



OFFICIAL COMPLAINT FORM

Missouri Ethics Commission
PO Box 1370
Jefferson City, MO 65102-1370

Section 105.957, RSMo states that the Commission shall receive any complaints alleging violations of the provisions of:

- 1) The requirements imposed on lobbyists by section 105.470 to 105.478;
- 2) The financial interest disclosure requirements contained in sections 105.483 to 105.492;
- 3) The campaign finance disclosure requirements contained in chapter 130, RSMo;
- 4) Any code of conduct promulgated by any department, division or agency of state government, or by state institutions of higher education, or by executive order;
- 5) The conflict of interest laws contained in sections 105.450 to 105.467 and section 171.181, RSMo; and
- 6) The provisions of the constitution or state statute or order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions.

This complaint shall contain all the facts known to the person bringing the complaint that give rise to the complaint.

This complaint shall be sworn to under penalty of the crime of perjury.

Within 5 days of receipt of this complaint, the Commission will send a copy of this complaint, including the name of the person bringing this complaint, to the person, organization or campaign committee against whom the complaint is brought.

Note: According to Missouri State Law, the Commission shall dismiss any complaint which is frivolous in nature, as lacking any basis in fact or law. Any person who submits a frivolous complaint shall be liable for actual and compensatory damages to the alleged violator for holding the alleged violator before the public in a false light. A finding by the Commission that a complaint is frivolous or without probable cause shall be a public record.

THIS FORM MUST BE RETURNED BY MAIL OR HAND-DELIVERED. FAXED COPIES OR EMAILS WILL NOT BE ACCEPTED.

PART 1 - PERSON BRINGING COMPLAINT:

NAME: EDDY JUSTICE		DATE OF COMPLAINT: DECEMBER 5, 2013	
ADDRESS: 204 FERGUSON			
CITY: POPLAR BLUFF	STATE: MO	COUNTY: BUTLER	ZIP: 63901
CONTACT PHONE NUMBER/S: (HOME)		(WORK) 573-785-4596	(CELL) 573-300-1845
TITLE OF OFFICE HELD OR SOUGHT (IF APPLICABLE): N/A			

PART 2 - ORGANIZATION OR CAMPAIGN COMMITTEE AND INDIVIDUAL(S) OR POSITION(S) AGAINST WHOM

THIS COMPLAINT IS BEING BROUGHT AGAINST:

NAME: MO HOUSE DEMOCRATIC CAMPAIGN COMMITTEE (& related individuals listed on Addendum Page #1, attached)			
ADDRESS: P.O. Box 2235			
CITY: JEFFERSON CITY	STATE: MO	COUNTY: COLE	ZIP: 65102
CONTACT PHONE NUMBER/S: (HOME)		(WORK) 573-636-5241	
TITLE OF OFFICE HELD OR SOUGHT (IF APPLICABLE): N/A			
DATE OF ELECTION (IF APPLICABLE): N/A		CHECK ELECTION TYPE (IF APPLICABLE): <input type="checkbox"/> Primary <input type="checkbox"/> General	

VERIFICATION BY OATH OR AFFIRMATION

STATE OF MISSOURI
COUNTY OF **Cole**

I, **Eddy Justice**, being duly sworn upon oath and affirmation legally administered, certify under penalty of perjury that the foregoing information in this complaint is complete, true, and correct, to the best of my knowledge and belief.



My Commission Expires
June 20, 2016
Moniteau County
Commission #12485541

Subscribed and sworn to before me this **5th** day of **Dec.** **2013**

My Commission Expires: **6/20/16**

Signature of Complainant

Notary Public

PART 3 - STATEMENT OF FACTS:

State in your own words the detailed facts and the actions of the candidate or organization named in part two which prompted you to make this complaint. The space provided below is not intended to limit your statement of facts. Please use additional sheets if necessary. Include relevant dates and times, and the names and addresses of other persons whom you believe have knowledge of the facts and attach hereto copies of any documentary evidence that supports the facts alleged in the complaint.

Please check the box next to the area that the complaint concerns.

- ☐ 1. The requirements imposed on lobbyists by sections 105.470 to 105.478.
- ☐ 2. The financial interest disclosure requirements contained in sections 105.483 to 105.492.
- ☒ 3. The campaign finance disclosure requirements contained in chapter 130, RSMo.
- ☐ 4. Any code of conduct promulgated by any department, division or agency of state government, or by state institution of higher education, or by executive order.
- ☐ 5. The conflict of interest laws contained in sections 105.450 to 105.467 and section 171.181, RSMo.
- ☐ 6. The provisions of the constitution or state statute or order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions.

PLEASE STATE THE FACTS BELOW:

It is alleged that the MO House Democratic Campaign Committee (HDCC) and its Chairman Jacob Hummel, who had the responsibility and control of the of the Committee's operations, the Committee's Executive Director Mr. Jody Murphy, along with both of its Treasurers, Ms. Gail McCann Beatty and Cyrus Dashtaki, committed numerous and serious violations of Chapter 130, RSMo.

On July 18, 2013, the HDCC terminated its Committee after disclosing a \$47,000 discrepancy in its cash on hand, as \$48,232.31 in cash on hand was reported on its 30 Day After General Election report on December 6, 2012. The HDCC has never provided the required accounting or public disclosure of how this nearly \$50,000 was thereafter disposed of in contributions or expenditures as required by Missouri Law. Instead, it terminated the Committee and started a new Committee to potentially avoid an embarrassing examination of its records and operations.

