

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

)	
RONALD J. CALZONE)	
Plaintiff,)	
)	
)	vs.
)	CASE NO. 15AC-CC00247
)	
Chris Koster, Missouri Attorney General, et. al)	
)	
Respondents.)	

SUGGESTIONS IN OPPOSITION TO MOTION TO DISMISS

Plaintiff Ronald J. Calzone respectfully submits these suggestions in opposition to the Respondents' Motion to Dismiss.

Statement of Facts and Procedural Posture

The Plaintiff adopts and incorporates by reference herein his petition, including the exhibits, previously filed with the Court.

On May 29, 2015, Plaintiff filed his petition challenging the constitutionality of the procedures used to pass SB 672 in 2014. Respondents have given notification that they will all be represented by the Attorney General, who timely filed their Motion to Dismiss on or before the 29th day of June.

In brief, the Respondents allege that the Plaintiff lacks standing as a matter of law, claiming that Missouri does not recognize citizen standing, and also as a result of his failure to plead facts sufficient to establish what Missouri courts have long recognized as taxpayer standing.

Traditions Relating to Standing Do Not All Apply to
Procedural Challenges to Legislative Acts

The case at bar is not a contest between two citizens, or about a personal injury perpetrated upon the plaintiff by some agent of the state, **or even a challenge to the constitutionality of a statute.** The issue is of a much more fundamental nature, relating to the very principles of self governance that are the hallmark of our constitutional republic.

At issue is whether there are times when, for all intents and purposes, the General Assembly can exceed the constitutional limits the people have placed on its power **and do so with impunity.** None of the authorities offered by the Respondents are on that point. On information and belief, the instant case presents what are **novel questions** relating to standing – there may be no previous court opinions that have dealt directly with them.

The **efficacy of the constitutional limitation on legislative power** depends on who has standing to enforce it, and the realization of the full meaning of Missouri Constitution's Article I Section 14, the guarantee of the Plaintiff's right to access “the courts of justice,” is likewise at stake.

In other words, failure to recognize the Plaintiff's standing is to choose an adulterated application of court tradition at the expense of constitutionally codified principles.

Respondents Fail to Understand the Nature of the Case

Respondents fail to comprehend the nature of this case and inaccurately claim there is no such thing as citizen standing in Missouri. The controversy at issue here is more analogous to a ballot title challenge than it is a suit between two private parties in which one is seeking some material damages from the other. **The standing of *any citizen* to challenge a ballot title is recognized. See Chapter 116.190 RSMo.**

In their motion to dismiss, Respondents rely on cases like *Schwiech v. Nixon*, but that case was not on point because the determining factor was the **constitutional limitation of the state auditor's powers** – limits that denied him standing in that case. On the other hand, the instant case relates to the expression of constitutional **powers residing in the people**¹, including the Plaintiff. One such power is expressed in Article I § 14 (access to the courts) and the other identified by the Missouri Supreme Court in *Hammerschidt*, citing *Small*, 356 S.W.2d at 868, when it pointed out that Article III Section 23:

“is designed to assure that **the people are fairly apprised**, 'through such publication of legislative proceedings as is usually made, of the subjects of legislation that are being considered in order that they have [an] opportunity of being heard thereon....'" *Hammerschmidt v. Boone County*, 877 SW 2d 98 (1994)

In *Hammerschmidt*, the Missouri Supreme Court acknowledged the people's **reserved right** to a legislative process free of the sort of mischief Plaintiff's action seeks to address. This case is about the right of ANY citizen to hold public officials to the

¹ “That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.” *Missouri Const. Article I § 1*

limits of power defined in the people's Constitution and also the Plaintiff's right to pursue his citizen advocacy "fairly apprised" so he will "have [an] opportunity of being heard."

BOTH of the above mentioned authorities were included in the Plaintiff's pleadings in paragraph 7.

Plaintiff's Original Petition DID Allege Special Injury

Respondents' averment that the Plaintiff alleged no "special injury" is also wrong. In fact, paragraph 5 of the petition says,

"The Plaintiff is particularly impacted by the unconstitutional passage of HB 672 in light of the many hours he spends virtually every week of the legislative session in an effort to keep legislation constitutional – he is much more than a casual observer of the legislative process."

