

***Lobby spending hits an all-time high for the first three months of 2022’s legislative session***

**ETHICS REPORTER**

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Kentucky Legislative Ethics Commission

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The impact of the COVID pandemic appears to have waned, and lobbying interests were in full force for the first three quarters of the regular “long” legislative session. Intense interest in issues such as the biennial budgets for the various branches of government, abortion, gaming, tax policy, medical policies, alcohol, unemployment benefits, charter schools, early literacy, school governance, elections, and a myriad of other concerns undoubtedly fueled the legislative activity.

Kentucky lobbying spending for the 2022 Regular Session’s first three months broke the previous spending record, as legislative lobbyists and employers reported spending **$8,548,576** to influence policy decisions by the Kentucky General Assembly.

The previous record for spending in the first 3 months of a year came in 2018, when $8.4 million was spent during the even-year, 60-day session. The 2020 session, which was interrupted by the advent of the pandemic, garnered $7.9 million for the same time period.

During the session, 841 businesses and organizations employed 669 lobbyists. The current number of employers registered is also a record for Kentucky.

Lobbying employers paid their lobbyists $7,674,454 in salary for that period, spent $208,866 in advertising for or against legislation, reported spending $156,860 on receptions, meals, and events for legislators and legislative staff, and had $287,681 of lobbying expenses such as direct citizen contact, educational and promotional items, and office expenses.

 The top spending lobbying organization so far this year was the **Kentucky Chamber of Commerce**, which spent $139,508 lobbying on the executive branch biennial budget, school issues, unemployment, early literacy, child care assistance, alcohol, and tax policy.

 The second-biggest spender in the 2022 regular session was the **Kentucky Hospital Association** which spent $130,949. The association lobbied on bills relating to emergency medical services, pharmaceutical databases, abortion, heart attack services, and rural hospitals.

 The other top five spenders include: **American Civil Liberties Union of KY (ACLU)** ($115,152); **Altria Client Services LLC** ($108,655); and **Kentucky League of Cities, Inc.** ($87,788).

 The rest of the top ten includes: **Pace-O-Matic** ($78,650); **Kentucky Retail Federation** ($72,120); **Greater Louisville, Inc.** ($64,711); **Pharmaceutical Care Management Association (PCMA)** ($60,403); and **Kentucky Farm Bureau Federation** ($55,544).

 The remainder of the top twenty lobbying employers includes: **Anthem, Inc. and Its Affiliates** ($53,596); **Kentucky Association of Electrical Cooperatives Inc.** ($49,742); **Kentucky Justice Association** ($48,568); **Secure Democracy USA** ($46,814); **Wine & Spirits Wholesalers of Kentucky, Inc.** ($44,465); **Kentucky Equine Education Alliance (KEEP)** ($44,087); **Kentucky Education Association** ($43,892); **Kentucky Medical Association** ($43,354); **Kentucky Bankers Association** ($41,835); and **Kentucky Automobile Dealers Association (KADA)** ($40,597).

 Rounding out the top 25 spenders are: **Kentucky State Building & Construction Trades Council** ($39,180); **East Kentucky Power Cooperative, Inc.** ($38,175); **Academic Partnerships, LLC** ($37,500); **HCA Healthcare, Inc.** ($36,624); and **Kentucky Retired Teachers Association** ($35,838).

***Bills report and searchable register***

The Legislative Ethics Commission’s searchable register of lobbyists and employers is online at <http://apps.klec.ky.gov/searchregister.asp> .

Additionally, employers are required, during the legislative sessions, to list specific bill numbers on which they lobby, and a list of those is available on the KLEC website at <https://klec.ky.gov/Reports/Pages/Employers-and-Legislative-Agents.aspx> (under “Bills Lobbied”). Amounts spent on lobbying, required to be disclosed to KLEC 6 times per year, may be found under the same link.

