Auditor
P.O. Box 869
Jefferson City, MO 65102

Dear Mr. Harper,

We have for acknowledgment your letter dated June 27. We are prepared to assist you and/or be cooperative in any reasonable manner. However, none of these individuals are employed by the Attorney General's Office, some never were. Thus, we have no control over them. Most, if not all, of these individuals have personal attorneys.

Your letter does not specify as to what assistance you are requesting, but we are prepared to forward any communication to the attorneys if that would be helpful once we know who they are.

Sincerely,

Terry J. Brady
General Counsel

Supreme Court Building
207 W. High Street
P.O. Box 899
Jefferson City, MO 65102
Phone: (573) 751-3321
Fax: (573) 751-0774
www.ago.mo.gov

Paul Harper

From: Smith, Justin <Justin.Smith@ago.mo.gov>
Sent: Wednesday, July 3, 2019 3:01 PM
To: Paul Harper
Cc: Brady, Terry; Joel Anderson; Pamela Allison
Subject: Audit Interviews

Follow Up Flag: Follow up
Flag Status: Completed

Paul,

This is in follow-up to the correspondence you and Terry Brady exchanged regarding interviews the Auditor's Office intends to conduct, including of former employees of the Attorney General's Office.

Our Office's position is that you cannot interview any former employee of our office without our Office present. As the holder of the attorney-client privilege, our Office has the authority to object to any inquiry that may implicate the privilege. Under Missouri law, the Auditor lacks authority to review attorney-client privileged materials or attorney work product in course of an audit of the Attorney General's Office or a similar state agency. Our Office concluded that the Auditor lacks this authority in Missouri Attorney General Opinion 74-87, p. 15, which states in relevant part: "[I]n situations wherein the attorney-client privilege or the work product privilege is properly assertable … the State Auditor is not entitled to access the litigation records when the Department properly asserts either privilege." Mo. A.G. Op. 74-87 (Oct. 5, 1987) (underlines in original). Notably, this AG Opinion indicates that the state agency might waive its privilege with respect to attorney-client privilege and/or attorney work product materials if it did not timely assert those privileges with respect to the Auditor, and thus risk their disclosure in response to "adversarial attempts to obtain that information from the Office of the State Auditor" by third parties. *Id.*

This conclusion is consistent with Missouri statutes that specify the powers of the Auditor, which indicate that the Auditor may not force state agencies to divulge attorney-client privilege and attorney work product in the course of an audit. Chapter 29, which sets forth the powers of the Auditor, provides: "Nothing in this chapter shall be construed to infringe upon or deprive the legislative, executive, or judicial branches of state government of any rights, powers, or duties vested in or imposed upon them by statute or the constitution of this state." 29.200.14, RSMo. The right to assert attorney-client privilege and attorney work product is codified by statute in Missouri. *See* § 491.060(3), RSMo. Thus, it constitutes a "right … imposed … by statute." § 29.200.14, RSMo. The attorney-client privilege is also deeply rooted in constitutional concerns related to due process, as many courts have observed, so the privilege likely also qualifies as a "right … imposed … by the constitution of this state" as well. *Id.*

The Missouri appellate courts have not directly addressed this issue, but the conclusion of our AG Opinion 74-87 is also supported by persuasive authority. In *Louisiana Department of Insurance ex rel. Donelon v. Theriot*, 64 So.3d 854 (La. App. 2011), interpreting a similar statutory scheme, the Louisiana Court of Appeals held that "an auditee's duty to provide information to the Auditor in connection with an audit is restricted by evidentiary privileges, whether legislatively enacted or jurisprudentially created," and that this privilege against the Auditor extends specifically to "documents protected by the attorney-client and deliberative process privileges." *Id.* at 863.

As former employees of our Office, we also represent these employees when they are asked questions relating to their employment by our Office.

I will be our Office's representative in any interviews of our former employees. Please have your office coordinate with me before scheduling any interviews.

Thank you,

Justin

Justin D. Smith
Deputy Attorney General for Special Litigation
Missouri Attorney General's Office
(573) 751-0304
Justin.Smith@ago.mo.gov

ATTORNEY GENERAL OF MISSOURI
ERIC SCHMITT

July 16, 2019

Joel Anderson
Chief Litigation Counsel
Office of the Missouri State Auditor
P.O. Box 869
Jefferson City, MO 65102

Dear Mr. Anderson:

Last week, your office conducted interviews of two former Attorney General's Office employees. Thank you for confirming to my colleague in attendance, Justin Smith, that our Office would receive transcripts of those interviews.

We understand that you seek to schedule at least one more former employee interview, and we appreciate you working with Justin to ensure that he is available to attend. We request that you confirm that, other than the two interviews last week and any interview(s) in which our Office may participate in the future, your Office has had and will have no other communications with former employees of the Attorney General's Office regarding the subject matter of your audit that have not been disclosed to us.

Sincerely,

Terry J. Brady
General Counsel

Supreme Court Building
207 W. High Street
P.O. Box 899
Jefferson City, MO 65102
Phone: (573) 751-3321
Fax: (573) 751-0774
www.ago.mo.gov

NICOLE GALLOWAY, CPA
Missouri State Auditor

July 25, 2019

Terry J. Brady
Office of the Attorney General
Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102

Dear Mr. Brady:

I am in receipt of your correspondence of July 16, 2019, and Justin Smith's correspondence of July 3, 2019, on which you were copied. Together, these letters that express opinions of your office do not seem to help advance our audit to a conclusion.

First, we are very respectful of matters that may involve attorney-client privileged communications and it is not our intention to breach that privilege.

As you know, we have been conducting interviews of former employees of the Attorney General's Office that worked under then Attorney General Hawley. Those interviewees who worked directly under then Attorney General Hawley have been cooperating with the audit and have appeared for their interviews without the need for a subpoena. We would like to finish these interviews in that same vein.

In the spirit of cooperation, this office has, as a courtesy, accommodated your request and permitted an attorney from your office to be present when we conducted interviews in furtherance of our constitutional and statutory duties to audit the Attorney General's Office. Those individuals who have had a personal attorney are permitted to be accompanied by their attorney. As this office stated it would, we have asked the individuals, or their attorney if represented, if they consent to having an attorney from your office present, and to-date such consent has been granted. We intend to continue to do so with those we are contacting for these on the record interviews.

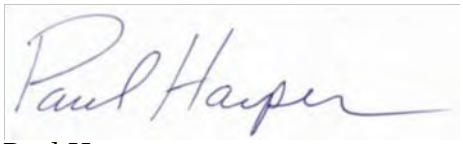
I am concerned about the blanket assertion that your office "represents" all former employees of the Attorney General's Office "when they are asked questions relating to their employment by [the Attorney General's Office]" such that an attorney from your office must be present. We need to understand, clearly, who you represent and how that representation applies to your duties as the auditee.

We will continue to work with the Attorney General's Office to bring this audit to a conclusion and we are fully willing to notify you of those we intend to interview so long as the witnesses themselves do not object. If a potential interviewee informs us that they are represented by any attorney, including the Attorney General's Office, we will act according to the rules of ethics.

As I addressed to you in my letter dated June 27, 2019, we continue to have trouble setting up interviews with Lorree Anne Paradise, and the out-of-state consultants, Timmy Teeple and Gail Gitcho. As the auditee, will you assist us in contacting these individuals to schedule interviews?

We look forward to working with you to bring this matter to a close.

Sincerely,



Paul Harper
General Counsel

PH/dd

ATTORNEY GENERAL OF MISSOURI

ERIC SCHMITT

August 5, 2019

Paul Harper
General Counsel
Office of the Missouri State Auditor
P.O. Box 869
Jefferson City, Missouri 65102

Dear Mr. Harper,

This is in response to your July 25, 2019 letter.

The Attorney General's Office has fully cooperated with the State Auditor's Office during this close-out audit. We have responded to every request submitted by the State Auditor's Office openly and in good faith, produced hundreds of thousands of pages of documents requested by the State Auditor's Office, and continue to fulfill each and every one of your inquiries to the best of our ability. While the State Auditor's Office has conducted a seemingly endless review, we have remained steadfast in our commitment to transparently seeing this process to its completion.

Your July 25, 2019 letter concerns us. In this letter, the State Auditor's Office does not commit to allowing our Office to be present at every interview of former employees of the Attorney General's Office. The State Auditor's Office does not even commit to notifying us of who it is interviewing. We are troubled by the State Auditor's Office position on these issues.

Our position has been clear and unrefuted. On July 3, 2019, we provided the State Auditor's Office with extensive legal authority prohibiting it from interviewing any former employee of the Attorney General's Office without our Office present. The State Auditor's Office has not disputed this legal authority. Our presence is a requirement, not a courtesy to be granted by the State Auditor's Office or a witness.