Respondents have not contested the Plaintiff's claim that he expends time and energy not typical to the average citizen as a "legislative watchdog." Admittedly, neither did the Plaintiff attempt to offer proof of his claim, assuming that Rule 55.04 and 55.05 would apply and opportunity to argue the point, if contested, would be forthcoming. If he erred in that assumption, Plaintiff begs the indulgence of the Court, and absent indulgence, claims the right to amend his pleadings pursuant to Rule 55.33(a).

Evidence of Plaintiff's Special Injury

This Court should be familiar with the Plaintiff's enhanced involvement as a citizen activist. No less than three times he has been a party to litigation relating to initiative petitions for which he was the originator and proponent. (See case numbers 08AC-CC00659, 09AC-CC00026, and 10AC-CC00866.)

And the extent of his involvement in the legislative process is evidenced by the efforts his political adversaries go to thwart that involvement. Exhibit N is provided, herein, as an example. This Springfield News-Leader article, is about 2010 SB 844, the "ethics reform bill" that was ultimately found to be unconstitutional. The article particularly chronicles a provision in an earlier version of that bill that targeted the Plaintiff by redefining a "legislative lobbyist" as anyone who "attempts to influence any elected official other than an elected official who represents the legislative district where the person resides." This excerpt from that article makes the point:

A provision tucked deep last week into the House version of an ethics reform bill included a provision that some believe would require some citizens to register as lobbyists.

The provision said a legislative lobbyist would include anyone who "attempts to influence any elected official other than an elected official who represents the legislative district where the person resides."

The language seems to take aim at several citizen activists who routinely advocate for and against legislation in the halls of the Capitol -- right alongside the high-priced professional lobbyists -- during the legislative session....

Calzone said he is not paid to advocate for his groups, which is why he's not legally required to register as a lobbyist with the Missouri Ethics Commission.

The provision was pulled from House Bill 1846, another ethics,

lobbying and campaign finance reform bill introduced earlier in the session by Rep. Steve Hobbs, R-Mexico.

Hobbs said "it's a little frustrating" to see people like Calzone in the Capitol frequently, but not required to disclose who they're affiliated with.

"I don't think that's a bad idea," Hobbs said. "Why shouldn't you register?"

First published in the Springfield News-Leader May 13, 2010. Available in the News-Leader online archive as of July 20, 2015. Exhibit N.

Not much has changed since 2010. In fact, on election day, in November of 2014, opponents to the Plaintiff's advocacy filed a complaint against him with the Missouri Ethics Commission, alleging that his involvement in the legislative process was so extensive that he must comply with the statutory requirements for legislative lobbyists. That case is pending before the Ethics Commission, but the relevant fact is that the Ethics Commission found reasonable grounds to support the allegation that the Plaintiff is required to register as a lobbyist, based at least in part on the fact that he spends an extraordinary amount of time and effort in the legislative arena. **See Exhibit O.**

Plaintiff's Petition DID Adequately Allege State Expenditures

Respondents conveniently assert the Court's sentiment from *Ours*. "Allegations and proof of the illegal expenditure of public funds **or the prospect of** such illegal expenditures is an essential element to grant taxpayer standing." Emphasis added. *Ours*, 965 S.W.2d citing *Worlledge v. City of Greenwood*, 627 S.W.2d 328, 331 (Mo. App. W.D. 1982).

The General Assembly's staff produced a Fiscal Note (Exhibit L) after soliciting input from various governmental agencies about the fiscal effect of SB 672. By doing so, they provide a very educated assessment of the **prospect** of expenditures. The chart provided in paragraph 8 of the Petition illustrating that assessment was a “simple, concise and direct,” “short and plain statement of the facts” supported by the more extensive Exhibit L – all according to Rules 55.04 and 55.05.

Evidence Presented in the Petition Demonstrates the Likelihood That SB 672 Will Result in Expenditures of the Agriculture Protection Fund

The details of the prospects of expenditures are clearly put forth in the Fiscal Note. On the 15th page of Exhibit L, the General Assembly projected the **prospect** of expenses relating to the Agriculture Protection Fund (See Chapter 261.200 RSMo) including \$38,420 for “Personal Service,” \$19,596 for “Fringe Benefits,” \$12,300 for “Expense and Equipment,” and noted the addition of one full time employee to the roles of state employees.