##### ***Newly-registered lobbying employers & terminations***

The following businesses and organizations recently registered to lobby in Kentucky: **DJGN Lexington LLC dba Tony’s Steaks & Seafood**; **Lyft, Inc.**; and **Outfront Media LLC**.

#####  Three businesses and organizations terminated their registration, and are no longer lobbying the Kentucky General Assembly: **Ameriprise Financial**; **Companions & Animals for Reform & Equity**; and **U.S. Hemp Roundtable**.

##### ***Lobbying report deadline and important reminder about reporting bill numbers***

##### By **Monday, May 16, 2022**, all lobbyists and employers are required to file Updated Registration Statements for the period of April 1 through April 30, 2022.

##### The easiest and quickest way for lobbyists and employers to file is to visit the Commission’s website: <https://apps.klec.ky.gov/lec/onlinefiling.aspx> .

##### Additionally, employers are reminded that they are required to report the specific bill numbers that they are lobbying on, as required by the Legislative Ethics Code. If reports have not adequately reflected bill numbers in the past, employers should please make every effort to reflect bill numbers in updated registration statements going forward. As noted above, these are available on the KLEC website for viewing at any time by the public.

***Financial disclosures of Legislators & Candidates available on Ethics Commission website***

 As provided in the Legislative Ethics Code, all legislators and candidates for the legislature must file financial disclosure statements. These financial disclosure statements are posted on the Legislative Ethics Commission’s website at <https://klec.ky.gov/Reports/Pages/Legislators-and-Candidates.aspx> .

#### ***Training for Lobbyists and Employers on video***

#### The Legislative Ethics Commission has a training video from one of our in-person lobbyist and employer trainings on the LRC Capitol Connection YouTube page, for viewing at any time. The link is on our website, and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=ojKIWUNV8po&feature=youtu.be>. The video walks through the online filing process in step-by-step detail. Please call us with any questions!

#### ***Overview of Legislative Ethics Code online***

#### The Legislative Ethics Commission has a PowerPoint overview of the Legislative Ethics Code available for reference. The link is on our website, and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=I4FJvhrSoao>. Feel free to watch!

#### ***Commission Office Procedures and COVID-19***

#### Due to the COVID-19 pandemic and following guidance from federal, state, and local officials, the Commission halted in-person services at its Frankfort office as of Tuesday, March 17, 2020.

As of **July 1, 2021**, the Commission office re-opened its office to the public. We request that you refrain from visiting our office if you are feeling ill, exhibiting symptoms, or have tested positive for COVID. We would also encourage you to wear a mask if this would make you more comfortable while visiting. We are also happy to speak to you over the phone or via Zoom, at any time.

We encourage you to continue to contact us via the means listed below, and by filing electronically or by scanning paperwork and emailing it to us. If you need to send the Commission copies of paperwork, it is most efficient to scan and email it to the email addresses as listed on the staff page, or fax to the number below.

Legislators, staff, lobbyists, employers, and the public may continue to contact the office by phone at (502) 573-2863, by fax at (502) 573-2929, and via the email addresses listed on the staff page: <https://klec.ky.gov/About-KLEC/Pages/Commission-Staff.aspx>

You may reach Laura Hendrix, Executive Director, at (502) 573-2910, Emily Dennis, Counsel, at (502) 573-2911, and Lori Smither, Staff Assistant, at (502) 564-9084. You may reach Donnita Crittenden, Executive Assistant, at the main Commission number (502) 573-2863.

 Continued thanks to the many lobbying entities who have honored our request to begin filing online, and those who have utilized this service for many years. If a lobbyist or employer is currently filing disclosures by paper and would like to file online, please email us and we can contact you with an ID and password.

 If an entity needs to register as a lobbyist or employer, please email the required scanned paperwork to Donnita Crittenden or Lori Smither at the staff emails in the link above or fax them to (502) 573-2929. Blank forms may be found here <https://klec.ky.gov/Forms/Pages/Get-Blank-Forms.aspx>

 All provisions of the Code of Legislative Ethics are in force during this time. If there is a need for an opinion about the application of the Code to any particular ethical issue that may arise, please continue to contact us and we will answer your questions.