Questions yet to be answered are as follows: is the almost \$50,000 in unaccounted for funds a result of incompetence, or were tens of thousands of dollars stolen from the HDCC?

The HDCC is known to have written nearly \$61,000 in bad checks to one vendor alone (see documentation beginning on Addendum Page #3, attached). Only a full audit will disclose the extent to which potential felony bad checks were written, and to whom they were written.

The HDCC failed to disclose debts of over \$126,000 to one vendor alone (see documentation beginning on Addendum Page #3, attached). Until a complete audit and investigation is done, the...
(STATEMENT OF FACTS CONTINUES ON ADDENDUM PAGE #2, ATTACHED....)

- ☐ YES Are any of the matters alleged by you the subject of civil or criminal litigation? If yes, please provide
☒ NO the county and case number if known by you. _____

OFFICIAL COMPLAINT FORM

Addendum Page #1

**Page 1, Part 2 – ORGANIZATION OR CAMPAIGN COMMITTEE AND
INDIVIDUAL(S) OR POSITION(S) AGAINST WHOM THIS COMPLAINT IS BEING
BROUGHT AGAINST: *(continued from main form)***

2.

Jacob Hummel
3841 Holly Hills Blvd
St. Louis, MO 63116
St. Louis City
State Representative
Chairman, MO House Democratic Campaign Committee
314-457-1792 (work)

3.

Cyrus Dashtaki
PO Box 2235
Jefferson City, MO 65102
Treasurer, MO House Democratic Campaign Committee
Cole County
573-230-3423 (work)

4.

Gail McCann Beatty
6012 Woodland Avenue
Kansas City, MO 64110
Jackson County
State Representative
Treasurer, MO House Democratic Campaign Committee
816-223-8230 (work)

5.

Mr. Jody Murphy
PO Box 2235
Jefferson City, MO 65102
Executive Director, MO House Democratic Campaign Committee
Cole County
573-636-5241 (work)

OFFICIAL COMPLAINT FORM

Addendum Page #2

Page 2, Part 3 – STATEMENT OF FACTS: *(continued from main form)*

...extent to whom others may be owed debts, and failure to report such debts is unknown.

It is alleged that lack of controls and oversight contributed to the financial failure of the Committee as evidenced by individuals including Jody Murphy allegedly writing checks without authorization in violation of Missouri law (see attached documentation beginning on Addendum Page #3, attached).

It is further alleged that HDCC officials may have avoided reporting potential violations of the law to evade further scrutiny or embarrassment. HDCC officials did not want to admit to members of the House Democrat Caucus the financial liabilities incurred and outstanding debts owed by the committee. These debts could potentially draw Democrat Caucus members into a potential civil lawsuit and public embarrassment over the operations of their Caucus Campaign Committee.



WWW.DOLCEPARUAS.COM

Michael Dolce, Esq.

mdolce@dolceparuas.com

Brian A. Parúas, Esq.

bparuas@dolceparuas.com

June 27, 2013

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7007022000011996 5027
VIA FACSIMILE: 573-634-8176
Joe Duffy, Executive Director
Missouri Democratic State Committee
208 Madison Street
Jefferson City, Missouri 65101

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
#70070220000119965041

Representative Jacob Hummel
Missouri House Democratic Caucus
MO House of Representatives
201 West Capitol Avenue, Room 204
Jefferson City, Missouri 65101

VIA FACSIMILE: 636-281-1504
Rory Ellinger, Esq.
Counsel to Missouri House DCC
c/o Ellinger & Associates
797 West Terra Lane
O'Fallon, Missouri 63366

Gentlemen:

Be advised that this law firm has been hired by Mad Dog Mail, Inc., to file suit against each of the political entities you represent. A draft of the lawsuit is enclosed for your consideration. With this letter, you are provided with a brief opportunity to pay what you owe to Mad Dog Mail in order to avoid the filing of that suit.

Please respond to:

[] Broward County Office

2455 Hollywood Boulevard
Hollywood, Florida 33019
954-453-1123 Main
954-453-1104 Fax

[X] Palm Beach County Office

324 Datura Street, Suite No. 223
West Palm Beach, Florida 33401
561-316-6824 Main
561-203-9023 Fax

Be advised further that we are presently evaluating whether to also file a complaint with the Missouri Ethics Commission for blatant and extensive violation of campaign finance disclosure requirements (contained in chapter 130, Missouri Revised Statutes), relative to payments that the Missouri Democratic State Committee and the Missouri Democratic House Campaign Committee claim in campaign expenditure reports to have made to Mad Dog Mail that were not actually made to it and related omissions that could have significant adverse implications on Mad Dog Mail's legal and financial interests. With this letter, you have an opportunity to explain why Mad Dog Mail should not do so.

As you know, Mad Dog Mail acted in good faith and with trust in each of you when it provided valuable direct mail services and products at your request during the 2012 election campaigns for the Missouri House of Representatives, without requiring you to make advanced payment. Unfortunately, that trust was broken. Mad Dog Mail was not treated fairly and respectfully in return with payments due for what it indisputably provided and which are now significantly overdue.