The Agriculture Protection Fund receives money from various license fees, such as those charged for dealing in eggs (Chapter 196.316.5 RSMo) and registration of pesticides (Chapter 281.260.3 RSMo), but it also receives money from more general sources, like a tax on wine and other spirits. (Chapter 311.550 RSMo)

Those forms of revenue are all ultimately supplied by taxpayers, like the Plaintiff. **Exhibit P** is a receipt for a bottle of wine purchased by the Plaintiff.

Evidence Presented in the Petition Demonstrates the Likelihood That SB 672 Will

Result in Expenditures of the Road Fund

The Fiscal Note presented in Exhibit L also points out the **prospect** of expenditures from the Department of Transportation's Road Fund, although in less specific terms. According to the General Assembly's Committee On Legislative Research Oversight Division, SB 672 has the **prospect** of costing that fund “Greater than \$100,000”. See pages 12 and 16 of Exhibit L.

Chapter 226.220 RSMo establishes the **Road Fund**. Sources of revenue include the sale of state bonds, federal highway funds the state road bond and sinking fund, and “Any other source if they are held for expenditure by or under the department of transportation or the state highways and transportation commission and if they are not required by section 226.200 to be transferred to the state highway department fund.” Chapter 226.220.1(4).

Chapter 226.200 RSMo establishes the “**State Highways and Transportation Department Fund**”. Source of revenue for that fund include, “all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes).”

Chapter 226.200.6 stipulates that, “Any balance remaining in said fund after payment of said costs shall be transferred to the state **road fund**.” Emphasis added.

As a citizen who regularly pays taxes related to driving on the Missouri roads, the **prospect** of the Plaintiff contributing to the road fund is real. ²

The **prospect** of SB 672 resulting in the expenditure of state tax dollars is yet another way the Plaintiff reaches standing in the instant case.

Manzera's Application to This Case

The Respondents cite Manzera as a controlling factor in this case. Some of it may be, but ultimately that case was decided based on the questionable contention that **the issuance of transferable tax credits does not constitute state spending.** "[T]axpayer standing is to give taxpayers a way to conform government spending to the law [and] that purpose is not served if the State is spending nothing." *Manzera v. State*, 343 S.W.3d 656, 660 (Mo. 2011)

Transferable tax credits are not a factor in the case at bar, but the **prospect** of unarguable state spending is.

Lebeau V. Commissioners Of Franklin County is Instructive

As one of the more recent standing cases, *Lebeau* may be of value to the Court.

In Missouri's seminal case about taxpayer standing, *Eastern Missouri Laborers District Council v. St. Louis County*, this Court held that a taxpayer has a direct interest in "the proper use and allocation of tax receipts" that gives the taxpayer a "sufficient stake

² The relevant test is whether there is a prospect that tax dollars will be expended as a result of the subject bill, not a direct mapping of the Plaintiff's tax dollars to those being expended.

in the outcome of the suit to allow him to challenge improper uses of tax funds." *Id.* at 47. **The taxpayer's interest does not arise from any direct, personal loss.** "[I]t is the public interests which are involved in preventing the unlawful expenditure of money raised by taxation" that give rise to taxpayer standing. *Id.*

Emphasis added. *Lebeau V. Commissioners Of Franklin County*, 422 SW 3d 284, 288 - Mo: Supreme Court 2014

The court, in *Lebeau*, goes on to point out that, "[t]he taxpayer's interest in the litigation ultimately derives from the need to ensure that government officials conform to the law." *Id.* at 289 Also, "Giving taxpayers a mechanism for enforcing the procedural provisions of Missouri's constitution is of particular importance because these provisions are designed to assist the citizens of Missouri by providing legislative accountability and transparency." *Id.* at 289

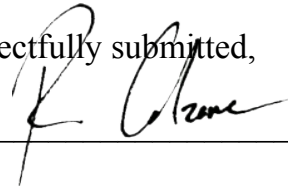
And, finally, in *Lebeau*, the Supreme Court makes an important point about the ability of individual citizens to bring suit based on "public interests", rather than "individual interests" – a point that particularly applies to procedural challenges.

The arguments made to the circuit court and to this Court regarding ripeness assert that LeBeau and Reichert must first be charged with a crime or municipal ordinance violation in the Franklin County municipal court to have a ripe controversy. **These arguments demonstrate a fundamental misunderstanding of the nature of LeBeau and Reichert's claim.** As the standing analysis demonstrates, LeBeau and Reichert are **not necessarily proceeding on their individual interests.** Instead, they challenge the law based on the **public interests** implicated by the unlawful expenditure of money generated through taxation.