Ethical rules also require our Office to be present for all interviews. Missouri's Rules of Professional Conduct prohibit attempts to obtain privileged information from former employees. In a comment to Rule 4-4.2, the Rules of Professional Conduct

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provide, "In communicating with a current or former constituent of an organization, a lawyer must not use methods of obtaining evidence that violate the legal rights of the organization. See Rule 4-4.4." Rule 4-4.2, Comment 7. Rule 4-4.4(a), in turn, states, "In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person or use methods of obtaining evidence that violate the legal rights of such a person." Covered rights of third persons "include legal restrictions on methods of obtaining evidence from third persons and unwarranted intrusions into privileged relationships, such as the client-lawyer relationship." Rule 4-4.2, Comment 1 (emphasis added). In accordance with these ethical duties, the State Auditor's Office cannot question witnesses about privileged matters without our Office present.

Our Office's transparency in this audit unfortunately has not been reciprocated. On June 27, 2019, the State Auditor's Office notified us, "As a part of your office, the State Auditor's Office intends to interview the following [seven] people on the record:" Loree Anne Paradise; Daniel Hartman; Elizabeth Johnson; Brad Johnson; Ryan Cross; Timmy Teepell; and Gail Gitcho. The State Auditor's Office reported it was "having difficulty setting up interviews or obtaining contact information for these individuals."[1]

When our Office reached out less than one week later to designate a representative to participate in any former employee interviews and to ask to coordinate on scheduling, the State Auditor's Office told us that interviews of unnamed individuals already had been scheduled "for some time already," and that two interviews were scheduled for the following week. The State Auditor's Office never notified us that former chief of staff Evan Rosell or former general counsel Michael Martinich-Sauter would be interviewed, which they were on July 8 and July 11, 2019, respectively. Indeed, neither name appeared on the June 27, 2019 list of individuals "the State Auditor's Office intends to interview."

On July 10, 2019, the State Auditor's Office contacted us about an interview of Daniel Hartman and another unnamed interviewee. Because of a conflict for our Office's representative, the State Auditor's Office verbally agreed on July 11, 2019 to delay both interviews. We have not heard about either interview since, nor has the State Auditor's Office ever told us the name of the other interviewee.

The July 25, 2019 letter reports that the State Auditor's Office "continue[s] to have trouble setting up interviews" with just three individuals: Ms. Paradise; Mr. Teeple; and Ms. Gitcho. We have received no information about interviews of Ms.

[1] We responded to your request for assistance in reaching these individuals with a general willingness to aid your efforts, though you made no specific request for action. We remain willing to assist and will consider any specific action request.

Johnson, Mr. Johnson, or Mr. Cross, nor have we received any further information about Mr. Hartman's interview.

In summary, the State Auditor's Office never notified us about the interviews of Mr. Rosell or Mr. Martinich-Sauter. The State Auditor's Office is no longer asking for assistance with contacting Ms. Johnson, Mr. Johnson, Mr. Cross, or Mr. Hartman, but has not notified us of any interviews. And the State Auditor's Office has expressed it will withhold witness information from us upon request.

Because of your Office's lack of transparency on witness interviews, please provide us with answers to the following questions relating to the close-out audit of the Attorney General's Office.

1. Have you interviewed or obtained information from any individuals other than Evan Rosell and Michael Martinich-Sauter?

2. Have you scheduled interviews with Elizabeth Johnson, Brad Johnson, Ryan Cross, Daniel Hartman, or anyone else?

3. Do you plan to interview or rely on information from any individual not identified in your June 27, 2019 letter?

I look forward to your response.

Sincerely,

Justin D. Smith
Deputy Attorney General
for Special Litigation

NICOLE GALLOWAY, CPA
Missouri State Auditor

August 9, 2019

Terry J. Brady
Office of the Attorney General
Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102

Dear Mr. Brady:

I am writing in response to the letter sent by Justin Smith on August 5, 2019, which was a response to my letter to you dated July 25, 2019.

While those associated with the former Hawley administration have been forthcoming and cooperative, your office began this audit by challenging the authority of the Auditor's Office to conduct audits and now challenges the authority of the office to obtain relevant, valid, and reliable evidence related to the audit objectives. An audit is not, and should not be, an adversarial process. Our auditors remain focused on the audit objectives and are not requesting privileged information.

As discussed in the letter from Michael Moorefield to Christopher Wray on February 21, 2019, it is not appropriate for an auditee to direct a pending audit. An auditee's attempt to direct an audit violates the independence of the audit. The requirement of independence is precisely what the public relies on in entrusting the State Auditor with the tools to shine a light on the use, or misuse, of public resources by its government.

Among the tools provided to the State Auditor is the right to examine evidence, including questioning people, in connection with an audit. This ensures that the State Auditor can produce an audit report that is based on objective facts supported by appropriate evidence. The desire of an auditee to scrutinize the ongoing work of an auditor is not uncommon, including the desire to be in every meeting related to the audit. But no auditee is *entitled* to be present for interviews, nor are they *entitled* to a report on who the auditors have interviewed.

In spite of this, an auditee's desire to be present for interviews may be accommodated by this office unless there is an audit reason not to do so. One of many such reasons is the law itself. A person who, for example, wants to report government corruption to the State Auditor may do

so anonymously.[1] And that law also protects current and former employees of the Attorney General's Office.

Your attempt to leverage our attorneys' ethical obligations to improperly demand that you be in all witness interviews is troubling. Although, you do not seem to touch on any concern with specific attorneys in this office, I do want to address the ethics of those attorneys. The attorneys that work for the State Auditor are well aware of their ethical obligations to their client and others under the Rules of Professional Conduct. Our attorneys have not violated those ethical obligations.[2]

Your letter states that the ethical rules our attorneys follow require your office to: (1) be present at all interviews conducted by audit staff; (2) have access to a list of all people audit staff have interviewed; and (3) receive a list of all future individuals to interview for the Attorney General's approval.

Your interpretation of these rules is simply incorrect. Auditors are not attorneys and audits are not exercises in litigation.

Furthermore, were your interpretation to apply, it would have far-reaching consequences. Some individuals may be intimidated by having a current or former employer present in the room when they provide information on conduct of that employer that may violate law or policy--whether or not such fears are well-founded. The threat of retaliation by a government official is significant enough that there are specific legal protections afforded to those who come forward. Accommodation of such persons is reflected in numerous sections of law that prohibit interference with an audit, protect reporters of government malfeasance by allowing them to remain anonymous, prohibit interference with persons wanting to communicate government wrongdoing to certain officials, and require that audits maintain independence.[3] Claiming that a government's attorney represents everyone who has ever worked for that government entity, and then using that alleged representation to influence an audit, would defeat all of these laws in one fell swoop.

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[1] Section 29.221.1, RSMo, provides, "Individuals who make a report under this section may choose to remain anonymous until the individual affirmatively consents to having the individual's identity disclosed."

[2] In your letter dated July 1, 2019, you stated that most of those to be interviewed on the record are not employed by the Attorney General's Office, you have no control over them, and that they have their own personal attorneys. Comment 7 to Rule 4.4., specifically provides, "Consent of the organization's lawyer is not required for communication with a former constituent." Comment 7 further states, "If a constituent of the organization is represented in the matter by his or her own counsel, the consent by that counsel to a communication will be sufficient for purposes of this Rule 4-4.2." Therefore, under the rules, for those that are represented by another attorney, our attorneys discussing these matters with the personal attorney are under no ethical obligation to obtain your consent to talk to the former employee represented by private counsel. Nonetheless, at your request, our attorneys have informed you of the communication and the transcribed interviews after their private attorneys consented.

[3] *See, e.g.,* Section 29.221, RSMo (providing anonymity for whistleblowers to the State Auditor's Office); Section 29.250, RSMo (providing that interfering with an audit is a class A misdemeanor); Section 105.055, RSMo (providing remedies for employees for employment actions taken against an employee that discusses the operations of a public employer with the Auditor's Office); Section 105.058, RSMo (prohibiting state agencies from prohibiting employees from talking to the State Auditor).

As to the transcribed interviews taken under oath being conducted by this office, you have been informed of every interview and the person being interviewed or their attorney has consented to you being present in the interview. As you noted in your letter, this office has been in contact with your office and voluntarily delayed transcribed interviews, and ultimately the conclusion of the audit, so that Justin Smith could be present.