As the enclosed lawsuit reflects, Mad Dog Mail has been victimized in violation of Florida's criminal laws by being given multiple worthless checks by the Missouri House Democratic Campaign Committee, as well as by otherwise ignoring additional sums owed on outstanding invoices. Florida law carries significant potential penalties for it having done so, including potential criminal penalties for the issuance of bad checks and checks returned by the bank for insufficient funds. (Given the face value of the subject checks, the offenses could well be four separate third degree felonies.) Each of your entities otherwise owes Mad Dog Mail for creating, producing and mailing tens of thousands of campaign mail pieces in September and October 2012, including interest accruing pursuant to the terms of the contract that you entered into with Mad Dog Mail in February 2012 and some 19 invoices generated in the fall of 2012. (Any and all prior offers by Mad Dog Mail to discount the amount due on the invoices are hereby withdrawn due to the failure of each of you to make any effort to pay the offered discounted amount.) With accrued interest, the amount due under those invoices as of this month totals \$ 124,268.74, in addition to the statutorily authorized service charge on the dishonored checks, said charge totaling \$3,064.46. Thus, demand for payment of the total \$127,333.20 is hereby made and must be paid within 30 days of the date of this letter. (In connection with this demand, a statutory notice pursuant to Fla. Stat. sec. 68.065 (3) is attached hereto as Exhibit "A.")

As if bouncing checks and owing so much money wasn't bad enough, an analysis of reports filed by you with the Missouri Ethics Commissions reveals that you have had the financial ability to pay my client what is due, but have willfully failed to do so. Moreover, you have claimed in some instances to making a payment to my client with checks that actually bounced and that misrepresentation was never corrected in the public record. In still other instances -- many of them -- you have reported making payments that were never even sent in the first instance, rubber check or not. The misrepresentations in public record are extensive and extreme, totaling hundreds of thousands of dollars in alleged payments that were never made. Finally, you have misrepresented to the Commission having no debts or liabilities from the 2012


campaign season, despite having affirmative knowledge of owing well over \$100,000 to Mad Dog Mail (far in excess of the \$5,000 indebtedness that triggers your duty to file quarterly supplemental reports disclosing such debt.)

Among the improper reporting to the Commission, which totals some \$900,000 in false reports, is the fact that the MHDCC reported over \$267,000 in payments to Mad Dog Mail between September and October, 2012. Actual payments attempted were approximately \$150,000, less two reported payments that were actually bounced checks totaling over \$46,000. Two additional bad checks were issued, totaling \$15,000, that were simply not reported at all. The Missouri Democratic State Committee has been even more brazen in its false reporting. It reported some \$663,000 in payments to Mad Dog Mail between September and November 2012. In reality, only approximately \$45,000 in payments were made. Obviously, the potential adverse impact on Mad Dog Mail from this false reporting, including potential complications with taxing authorities, could be severe and costly to address.

You are commended to take note in the enclosed Complaint that each of your entities and the facts have been carefully investigated and evaluated by this firm, which is well versed in both matters of forensic investigations and campaign finance laws. As a result, we are confident that each entity receiving this demand letter will be held accountable in litigation for the debts at issue and we are specifically confident that any effort to create alternate entities or hide behind corporate fictions will fail to include any of the defendant entities from liability.

Again, demand is hereby made for a payment of \$127,333.20 within 30 days of the date of this letter to settle the indebtedness owed to Mad Dog Mail. Funds should be made payable to this firm's trust account, entitled "Dolce Law, P.A., Trust Account," reference "Mad Dog Mail, Inc." If you fail to pay the demand herein, take note that you will also owe Mad Dog Mail for its attorneys' fees pursuant to the terms of the subject contract and likewise will be subject to an attorney fee award pursuant to Fla. Stat. sec. 68.065(1), plus over \$120,000 in additional damages pursuant to that statute. Exclusive of attorneys' fees and costs, you can expect a judgment in excess of \$250,000.00, should you fail to honor this demand and force this case into litigation and a trial.

Sincerely,



Michael Dolce

cc: Mad Dog Mail, Inc.

EXHIBIT "A"

Notice Pursuant to Fla. Stat. sec. 68.065

CHECK 1:

You are hereby notified that a check numbered 2028 in the face amount of \$16,289.39, issued by you (the Missouri House Democratic Campaign Committee) on October 8, 2012, drawn upon Central Bank, and payable to "Mad Dog Mail," has been dishonored. Pursuant to Florida law, you have 30 days from receipt of this notice to tender payment in cash of the full amount of the check plus a service charge of \$25, if the face value does not exceed \$50, \$30, if the face value exceeds \$50 but does not exceed \$300, \$40, if the face value exceeds \$300, or 5 percent of the face amount of the check, whichever is greater, the total amount due being \$17,103.85. Unless this amount is paid in full within the 30-day period, the holder of the check or instrument may file a civil action against you for three times the amount of the check, but in no case less than \$50, in addition to the payment of the check plus any court costs, reasonable attorney fees, and any bank fees incurred by the payee in taking the action.