Emphasis Added *Id.* at 291

WHEREFORE, Plaintiff respectfully asks the Court to give consideration to the nature of cases which include allegations that procedures used to pass a bill were constitutionally prohibited, and particular consideration to the fact that **the people have no real public advocate in such cases**, since the Attorney General is expected to defend any bills that are enacted into law. And with such consideration, along with the other reasons set forth herein, Plaintiff prays this Court reject the Respondents' motion to dismiss, but if it does not the Plaintiff respectfully asks the Court to grant him leave to file an amended petition that will address any deficiencies the Court might identify.

Respectfully submitted,



Ronald J. Calzone, pro se
33867 Highway E
Dixon, MO 65459
Telephone: (573) 368-1344
Fax: (573) 759-2147
ron@mofirst.org
PLAINTIFF

Certificate of Service

I, Ronald J. Calzone, do hereby certify that a true and correct copy of the foregoing petition was provided to the Respondents by email on, July 22, 2015.

Chris Koster, Mo. A.G.
Curtis Schube, Mo. Bar 63227
Attorney General
Supreme Court Building, 207 W. High
P.O. Box 899
Jefferson City, Missouri 65102
573/751-3321

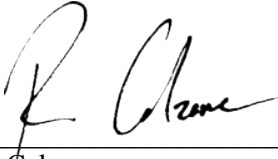
By 
Ronald J. Calzone, pro se
33867 Highway E
Dixon, MO 65459
ron@mofirst.org
Telephone: (573) 368-1344
Fax: (573) 759-2147
PLAINTIFF

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Document

Exhibit N

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Legislators scrap bill section on lobbyists

Springfield News Leader - Springfield, Mo.
 Subjects: Activism; Bills; Lobbyists
 Author: Livengood, Chad
 Date: May 13, 2010
 Start Page: A.1
 Section: Main

Document Text

News-Leader

Jefferson City -- A provision tucked deep last week into the House version of an ethics reform bill included a provision that some believe would require some citizens to register as lobbyists.

The provision said a legislative lobbyist would include anyone who "attempts to influence any elected official other than an elected official who represents the legislative district where the person resides."

The language seems to take aim at several citizen activists who routinely advocate for and against legislation in the halls of the Capitol -- right alongside the high-priced professional lobbyists -- during the legislative session.

On Wednesday, senators removed the provision from a compromise ethics reform bill.

But that didn't calm the citizen activists who are concerned about future efforts to force them to register as lobbyists if they attempt to influence someone who isn't their representative or senator.

"In principle, we're concerned about anything that provides disincentives for average Missouri citizens to get involved in the process," said Ron Calzone of Dixon, a citizen activist who advocates on issues of eminent domain and state sovereignty in the Capitol. "We're concerned about a so-called ethics bill that squelches the citizens."

Calzone said he is not paid to advocate for his groups, which is why he's not legally required to register as a lobbyist with the Missouri Ethics Commission.

The provision was pulled from House Bill 1846, another ethics, lobbying and campaign finance reform bill introduced earlier in the session by Rep. Steve Hobbs, R-Mexico.

Hobbs said "it's a little frustrating" to see people like Calzone in the Capitol frequently, but not required to disclose who they're affiliated with.

"I don't think that's a bad idea," Hobbs said. "Why shouldn't you register?"

House Republican members who were involved in crafting the far-reaching ethics bill -- which included unrelated provisions dealing with elections, forming unions and motor vehicle license office contracts -- admit the lobbyist language may have legal issues.

"I do believe there are some problems with that section," said Rep. Tim Jones, R-Eureka, who handled the crafting and fast-tracked passage of the bill last Thursday.

At issue is how to define someone who seeks to influence the vote of members of the General Assembly. Several people who are not average citizens, such as school superintendents and county commissioners, routinely lobby lawmakers, but don't register as lobbyists.

"We weren't sure who we were capturing, so we removed (the provision)," Jones said Wednesday during a conference committee negotiating session.

House Speaker Pro Tem Bryan Pratt, R-Blue Springs, said lawmakers did not intend to outlaw a single citizen from coming to the Capitol once a year to advocate on an issue.

"What this provision highlights is the difficulty in drafting what defines a lobbyist," Pratt said.