If there is someone you represent, or someone you believe represents you, identify that person by name. Communicate with your clients to inform us that they are represented and desire an attorney present with them during interviews. As of this date:

1) Not a single person has informed us that they are represented by the Missouri Attorney General's Office;[4]

2) You have not informed us that you represent any specific former employee; and

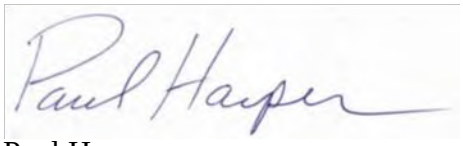
3) During the two transcribed interviews conducted by our audit staff, the Attorney General's Office did not once announce its appearance on behalf of the individual.

This office will continue to work with your office to ensure your attendance at interviews as long as the individuals themselves do not object. These are courtesies. If we are informed that a specific person is represented, our attorneys will act according to the Rules of Professional Conduct.

It is now time to try to schedule the last remaining transcribed interviews. Our office will be working on scheduling a transcribed interview with Daniel Hartman soon.

As stated, we have had cooperation from former Attorney General Hawley's staff. I hope that we can have the same cooperation from you. To that end, I again ask that you assist in setting up interviews with Lorree Anne Paradise, Timmy Teeple, and Gail Gitcho so that this audit can come to a close.

Sincerely,



Paul Harper
General Counsel

PH/dd

[4] As noted above, former employees have informed us that they are represented by a private attorney, but none stated that they are represented by your office.

ATTORNEY GENERAL OF MISSOURI

ERIC SCHMITT

August 21, 2019

Paul Harper
General Counsel
Office of the Missouri State Auditor
P.O. Box 869
Jefferson City, Missouri 65102

Dear Mr. Harper,

In its August 9, 2019 letter, the State Auditor's Office severely mischaracterizes the actions and positions of the Attorney General's Office. The Attorney General's Office has fully cooperated with every request in this close-out audit. The Attorney General's Office has never attempted to direct this audit. Any assertion to the contrary is simply incorrect.

We agree that this should not be an adversarial process. The State Auditor's Office is needlessly creating conflict, however, by conducting a fishing expedition that appears driven by political motivations. We also agree that audits are not exercises in litigation. Yet the State Auditor's Office insists on depositions of former employees.

The State Auditor's Office incorrectly claims that it is not requesting privileged information. In both former employee depositions to date, the State Auditor's Office attempted to inquire about privileged advice. We understand that attorneys in the State Auditor's Office have prepared questions asked by auditors during this audit. The State Auditor's Office cannot evade the ethical rules or exclude the Attorney General's Office from a process that repeatedly has sought privileged information.

We are concerned by the State Auditor's Office's refusal to be transparent during this close-out audit. We maintain our simple request for the State Auditor's Office to identify which current or former employees it interviewed without our presence. We reserve our right to claw back any privileged information the State Auditor's Office improperly obtained and to take any other action that may be necessary as a result.

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Finally, the State Auditor's Office has asked yet again for assistance in setting up interviews with three individuals. As we have said on each previous occasion, we remain willing to assist and await a specific action request.

Sincerely,

Justin D. Smith
Deputy Attorney General
for Special Litigation

NICOLE GALLOWAY, CPA
Missouri State Auditor

August 9, 2019

Letter was sent on August 30, 2019

Terry J. Brady
Office of the Attorney General
Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102

Dear Mr. Brady:

Your office's letter dated August 21, 2019, shows a lack of understanding of the audit process. It may be that you and your associate were not involved or sufficiently engaged in the early meetings that preceded the audit where we explained the process and answered questions.

This office performs close-out audits of statewide elected officials when the office changes hands. These audits are normal and routine. Additionally, on November 2, 2018, allegations were made to the Secretary of State that public funds were used for political purposes. On December 10, 2018, the Secretary of State asked our office to investigate whether state funds were used for improper purposes in part because the Secretary lacked the tools necessary to compel full cooperation. This office has a number of tools to ensure that any audit findings are based on sufficient and appropriate evidence. We would like to finish this audit using the tools granted to this office and put this matter to rest without reservation or suggestion that there were matters that could not be addressed because of roadblocks from the Attorney General Schmitt administration.

You seem to be most alarmed that we are taking transcribed testimony of witnesses under oath, repeatedly alleging that there must be some attempt to invade the attorney-client privilege. You also reassert your claim that you are entitled to be present for all interviews.

As specified in Section 29.235, RSMo, this office is authorized to take testimony under oath during the course of an audit. This is one of the tools we have to conduct our audits. We are also required to follow auditing standards as prescribed by the federal government, presented in *Government Accounting Standards* published by the comptroller general of the United States--the "Yellow Book"). Section 29.005 RSMo. Paragraph 6.62 of that publication specifically provides that, "[t]estimonial evidence may be useful in interpreting or corroborating documentary or physical evidence."

As you are aware, attorneys from this office assist auditors when they take testimony under oath. One of the purposes of that assistance in this audit it to safeguard attorney-client privileged communications. And without quoting the transcripts at length, each witness was told explicitly that we do not intend to venture into that territory. Further, your office has been involved in each transcribed interview, and has had the opportunity to make objections and discuss when you believe the questions may be moving toward privileged information.

With regard to your insistence on being present in all interviews and to be given a list of anyone interviewed, Missouri law does not permit us to accommodate this request. That public employees and others are permitted to make reports to this office without interference from an auditee is a matter of explicitly established Missouri law. The statutes that I referenced in my prior letter to you ***not only permit but mandate*** that those who want to report to this office can do so anonymously until they affirmatively consent to having their identity disclosed and without fear of retaliation by the entity under audit. To require both the disclosure of the individual and the presence of the government entity's attorney at all interviews conducted by auditors from this office would have a chilling effect on the ability of public employees and others to come forward and report improper government activities. None of the assertions in your letters have provided any legal support for the proposition that the Attorney General's Office is exempt from these important protections for whistleblowers and others.

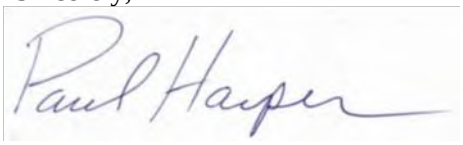
Furthermore, such a requirement could have significant impacts on an audit. The Yellow Book specifically provides that auditors should communicate certain information to management and those charged with governance "unless doing so could significantly impair the auditors' ability to obtain sufficient, appropriate evidence to address the audit objectives."[1] It could interfere with this office's ability to obtain sufficient, appropriate evidence if this office permitted potential threatened intimidation and retaliation against those who desire to report to this office.

As for the help that you can provide, to date you have not specified dates when your office is available for the interview with Daniel Hartman. We provided you and Mr. Hartman's attorney our conflict dates on August 21.

I hope this clarifies what is going on in this audit and investigation. There is no need to assume an adversarial posture when nothing out of the ordinary is occurring. If there is a specific concern, please let us know.

The fieldwork for this audit is nearly complete. With cooperation from your office our auditors can complete the audit process and put this matter to rest.

Sincerely,



Paul Harper
General Counsel

PH/dd

[1] Yellow Book, paragraph 147. It should also be noted that a list of witness interviews is not one of the required disclosures under Yellow Book standards.

ATTORNEY GENERAL OF MISSOURI
ERIC SCHMITT

September 4, 2019

Paul Harper, Esq.
State Auditor's Office
P.O. Box 869
Jefferson City, MO 65102

Dear Mr. Harper,

We have for acknowledgment your letter, received in this office on August 30, 2019, though dated August 9, 2019. It appears that your only remaining request for assistance is that we schedule to attend Mr. Hartman's interview, which we will, promptly.

Like you, we would of course prefer a report issued by your office free of any suggestion of "roadblocks" from this administration, as there is no basis for such a suggestion. No responsive material has been withheld from your auditors. Voluminous amounts of information have been reviewed and provided by this administration, with the only exclusions occurring with the informed consent of your audit staff. Our concerns related to certain practices and lines of questioning in your on-going interviews were sincere, and, in our view, well-founded, though our sharing of them never approached a denial of any production request or a refusal to cooperate in any way. However, we will accept your representations in this regard on Auditor Galloway's behalf, and allow her report and the transcripts to speak for themselves.

Please let us know of any specific, outstanding "roadblock" concerns as soon as possible, and in any event, before your staff completes its fieldwork. While we are confident that we have fully complied with each and every request for documents and other information, and that no "roadblock" suggestion is warranted, we would appreciate the opportunity to address any such concern which may exist while there is still time. Thank you.

Sincerely,

Jonathan M. Hensley
Deputy General Counsel

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ATTORNEY GENERAL OF MISSOURI
ERIC SCHMITT

December 31, 2019

Paul Harper, Esq.
Office of the State Auditor
P.O. Box 869
Jefferson City, MO 65102

Dear Mr. Harper,

On December 12, 2019, the Missouri Attorney General's Office ("AGO") received a draft audit report containing, as appendices, complete and unredacted interview transcripts and written responses. The State Auditor's Office ("SAO") legal counsel, Joel Anderson, conceded on the record at the October 3, 2019, interview of Daniel Hartman that these materials "at the very least" constitute "audit work paper and related support materials." Section 29.200.17, RSMo., provides that "audit workpapers and related supportive material shall be kept confidential." Section 29.080, RSMo., makes violation of the provisions of Chapter 29 a felony. Notably, these confidentiality provisions serve important state interests by encouraging state agencies and state employees to cooperate fully and freely in state audits.

