

**BEFORE THE ETHICS COMMISSION
STATE OF MISSOURI**

MISSOURI ETHICS COMMISSION,

Petitioner,

v.

RON CALZONE,

Respondent.

Case No. 14-0005-I

MOTION TO DISMISS

The Commission’s case against Respondent, such as it is, hinges on the idea that he was at some point “designated” as Missouri First’s lobbyist. Commission Complaint at 3, ¶ 13. That theory, like the Complaint initiating this matter, suffers from clear and obvious flaws. First, the bald assertion that Mr. Calzone has acted as a lobbyist is insufficient to find probable cause that a violation has occurred; this Commission has an obligation to explain precisely how Mr. Calzone was “designated” as a lobbyist by Missouri First and has conspicuously failed to do so. Second, the evidence before the Commission cannot support such a finding because it addresses only activities—testimony before committees of the General Assembly and the publication of Web-based commentary—that the governing statute places outside the definition of legislative lobbying. Consequently, while

voluminous, none of it is relevant. Finally, even if Missouri law would permit this Commission to find probable cause on this record, the statute is unconstitutional on two grounds: its (non)-definition of “designate” is unconstitutionally vague, and the statute is unconstitutionally overbroad in reaching “lobbyists” who are in no way compensated for their advocacy.

For these reasons, the Complaint should be dismissed.

STATEMENT OF THE CASE

A. Initial Complaint and Subsequent Investigation

On November 4, 2014, Michael A. Dallmeyer, an attorney representing the Missouri Society of Governmental Consultants, filed the complaint initiating this action. Dallmeyer Cover Letter; *see also* Official Complaint Form at 1 (listing Mr. Dallmeyer as the “person bringing complaint”). That one-page, sworn document alleged that Mr. Calzone had acted as a lobbyist while failing to properly register with and report to the State.¹

The Dallmeyer Complaint is not a model of clarity. It fails to allege precisely *how* Mr. Calzone was “designated” as a lobbyist by Missouri First.

¹ The initiating complaint was brought by Mr. Dallmeyer individually, as required by state law, and not by the Society. Mo. Rev. Stat. § 105.957(2) (“Complaints filed with the commission shall be in writing and filed only by a natural person”). Because it is a sworn complaint, presumably Mr. Dallmeyer has direct personal knowledge of the facts alleged therein and did not improperly rely upon hearsay in making his allegations. Respondent presumes that the Commission fully investigated the basis for Mr. Dallmeyer’s sworn statement, but preserves the right to raise this issue should that belief prove to be misplaced.

Moreover, it relies heavily upon testimony before the General Assembly, which cannot—as a matter of law—serve as the basis for lobbyist status. Mo. Rev. Stat. § 105.470(5)(d)d. Nevertheless, Mr. Dallmeyer sought fines for activity going back fourteen years, and totaling upwards of \$50,000, in a transparent attempt to harass and intimidate Mr. Calzone by threatening penalties outside this Commission’s jurisdiction. Mo. Rev. Stat. § 105.957(3) (“The commission, its executive director or an investigator shall not investigate any complaint concerning conduct which is not criminal in nature which occurred more than two years prior to the date of the complaint”).

These flaws in the Dallmeyer Complaint are apparent on its face, and the Commission ought to have exercised its discretion to dismiss its patently insufficient allegations. Mo. Rev. Stat. § 105.957(2). Nevertheless, it did not, and Investigator Della Luaders was tasked with conducting an investigation. Her Report, like the Dallmeyer Complaint, relies predominantly upon Mr. Calzone’s testimony before the General Assembly in recommending that “[t]he Commission find[] reasonable grounds to support a violation of chapter 105, RSMo, and refer the report to commission counsel.” Luaders Report at 7.

On April 22, Mr. Calzone was sent the Commission’s formal Complaint, backed by hundreds of pages of exhibits. For the reasons explained *infra*, the

Commission's evidence is irrelevant, its Complaint legally deficient, and the statute under which Mr. Calzone is charged unconstitutional.