***Ethics & Lobbying News from around the U.S.***

***Keeping it civil in a partisan world***

**COLORADO**– ***National Conference of State Legislatures’ NCSL Blog***– by Mari Henderson— April 27, 2022

It is no secret that we live in an incredibly partisan time—you don't need to look beyond your Twitter feed for proof.

Two former legislators want to combat its negative impact with a bipartisan commitment to civility. Former U.S. House members Jim Gerlach (R-Pa.), who also served in both chambers of the Pennsylvania General Assembly, and Brian Baird (D-Wash.), members of the Association of Former Members of Congress, came together to create the #CivilityNotViolence pledge.

The pledge acknowledges the importance of vigorous debate and disagreement in the political process but calls for an end to threats or acts of violence in politics to maintain the integrity of the legislative institution.

NCSL has centered civility and bipartisanship across issue areas since the organization's founding in 1975. In presentations, articles and briefs, NCSL has pondered the role disagreement plays in the legislative process and how civility protects the legislative institution.

And NCSL is no stranger to civility pledges. In 2011, the organization's Executive Committee passed a Civility Accord where legislators and legislative staff pledged their commitment to civility and bipartisanship. NCSL also encourages its members to participate in building relationships across the aisle knowing that understanding a fellow member as a person fosters greater civility.

**EDITORIAL NOTE:** THE NCSL Civility Accord reads:

***NCSL Civility Accord***

*As a member of the National Conference of State Legislatures, we, as state legislators and legislative staff, in order to embrace civility and bipartisanship in our states and through them our nation, pledge our commitment to the following principles for civility:*

* *Respect the right of all Americans to hold different opinions.*
* *Avoid rhetoric intended to humiliate, de-legitimatize or question the patriotism of those whose opinions are different from ours.*
* *Strive to understand differing perspective.;*
* *Choose words carefully;*
* *Speak truthfully without accusation, and avoid distortion.*
* *Speak out against violence, prejudice and incivility in all their forms, whenever and wherever they occur.*

*We further pledge to exhibit and encourage the kind of personal qualities that are emblematic of a civil society: gratitude, humility, openness, passion for service to others, propriety, kindness, caring, faith, sense of duty and a commitment to doing what is right.*

#Civility Not Violence is a bipartisan initiative sponsored by the United States Association of Former Members of Congress. The pledge reads as follows, and may be signed at [www.civilitynotviolence.org/](http://www.civilitynotviolence.org/) :

 **#CivilityNotViolence Pledge**

*Recognizing that a strong, vibrant and unified republic is founded on our citizenry’s mutual respect for the rights, beliefs and opinions of others, and further,*

*That our local, state and federal elected officials have a special and solemn responsibility to recognize and promote such mutual respect in the conduct of their public duties, and further,*

*That their conduct should at all times be civil, respectful and ethical in action and discourse,*

*The undersigned do hereby affirm and pledge that they will:*

* *Responsibly conduct themselves in speech and action in a manner that fosters civility and respect among fellow officials and citizens;*
* *Decry and oppose any conduct or activity that encourages, supports or condones any act or threat of violence against any elected officials or government employees at every level of government;*
* *Decline support for any individuals or organizations that encourage, support, or condone such violence.*

***Lawsuit targets skill-game company over lobbying effort invoking deceased senator: Yvonne Miller estate seeks $1.35M from Queen of Virginia and affiliates***

**VIRGINIA**–***Virginia Mercury***– by Graham Moomaw— April 26, 2022

 The estate of the late Virginia Sen. Yvonne Miller, the first Black woman to serve in both chambers of the General Assembly, is suing a skill-game company over a flier that featured what the lawsuit says was an unauthorized photo of Miller as part of a 2021 lobbying campaign to keep the slots-like machines legal.