On December 13, 2019, AGO staff asked SAO Manager Pamela Allison to provide written explanation and legal justification for the inclusion of these materials as appendices to the report. Though Ms. Allison responded to the email, no explanation or justification was provided.

During a meeting on December 16, 2019, when presented with Mr. Anderson's statement, as well as numerous authorities requiring that such materials be held confidential, neither you, Mr. Showers, Ms. Allison, nor Mr. Magoffin were able to provide any legal authority for Auditor Galloway's decision to publish statutorily confidential materials as appendices to her audit report. Similarly, the audit staff were unable to provide a citation to auditing standards or other professional guidance that allows for release. The only attempted explanation involved a vague notion of "transparency," though your staff also conceded that this action would be unprecedented in the history of the SAO. Further, you and your colleagues were unable to explain how an inclination towards "transparency"

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overrode prohibitions in Missouri law against the disclosure of confidential audit materials. Finally, your colleagues acknowledged that all relevant material from the interview transcripts and written responses had been copied into the body of the draft report, and that there is no valid audit purpose to including irrelevant material as appendices.

At that same meeting, AGO staff explained to you that such materials contain significant privileged and confidential information, including material relating to personnel decisions, ongoing litigation, and other sensitive topics. AGO staff reiterated their request that SAO staff provide follow-up communication containing a citation of legal authority to justify your planned violation of Section 29.200.17. No response has been provided. Instead, on December 23, 2019, the AGO and Senator Hawley's attorneys received a revised draft of the report, with the interview transcripts and written responses still attached as exhibits, with very minor redactions.

Not only does Section 29.200.17 bar the release of these documents, but other legal and ethical considerations do as well. Section 29.185 provides that the auditor shall comply with Yellow Book standards in conducting the audit, and Yellow book standards do not allow for the disclosure of confidential audit workpapers. *See* Yellow Book Standard 4.41 (2011 version) ("Certain information may be classified or may otherwise be prohibited from general disclosure by federal, state, or local laws or regulations."). Statutes governing Missouri certified public accountants provide that CPA licensees shall not disclose information communicated to the licensee in connection with professional services rendered. *See* § 326.322, RSMo. The American Institute of Certified Public Accountants ("AICPA") Code of Conduct, which is made applicable to all Missouri CPAs, provides that confidential information obtained in the performance of professional services shall not be released without consent. *See* AICPA Code of Professional Conduct Section 1.700.001; 20 C.S.R. 2010-3.010.

In the face of these authorities, Auditor Galloway's failure or refusal to cite any legal authority permitting this publication is deeply troubling. Her planned course of action violates Missouri law and the professional licensure regulations governing her and her staff. Confidentiality provisions exist to ensure candor and cooperation with auditors, and to protect auditees from partisan or self-interested actions by auditors. Auditor Galloway is not at liberty to discard these protections for mere political convenience.

By Monday, January 6, 2020, please respond to the following:

1. Please cite any legal authority which the State Auditor's Office contends permits its publication of confidential audit work papers and related support materials;

2. Please identify all members of the Auditor's audit staff and legal staff involved in the decision to publish these audit work papers and related supporting materials;
3. During the December 16, 2019, meeting, you stated that these materials had not yet been shared outside of your office, other than to the AGO and interviewees. Please confirm that this remains the contention of the State Auditor's Office, with the exception of sending the revised draft report to Senator Hawley's attorneys; and,
4. Please provide a copy of the draft of the "personal email/personal calendar" section of the audit report as it existed on August 28, 2019.

Sincerely,

Jonathan M. Hensley
General Counsel

NICOLE GALLOWAY, CPA
Missouri State Auditor

January 7, 2020

Jonathan M. Hensley
Office of the Attorney General
Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102

Dear Mr. Hensley:

I am responding to the letter dated December 31, 2019, about the draft AGO report.

This office conducts all of its audits under government auditing standards established by the comptroller general of the United States (the Yellow Book). The purpose of an audit is to produce a public report.

During the exit meeting, you demanded that this office remove in their entirety the verbatim transcripts of several under-oath interviews from the appendices to the audit. What records are made part of the audit is a matter of audit discretion, subject to restrictions on records that are confidential by law. A record included in a published audit is a public record. Records not made part of the published audit are confidential audit workpapers and related supportive material.

During the exit meeting, I specifically asked you to identify which statements made in the appendices contained confidential information. You made general comments about attorney-client communication and information that could be embarrassing to the individuals. But you have not identified any specific statements that should be redacted. Nevertheless, this office attempted to redact anything that appeared remotely personal. I again extend an invitation to you to identify any information that should be redacted.

This audit began with your chief of staff asserting that your office is unaware of any constitutional or statutory authority to obtain even very basic records related to this audit. Rather than summarize or reiterate those conversations, I have attached copies of the letters exchanged between our offices on February 21, 2019, for your reference. Your office also has attempted to obstruct the audit from proceeding with regard to these interviews that produced the transcripts now in question. Again, rather than summarize or reiterate those conversations, I have attached copies of the letters exchanged between our offices from June 27 to September 4.

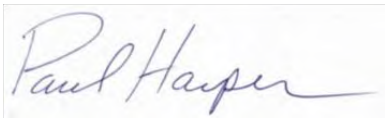
Copies of these letters are included as pages 416 through 437

Your letter appears to be a continuation of the pattern to delay and control this audit, and seems to include a veiled threat against the auditors working on this audit.

As with all other audits conducted by this office, auditors from this office have acted professionally to perform this audit and produce a draft report. As an attorney, I hope that you are aware that the veiled threats in an effort to intimidate, embarrass, burden, or delay the legal rights of another could be construed as a violation of the Supreme Court's Rules of Professional Conduct. *See, e.g.*, Rules 4-3.1, 4-4.4(a), 4-8.4.

As I stated above, I am again asking you to specify what information you believe is expressly prohibited from disclosure under law so that we can consider whether any further redactions are appropriate.

Sincerely,



Paul Harper
General Counsel

ATTORNEY GENERAL OF MISSOURI
ERIC SCHMITT

January 9, 2020

Paul Harper
General Counsel
Office of the State Auditor
P.O. Box 869
Jefferson City, MO 65102

Dear Mr. Harper,

Thank you for your prompt response to our December 31, 2019, letter. Thank you also for confirming that the SAO is bound by Yellow Book standards, and that the Auditor's discretion when deciding which records to make part of an audit is "subject to restrictions on records that are confidential by law." Our December 31 letter addresses the SAO's planned publication of materials which SAO counsel has previously conceded constitute "audit work paper and related support materials," and details the statutory and professional conduct provisions declaring the entirety of such materials to be confidential and prohibiting SAO's release of them. We then asked you to cite any legal authority which the SAO contends permits its publication of confidential audit work papers and related support materials. In the face of our cited provisions prohibiting publication, and certainly now with your concession that Auditor Galloway's discretion is "subject to restrictions on records that are confidential by law," your failure or refusal to cite any provision of law supporting Auditor Galloway's ability to publish confidential audit work papers and related support materials simply confirms the patent illegality of her intended course of action.

After acknowledging the restrictions applied to records that are confidential by law, you nonetheless assert, "A record included in a published audit is a public record. Records not made part of the published audit are confidential audit workpapers and related supportive materials." This disagreement could be swiftly resolved by your citation to a controlling authority supporting your assertion that the Auditor's decision to include a statutorily confidential record in her audit strips that record of its confidential nature. Every single authority we have found unequivocally declares this confidentiality, without subjecting it to the Auditor's whim. You seem quite convinced of your position, however, so a citation should not be difficult to provide. And, to be perfectly clear, because your notes and memory seem foggy, while our December 16 meeting included discussion of a handful of examples of immaterial passages in the

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transcripts that would make your publication of them particularly egregious, shameful, or inhumane, the central concern we communicated to you and your colleagues focused on the overall confidentiality of these materials in their entirety – a concern to which you continue to provide no meaningful response.