B. Missouri's Legislative Lobbyist Statute and Reporting Requirements

Missouri regulates several different categories of lobbyist, depending upon the branch or form of government a natural person seeks to influence. *E.g.* Mo. Rev. Stat. §§ 105.470(1) (defining "elected local government official lobbyist"); 105.470(4) (defining "judicial lobbyist"). Mr. Calzone is accused of being a "legislative lobbyist."

Pursuant to Mo. Rev. Stat. § 105.470(5), a legislative lobbyist is:

any natural person who acts for the purpose of attempting to influence the taking, passage, amendment, delay or defeat of any official action on any bill, resolution, amendment, nomination, appointment, report or any other action or any other matter pending or proposed in a legislative committee in either house of the general assembly, or in any matter which may be the subject of action by the general assembly and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment, which primary purpose is to influence legislation on a regular basis, on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the legislative branch of state government in connection with such activity.

Missouri law also codifies a number of exceptions. A member of the general assembly or an elected state official may not be converted into a “legislative lobbyist.” Mo. Rev. Stat. 105.470(5)(d). Nor may “any other person” be converted into a lobbyist “solely due to such person’s participation in...[p]reparing or publication of an editorial, newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic...[or in t]estifying as a witness before the general assembly or any committee thereof.” Mo. Rev. Stat. 105.470(5)(d)b, d.

Lobbyist registration requires a written declaration under penalty of perjury, the disbursement of \$10, and “the lobbyist’s name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works.” Mo. Rev. Stat. § 105.473.1. These files “shall be open to the public.” *Id.*

Lobbyist reports are monthly filings, also made under penalty of perjury. Mo. Rev. Stat. § 105.472.3(1)-(2). These reports must, *inter alia*, itemize expenditures made on behalf of public officials and their families and staffs, and

“any direct business relationship or association or partnership the lobbyist has with any public official or elected local governmental official.” Mo. Rev. Stat. § 105.472.3(2). The information in these reports must “be kept available by the executive director of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.” Mo. Rev. Stat. § 105.473(6).

The Complaint in this case alleges only that Mr. Calzone has been “designated” as a lobbyist under Mo. Rev. Stat. § 105.470(5)(c). Commission Complaint at 3, ¶ 13. No other provision is at issue, and it is undisputed that Mr. Calzone does not meet any of the other definitions of “legislative lobbyist.”

ARGUMENT

I. While The Commission’s Complaint Does Not Adequately Explain The Charge Against Mr. Calzone, He Has Clearly Not Been Designated As A Lobbyist.

Two facts ought to immediately dispose of this matter. First, the Complaint never explains the precise process by which Mr. Calzone is alleged to have been designated as a lobbyist by Missouri First. Second, the attached affidavits conclusively demonstrate that Missouri First has never designated any lobbyist, and in particular has never designated Mr. Calzone. To the extent these two facts are insufficient, Respondent’s counsel must guess at the Commission’s theory of this case.

“The axiomatic requirement of due process...carries the practical consequence that a defendant charged under a valid statute will be in a position to understand with some specificity the legal basis of the charge against him.” *Schad v. Arizona*, 501 U.S. 624, 632 (1991); *see also Moheet v. State Bd. of Registration for the Healing Arts*, 154 S.W.3d 393, 398 (Mo. App. 2004) (“The purpose of the complaint is to inform the [respondent] of the allegations with which he is charged and to provide sufficient notice to enable him to prepare an adequate defense”). The state may not merely issue “a statement that the accused has violated one or more of the statutory grounds for discipline without further elaboration.” *Duncan v. Mo. Bd. for Architects, Prof’l Eng’rs & Land Surveyors*, 744 S.W.2d 524, 539 (Mo. App. 1988). The Commission’s Complaint is remarkably deficient in this regard. It does not, “in a series of specific allegations,” demonstrate “the course of conduct which” Mr. Calzone “engaged in which demonstrated” that his activity could require registration as a legislative lobbyist. *Duncan*, 744 S.W.2d at 539.