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Abstract (Document Summary)

"Why shouldn't you register?" House Republican members who were involved in crafting the far-reaching ethics bill -- which included unrelated provisions dealing with elections, forming unions and motor vehicle license office contracts -- admit the lobbyist language may have legal issues.

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MISSOURI ETHICS COMMISSION

P.O. Box 1254

Jefferson City, MO 65102

www.mec.mo.gov

(573) 751-2020 / (800) 392-8660

Exhibit O

James Klahr
Executive Director

January 28, 2015

Ron Calzone
33867 Highway E
Dixon MO 65459

MEC No. 14-0005-I

Dear Mr. Calzone:

The Missouri Ethics Commission considered the complaint filed against you at its January 28, 2015 meeting. The Commission found reasonable grounds to support a violation of Chapter 105, RSMo. From the facts presented, the Commission voted to refer the case to the Commission counsel, pursuant to Section 105.961, RSMo.

As the case proceeds, the Commission counsel or other Commission employees may contact you.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Klahr".

James Klahr
Executive Director

JK:sh



MISSOURI ETHICS COMMISSION

P.O. Box 1254

Jefferson City, MO 65102

www.mec.mo.gov

(573) 751-2020 / (800) 392-8660

James Klahr
Executive Director

November 7, 2014

Ron Calzone
33867 Highway E
Dixon MO 65459

MEC No. 14-0005-I

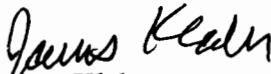
Dear Mr. Calzone:

The Missouri Ethics Commission received the enclosed complaint filed against you. Pursuant to Section 105.957.2, RSMo, within five days after receipt of a complaint, a copy of the complaint that includes the name of the complainant must be delivered to the alleged violator. This letter serves as the notice required by Missouri law.

The Commission will begin an investigation into these allegations in the near future; a Commission investigator may contact you to obtain any facts and information you have about the complaint. If you wish to provide additional written information about the complaint before you are contacted, you may mail the information to the Commission at the above address to the attention of the Special Investigator.

Enclosed is a *Complaint Fact Sheet* giving an overview of the complaints the Commission may receive and the steps taken by the Commission when conducting an investigation.

Sincerely,


James Klahr
Executive Director

Enclosure

Carver & Michael

Gaylin Rich Carver
gaylin@carvermichael.net

712 East Capitol Avenue
Jefferson City, MO 65101

Sara C. Michael
sara@carvermichael.net

Michael A. Dallmeyer
mike@carvermichael.net

573-636-1215 (telephone)
573-634-3008 (facsimile)

Georganne Wheeler Nixon, P.C.
georganne@carvermichael.net

November 4, 2014

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

MISSOURI ETHICS COMMISSION

NOV 04 2014

HAND DELIVERED

Re: Complaint

Dear Sir or Madame:

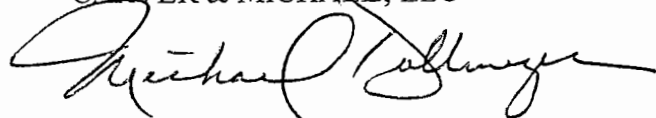
Enclosed herewith for filing and action by MEC is the complaint, along with supporting Exhibits A-E, against Ron Calzone for violating the requirements imposed on lobbyists by Missouri law that I am submitting on behalf of our client, Missouri Society of Governmental Consultants.

The MSGC is headed by Sam Licklider, president, and Randy Scherr, secretary, and is organized as a nonpartisan, not for profit entity which supports education, regulation and compliance training for professionals engaged in the profession of serving clients as governmental consultants. Any public or media communications should be directed to MSGC, while any communications or questions from MEC should be directed to the undersigned.

Thank you for your prompt attention to processing and investigating this complaint.