Your refrain of baseless allegations of delay, relating to nothing more than our voiced concerns about your Office's repeated (and occasionally admitted) overstepping, is tired. The record reveals your frivolity and that any "delay" with respect to the two pending audit reports has been, and continues to be, of the SAO's own calculated creation. We devoted thousands of hours to reviewing and delivering hundreds of thousands of pages of materials in response to the SAO's repeated requests. Your auditors' fieldwork has been finished for several months now. Your staff has repeatedly confirmed to the AGO that it has everything it needs from us. We have discussed drafts of one report with your Office, and on January 2, 2020, were informed by one of your audit managers that the other report has been written and is in the review stage within your office, yet you "anticipate providing the draft report in several months." In short, your staff has what it needs, they haven't been here for months, the reports have been written – though are slowed by "several months" of delay within your own Office – and all you can do is cast shallow, baseless allegations in an attempt to cow this Office into accepting your violative conduct. It will not work. The Auditor's Office is not immune to valid criticism or to facing the consequences of its unlawful behavior.

The plain purpose of our December 31 letter, and of this letter, has been to inform you and your Office of the illegality and professional impropriety of your proposed actions, and to detail the legal and professional conduct bases for these concerns. You, in contrast, have provided no substantive response or legal justification for your planned unlawful conduct, but instead resort to lobbing frivolous, bad faith threats. I encourage you to heed your own warning, as presented in the second to last paragraph of your January 7, 2020, letter.

Your dedication to this unlawful path leaves us no choice but to determine the appropriate next steps necessary to address the patent, even admitted, illegality and professional impropriety of your actions. After all, we, as public servants, are required to do so upon observing illegal and potentially corrupt actions perpetrated by a public office. As our recent correspondence will attest, we have gone to extraordinary lengths to avoid having to pursue any such action. We have simply asked that you follow the law. Your continued silence with respect to each of the four items requested at the end of our December 31 letter speaks volumes and constitutes nothing less than a string of stunning self-indictments.

Sincerely,

Jonathan M. Hensley
General Counsel

NICOLE GALLOWAY, CPA
Missouri State Auditor

January 10, 2020

Jonathan M. Hensley
Office of the Attorney General
Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102

Dear Mr. Hensley:

I am writing to respond to your letter dated January 9, 2020.

As addressed in the exit meeting and my letter dated January 7, 2020, this disagreement could be resolved if your office would note any further redactions that you believe are appropriate. As has been requested of your office, I am for the third time asking you to specify what information you believe is expressly prohibited from disclosure under law, and anything that you believe is related to personnel decisions, ongoing litigation, or "sensitive" topics, so that we can consider whether any further redactions are appropriate.

Sincerely,

Paul Harper
General Counsel

Cooper & Kirk
Lawyers
A Professional Limited Liability Company
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Brian W. Barnes
(202) 220-9623
bbarnes@cooperkirk.com

(202) 220-9600
Fax (202) 220-9601

January 14, 2020

VIA Email
Pamela Allison, CPA, CFE
Missouri State Auditor's Office
Supervisory Manager
pamela.allison@auditor.mo.gov

Dear Ms. Allison:

Please find enclosed comments on behalf of Mr. Hawley to the draft audit report you transmitted on December 23, 2019. In accordance with Missouri Code § 29.200(12) and GAO auditing standards, these comments must be included verbatim in the final version of the report.

We are very pleased with the conclusion of the report regarding 2018 campaign allegations made by the Democrat group American Democracy Legal Fund. In the closing days of Mr. Hawley's campaign for U.S. Senate, this Democrat group falsely alleged that Mr. Hawley had used state resources to aid his U.S. Senate campaign. These false allegations were heavily promoted by the Claire McCaskill campaign, including especially by her campaign manager, David Kirby. But there is no evidence that Mr. Hawley ever engaged in misconduct or violated Missouri laws or ethics rules. The Secretary of State reached the same conclusion, nearly a year ago, in February 2019. These partisan campaign attacks, now more than a year old, have been exposed as baseless multiple times.

We are also happy to provide you with information confirming that Mr. Hawley followed the established practice of past Governors, Attorneys General, and other statewide officials in the use of state vehicles for travel. Mr. Hawley never used state resources for political or personal purposes.

While we are pleased with the audit's conclusion, we must note deeply troubling information that has come to light about the Auditor's own conduct during the pendency of this review.

1. The lead auditor assigned by Nicole Galloway to this case, Pam Allison, discussed altering the audit's conclusions in order to make the audit appear more critical of Mr. Hawley or his office. On August 20, 2019, Ms. Allison learned from the Attorney General's Office that there was no factual basis for concluding that anyone working with or for Attorney General Hawley had violated any confidentiality agreements or otherwise engaged in misconduct. In

an email to colleagues in the Auditor's Office that same day (but which she inadvertently sent to the Attorney General's Office), Ms. Allison wrote: "I'm thinking I'll just drop the confidentiality paragraph in the report and beef up the personal email/personal calendar section."

Such alteration of a state audit is deeply inappropriate, unethical, and potentially a violation of state law. That this misconduct was committed while the Auditor was herself conducting a political campaign for Governor only underscores the impropriety. This misconduct calls into question the integrity of the audit and warrants a thorough independent investigation.

2. The Democrat allegations against Mr. Hawley were made during his U.S. Senate campaign and widely promoted by his opponent, Claire McCaskill. During the pendency of this audit, Nicole Galloway announced her candidacy for Governor and hired McCaskill's campaign manager, David Kirby, a political operative, as a senior state employee in her office. The involvement, at a senior level, of a political operative who personally promoted the very attacks against Mr. Hawley that Galloway was supposed to be independently reviewing is deeply inappropriate and potentially unethical. Additionally, it calls into question whether state resources were used for political gain.

3. A member of Ms. Galloway's audit team, Bobby Showers, appears to have a significant conflict of interest. Mr. Showers donated to Claire McCaskill's campaign against Mr. Hawley and wrote recently that any Senator who opposes removing President Trump from office "will go down in history as not fulfilling their oath to their country." The role of this individual in the audit is further evidence of the report's political bias. Further, Mr. Showers' involvement in the audit calls into question the Auditor's conflict of interest standards when conducting audits. Indeed, as stated in the GAO auditing standards, an "Auditors' objectivity in discharging their professional responsibilities is the basis for the credibility of auditing in the government sector. Objectivity includes independence of mind and appearance when conducting engagements, maintaining an attitude of impartiality, having intellectual honesty, and being free of conflicts of interest." Ms. Galloway's audit team may have violated these standards.

4. Mr. Hawley's 2018 campaign opponent and booster of the partisan allegations, Claire McCaskill, has personally funded Ms. Galloway's auditor and gubernatorial campaigns. Ms. McCaskill's $2,600 donation to Ms. Galloway's gubernatorial campaign came just days after the Secretary of State cleared Mr. Hawley of any wrongdoing. Accepting a donation from the chief promoter of a partisan allegation against Mr. Hawley while in the middle of investigating that allegation is suspicious at best. Any independent investigation of Ms. Galloway's audit practice should include a probe of the Auditor's campaign donation policy and whether the Auditor is completing audits without political bias.

5. While campaigning for Governor, Ms. Galloway has been using taxpayer resources for more than one year to conduct a closeout audit of Mr. Hawley's tenure as Attorney General, apparently focused largely on a partisan campaign allegation already thoroughly investigated and deemed false. Now, after all this time, Ms. Galloway is purportedly issuing *more than one* closeout audit. This is in conflict with previous statements of the Auditor's office. First,

in a letter dated December 14, 2018 from Ms. Galloway to Secretary of State Ashcroft regarding Mr. Ashcroft's request for the Auditor to investigate the American Democracy Legal Fund complaint, Ms. Galloway clearly indicates there will be one closeout audit when agreeing to include the allegations in her investigation.

Second, per an e-mail from Chris Wray, Chief of Staff for Missouri Attorney General Eric Schmitt, Ms. Galloway's General Counsel "stated on the record, there is one 'closeout audit of the Attorney General's Office' being conducted." The complete turnabout by the Auditor and her staff, combined with the length of time to issue the audit, brings to light questions of the Auditor's ability to focus on her taxpayer-funded duties while campaigning for a new job and the office's integrity when conducting audits.

Sincerely,

Brian Barnes

1.1 – Mr. Hawley Did Not Use State Resources For Political Purposes

We are pleased with the audit's conclusion on this matter. As the Secretary of State concluded nearly one year ago, Mr. Hawley never engaged in misconduct or violated Missouri law or ethics rules.

Background:
During his tenure as Missouri's Attorney General, Mr. Hawley hired two outside advisors to help ensure the Attorney General's Office would operate effectively. One of these advisors was the former chief of staff to Louisiana Governor Bobby Jindal. He gave advice on organizational matters based on his extensive experience overseeing the work of a state executive official's staff. The other advisor was a communications expert who helped develop strategies for informing the public about the office's work and priorities. Although running an efficient office and communicating with the public about its work are important elements of the Attorney General's job, Missouri taxpayers did not pay a penny for the help of either consultant. Instead, as Missouri law permits, Mr. Hawley used funds from his state political committee to cover these costs.