The lawsuit, filed in Portsmouth Circuit Court last week, seeks $1.35 million in damages against business entities affiliated with Queen of Virginia, one of the state’s leading suppliers of the electronic gaming machines that rapidly spread to many Virginia sports bars, convenience stores and truck stops.

The legislature has tried to ban the machines, which look similar to slot machines but have a small element of skill that the industry argues shields them from anti-gambling laws. A judge temporarily suspended that ban late last year after business owners represented by Sen. Bill Stanley filed a lawsuit challenging the move.

The flier in question was circulating in Virginia political circles near the end of the 2021 General Assembly session, when the legislature was considering outlawing skill games.

The graphic featured photos and biographical information on Miller, who died in 2012, and former Sen. Ben Chafin, who died of COVID-19 complications in early 2021. Though Miller died a decade ago, lawmakers were discussing her life and impact last year while budgeting $50,000 to start the process of putting a Miller statue on Capitol Square.

The flier touted the possibility of using tax money from the gaming machines to create a “Yvonne B. Miller/Ben Chafin College Scholarship Fund” that would ostensibly help low-income students afford college.

The flier seemed to suggest building on the so-called G3 program championed by former Gov. Ralph Northam, which aimed to make community college more affordable for low-income Virginians.

But the scholarship fund idea never went anywhere. It wasn’t publicly discussed in the legislature or introduced as a bill, but the graphic raised eyebrows for some in Virginia government circles who saw it as a tasteless effort to commandeer the memory of two dead senators for political gain.

The lawsuit claims Queen of Virginia and its affiliates were behind the flier, which the lawsuit says was distributed to Northam’s office and members of the General Assembly and wrongly tied the legacy of the late senator to something she had nothing to do with.

“The defendants jointly published Sen. Miller’s name, photograph and likeness on the flyer in order to demonstrate and bolster their political credibility in order to obtain support from the Virginia legislature and to entice the public at large to purchase their gambling services,” wrote attorneys representing David J. Bond, the administrator of Miller’s estate.

The suit says the defendants have “falsely denied” involvement with the pro-skill game flier, but doesn’t lay out factual proof it was Queen of Virginia’s doing. Frank Kilgore, a Southwest Virginia lawyer who helped bring the case in conjunction with Chesapeake-based Slaven Law Group, said when he inquired about how to make a donation to the proposed scholarship fund, he was directed to Queen of Virginia.

 An educator who grew up in the era of segregated schools, Miller was elected to a Norfolk-area House of Delegates seat in 1983. Four years later, she won a seat in the state Senate, where she served until her death.

In a Black History Month speech on the House floor this year, Del. Cliff Hayes said Miller “shattered racial and gender barriers simultaneously.”

“She was a career educator and an outspoken advocate for Virginia’s poor and minorities,” Hayes said.

The “sham efforts” to tie Miller’s legacy to Queen of Virginia, the suit claims, have “caused damage to the reputation, memory and legacy of Sen. Miller and has caused anger, humiliation and embarrassment among her heirs and family members.”

The flier promoting legal and taxed skill games said “we can help up to 10,000 Virginians pursue degrees,” without elaborating on who was behind the effort.

“The word ‘we’ is all-encompassing and defendants specifically and knowingly used that word to create misinformation and project credibility in their quest for financial and political goals at the expense of Sen. Miller’s name, photograph, reputation and legacy,” the suit says.

The suit points to a state law that prohibits the unauthorized use of a person’s name or image “for advertising purposes or for the purposes of trade.” The flier, which had no identifying information about who created and disseminated it, meets that definition, the suit argues, because it was distributed to Northam’s office and General Assembly members to promote the business interests of the skill-game industry.

As of last year, Queen of Virginia had retained 11 Virginia-based lobbyists from several different firms. Their current roster of lobbyists is down to five, including Brian Moran, who recently served as Northam’s secretary for public safety and homeland security. Since 2018, the company has made more than $790,000 in Virginia political donations, according to the Virginia Public Access Project, including six-figure contributions last year to both Gov. Glenn Youngkin and his opponent, former Gov. Terry McAuliffe.