It is incumbent upon the Commission to demonstrate, per the statute discussed above and its own Complaint, that Mr. Calzone (1) committed activity which constitutes legislative lobbying, and (2) that Mr. Calzone was ““designated to act as a lobbyist by any person...”” Commission Complaint at 3, ¶ 13 (quoting lobbyist statute).

But the Commission’s Complaint does neither. It merely notes that Missouri First—which, as an artificial person, *cannot* be a legislative lobbyist—has an open membership policy. Commission Complaint at 4, ¶ 15. It further notes that the corporation has stated that “legislative lobbying...*may* be used to teach or to influence public policy.” Commission Complaint at 4, ¶ 16 (emphasis supplied). What either point has to do with designating Mr. Calzone is left unsaid. Plainly, the website does not say that Mr. Calzone has been appointed Missouri First’s lobbyist, nor does a corporate statement that Missouri First may engage in legislative lobbying provide evidence that such lobbying actually occurred.²

The Complaint further notes that Missouri First solicits witness forms from the general public to be delivered during testimony before the General Assembly. Commission Complaint at 5, ¶ 17. Then, the Commission’s Complaint suggests that because Mr. Calzone testified before the General Assembly in 2013 and 2014, and submitted these witness forms during that testimony, “Respondent Calzone has been designated by the actions of Missouri First, Inc. and its constituent members for the purpose of attempting to influence official action...” Commission Complaint at 5-6, ¶¶18, 19.

² Corporate charters routinely state that a corporation has been formed for “all lawful purposes.” It does not therefore follow that an agricultural business will also manufacture zeppelins.

But Missouri law is clear. No “person” may become a legislative lobbyist “solely due to such person’s participation in...[t]estifying as a witness before the general assembly or any committee thereof.” Mo. Rev. Stat. § 105.470(5)(d)d. Because the Commission’s Complaint relies upon Mr. Calzone’s testimony as proof of a violation, it has committed a serious legal error. Commission Complaint at 6, ¶19 (d), (e) (“Respondent Calzone appeared as a witness in support on behalf of Missouri First, Inc., on February 28, 2013”; “Respondent Calzone appeared as a witness in support on behalf of Missouri First, Inc., on January 16, 2014”).

Nor does the Complaint provide any theory, much less evidence, that Mr. Calzone was “designated” as Missouri First’s lobbyist. In one instance, also recounted in the Commission’s Complaint, “Respondent Calzone appeared as a witness giving information on February 12, 2013” regarding Senate Joint Resolution 14 and “provided two (2) witness forms for witnesses against and six hundred and eighty-three (683) witness forms in support.” Which of these individuals designated Mr. Calzone to lobby for Missouri First? Those witnesses against, the 683 for, or some arbitrary combination? The corporation itself certainly did not, as the attached affidavits amply demonstrate.

Accordingly, the Commission has failed to adequately explain a cognizable theory of this case. That itself constitutes a violation of due process. This failure is all the more troubling given that the Complaint refuses to limit itself. It states that

particular examples of Mr. Calzone’s testimony are simply given “[b]y way of example and not limitation.”³ Commission Complaint at 5, ¶ 19.

The Commission can point to no specific act of Missouri First designating Mr. Calzone as a lobbyist, because there is none. Faced with this clear and obvious truth, the Commission nonetheless issued a confusing and convoluted Complaint that declares Mr. Calzone to be a lobbyist with no explanation of the mechanism by which that status occurred. The Complaint is consequently deficient and should be dismissed.

II. The Commission’s Evidence Is Irrelevant And Cannot Meet The Probable Cause Standard.

The Commission has provided Mr. Calzone with hundreds of pages of exhibits along with the Luaders Report. None of this evidence demonstrates probable cause that Mr. Calzone violated the lobbyist registration and reporting statute.