CHECK 2:

You are hereby notified that a check numbered 2048 in the face amount of \$5,000.00 issued by you (the Missouri House Democratic Campaign Committee) on November 6, 2012, drawn upon Central Bank, and payable to "Mad Dog Mail," has been dishonored. Pursuant to Florida law, you have 30 days from receipt of this notice to tender payment in cash of the full amount of the check plus a service charge of \$25, if the face value does not exceed \$50, \$30, if the face value exceeds \$50 but does not exceed \$300, \$40, if the face value exceeds \$300, or 5 percent of the face amount of the check, whichever is greater, the total amount due being \$5,250.00. Unless this amount is paid in full within the 30-day period, the holder of the check or instrument may file a civil action against you for three times the amount of the check, but in no case less than \$50, in addition to the payment of the check plus any court costs, reasonable attorney fees, and any bank fees incurred by the payee in taking the action.

CHECK 3:

You are hereby notified that a check numbered 2044 in the face amount of \$10,000.00 issued by you (the Missouri House Democratic Campaign Committee) on October 27, 2012, drawn upon Central Bank, and payable to "Mad Dog Mail," has been dishonored. Pursuant to Florida law, you have 30 days from receipt of this notice to tender payment in cash of the full amount of the check plus a service charge of \$25, if the face value does not exceed \$50, \$30, if the face value exceeds \$50 but does not exceed \$300, \$40, if the face value exceeds \$300, or 5 percent of the face amount of the check, whichever is greater, the total amount due being \$10,500.00. Unless this amount is paid in full within the 30-day period, the holder of the check or instrument may file a civil action against you for three times the amount of the check, but in no case less than \$50, in addition to the payment of the check plus any court costs, reasonable attorney fees, and any bank fees incurred by the payee in taking the action.

CHECK 4:

You are hereby notified that a check numbered 2045 in the face amount of \$30,000.00 issued by you (the Missouri House Democratic Campaign Committee) on October 29, 2012, drawn upon Central Bank, and payable to "Mad Dog Mail," has been dishonored. Pursuant to Florida law, you have 30 days from receipt of this notice to tender payment in cash of the full amount of the check plus a service charge of \$25, if the face value does not exceed \$50, \$30, if the face value exceeds \$50 but does not exceed \$300, \$40, if the face value exceeds \$300, or 5 percent of the face amount of the check, whichever is greater, the total amount due being \$31,500.00. Unless this amount is paid in full within the 30-day period, the holder of the check or instrument may file a civil action against you for three times the amount of the check, but in no case less than \$50. in addition to the payment of the check plus any court costs, reasonable attorney fees, and any bank fees incurred by the payee in taking the action.

IN THE CIRCUIT COURT OF THE 4TH JUDICIAL CIRCUIT
IN AND FOR NASSAU COUNTY, FLORIDA

MAD DOG MAIL, INC.,

CASE NO. _____

Plaintiff,

vs.

MISSOURI DEMOCRATIC PARTY,
a Missouri corporation and political entity;
MISSOURI DEMOCRATIC STATE
COMMITTEE, a Missouri political committee,
MISSOURI HOUSE DEMOCRATIC
CAUCUS, a Missouri political entity,
MISSOURI HOUSE DEMOCRATIC
CAMPAIGN COMMITTEE, a Missouri
corporation and political committee.

DRAFT

Defendants.

COMPLAINT

The Plaintiff, MAD DOG MAIL, INC., by and through its undersigned attorneys, sues the Defendants MISSOURI DEMOCRATIC PARTY, a Missouri corporation and political entity, MISSOURI DEMOCRATIC STATE COMMITTEE, a Missouri political committee, MISSOURI HOUSE DEMOCRATIC CAUCUS, a Missouri political entity, and MISSOURI HOUSE DEMOCRATIC CAMPAIGN COMMITTEE, a Missouri corporation and political committee, and states:

JURISDICTION

1. This is an action for legal, equitable and injunctive relief, and for damages in excess of \$15,000.00, exclusive of costs, interest and attorneys' fees. Jurisdiction in this Court is therefore proper pursuant to Florida Statutes section 26.012.

VENUE

2. Venue is proper in this Court pursuant to Florida Statutes section 47.051 in that: (a) the causes of action herein accrued in Nassau County, Florida; (b) all performance by the defendants called for under the contract at issue in this case was due in, and all breaches thereof, occurred in Nassau County, Florida; (c) the worthless checks issued by defendants were delivered in and to a Nassau County, Florida, resident; and (d) the defendants consented under the contract at issue to being sued in Nassau County, Florida.

PARTIES

3. Plaintiff MAD DOG MAIL, INC., ("MAD DOG MAIL") is a duly registered Florida corporation which maintains its principal place of business in Nassau County, Florida, and is otherwise *sui juris*.

4. Defendant MISSOURI DEMOCRATIC PARTY, is a Missouri corporation and political entity, and is otherwise *sui juris*.

5. Defendant MISSOURI DEMOCRATIC STATE COMMITTEE, is a political party duly registered with the Missouri Ethics Commission, is the campaign finance committee of the defendant MISSOURI DEMOCRATIC PARTY, is the MISSOURI DEMOCRATIC PARTY'S "supreme governing body" pursuant to Article III of its constitution, and is otherwise *sui juris*.

6. Defendant MISSOURI HOUSE DEMOCRATIC CAMPAIGN COMMITTEE ("MHDCC") is a Missouri corporation and political committee duly registered with the Missouri Ethics Commission, and is otherwise *sui juris*.

