



# 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: Jay Houghton		DATE OF COMPLAINT: 3/22/2018	
ADDRESS: PO Box 116/ 405 E. Jefferson			
CITY: Martinsburg	STATE: MO	COUNTY: Audrain	ZIP: 65264
CONTACT PHONE NUMBER/S: (HOME)	(WORK) 573-751-3649	(CELL)	
TITLE OF OFFICE HELD OR SOUGHT (IF APPLICABLE):			

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

### THIS COMPLAINT IS BEING BROUGHT AGAINST:

NAME: Brian Smith			
ADDRESS: 1108 Rangeline St.			
CITY: Columbia	STATE: MO	COUNTY: Boone	ZIP: 65201
CONTACT PHONE NUMBER/S: (HOME)	(WORK) 573-449-1336		
TITLE OF OFFICE HELD OR SOUGHT (IF APPLICABLE):			
DATE OF ELECTION (IF APPLICABLE):		CHECK ELECTION TYPE (IF APPLICABLE): <input type="checkbox"/> Primary <input type="checkbox"/> General	

### VERIFICATION BY OATH OR AFFIRMATION

STATE OF MISSOURI  
COUNTY OF Audrain

I, Jay Houghton, 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.

[Signature]  
Signature of Complainant

Subscribed and sworn to before me this 22<sup>nd</sup> day of March, 2018.

**A TROY VAUGHN**  
Notary Public - Notary Seal  
State of Missouri, Audrain County  
Commission # 17587806  
My Commission Expires March 14, 2021

My Commission Expires: 3-14-2021

[Signature]  
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:**

Mr. Brian Smith lobbied on behalf of Missouri Rural Crisis Center on at least four occasions since 2016.

On February 2, 2016, he testified in opposition to HB 1823 before the House Agriculture Policy Committee, of which I am the Chairman. In 2017, he testified at least three times in opposition to various pieces of legislation, including:

1. On January 18, 2017, he testified in opposition to HB 71 before the House Small Business Committee.
2. On February 21, 2017, he testified in opposition to SB 76 before the Senate Local Government and Elections Committee.
3. On April 12, 2017, Mr. Smith testified in opposition to HB 113 before the House Local Government Committee.

Mr. Smith has also participated in and led the Lobby Day activities for the Missouri Rural Crisis Center in the Missouri State Capitol.

During said events, he spoke to legislators and attempted to influence policy. He also distributed handouts, which are included in the attachments. According to RSMo 105.470, a lobbyist is an individual who attempts to influence state executive, state legislative, or state judicial actions; and meets one or more of the following: a) acting in the ordinary course of business b) engaged in pay as a lobbyist; c) designated to act as a lobbyist by a person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; and d) spend \$50 or more on behalf of public officials, annually, from January 1 through December 31. It is my belief that Mr. Smith has met one or more of the aforementioned criteria and that he is lobbying in direct violation of RSMo 105.470, since he is not a registered lobbyist in the state of Missouri. For all of the reasons listed above, I respectfully request that you open an investigation of Brian Smith of Missouri Rural Crisis Center.

- ☐ 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. \_\_\_\_\_



MISSOURI HOUSE OF REPRESENTATIVES  
WITNESS APPEARANCE FORM

PLEASE PRINT OR TYPE

BILL NUMBER <b>HB 1823</b>	DATE <b>2-2-16</b>
COMMITTEE NAME <b>Ag Policy</b>	
TESTIFYING (check only one) <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES	

WITNESS INFORMATION

Please complete ONE of the following sections.

**INDIVIDUAL:** If testifying only on behalf of yourself, please complete this section.

WITNESS NAME	PHONE NUMBER	
HOME ADDRESS		
CITY	STATE	ZIP

**BUSINESS/ORGANIZATION:** If officially testifying on behalf of a business or organization, please complete this section.

WITNESS NAME <b>Brian Smith</b>	TITLE	
BUSINESS/ORGANIZATION NAME <b>Missouri Rural Crisis Center</b>	PHONE NUMBER <b>573-449-1356</b>	
ADDRESS <b>1108 Rangeline St.</b>		
CITY <b>Columbia</b>	STATE <b>MO</b>	ZIP <b>65201</b>

**REGISTERED LOBBYIST:** If registered with the Missouri Ethics Commission and testifying on behalf of a business, organization, or government agency, please complete this section.

WITNESS NAME	PHONE NUMBER	
BUSINESS, ORGANIZATION, OR GOVERNMENT AGENCY NAME AS REGISTERED WITH THE COMMISSION (Do <u>not</u> use acronyms.)		
ADDRESS		
CITY	STATE	ZIP

TESTIMONY

PLEASE SUMMARIZE VERY BRIEFLY THE TESTIMONY TO BE PRESENTED. IF WRITTEN TESTIMONY IS AVAILABLE, ATTACH A COPY.