In the weeks before the 2018 Senate election, with Senator McCaskill running behind in the polls, this routine and unremarkable use of outside advisors was turned into a political smear in an attempt to influence the outcome of the election. Without a shred of evidence to support the accusation, the McCaskill campaign claimed the outside advisors had met with Attorney General's Office staff to discuss campaign matters that are off limits for state employees during working hours. This was just one of almost a dozen false legal complaints filed against Mr. Hawley in the run-up to the election. Missouri voters rejected these partisan smears and elected Mr. Hawley to the United States Senate.

Investigating alleged campaign finance violations is the responsibility of the Missouri Secretary of State, not the Missouri Auditor, and Secretary of State Ashcroft carefully looked into this matter. He concluded that neither Mr. Hawley nor anyone who worked for him did anything wrong. And although Secretary of State Ashcroft suggested early during his investigation that the Auditor's help might be needed because the Secretary of State lacks subpoena power, he ultimately closed the investigation without requiring the Auditor's assistance because everyone involved cooperated voluntarily.

With the 2018 election in the books and a full investigation having exonerated Mr. Hawley, one might have thought that Missouri Democrats would be ready to move on. But State Auditor and gubernatorial candidate Nicole Galloway apparently saw political advantage in retreading this ground. At great expense to the Missouri taxpayer, she directed her office to spend a year reinvestigating this matter by re-interviewing the same witnesses and re-reviewing the same documents that were examined as part of the Secretary of State's investigation. But there is no evidence that provides a basis for second guessing the Secretary of State's conclusion that Mr. Hawley and his staff fully complied with Missouri law.

Galloway's conduct raises troubling questions of its own. Galloway's lead auditor wrote that after discovering no evidence of any violation of AGO policy or state law, she planned to "beef up" other sections of the report to criticize Mr. Hawley. Moreover, during the pendency of the audit, Galloway hired on state payroll one of the principal purveyors of the false campaign accusations, Claire McCaskill campaign manager David Kirby. He remains a state-paid staffer in the Auditor's office as she runs for Governor. Additionally, Bobby Showers, who worked directly on this audit, has commented on Mr. Hawley's "duty" to impeach President Donald Trump, donated to the McCaskill campaign, and Galloway accepted campaign contributions from Claire McCaskill during the pendency of this audit.

In light of these deeply troubling and potentially unethical practices, an independent investigation may be warranted into the Auditor's conduct and that of her office.

1.2 – Mr. Hawley Did Not Use State Resources For Campaign or Personal Purposes

Mr. Hawley did not use state resources for campaign or personal purposes, but instead followed the established practice of past Governors, Attorneys General, and other statewide elected officials—including Democrats Jay Nixon and Chris Koster.

Background:
While serving as Attorney General, Mr. Hawley occasionally took trips that involved both official state business and separate stops related to political activity. Any stops related to political activity were incidental to state business. In conducting these trips and reimbursing the state, Mr. Hawley followed the practice of his Democratic predecessors.

Mr. Hawley is happy to provide further details about specific trips:

- First, and as a general rule, any political meetings or events were always incidental to official state business and work, as is common for statewide elected officials. For example:
    - On March 30, 2017, Mr. Hawley attended multiple meetings in Springfield, MO at Evangel University in his official capacity.
    - On April 6, 2017, Mr. Hawley traveled to Kansas City for multiple interviews on the AGO's efforts on human trafficking.
    - On April 11, 2017, Mr. Hawley traveled to Kansas City to meet with anti-trafficking and pro-family advocates.
    - On April 13, 2017, Mr. Hawley traveled to St. Louis to discuss anti-trafficking efforts with business leaders.
- Mr. Hawley's April 27, 2017 meeting with an area pastor concerned efforts to ensure that a children's educational initiative operated by the church for the public complied with Missouri law. It was official state business.
- The Platte County event Mr. Hawley attended on June 19, 2017—"A Salute to Law Enforcement"—was an event honoring local and state law enforcement at which Mr. Hawley spoke about the work of the Attorney General's Office. He was invited in his official capacity. This event followed a series of other official events in the Kansas City area.
- Mr. Hawley was invited to and attended the December 16, 2017 Kansas City Chiefs game as part of an elected officials' event that included multiple other Missouri elected officials. Mr. Hawley paid for the tickets personally pursuant to his ethics practice of refusing to accept gifts as Attorney General, but he was invited and attended in his official capacity.

Both Mr. Koster and Mr. Nixon spent thousands of dollars reimbursing the state or state employees for non-official travel. Mr. Nixon, in particular, wrote the state a nearly $50,000 check to reimburse the state for taking his state vehicle and attorney general's office staff on political trips.

Any suggestion that Mr. Hawley acted differently from his Democrat predecessors would further indicate Ms. Galloway's political bias.

2.1 – The Policy of Mr. Hawley's Office on the Use of Personal Devices and Email Fully Complied with State Law and Records Retention Requirements

The policy of Mr. Hawley's office while serving as Attorney General was to retain any materials that related to state business if a non-state communication device or tool was used. Any claims otherwise by the Auditor's office would be questionable as the lead auditor on this audit admitted that the report would "beef up" allegations of the use of personal email or devices.

Background:
Pam Allison was the Audit Manager for this audit, and she also worked for the Auditor's Office when Claire McCaskill was the Missouri Auditor. On August 20, 2019, Ms. Allison learned from the Attorney General's Office that there was no factual basis for alleging that the consultants discussed above had violated any confidentiality agreements. In an email that was apparently intended for internal consumption within the Auditor's Office but that was inadvertently sent to the Attorney General's Office, Ms. Allison wrote: "I'm thinking I'll just drop the confidentiality paragraph in the report and beef up the personal email/personal calendar section." This email confirms that for political reasons the Auditor's Office was determined to issue a report that is critical of Mr. Hawley's tenure as Attorney General. Where audit staff could not make one charge stick, they beefed up others.

The policy of the Attorney General's Office under Mr. Hawley was to retain any communication required to be retained by law, whether that communication was made on a state-issued device or not. In response to a request from the Secretary of State over a year ago, Mr. Hawley's office not only voluntarily shared such retained emails, but released them to the public.

Galloway, on the other hand, has admitted to deleting work-related text messages from state-issued phones. While Mr. Hawley was Attorney General, his office defended Galloway's conduct on this issue, as required by state law, but it is worth noting that the records retention practices of Mr. Hawley's Office were considerably broader and more stringent than those of Galloway.

ATTORNEY GENERAL OF MISSOURI
ERIC SCHMITT

January 13, 2020

Paul Harper
General Counsel
Office of the State Auditor
P.O. Box 869
Jefferson City, MO 65102

Dear Mr. Harper,

Please find below responses to the audit you have conducted of former Attorney General Joshua Hawley. The named or numbered paragraphs below correspond to your recommendations in the draft report you provided.

Scope and Methodology:

Aside from the correspondence listed by the Missouri Attorney General's Office ("AGO") in response to Section 2.0, below, the inclusion of confidential auditor-auditee procedural communications within Exhibit H is a direct violation of Section 29.200.17, RSMo, and ethical standards governing the auditing profession. These communications do not relate to findings presented in this report, serve no audit purpose whatsoever, and are included solely as a means of attempting to intimidate current and former state employees.

The accusations of non-cooperation strewn throughout the auditor's correspondence in Exhibit H are baseless and irresponsible. During this audit process, the AGO has devoted thousands of hours to reviewing and delivering several hundred thousand pages of materials and has complied with every request for material. The auditor's executive staff has resorted to baseless threats of obstruction whenever presented with concerns that their conduct was exceeding the limitations of the law. Auditor Galloway's publication of these confidential auditor-auditee communications, and the false accusations within them, is a troubling and unprecedented departure from required audit practice.

1.1 On August 29, 2019, the manager of this audit inadvertently sent an email to an employee of the AGO. In that email, after failing to find a valid basis for one potential ground of criticism, the audit manager states her intention to abandon that portion and "beef up" findings in a different section of the report. *See*

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Attachment 1, August 29, 2019 Email ("I'm thinking I'll just drop the confidentiality paragraph in the report and beef up the personal email/personal calendar section."). This email shredded any veneer of objectivity or neutrality in this audit process, in violation of Yellow Book standards, which require that an audit be conducted "with an attitude that is objective, fact-based, nonpartisan, and nonideological." Yellow Book Standard 1.17 (2011 version).

Subject to this concern about the audit process, the auditor's recommendation is superfluous. AGO policy has not and does not permit the use of taxpayer-funded resources for campaign purposes. AGO policy currently provides that personal email addresses should not be used by AGO employees to transact official business, and that policy applies with equal weight to other personal means of electronic communication.