7. Defendant MISSOURI HOUSE DEMOCRATIC CAUCUS, is a Missouri political entity, and is otherwise *sui juris*.

8. Non-Party Missouri Ethic Commission is a governmental entity of the State of Missouri charged at law with duties that include, in pertinent part, receiving reports related to donations to and expenditures of campaigns for elected state office holders and enforcement of state campaign finance laws, including disclosure of political campaign expenditures.

FACTS COMMON TO ALL COUNTS

9. Notwithstanding their separate political, business and corporate formations, at all pertinent times, the defendants, and each of them, were the alter egos and instrumentalities of the others, both in fact and in connection with the wrongdoing that is at issue in this lawsuit, to wit, the following facts, without necessary limitation:

a. Key employees were used interchangeably among them, including those who authorized the transactions at issue that gave rise to the subject debts;

b. Key officials and officers directed and conducted organizational planning of the defendants, and each of them, as if they constituted one entity engaged in common missions and with unified purpose;

c. Costs incurred by one or the other defendants were periodically paid by another defendant, including payment of salaries of key employees and reimbursing costs incurred by them, and specifically those of the persons who authorized the transactions at issue that give rise to the subject debts;

d. Office space was shared by the defendants;

e. Telephone equipment and telephone numbers were shared by the defendants, including those provided to the Plaintiff as the method to contact the defendants:

f. Facsimile equipment and facsimile numbers were shared by the defendants, including those used to send facsimiles to the Plaintiff;

g. Assets held by one individual defendant were designated in advance to be transferred to another defendant in the event of dissolution of the first;

h. Money for operational expenses was transferred regularly between the Defendants, albeit under the guise of "donations," including transfers that occurred at and near the time the subject checks were found to be worthless; and

i. Individual defendants answered to and honored prior debts owed to MAD DOG MAIL by another defendant.

10. Each defendant is also and otherwise liable for the acts of each other based on actual and apparent agency, as it relates to liability to MAD DOG MAIL for the causes of action asserted herein.

11. The creation or use of various political, business or corporate entities by any or all of the defendants at the time of the wrongdoing at issue herein occurred, or thereafter as an effort to defraud MAD DOG MAIL as a creditor, to evade then existing obligations to MAD DOG MAIL, and to circumvent or avoid liability under Florida's worthless check statutes, warrant the setting aside at law such corporate fictions such that the defendants, and each of them, remain liable to MAD DOG MAIL for the causes of action herein.

12. On or about February 14, 2012, the MISSOURI DEMOCRATIC HOUSE CAUCUS and MHDCC, on their own behalves and on behalf of the remaining defendants, entered into the contract (hereafter "the subject contract") with MAD DOG MAIL that is attached hereto as Exhibit "B." Pursuant to the terms of that contract:

a. MAD DOG MAIL agreed to provide valuable general consulting and mail services to the defendants, and each of them, including to develop a campaign mail plan; to provide strategic guidance in planning and execution of persuasion mail programs; to design persuasion mail pieces; to supervise production of persuasion mail pieces (including graphic design, preparation of camera ready art, and printing); and general campaign strategy.

b. Defendants agreed to pay per piece charge for mailings and printed materials that they approved in advance; to pay for production costs for any canceled mailings; and to pay any increased costs for change in any product after approval;

c. Defendants agreed to pay invoices within 30 days of date an invoice and to pay interest at 1.5% per month on any unpaid balance.

d. Defendants agreed that the contract would be governed by Florida law and venue for an legal action on the contract would be in Nassau County, Florida.

e. Defendants agreed that Plaintiff would be entitled to collection costs and legal fees in the event monies owed to it under the contract were not paid timely.

13. Pursuant to the subject contract, MAD DOG MAIL performed services and provided to the MISSOURI DEMOCRATIC STATE COMMITTEE on August 30,

2012 an invoice, number 2012-530, totaling \$16,289.39. That invoice has never been paid except with worthless check #2028.

14. Pursuant to the subject contract, MAD DOG MAIL performed services and provided to the MHDCC on October 8, 2012, an invoice, number 2012-591, for 7,345 mail pieces, for a production cost of \$4,774.25 and postage of \$1,946.43.

15. On October 15, 2012, the MHDCC filed with the Missouri Ethics Commission a Committee Disclosure Report for the time period September 2, 2012 – September 30, 2012, showing \$146,728.56 cash on hand, with no debts, thus disregarding the bounced check number 2028; moreover, that same Report purported to have paid \$7,500 paid to Mad Dog Mail on September 18, 2012, for "direct mail."

16. On October 16, 2012, an agent of the MHDCC approved mail pieces entitled "Fortune Cookie" and "Predator Messaging" opposing House candidate Brent Lasater. That piece purports on its face to have been paid for by the MHDCC.

17. On October 17, 2012, an agent of the MHDCC approved mail pieces entitled "Vets," "Tractor" and "Seniors/Freeze" opposing House candidate Jim Hansen and supporting Paul Quinn. Those pieces purport on their face to have been paid for by the MHDCC.

18. On October 18, 2012, an agent of the MHDCC approved mail pieces entitled "Springfield Moms" in support of House candidate Casey Clark and opposing House candidate Lincoln Hough, as well as two additional pieces opposing House Candidate Brent Lasater. Those pieces purport on their face to have been paid for by the MHDCC.

19. On October 19, 2012, an agent of the MHDCC approved a mail piece entitled "Hard Hat" in support of House candidate Rich McCane. That piece purports on its face to have been paid for by the MHDCC.