The Commission’s evidence is, without exception, irrelevant. Mo. Rev. Stat. § 105.470(5)(d) (“A ‘legislative lobbyist’ shall not include...any other person solely due to such person’s participation in...[t]estifying as a witness before the

³ The Complaint, without providing evidence for the charge or any specific instance, indicates that Mr. Calzone talked with legislators and their staff. Commission Complaint at 5, ¶ 18. Notwithstanding that such “evidence” is hearsay, the Commission has failed to explain how this is relevant to the charge of legislative lobbying. Mo. Rev. Stat. § 105.470(d) (a person may not become a legislative lobbyist for the mere act of “[r]esponding to any request for information made by any public official or employee of the legislative branch of government”).

general assembly or any committee thereof”). As best as can be discerned from the Luaders Report and the Commission’s Complaint, this statutorily exempt function—testifying before the Missouri General Assembly—has been converted into the very mechanism by which Mr. Calzone may be forced to register as a lobbyist.

The Commission’s remaining evidence includes a number of website postings on the Missouri First website. But such electronic newsletters and postings are outside the statute. Mo. Rev. Stat. § 105.470(5)(d)b (exempting newsletters and “similar news medi[a]...whether print or electronic”). Moreover, the website is run by Missouri First, which is not a natural person and may not be considered a lobbyist.

Finally, the remainder⁴ of the Commission’s evidence is limited to hundreds of pages of witness forms that Mr. Calzone presented during his testimony before the General Assembly. These forms are themselves testimony from individual Missouri citizens, reflecting a range of views, and are themselves exempt under the statute. None asks Mr. Calzone to speak for the witnesses (who can and do speak for themselves) or otherwise “designates” Mr. Calzone in any manner. Since these witnesses themselves represent an enormous range of positions, it is logically

⁴ As explained in note 3, *supra*, the Commission’s mere assertions that Mr. Calzone has spoken with legislators and their staffs is unproven and non-probative.

impossible for Mr. Calzone to represent them. The clear implication is that he does not.

At a minimum, these forms are irrelevant as accompaniments to Mr. Calzone's testimony. The Commission's own Complaint views these forms as part and parcel of Mr. Calzone's testimony, noting that while testifying regarding House Joint Resolution 19 in 2013 he used the data from these forms to "provide[] the committee hearing the legislation a map showing the 'Location of 400+ Witnesses in Favor of HJR 19 – Health Care Freedom Amendment.'" Commission Complaint at 6, ¶ 19(b). Unless the Commission is suggesting that all outside data presented by witnesses before a legislative committee—whether a report, a Twitter post, a filled-in form, a petition, poll results, or a Google Maps printout—may somehow convert exempt legislative testimony into non-exempt legislative lobbying, *all* of the exhibited witness forms are non-probative.⁵

Because it relies upon voluminous but irrelevant and inadmissible evidence, the Commission's Complaint ought to be dismissed.

⁵ The Commission has provided *no* evidence that these witness forms were submitted by "constituent members" of Missouri First. And even if the Commission had done so, they would still be irrelevant. Missouri First is a duly registered nonprofit corporation with its own by-laws and board of directors, and the corporation has never designated Mr. Calzone to lobby the legislature. Moreover, this theory remains a useless intellectual exercise: testimony before the General Assembly and its committees *does not constitute lobbying under the statute*.

III. Missouri’s Legislative Lobbyist Statute Is Unconstitutional

a. *The statute’s definition of “designated” is unconstitutionally vague and threatens First Amendment liberties.*

The First Amendment robustly protects the right to “petition the Government for a redress of grievances.” U.S. CONST. amend. I.; *Nat’l Ass’n of Mfrs. v. Taylor*, 582 F.3d 1, 9 (D.C. Cir. 2010) (noting that Petition Clause activities represent a “substantial First Amendment interest[]” which is implicated by lobbyist registration and reporting statutes). “Precision of regulation must be the touchstone in an area so closely touching our most precious freedoms.” *NAACP v. Button*, 371 U.S. 415, 438 (1963).