1.2 The auditor's recommendation is that the Attorney General's Office determine "the amount of state resources used" for certain trips conducted by former Attorney General Joshua Hawley. Auditing standards, however, provide that this calculation is to be conducted by the auditor, who is charged by auditing standards to "give the reader a basis for judging the prevalence and consequences of these findings" by "quantify[ing] the results in terms of dollar value." Yellow Book Standard 7.16 (2011 version). This is consistent with past practice by the State Auditor's Office. Letter from State Auditor Susan Montee to Attorney General Jay Nixon, report no. 2008-08, Feb. 19, 2008, available at https://app.auditor.mo.gov/Repository/Press/2008-08.pdf.

Subject to this concern about the audit process, the auditor's recommendation is acknowledged. Attorney General Eric Schmitt's use of state resources is and has been in accordance with applicable law.

2.0 The AGO objects to the inclusion of interview transcripts and written responses by former AGO employees. The interviewed employees were not informed that transcripts would be made public, and the transcripts contain significant privileged and confidential information, including material relating to personnel decisions, investigations, ongoing litigation, and other sensitive topics. The auditor's legal counsel has confirmed that "at the very least" these materials constitute audit workpapers and related supportive materials. As has been repeatedly explained to the auditor, such materials are declared confidential in their entirety by Section 29.200.17, RSMo., without exception permitting the release here. The Missouri State Auditor's Office has never before released materials of this sort as part of an audit report, and no legal authority permits this change in practice. The AGO has asked the auditor several times to cite the legal authority upon which she has based her contention that she is free to release statutorily confidential materials whenever she chooses. The auditor has provided no response to these repeated requests. Auditor Galloway's release of these audit workpapers and related supportive materials violates Missouri statute and

breaches the ethical standards governing the auditing profession. *See* Attachment 2, December 31, 2019 letter; *see also* Attachment 3, January 9, 2020 letter; *see also* Attachment 4, January 10, 2020 letter.

Subject to this concern about the audit process, the auditor's recommendation is superfluous. AGO policy currently provides that personal email addresses should not be used by AGO employees to transact official business, and this policy applies with equal weight to other personal means of electronic communication. AGO policy requires all AGO personnel to retain all materials in the manner and for the duration specified in the applicable record-retention schedules issued by the State Records Commission and as prescribed by Missouri statutes.

Sincerely,

Jonathan M. Hensley
General Counsel

Hensley, Jonathan

From: Pamela Allison <pamela.allison@auditor.mo.gov>
Sent: Thursday, August 29, 2019 4:07 PM
To: Hensley, Jonathan
Subject: FW: NDA Request

Please disregard that last email.

From: Pamela Allison
Sent: Thursday, August 29, 2019 4:06 PM
To: 'Hensley, Jonathan' <jonathan.hensley@ago.mo.gov>
Subject: RE: NDA Request

I'm thinking I'll just drop the confidentiality paragraph in the report and beef up the personal email/personal calendar section.

From: Hensley, Jonathan <jonathan.hensley@ago.mo.gov>
Sent: Thursday, August 29, 2019 3:46 PM
To: Joseph Magoffin <Joseph.Magoffin@auditor.mo.gov>; Wray, Chris <Chris.Wray@ago.mo.gov>
Cc: Pamela Allison <pamela.allison@auditor.mo.gov>; Meyer, Rhonda <rhonda.meyer@ago.mo.gov>; Kroll, Kerry <kerry.kroll@ago.mo.gov>; Brady, Terry <Terry.Brady@ago.mo.gov>
Subject: RE: NDA Request

Joseph –

Please see section 3.0 "Confidentiality" in the AGO's Employee Handbook, which I believe you have already received. Our attorneys and other staff are also bound by Missouri's Rules of Professional Conduct, including Rule 4-1.6, and are guided as well by its comments. When retaining expert witnesses or other services in litigation, it is this office's longstanding practice to require such retained services providers to maintain the confidentiality of information provided regarding the relevant matter and not to use such information for any purpose other than the performance of services related to the litigation. Beyond these authorities and practices, we are unaware of policies under this or the prior administration responsive to your request.

Thank you.

Sincerely,

Jonathan M. Hensley
Deputy General Counsel
Missouri Attorney General's Office
P.O. Box 899
Jefferson City, MO 65102
573-751-7890
Jonathan.hensley@ago.mo.gov

ATTORNEY GENERAL OF MISSOURI
ERIC SCHMITT

December 31, 2019

Paul Harper, Esq.
Office of the State Auditor
P.O. Box 869
Jefferson City, MO 65102

Dear Mr. Harper,

On December 12, 2019, the Missouri Attorney General's Office ("AGO") received a draft audit report containing, as appendices, complete and unredacted interview transcripts and written responses. The State Auditor's Office ("SAO") legal counsel, Joel Anderson, conceded on the record at the October 3, 2019, interview of Daniel Hartman that these materials "at the very least" constitute "audit work paper and related support materials." Section 29.200.17, RSMo., provides that "audit workpapers and related supportive material shall be kept confidential." Section 29.080, RSMo., makes violation of the provisions of Chapter 29 a felony. Notably, these confidentiality provisions serve important state interests by encouraging state agencies and state employees to cooperate fully and freely in state audits.

On December 13, 2019, AGO staff asked SAO Manager Pamela Allison to provide written explanation and legal justification for the inclusion of these materials as appendices to the report. Though Ms. Allison responded to the email, no explanation or justification was provided.

During a meeting on December 16, 2019, when presented with Mr. Anderson's statement, as well as numerous authorities requiring that such materials be held confidential, neither you, Mr. Showers, Ms. Allison, nor Mr. Magoffin were able to provide any legal authority for Auditor Galloway's decision to publish statutorily confidential materials as appendices to her audit report. Similarly, the audit staff were unable to provide a citation to auditing standards or other professional guidance that allows for release. The only attempted explanation involved a vague notion of "transparency," though your staff also conceded that this action would be unprecedented in the history of the SAO. Further, you and your colleagues were unable to explain how an inclination towards "transparency"

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overrode prohibitions in Missouri law against the disclosure of confidential audit materials. Finally, your colleagues acknowledged that all relevant material from the interview transcripts and written responses had been copied into the body of the draft report, and that there is no valid audit purpose to including irrelevant material as appendices.

At that same meeting, AGO staff explained to you that such materials contain significant privileged and confidential information, including material relating to personnel decisions, ongoing litigation, and other sensitive topics. AGO staff reiterated their request that SAO staff provide follow-up communication containing a citation of legal authority to justify your planned violation of Section 29.200.17. No response has been provided. Instead, on December 23, 2019, the AGO and Senator Hawley's attorneys received a revised draft of the report, with the interview transcripts and written responses still attached as exhibits, with very minor redactions.

Not only does Section 29.200.17 bar the release of these documents, but other legal and ethical considerations do as well. Section 29.185 provides that the auditor shall comply with Yellow Book standards in conducting the audit, and Yellow book standards do not allow for the disclosure of confidential audit workpapers. *See* Yellow Book Standard 4.41 (2011 version) ("Certain information may be classified or may otherwise be prohibited from general disclosure by federal, state, or local laws or regulations."). Statutes governing Missouri certified public accountants provide that CPA licensees shall not disclose information communicated to the licensee in connection with professional services rendered. *See* § 326.322, RSMo. The American Institute of Certified Public Accountants ("AICPA") Code of Conduct, which is made applicable to all Missouri CPAs, provides that confidential information obtained in the performance of professional services shall not be released without consent. *See* AICPA Code of Professional Conduct Section 1.700.001; 20 C.S.R. 2010-3.010.

In the face of these authorities, Auditor Galloway's failure or refusal to cite any legal authority permitting this publication is deeply troubling. Her planned course of action violates Missouri law and the professional licensure regulations governing her and her staff. Confidentiality provisions exist to ensure candor and cooperation with auditors, and to protect auditees from partisan or self-interested actions by auditors. Auditor Galloway is not at liberty to discard these protections for mere political convenience.

By Monday, January 6, 2020, please respond to the following:

1. Please cite any legal authority which the State Auditor's Office contends permits its publication of confidential audit work papers and related support materials;

2. Please identify all members of the Auditor's audit staff and legal staff involved in the decision to publish these audit work papers and related supporting materials;
3. During the December 16, 2019, meeting, you stated that these materials had not yet been shared outside of your office, other than to the AGO and interviewees. Please confirm that this remains the contention of the State Auditor's Office, with the exception of sending the revised draft report to Senator Hawley's attorneys; and,
4. Please provide a copy of the draft of the "personal email/personal calendar" section of the audit report as it existed on August 28, 2019.