20. On October 22, 2012, an agent of the MHDCC approved multiple mail pieces that purport on their face to have been paid for by the MHDCC; the pieces were entitled:

- a. "KC Cockroach Goes to Jeff City" in opposition to House candidate Kevin Corlew;
- b. "Predators" in opposition to House candidate Lincoln Hough;
- c. "Predators" in opposition to House Candidate Cloria Brown; and
- d. "Jobs Contrast" in opposition to House candidate Melissa Leach and in support of Charlie Norr.

21. On October 22, 2012, MAD DOG MAIL issued to the MHDCC the following invoices for mail pieces and those invoices have not been paid:

- a. Invoice No. 2012-692, with a total due of \$5,708.80.
- b. Invoice No. 2012-693, with a total due of \$ \$5,708.80.
- c. Invoice No. 2012-694, with a total due of \$6,168.30.
- d. Invoice No. 2012-698, with a total due of \$5,732.22.
- e. Invoice No. 2012-699, with a total due of \$6,512.06.
- f. Invoice No. 2012-700, with a total due of \$6,512.06.
- g. Invoice No. 2012-701; with a total due of \$4,626.05.

22. On October 24, 2012, an agent of the MHDCC approved multiple mail pieces that purport on their face to have been paid for by the MHDCC; the pieces were entitled:

- a. "Vets" and "Jobs" in support of House candidate Steve Hodges;
- b. "23% More" in opposition to House candidate Elaine Gannon.
- c. "Predator" in opposition to House candidate Melissa Leach.
- d. "Vacuum" in opposition to House candidate Lindell Shumake.
- e. "Ass" in opposition to House candidate Jim Hansen.

23. On October 24, 2012, MAD DOG MAIL issued to the MHDCC the following invoices for mail pieces and those invoices have not been paid:

- a. Invoice No. 2012-722, with a total due \$4,550.65.
- b. Invoice No. 2012-724, with a total due of \$4,774.25.

24. On October 25, 2012, MAD DOG MAIL issued to the MHDCC the following invoices for mail pieces and those invoices have not been paid:

- a. Invoice No. 2012-723, with a total due of \$6,720.68.
- b. Invoice No. 2012-725, with a total due of \$4,715.10.
- c. Invoice No. 2012-726, with a total due of \$5,657.51.
- d. Invoice No. 2012-727, with a total due of \$4,312.90.
- e. Invoice No. 2012-728, with a total due of \$ \$4,608.50.
- f. Invoice No. 2012-732, with a total due of \$4,369.85.
- g. Invoice No. 2012-743, with a total due of \$4,607.85.

25. On October 26, 2012, an agent of the MHDCC approved a mail piece that purports on its face to have been paid for by the MHDCC, and was entitled "Shakedown" in opposition to House candidate Lincoln Hough.

26. On October 26, 2012, MAD DOG MAIL issued to the MHDCC an invoice for services; Invoice No. 2012-747, with a total due of \$1,730.65.

October 27, 2012

27. On October 27, 2012, the MDHCC issued to MAD DOG MAIL a worthless check, number 2044, in the amount of \$10,000.00.

28. October 29, 2012, the MDHCC issued to MAD DOG MAIL a worthless check, number 2045, in the amount of \$30,000.00.

29. On October 29, 2012, the MDHCC filed a Committee Disclosure Report with the Missouri Ethics Commission for the period October 1, 2012 through October 25, 2012, showing the October 29 checks issued to MAD DOG MAIL for \$30,000.00, together with an alleged payment of \$25,856.48, which was not received by MAD DOG MAIL; neither this Report, nor any subsequent supplemental report, discloses the worthless checks and debt created thereby; moreover, the worthless check number 2044 is simply not disclosed at all.

30. On November 2 and 5, 2012, MAD DOG MAIL was advised by its bank that final efforts to negotiate checks numbered 2044 and 2045 had failed due to insufficient funds in the MHDCC checking account, thus, they were worthless checks within the meaning of Florida law.

31. On November 6, 2012, the MHDCC issued to MAD DOG MAIL a worthless check, number 2048, in the amount of \$5,000.00.

32. As of December 1, 2012, Committee Disclosure Reports filed with the MHDCC showed cash on hand of \$48,232.81. so it should have been able to honor the above-mentioned worthless checks; that same report

33. On December 6, 2012, the MHDCC filed a Committee Disclosure Report with Missouri Ethics Commission for the period October 26, 2012 through December 1, 2012, showing worthless check number 2045 as having been issued, but not disclosing that it was, in fact, worthless. Likewise, this report contains the additional misrepresentations and omissions noted above as to the October 29, 2012 report.

34. In addition to the foregoing misrepresentations by the MHDCC in Committee Disclosure Reports filed with the Missouri Ethics Commission, the MHDCC misrepresents having made payments on the following dates to MAD DOG MAIL that it never actually made on the following dates in 2012: September 18, October 5, October 15, October 18, October 22, October 24, October 26 and October 30; the total misrepresentations exceed \$180,000.00.

35. In addition to the foregoing misrepresentations by the MHDCC in Committee Disclosure Reports filed with the Missouri Ethics Commission, the Missouri Democratic State Committee misrepresented in its reports to the Missouri Ethics Commission having made payments between September and November 2012 that it never actually made; the total misrepresentations exceed \$590,000.00.