Asked for comment Monday, a spokesman for Pace-o-Matic, the Georgia-based company behind the Queen of Virginia games, said the company had not yet seen the complaint. The Mercury provided the company with a copy of the complaint early Tuesday morning, but the company said it was unable to comment immediately.

“Our attorneys have not had the opportunity to review the lawsuit and therefore it would be premature to comment at this time,” said Pace-o-Matic spokesman Michael Barley.

***Baltimore County Council chairman violated policy with emails linking to campaign contribution page, inspector general says***

**MARYLAND**–***Baltimore Sun***– by Alison Knezevich— April 20, 2022

Baltimore County Council Chairman Julian Jones violated county policy when some of his official emails to constituents included a “donate” button for his political campaign, an investigation by the county inspector general found.

A report released Tuesday by Inspector General Kelly Madigan concluded that between April 2021 and January 2022, at least 40 of Jones’ emails to constituents contained a link to a campaign contribution page.

The emails were sent using a third-party email marketing service and transmitted through a private computer server, according to the report. But they used one of Jones’ county email addresses in the “from” line, and replies to those emails went through a county computer server.

The IG report cites policy prohibiting the use of county email for anything other than “county business.”

The report does not name Jones, referring to him only as “the Councilmember,” but contains exhibits depicting Jones’ emails. The inspector general’s office began investigating after receiving a complaint this past December that he was sending campaign-related emails from a county government address.

The report concludes that “it does not appear the violations were done intentionally based on the explanation provided by the Councilmember, nor is there a basis for the Office to question the validity of the Councilmember’s version of what transpired.”

Madigan found that on two occasions, constituents replied to say they intended to donate to his campaign.

Jones told The Baltimore Sun he uses the private email service for various purposes, including constituent bulletins about community events and resources. The service, which he said he pays for from campaign funds, has a range of templates, from news releases to campaign news, he said. He said uses it only for emails to large groups of recipients.

The issue arose because someone used the wrong template for constituent-related emails, he said.

Jones said he only realized those emails contained a “donate” button when he learned earlier this year what Madigan was investigating. His emails with the button included notices of vaccine clinics, a town hall meeting and similar events.

“The minute I found out about it, we changed it,” he said.

Several people had access to the email service, including Jones, one of his legislative aides and a few unpaid volunteers, according to the inspector general’s report.

In an official letter responding to the report, Jones wrote that there was no evidence the “donate” button resulted in any campaign contributions. The two replies mentioning contributions were unrelated to the “donate” button, he wrote.

The inspector general’s role has been a source of controversy in Baltimore County government. Some council members, including Jones, have questioned Madigan’s tactics. Jones said he took issue with Madigan reading through months of his emails as part of her investigation.

“I’m willing to accept responsibility,” he said. “The question is, why do you need to research and look at every one of my emails ... ?

The report says the inspector general’s office reviewed emails associated with one of his county email addresses from April 1, 2021, to Jan. 28, 2022.

Madigan stood by her actions in a written response to him, saying this type of investigation serves to “reassure the citizens of the County that there is transparency in their County government.”

“Any email address ending with the domain name ‘@baltimore-countymd.gov’ belongs to the County, and any use of that domain name, even by accident, for a purpose that is not solely related to County business, is a technical violation of the Policy,” she wrote. “When such an infraction occurs repeatedly over an extended period of time, which is what took place in this matter, it certainly warrants the Office’s involvement.”

Jones, first elected in 2014, represents communities including Woodlawn, Randallstown and parts of Owings Mills and Reisterstown. He is unopposed in the July primary election.

***Casino executive admits funneling cash to Indy party, pleads guilty to tax fraud***

**INDIANA**–***Indianapolis Star***– by Tony Cook— April 22, 2022

Casino executive and former state lawmaker John Keeler pleaded guilty in federal court Monday morning to one count of filing a false tax return in connection with a scheme to secretly funnel casino cash to a Marion County PAC.