The Supreme Court has clearly stated that statutes are “void for vagueness” when their provisions’ “prohibitions are not clearly defined,” because “[v]ague laws may trap the innocent by not providing fair warning.” *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972). And when “First Amendment rights are involved, an ‘even greater degree of specificity’ is required.” *Buckley v. Valeo*, 424 U.S. 1, 77 (1976) (quoting *Smith v. Goguen*, 415 U.S. 566, 573 (1974)). Yet, the Missouri statute fails to provide *any* guidance as to how one must be “designated” as a legislative lobbyist.⁶ The Commission’s Complaint demonstrates the risk: it

⁶ This Commission may only “[p]romulgate rules relating to the provisions of sections 105.955 to 105.963 and chapter 130. All rules and regulations issued by the commission shall be prospective only in operation.” Mo. Rev. Stat. § 105.955.14(8). Nevertheless, the inability to properly define “designate” through

takes the “designation” decision entirely out of the corporation itself, fails to explain any other specific mechanism by which a group may designate a lobbyist, and then uses the term as a mere incantation to convert clearly lawful and unregulable advocacy into lobbying. No reasonable person could predict this string of events. The statute’s lack of specificity consequently poses a trap for the unwary, and is therefore unconstitutional.

b. The statute is not narrowly tailored to a proper governmental interest.

While petitioning the government is a fully protected right under the First Amendment, “that right is not absolute.” *McCutcheon v. FEC*, 572 U.S. ____; 134 S. Ct. 1434, 1441 (2014). Nevertheless, the government must still justify infringements, including registration and reporting requirements, imposed upon that right. “For example, in *United States v. Harriss...* the Court upheld lobbying disclosure requirements...on the ground that the statute served a vital national interest in a manner restricted to its appropriate end.” *Taylor*, 582 F.3d at 9 (citation and quotation marks omitted). If a law is not narrowly tailored to a necessary and vital interest it is unconstitutional.

The government has an interest in knowing the identities of those who are paid to meet members of the legislature, as a means of determining “who is being

the rulemaking process provides no justification for attempting to do so through an enforcement action. Notice is both the hallmark of rulemaking and a Constitutional limit on enforcement.

hired, who is putting up the money, and how much.” *United States v. Harriss*, 347 U.S. 612, 625 (1954). Such information provides the legislature with a measure of “self-protection.” *Id.*

The lobbying statute upheld in *Harriss*, for example, was “limited to those persons...who solicit, collect, or receive contributions of money or other thing of value to be used” for lobbying purposes—and that registration could only be required “if the principal purpose of either the persons or the contributions is to aid” in lobbying activities. *Id.* at 620 (citation and quotation marks omitted). The Supreme Court explicitly rejected “a much broader construction” of the law, one urged upon it by the federal government, which would have required non-compensated lobbyists to register, finding that such a reading could not be anticipated by the text of the statute. *Id.* Justice Jackson, writing in dissent, observed that “[t]he Court’s opinion presupposes, and I do not disagree, that Congress has power to regulate lobbying for hire as a business or profession...” *Id.* at 635 (Jackson, J., dissenting).⁷

But this is not a case involving “the payment of compensation to others to communicate face-to-face with members of [the General Assembly]...” *Id.* at 615; *see also* 2 U.S.C. § 1601(1) (“The Congress finds that...responsible representative

⁷ Indeed, the Missouri legislative lobbying definition itself seems to consider payment for services an important part of lobbying, Mo. Rev. Stat. § 105.470(a)-(b) refer to an “ordinary course of employment” or being “engaged for pay” as essential features of being a legislative lobbyist.

Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government”). Rather, this Commission is asked to convert a citizen activist into a registered lobbyist despite his receiving no payment for his testimony before the legislature. It is unclear how designating Mr. Calzone as a lobbyist serves “to maintain the integrity of a basic governmental process.” *Harriss*, 347 U.S. at 625. Indeed, the legislature’s decision to specifically exempt legislative testimony demonstrates that the state government does not believe it needs information in this case. To the extent that the Commission disagrees, and believes that the State has some intangible informational interest in Mr. Calzone’s activities, that information is already available: the witness forms are signed, and Mr. Calzone’s association with Missouri First is public—far more public than are the State’s lobbyist forms.