36. In the first half of 2013, the MHDCC and the Missouri Democratic State Committee filed Amended Committee Disclosure Reports that again failed to disclose any of the worthless checks noted above; perpetuated the false public record showing

payment for the above-referenced mail pieces and related costs; and perpetuated the false representation that no debt is owed to MAD DOG MAIL.

37. Reports filed with the Missouri Ethics Commission reflect transfers of monies from the MHDCC to the Missouri Democratic State Committee during October and November 2012 totaling some \$15,000.00, that, on information and belief, were fraudulently transferred in order to defeat legitimate claims by creditors, including MAD DOG MAIL for monies owed to it under the invoices identified herein and for the worthless checks issued to it by the MHDCC during that same period of time.

38. Each of the approved mail pieces described above that purport and represent to the voting public to have been paid for by the MHDCC were not actually paid for by the MHDCC or anyone acting on its behalf.

39. The invoices identified above had not been paid and the worthless checks have not been replaced with negotiable ones; thus, there remains due and owing through June 2013, with accrued interest, the amount of \$127,333.20.

40. The disclosures to the Missouri Ethics Commission by the MHDCC and the Missouri Democratic State Committee described above are all materially wrong by:

- a. Misrepresenting to the State of Missouri and the voting public that hundreds of thousands of dollars were paid to MAD DOG MAIL that were not actually paid;
- b. Not disclosing certain checks that were issued to MAD DOG MAIL;
- c. Not disclosing that certain checks issued to MAD DOG MAIL bounced; and

d. Not disclosing the existence of the substantial debt owed to MAD DOG MAIL.

41. The aforementioned improper filing of Reports with the Missouri Ethics Commission by the MHDCC and the Missouri Democratic State Committee create an immediate and ongoing risk of harm to MAD DOG MAIL in that its submissions to taxing authorities will be challenged as being materially and substantially inconsistent with the public record and it will cost MAD DOG MAIL substantial legal and accounting fees to address that discrepancy unless and until the MHDCC and the Missouri Democratic State Committee correct the misrepresentations.

42. At no time did any defendant dispute the subject invoices or in any way dispute that the products and services billed for had been provided by MAD DOG MAIL.

43. All conditions precedent to bringing this action have been met and/or have occurred, including the statutory notice relative to the worthless check counts attached hereto as Exhibit "A."

44. The Plaintiff has retained the undersigned attorneys and agree to pay them a reasonable fee for their services.

COUNT I – WORTHLESS CHECK #2028

45. Plaintiff incorporates here by reference the facts common to all counts that are set forth above.

46. On October 8, 2012, Defendant MHDCC caused check numbered 2028 in the face amount of \$16,289.39, to be issued, drawn upon Central Bank, and payable to MAD DOG MAIL.

47. MAD DOG MAIL thereafter attempted to negotiate the check by depositing it into its checking account.

48. Thereafter, MAD DOG MAIL was informed by its bank that check number 2028 was dishonored and a worthless check due to insufficient funds in the MHDCC account at Central Bank.

49. On proper demand and statutory pre-suit notice, MHDCC failed and refused to pay the sums due relative to check numbered 2028.

50. Pursuant to Florida's worthless check statutes, MDHCC owes to MAD DOG MAIL the face value of the check times three, bank fees, court costs and attorneys' fees.

WHEREFORE, Plaintiff demands judgment and award of damages in its favor against the Defendants and for such other and further relief and remedies as are available at law and equity.

COUNT II – WORTHLESS CHECK # 0244

51. Plaintiff incorporates here by reference the facts common to all counts that are set forth above.

52. On October 27, 2012, Defendant MHDCC caused check numbered 2044 in the face amount of \$10,000.00, to be issued, drawn upon Central Bank, and payable to MAD DOG MAIL.

53. MAD DOG MAIL thereafter attempted to negotiate the check by depositing it into its checking account.

54. Thereafter, MAD DOG MAIL was informed by its bank that check number 2044 was dishonored and a worthless check due to insufficient funds in the MHDCC account at Central Bank.

55. On proper demand and statutory pre-suit notice, MHDCC failed and refused to pay the sums due relative to check numbered 2044.

56. Pursuant to Florida's worthless check statutes, MDHCC owes to MAD DOG MAIL the face value of the check times three, bank fees, court costs and attorneys' fees.

WHEREFORE, Plaintiff demands judgment and award of damages in its favor against the Defendants and for such other and further relief and remedies as are available at law and equity.

COUNT III – WORTHLESS CHECK # 2045

57. Plaintiff incorporates here by reference the facts common to all counts that are set forth above.

58. On October 29, 2012, Defendant MHDCC caused check numbered 2045 in the face amount of \$30,000.00, to be issued, drawn upon Central Bank, and payable to MAD DOG MAIL.

59. MAD DOG MAIL thereafter attempted to negotiate the check by depositing it into its checking account.

60. Thereafter, MAD DOG MAIL was informed by its bank that check number 2045 was dishonored and a worthless check due to insufficient funds in the MHDCC account at Central Bank.

61. On proper demand and statutory pre-suit notice, MHDCC failed and refused to pay the sums due relative to check numbered 2045.