Sincerely,

Jonathan M. Hensley
General Counsel

ATTORNEY GENERAL OF MISSOURI
ERIC SCHMITT

January 9, 2020

Paul Harper
General Counsel
Office of the State Auditor
P.O. Box 869
Jefferson City, MO 65102

Dear Mr. Harper,

Thank you for your prompt response to our December 31, 2019, letter. Thank you also for confirming that the SAO is bound by Yellow Book standards, and that the Auditor's discretion when deciding which records to make part of an audit is "subject to restrictions on records that are confidential by law." Our December 31 letter addresses the SAO's planned publication of materials which SAO counsel has previously conceded constitute "audit work paper and related support materials," and details the statutory and professional conduct provisions declaring the entirety of such materials to be confidential and prohibiting SAO's release of them. We then asked you to cite any legal authority which the SAO contends permits its publication of confidential audit work papers and related support materials. In the face of our cited provisions prohibiting publication, and certainly now with your concession that Auditor Galloway's discretion is "subject to restrictions on records that are confidential by law," your failure or refusal to cite any provision of law supporting Auditor Galloway's ability to publish confidential audit work papers and related support materials simply confirms the patent illegality of her intended course of action.

After acknowledging the restrictions applied to records that are confidential by law, you nonetheless assert, "A record included in a published audit is a public record. Records not made part of the published audit are confidential audit workpapers and related supportive materials." This disagreement could be swiftly resolved by your citation to a controlling authority supporting your assertion that the Auditor's decision to include a statutorily confidential record in her audit strips that record of its confidential nature. Every single authority we have found unequivocally declares this confidentiality, without subjecting it to the Auditor's whim. You seem quite convinced of your position, however, so a citation should not be difficult to provide. And, to be perfectly clear, because your notes and memory seem foggy, while our December 16 meeting included discussion of a handful of examples of immaterial passages in the

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transcripts that would make your publication of them particularly egregious, shameful, or inhumane, the central concern we communicated to you and your colleagues focused on the overall confidentiality of these materials in their entirety – a concern to which you continue to provide no meaningful response.

Your refrain of baseless allegations of delay, relating to nothing more than our voiced concerns about your Office's repeated (and occasionally admitted) overstepping, is tired. The record reveals your frivolity and that any "delay" with respect to the two pending audit reports has been, and continues to be, of the SAO's own calculated creation. We devoted thousands of hours to reviewing and delivering hundreds of thousands of pages of materials in response to the SAO's repeated requests. Your auditors' fieldwork has been finished for several months now. Your staff has repeatedly confirmed to the AGO that it has everything it needs from us. We have discussed drafts of one report with your Office, and on January 2, 2020, were informed by one of your audit managers that the other report has been written and is in the review stage within your office, yet you "anticipate providing the draft report in several months." In short, your staff has what it needs, they haven't been here for months, the reports have been written – though are slowed by "several months" of delay within your own Office – and all you can do is cast shallow, baseless allegations in an attempt to cow this Office into accepting your violative conduct. It will not work. The Auditor's Office is not immune to valid criticism or to facing the consequences of its unlawful behavior.

The plain purpose of our December 31 letter, and of this letter, has been to inform you and your Office of the illegality and professional impropriety of your proposed actions, and to detail the legal and professional conduct bases for these concerns. You, in contrast, have provided no substantive response or legal justification for your planned unlawful conduct, but instead resort to lobbing frivolous, bad faith threats. I encourage you to heed your own warning, as presented in the second to last paragraph of your January 7, 2020, letter.

Your dedication to this unlawful path leaves us no choice but to determine the appropriate next steps necessary to address the patent, even admitted, illegality and professional impropriety of your actions. After all, we, as public servants, are required to do so upon observing illegal and potentially corrupt actions perpetrated by a public office. As our recent correspondence will attest, we have gone to extraordinary lengths to avoid having to pursue any such action. We have simply asked that you follow the law. Your continued silence with respect to each of the four items requested at the end of our December 31 letter speaks volumes and constitutes nothing less than a string of stunning self-indictments.

Sincerely,

Jonathan M. Hensley
General Counsel

ATTORNEY GENERAL OF MISSOURI
ERIC SCHMITT

January 10, 2020

Paul Harper
General Counsel
Office of the State Auditor
P.O. Box 869
Jefferson City, MO 65102

Dear Mr. Harper,

I write in response to your letter of today's date.

Your repeated misrepresentation of the issue and of the specific nature of our concern is deeply troubling. It has never been our position that your release of these transcripts and written answers would be objectionable solely on grounds related to any specific privilege or other concern that could be corrected by line-by-line review and redaction. Those considerations only compound the extraordinarily troubling consequences of Auditor Galloway's recent decision to begin releasing statutorily confidential audit materials whenever she deems appropriate. As your Office has admitted, the Missouri State Auditor's Office has never before released materials of this sort as part of an audit report. No legal authority permits this change in practice.

The transcripts are full of confidential information about personnel decisions, attorney-client privileged communications, active investigations, and on-going litigation, and your release of these transcripts would risk significant consequences for the state, its residents, and their interests on several important fronts. But that, remarkably, is not even the main point. As we have said repeatedly in writing and in person, and now again in direct response to the question presented in your letter today:

> The transcripts and written answers which you plan to release as appendices to your audit report constitute "audit workpapers and related support materials" (as your counsel has admitted) and are declared confidential by Section 29.200.17, RSMo., in their entirety. The law expressly prohibits you from disclosing any of it – first line of the first page, through the final line of the last. There are no exceptions

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provided by law, which you, at this point, essentially admit by not answering our repeated requests for you to provide a single supportive citation to counter the many we have provided in support of our position.

There is no way for us to express our concern in any plainer language. Absent statutory authority supporting your blanket assertion that the Auditor is free to strip statutorily confidential records of their confidential nature whenever she chooses, it is clear that your client is intent on engaging in illegal and unethical conduct. You may wish to consider stopping her, if you can.

Sincerely,

Jonathan M. Hensley
General Counsel

Pamela Allison

From: Brian Barnes <BBarnes@cooperkirk.com>
Sent: Wednesday, January 29, 2020 8:05 PM
To: Pamela Allison
Subject: RE: Missouri Attorney General's Office Audit

Dear Ms. Allison:

We sent you materials in May showing that the political committee reimbursed state employee Steve Hayden on the handful of occasions when, during official travel, Mr. Hawley made incidental stops. We understand this is the same practice adopted by Mr. Hawley's predecessors. We are not aware of any additional outstanding invoices from the state, but if you can identify any such invoices or expenses, we are happy to pay them.

The draft report says that Mr. Hawley "violated" state law by using state resources for political purposes, but, thanks to the political committee's reimbursement of Mr. Hayden and the incidental nature of the stops in question, no state resources were actually used. When the Auditor's Office reviewed similar practices by other statewide elected officials in the past, it did not accuse them of "violating" state law. I also note that the amount at issue here is orders of magnitude less than the nearly $50,000 Mr. Nixon repaid the state, yet the draft report is far more critical of Mr. Hawley than what the Auditor's Office wrote about Mr. Nixon.

Are you planning to "beef up" the section of the audit report that concerns Mr. Hawley's travel, as you said in a previous email about another part of the report? If so, we would appreciate an opportunity to comment on the revised draft.

Sincerely,

Brian W. Barnes
Cooper & Kirk, PLLC
(202) 220-9623

From: Pamela Allison <pamela.allison@auditor.mo.gov>
Sent: Thursday, January 23, 2020 5:07 PM
To: Brian Barnes <BBarnes@cooperkirk.com>
Subject: Missouri Attorney General's Office Audit

Good afternoon Mr. Barnes,

In a letter to our office dated January 14, 2020, the response to finding 1.2 indicated, "In conducting these trips and reimbursing the state, Mr. Hawley followed the practice of his Democratic predecessors."

On September 5, 2019, our office asked the Missouri Attorney General's Office whether any expenses had been reimbursed to the state by former Attorney General Hawley. On September 6, 2019, Missouri Attorney General's Office fiscal staff responded they had reviewed office records and found no expenses reimbursed by former Attorney General Hawley. On January 15, 2020, we asked the Missouri Attorney General's Office whether any expense reimbursements had been made to the state by former Attorney General Hawley since September 6, 2019, and the response provided indicate no reimbursements had been received.

Please confirm whether former Attorney General Hawley has reimbursed the state for any expenses for non-official travel. If so, please provide documentation of those reimbursements and how they were calculated. Please provide the response by Wednesday, January 29, 2020.

Thank you.

Pamela Allison, CPA, CFE
Missouri State Auditor's Office
Supervisory Manager of the
Public Corruption and Fraud Division
(417) 895-6519