Sincerely,

CARVER & MICHAEL, LLC



Michael A. Dallmeyer
mike@carvermichael.net

MAD/ts



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: Michael A. Dallmeyer, Attorney DATE OF COMPLAINT: November 4, 2014
ADDRESS: Carver & Michael LLC, 712 East Capitol Ave.
CITY: Jefferson City STATE: MO COUNTY: Cole ZIP: 65101
CONTACT PHONE NUMBER/S: (HOME) (WORK) 573-636-4215 (CELL)
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: Ron Calzone
ADDRESS: 33867 Highway E
CITY: Dixon STATE: MO COUNTY: Maries ZIP: 65459
CONTACT PHONE NUMBER/S: (HOME) 573-759-7556 (WORK)
TITLE OF OFFICE HELD OR SOUGHT (IF APPLICABLE): N/A
DATE OF ELECTION (IF APPLICABLE): CHECK ELECTION TYPE (IF APPLICABLE):
Primary General

VERIFICATION BY OATH OR AFFIRMATION

STATE OF MISSOURI
COUNTY OF Cole

I, Michael A. Dallmeyer, 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 of Michael A. Dallmeyer
Signature of Complainant

Subscribed and sworn to before me this 4 day of November 2014.
THERESA M. SCHAEFER
Notary Public - Notary Seal
STATE OF MISSOURI Expires: 12-9-17
Cole County
Commission # 13452968
My Commission Expires: 12-09-2017

Signature of Theresa M. Schaefer
Notary Public

PART: STATEMENT OF FACTS

On Aug. 4, 2000, Ron Calzone incorporated Missouri First, Inc. as a Missouri Non-profit. (Exhibit A) Mr. Calzone has for 14 years presented himself as representing "Missouri First". He has served as President and /or Secretary/Member of the Board for all of those 14 years. (Exhibit B)

Although their website claims they are a not-for-profit and tax exempt (See exhibit C), no Federal 990 Tax Returns can be found.

According to their Charter (Exhibit D) their "Methods of Operation" state that "....legislative lobbying and citizen involvement may be used toinfluence public policy".

Since 2000, Mr. Calzone has continuously and consistently lobbied members of the Missouri General Assembly on issues relating to right to bear arms, common core standards, property rights, and privacy of records. Section 105.473.1 (RSMo.) states "Each lobbyist shall, no later than January fifth of each year or five days after beginning any activity as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under penalties of perjury, along with a filing fee of ten dollars, with the commission". Mr. Calzone has not filed such registration and therefore is in violation of the law.

He has engaged in numerous conversations with legislators including Rep. Doug Funderburk (3/26/2013), Rep. Kurt Bahr (3/27/2013), Sen. Ed Emery (4/10/2013), Rep. Mike Kelley (5/2/2013), Sen. Jay Wasson (5/14/2013), Sen. Ed Emery (3/31/2014), Sen. Brian Nieves, Sen. Jim Lembke, Sen. Will Kraus, and Sen. Kurt Schaefer. In addition he presented collectively to the House Republican Caucus on Sept. 10, 2013.

For several years, Mr. Calzone has constantly worked out of the offices of Sen. Brian Nieves using them as his own "office" in the Capitol.

Mr. Calzone has repeatedly appeared before numerous House and Senate committees over the last 14 years in support of or in opposition to many bills relating to the issues listed above. In addition to his personal appearances before committees, Mr. Calzone solicits witness forms from supporters with the expressed purpose of personally delivering them to the committee members. (See Missouri First website pages -Exhibit E)

When testifying he consistently identifies himself as a director of Missouri First, and then declares that he is not a registered lobbyist, and doesn't need to be because he does not get paid.

Because of these activities over the past 14 years, where Mr. Calzone has designated himself to act on behalf of Missouri First, the organization he created, he meets the definition of "legislative Lobbyist" as defined in 105.470 (4)(c) and has for 14 years failed to register as a Lobbyist as required by 105.473. Further section 105.473 .3(1) (RSMo) states the "During any period of time in which a lobbyist continues to act as an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the lobbyist shall file with the commission on standardized forms prescribed by the commission monthly reports which shall be due at the close of business on the tenth day of the following month." Failure to file such reports subjects the individual to a ten dollar a day late fee. Mr. Calzone has failed to file a monthly lobbyist report for over fourteen years.

Exhibit P

St. James Winery
540 State Route B
Saint James, MO 65559
573-265-7912

Sales Receipt

Transaction #: 633772
Account #: D0000009715
Date: 7/12/2015 Time: 12:50:20 PM
Cashier: 9376 Register #: 2

Item	Description	Amount
UR750	Velvet Red	\$6.99
	Sub Total	\$6.99
	NON FOOD TAX	\$0.55
	Total	\$7.54
	Cash Tendered	\$10.00
	Change Cash	\$2.46



* 6 3 3 7 7 2 *

Thank you for shopping

St. James Winery

We hope you'll come back soon!