62. Pursuant to Florida's worthless check statutes, MDHCC owes to MAD DOG MAIL the face value of the check times three, bank fees, court costs and attorneys' fees.

WHEREFORE, Plaintiff demands judgment and award of damages in its favor against the Defendants and for such other and further relief and remedies as are available at law and equity.

COUNT IV – WORTHLESS CHECK #2048

63. Plaintiff incorporates here by reference the facts common to all counts that are set forth above.

64. On November 6, 2012, Defendant MHDCC caused check numbered 2048 in the face amount of \$5,000.00, to be issued, drawn upon Central Bank, and payable to MAD DOG MAIL.

65. MAD DOG MAIL thereafter attempted to negotiate the check by depositing it into its checking account.

66. Thereafter, MAD DOG MAIL was informed by its bank that check number 2048 was dishonored and a worthless check due to insufficient funds in the MHDCC account at Central Bank.

67. On proper demand and statutory pre-suit notice, MHDCC failed and refused to pay the sums due relative to check numbered 2048.

COUNT VI – UNJUST ENRICHMENT

74. Plaintiff incorporates here by reference the facts common to all counts that are set forth above.

75. This is an action for unjust enrichment.

76. Pursuant to the business and professional activities conducted by the parties that are described herein, Plaintiff conferred valuable benefits on the Defendants with their knowledge and consent, including valuable political campaign consulting and advice, design and preparation of political campaign mail pieces, and mailing expenses for those mail pieces.

77. Defendants voluntarily accepted and retained the benefits that were conferred by Plaintiff as a result.

78. The circumstances render the Defendants' retention of the benefits of Plaintiff's actions inequitable unless the Defendants pay to the Plaintiffs the value of the benefits Defendants received.

WHEREFORE, Plaintiff demands judgment and award of damages in its favor against the Defendants and each of them and for such other and further relief and remedies as are available at law and equity.

COUNT VII – IN JUNCTION AND TO COMPEL CORRECTION OF PUBLIC RECORD – AGAINST MHDCC and MISSOURI DEMOCRATIC STATE COMMITTEE

79. Plaintiff incorporates here by reference the facts common to all counts that are set forth above.

80. Defendants MHDCC and MISSOURI DEMOCRATIC STATE COMMITTEE as political committees duly registered with the Missouri Ethics

Commission are each required to file period reports with the Commission as to expenditures in excess of \$100. The aforesaid reports are public records accessible to anyone who seeks them, including via the Internet.

81. From August 2012 through November 2012, MHDCC filed reports with the Commission that substantially overstated monies claimed to have been paid to MAD DOG MAIL in a total amount in excess of \$180,000.00, including without necessary limitation, the following claimed payments that were never actually made or were made in much smaller amounts than the amount reported:

- a. September 18, 2012, the amount of \$7,500.00.
- b. October 5, 2012, the amount of \$27,895.29.
- c. October 8, 2012, the amount of \$16,289.39.
- d. October 15, 2012, the amount of \$19,385.42.
- e. October 18, 2012, the amount of \$28,567.19.
- f. October 22, 2012, the amount of \$30,000.00.
- g. October 24, 2012, the amount of \$25,483.68.
- h. October 26, 2012, the amounts of \$30,000.00 and \$25,856.48.

82. From August 2012 through November 2012, the Missouri Democratic State Committee filed reports with the Commission that substantially overstated monies claimed to have been paid to MAD DOG MAIL, in a total in excess of \$590,000.00, including without necessary limitation, the following claimed payments that were never actually made or were made in much smaller amounts than the amount reported:

- a. September 28, 2012, three payments in the amount of \$25,110.81 each.
- b. October 3, 2012, the amount of \$31,421.79.

c. October 31, 2012, the amount of \$45,837.69.

d. November 6, 2012, 11 payments in the amount of \$45,837.69 each.

83. These Defendants should be enjoined from filing with the Missouri Ethics Commission any further incorrect statements as to monies claimed to have been paid to MAD DOG MAIL.

84. These Defendants should also be compelled to file corrected or supplemental reports with the Missouri Ethics Commission so that the public record reflects accurately what was actually paid to MAD DOG MAIL.

85. A substantially incorrect public record that overstates so significantly the income received by MAD DOG MAIL creates risks relative to any audit of MAD DOG MAIL by taxation authorities. In this regard, in the absence of the relief sought herein, Plaintiff is at risk of suffering irreparable harm, to wit, incurring legal and accounting expenses and the disruption of its business activities to attend to such matters to convince authorities of the correct facts.

86. A substantially incorrect public record that misstates so significantly the income received by MAD DOG MAIL also creates risk of reputational damage if and when a political adversary of these defendants discovers such misstatements and makes publications regarding same, thereby embroiling MAD DOG MAIL in a potential political scandal that can harm its valuable commercial good will and reputation.

87. Plaintiff has no adequate remedy at law, thus necessitating the equitable relief sought in this Court.

WHEREFORE, Plaintiff demands judgment against the Defendants MHDCC and MISSOURI DEMOCRATIC STATE COMMITTEE in the form of an injunction

preventing the further filing of false reports with the Missouri Ethics Commission and compelling the filing of corrected reports.

DEMAND FOR JURY TRIAL

Plaintiff MAD DOG MAIL, INC., hereby demands a trial by jury on all issues so triable and as to any and all counts of this Complaint.

Respectfully submitted,

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