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.



MISSOURI HOUSE OF REPRESENTATIVES  
WITNESS APPEARANCE FORM

PLEASE PRINT OR TYPE

BILL NUMBER	HB 71		DATE	1-18-2017	
COMMITTEE NAME	Spec. Comm. Small Business				
TESTIFYING (check only one)	<input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES				
WITNESS INFORMATION					
Please complete <b>ONE</b> of the following sections.					
<b>INDIVIDUAL:</b> If testifying only on behalf of yourself, please complete this section.					
WITNESS NAME			PHONE NUMBER		
HOME ADDRESS					
CITY			STATE		ZIP
<b>BUSINESS/ORGANIZATION:</b> If officially testifying on behalf of a business or organization, please complete this section.					
WITNESS NAME			TITLE		
BUSINESS/ORGANIZATION NAME			PHONE NUMBER		
ADDRESS					
CITY			STATE		ZIP
<b>REGISTERED LOBBYIST:</b> If registered with the Missouri Ethics Commission and testifying on behalf of a business, organization, or government agency, please complete this section.					
WITNESS NAME			PHONE NUMBER		
BUSINESS, ORGANIZATION, OR GOVERNMENT AGENCY NAME AS REGISTERED WITH THE COMMISSION (Do <u>not</u> use acronyms.)					
ADDRESS					
CITY			STATE		ZIP
TESTIMONY					
PLEASE SUMMARIZE VERY BRIEFLY THE TESTIMONY TO BE PRESENTED. IF WRITTEN TESTIMONY IS AVAILABLE, ATTACH A COPY.					
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.					



MISSOURI HOUSE OF REPRESENTATIVES  
WITNESS APPEARANCE FORM

PLEASE PRINT OR TYPE

BILL NUMBER	HB 113	DATE	4-12-2017
-------------	--------	------	-----------

COMMITTEE NAME	Local Govt.
----------------	-------------

TESTIFYING (check only one)	<input type="checkbox"/> IN SUPPORT OF	<input checked="" type="checkbox"/> IN OPPOSITION TO	<input type="checkbox"/> FOR INFORMATIONAL PURPOSES
--------------------------------	--	--	---

WITNESS INFORMATION

Please complete **ONE** of the following sections.

**INDIVIDUAL:** If testifying only on behalf of yourself, please complete this section.

WITNESS NAME	PHONE NUMBER	
HOME ADDRESS		
CITY	STATE	ZIP

**BUSINESS/ORGANIZATION:** If officially testifying on behalf of a business or organization, please complete this section.

WITNESS NAME	TITLE	
BUSINESS/ORGANIZATION NAME	PHONE NUMBER	
ADDRESS		
CITY	STATE	ZIP

**REGISTERED LOBBYIST:** If registered with the Missouri Ethics Commission and testifying on behalf of a business, organization, or government agency, please complete this section.

WITNESS NAME	PHONE NUMBER	
BUSINESS, ORGANIZATION, OR GOVERNMENT AGENCY NAME AS REGISTERED WITH THE COMMISSION (Do <u>not</u> use acronyms.)		
ADDRESS		
CITY	STATE	ZIP

TESTIMONY

PLEASE SUMMARIZE VERY BRIEFLY THE TESTIMONY TO BE PRESENTED. IF WRITTEN TESTIMONY IS AVAILABLE, ATTACH A COPY.

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.



March 15, 2018

Dear Director Klahr-

Over the last several years, a Missouri resident named Brian Smith has repeatedly testified on various pieces of legislation at the Missouri State Capitol, before numerous committees in both the House and Senate. Mr. Smith does not testify on behalf of himself as an individual, rather, he continually speaks on behalf of Missouri Rural Crisis Center, a statewide organization based in Columbia.

As you are aware, the Missouri Ethics Commission website plainly states that "a lobbyist is an individual who attempts to influence state executive, state legislative, or state judicial actions; and meets one or more of the following: a) acting in the ordinary course of business; b) engaged in pay as a lobbyist; c) designated to act as a lobbyist by a person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; and d) spends \$50 or more on behalf of public officials, annually, from January 1 through December 31."

After a relatively quick search, I was able to identify four instances where Mr. Smith testified on legislation on behalf of Missouri Rural Crisis Center. In 2016, Mr. Smith testified in opposition to HB 1823 in the House Agriculture Policy Committee on February 2<sup>nd</sup>. In 2017, Mr. Smith testified in opposition to the following bills: HB 71 on January 18<sup>th</sup> in the Small Business Committee, HB 113 on April 12<sup>th</sup> in the House Local Government Committee and SB 76 in the Senate Local Government & Elections Committee. Witness forms and committee notes are attached.

According to Sections 105.470 RSMo, Mr. Smith is not operating in accordance with Missouri law and I request that the Missouri Ethics Commission examine this issue.