In such circumstances, it is unclear what constitutional interest the state of Missouri has in compelling a private citizen to register and report with the government because he volunteers his time to discuss the issues of the day with his own government. *See McIntyre v. Ohio Elections Comm’n*, 514 U.S. 334 (1995) (facially invalidating statute prohibiting anonymous issue advocacy by an unpaid citizen); *Inst. of Governmental Advocates v. Fair Pol. Practices Comm’n*, 164 F. Supp. 2d 1183, 1190 (E.D. Cal. 2001) (upholding prohibition on lobbyist

contributions, *inter alia*, because it only banned giving to candidates “the lobbyist *will be* paid to lobby”) (emphasis in original).

Moreover, to the extent the Commission intends to regulate individuals like Mr. Calzone, it will find that Missouri law is fatally underinclusive. *See Cabell v. Chavez-Salido*, 454 U.S. 432, 440 (1982) (“a classification that is substantially overinclusive or underinclusive tends to undercut the governmental claim that the classification serves legitimate political ends”). If Mr. Calzone were paid by Missouri First as a lobbyist, no one disputes that his registration would be legally required. But if Mr. Calzone were a paid employee of Missouri First—he is not—he could *not* be required to register unless lobbying were the “primary purpose” of his employment. Mo. Rev. Stat. § 105.470(5)(a). Nevertheless, this Commission seeks to regulate Mr. Calzone based upon neither principle, but merely upon an amorphous and ill-defined concept of “designation.” This state of affairs strongly suggests that the State in fact has no informational interest here,⁸ if it is has foresworn registration for those who do lobby for pay, but not as the “primary purpose” of their employment.

In Mr. Calzone’s case, registration would necessitate the monthly filing of paperwork with the Commission, paperwork that would be burdensome and

⁸ This point is also apparent from the face of the registration form itself. Which individuals should Mr. Calzone list as his “principals?” Whose “interest” is he representing? The inescapable truth is that the form, like the statute, was not intended to reach individuals like Mr. Calzone.

invasive but would provide no useful information to the State and its citizens. Indeed, it would be misleading. The reporting form would require Mr. Calzone to state his “lobbying principal”—a term of art referring only to a group that “employs, contracts for pay or otherwise *compensates*” a lobbyist. Mo. Rev. Stat. § 105.470(7) (emphasis supplied). Missouri First does none of these things, for anyone, and is consequently not a “lobbying principal.” Suggesting that it is would be contrary to law and would provide *inaccurate* information to the public.⁹

Unless the Commission can demonstrate that a vital governmental interest in fact exists here, requiring monthly reports from a natural person who accepts no financial remuneration for his work is an unconstitutional burden upon Mr. Calzone’s rights under the First Amendment.

CONCLUSION

The Commission’s Complaint is legally insufficient, relies entirely upon inadmissible evidence, and would create an unconstitutional interpretation of Missouri law. Accordingly, it should be dismissed.

⁹ This is a sign of the statute’s overbreadth, but it also serves as compelling evidence that the General Assembly, aware of the Constitutional difficulties in doing so, did not intend to reach uncompensated lobbyists.

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Dated: August 31, 2015

Respectfully submitted,

s/ Allen Dickerson
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Attorneys for Respondent Calzone

APPENDIX A

**BEFORE THE
MISSOURI ETHICS COMMISSION**

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MISSOURI ETHICS COMMISSION)	
)	
Petitioner)	
)	CASE NO. 14-0005-I
)	
v.)	
)	
RON CALZONE)	
)	
Respondent)	
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**AFFIDAVIT OF PAUL HAMBY, CURRENT MEMBER OF THE BOARD OF
DIRECTORS OF MISSOURI FIRST, INC.**

Comes the affiant, under oath, and does depose and say the following:

1. I, Paul Hamby, am over the age of eighteen and the following is based upon my personal knowledge.
2. I am currently a member of the Board of Directors of Missouri First, Inc., and have been a director since 2010.
3. At no time during my tenure as a director, has Missouri First, Inc. designated Ron Calzone to be a lobbyist.
4. At no time during my tenure as a director, has Missouri First employed, contracted for pay or otherwise compensated a lobbyist.

Further affiant saith not.

Paul Hamby

Paul Hamby

Sworn to and subscribed before me this 31st day of August A.D. 2015

Melissa MEEK
Notary Public

My Commission Expires: _____

MELISSA MEEK Notary Public - Notary Seal State of Missouri Commissioned for De Kalb County My Commission Expires: June 06, 2016 Commission Number: 12351639
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APPENDIX B

**BEFORE THE
MISSOURI ETHICS COMMISSION**

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MISSOURI ETHICS COMMISSION)	
)	
Petitioner)	
)	CASE NO. 14-0005-I
v.)	
)	
RON CALZONE)	
)	
Respondent)	
)	

**AFFIDAVIT OF NATHAN HAYDEN, FORMER MEMBER OF THE BOARD OF
DIRECTORS OF MISSOURI FIRST, INC.**

Comes the affiant, under oath, and does depose and say the following:

1. I, Nathan Hayden, am over the age of eighteen and the following is based upon my personal knowledge.

2. I was a member of the Board of Directors of Missouri First, Inc., from 2000 to 2014.

3. At no time during my tenure as a director, did Missouri First, Inc. designate Ron Calzone to be a lobbyist.

4. At no time during my tenure as a director, did Missouri First employ, contract for pay or otherwise compensate a lobbyist.

Further affiant saith not.

Nathan Hayden

Nathan Hayden

Sworn to and subscribed before me this 31st day of August A.D. 2015

Abby L. Helin

Notary Public

My Commission Expires: Aug. 18, 2017



ABBY L. HELIN
My Commission Expires
August 18, 2017
Clay County
Commission #13507628

APPENDIX C

**BEFORE THE
MISSOURI ETHICS COMMISSION**

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MISSOURI ETHICS COMMISSION)	
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Petitioner)	
)	CASE NO. 14-0005-I
v.)	
)	
RON CALZONE)	
)	
Respondent)	
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**AFFIDAVIT OF BRUCE HILLIS, FORMER MEMBER OF THE BOARD OF
DIRECTORS OF MISSOURI FIRST, INC.**

Comes the affiant, under oath, and does depose and say the following:


1. I, Bruce Hillis, am over the age of eighteen and the following is based upon my personal knowledge.

2. I was a member of the Board of Directors of Missouri First, Inc., from 2004 to 2009.


3. At no time during my tenure as a director, did Missouri First, Inc. designate Ron Calzone to be a lobbyist.

4. At no time during my tenure as a director, did Missouri First employ, contract for pay or otherwise compensate a lobbyist.

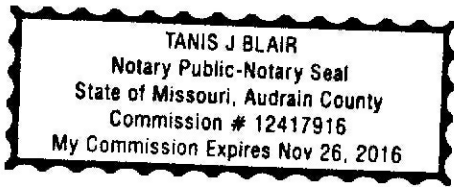
Further affiant saith not.


Bruce Hillis

Sworn to and subscribed before me this 31st day of August A.D. 2015


Notary Public

My Commission Expires: Nov. 26, 2016



CERTIFICATE OF SERVICE

Pursuant to 1 C.S.R. 50-2.020(4), I have filed an original and seven copies of the forgoing Motion with the Commission. Electronic service was realized upon Liz Ziegler at liz.ziegler@mec.mo.gov. I also caused an original and seven copies, duplicative of that served on Ms. Ziegler, in accordance with the above regulation, to be delivered via Federal Express to the Commission, attention Ms. Ziegler at:

3411A Knipp Drive,
Jefferson City, MO 65109

Dated: August 31, 2015

/s/ Allen Dickerson
Allen Dickerson