As a state representative and Chairman of the House Agriculture Policy Committee, this is a flagrant disregard of the integrity of our statehouse. Mr. Smith attends many committee hearings relating to agriculture and he leads 'lobby days' at the State Capitol for members of Missouri Rural Crisis Center, handing out materials, as provided in the enclosures.

Our laws are established to protect transparency, however, it appears Mr. Smith's lobbying activities are in violation of the law relating to 501c3 non-profit corporations and tax-deductible donations, which the Missouri Rural Crisis Center accepts.

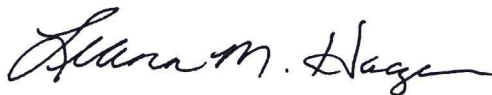
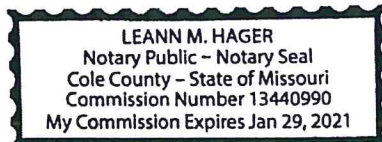
The people of Missouri deserve transparency. While citizens have the right to lobby their representatives, they must do so in accordance with state statute. I believe Mr. Smith should register as a lobbyist since he is actively working to influence legislation, at both the county and state level.

Sincerely,



Jay Houghton

Martinsburg, MO





## Missouri Rural Crisis Center

1 hr · 🌐

Today, we filled a House Hearing Room with over 80 Missourians who showed up in support of two bills that would halt any future purchases of Missouri farmland by foreign corporations (House Bills 2206 & 2161).

We heard powerful testimony from family farmers across the state who know that the farther away ownership of our land, resources, and food supply is, the less we can protect our food safety, communities and clean air and water. Missourians, especially in rural communities, feel that impact every day.

And, we "rolled out" a scroll of 3,000 Missourians from all corners of the state who agree with us!

Call your Representative today by calling the Capitol Switchboard at (573) 751-3659 with your address. Ask them to support Missouri family farms, rural citizens, food safety and our national security by voting "Yes" on HB 2206 & 2161, and stopping corporate foreign ownership of Missouri farmland.





# **STOP the CAFO Waste Protection Bills— PROTECT Local Control**

**VOTE NO on SB 627, SB 1018, HB 1614**

## **These Bills are an Attack on Clean Water & Local Control**

**SB 627, SB 1018, HB 1614** would take away the ability of county commissions and local elected representatives to protect Missouri's water, local farmers and rural citizens from corporate out-of-state and foreign CAFO waste. 19 rural Missouri counties have taken measures to protect their communities from the negative impacts of CAFO waste.

**SB 627, SB 1018, HB 1614** could eliminate all available avenues for local elected representatives to make protections concerning CAFO waste.

---

In Missouri, corporate Concentrated Animal Feeding Operations (CAFOs) produce millions of gallons of untreated waste that have the potential to pollute our water, slash our property rights and values and generate significant health effects. Missouri's 2.8 million hogs can generate as much waste as 11.2 million people.

**Many new CAFOs are targeting Missouri** and are calling themselves "export only" operations, which means the millions of gallons of industrial livestock waste that is being applied to land is going essentially unregulated by our Department of Natural Resources.

And, now these bills could take away the rights of all local communities to put in place adequate safeguards to protect the water and health from the negative impacts of literally millions of gallons of untreated CAFO waste.

**That's why Local Control is so important.** Local Control is the right of local elected representatives to protect their constituents, their health and property rights from the negative impacts of out-of-state and foreign CAFO corporations.

**PROTECT LOCAL CONTROL:**

***VOTE NO on these Anti-Local Control Bills***

*Government is Best When It's Closest to the People*



# **Stop Foreign Ownership of Missouri Farmland**

*Vote YES on HB 2206 & HB 2161*

***House Bills 2206 & 2161 would prohibit the future purchase of Missouri farmland by foreign interests.***

In the 2013 legislative session a bill passed that opened up 289,000 acres of Missouri farmland that can be owned by foreign corporations. Right now foreign interests own 94,418 acres of Missouri farmland. And over 40,000 acres are controlled by the Shuanghui Group, a Chinese meatpacker that has intimate ties to the Chinese government.

***House Bills 2206 & 2161*** would stop foreign corporations from obtaining and controlling more of Missouri's precious farmland, and close the loophole that doesn't allow the *Missouri Department of Agriculture* to track foreign purchases of Missouri farmland.

- ✓ Help protect MO farmers and consumers from foreign corporate ownership and control of our farmland and food supply; Vote YES on *House Bills 2206 & 2161*.
- ✓ Missouri farmland should not be owned by multi-national foreign corporations.
- ✓ Defend U.S. farmers from foreign companies buying and controlling *OUR LAND* and U.S. food production.

**Support Missouri Family Farms,  
NOT Foreign Control of Our Farmland**

***Vote YES on  
HB 2206 & HB 2161***

*Paid for by Missouri Rural Crisis Center, Roger Allison, Executive Director*