The guilty plea came just one hour before Keeler's federal trial was scheduled to begin and a week after his co-defendant, former state Sen. Brent Waltz, pleaded guilty.

Prosecutors agreed to drop five other counts against Keeler as part of a plea agreement. He faces up to three years in prison, but will likely receive less under the deal. He will be required to pay restitution of $14,350, which equates to the tax losses.

His sentencing has not been scheduled yet.

**Keeler admits to tax fraud**

The guilty plea is the latest develop in multi-year federal public corruption investigation involving New Centaur LLC, which owned Indiana's only horse track-casinos in Anderson and Shelbyville until 2018. Keeler was the company's vice president and general counsel.

As part of his plea deal, Keeler admitted to working with an out-of-state political consultant to funnel $25,000 to the Greater Indianapolis Finance Committee, a political action committee associated with the Marion County party.

Casino-investor ties led Speaker Bosma to skip gaming bill vote. Here’s why questions linger.

At the time, in 2016, the party was struggling financially, according to the plea deal. Keeler wanted to help, but believed Indiana law prohibited casino company contributions.

To hide the source of the funds, he and Maryland political consultant Kelley Rogers agreed that one of Rogers companies would send a fake invoice to New Centaur. Rogers would then contribute most of the money to the Greater Indianapolis Finance Committee for the party.

On April 15, 2016, Rogers sent an invoice to Keeler purportedly for services related to New Centaur's horse racing business. Keeler authorized a $41,000 payment. He then passed the finance committee's account information to Rogers and told Marion County party officials the money was on the way.

Over the next week, Rogers wired contributions totaling $25,000 to the finance committee. The contributions were funded with the money from New Centaur, according to the plea agreement.

When New Centaur filed its taxes, it claimed the $41,000 payment as a business expense, even though it was actually an expense related to supporting candidates for public office, which is not deductible.

**What's next**

Keeler also had been accused of a similar scheme to funnel more than $40,000 in casino money to Waltz's failed U.S. House bid in 2015, but those charges were dropped as part of the plea deal.

Those allegations again involved fake contracts between New Centaur and companies controlled by Rogers. Rogers and Waltz then recruited and paid so called "straw donors" to contribute to Waltz's campaign in their own names.

Waltz pleaded guilty last week to two counts related to that alleged scheme: making and receiving conduit contributions and making false statements to the FBI.

Waltz faces up to 10 years in prison, but like Keeler he will probably receive a much lighter sentence under the plea deal he struck with prosecutors. His sentencing has not been scheduled yet.

The convictions against Waltz and Keeler bring to a close all pending cases in the investigation, but it's not clear whether other prosecutions might be in the wings.

During a pre-trial hearing on Thursday, an attorney with the U.S. Department of Justice's public integrity section referred to Keeler's boss, former New Centaur CEO Rod Ratcliff, as a co-conspirator.

Ratcliff, who has not been publicly charged with any crime, is one of the most influential figures in Indiana politics and has been a significant contributor. The Indiana Gaming Commission stripped his gaming license and banned him from Indiana’s gambling industry last year.

Last week, he criticized prosecutors for calling him a co-conspirator. In a statement from his spokesman, Ratcliff said he had been "falsely accused" and noted he has not been advised that he is a target of any grand jury investigation.

***Legislator censured by Missouri House after ethics investigation threatens lawsuit***

**MISSOURI**–***Missouri Independent***– by Jason Hancock— April 21, 2022

State Rep. Wiley Price is threatening to sue the Missouri House over a $22,000 penalty incurred as part of his censure last year for allegedly lying about a sexual encounter with an intern and retaliating against the House employee who reported it.

In a Feb. 15 letter to the House clerk — obtained by The Independent as part of a request under Missouri’s Sunshine Law — an attorney retained by Price said he was planning to file a lawsuit challenging the $22,492 penalty and the legality of $500 being deducted out of his paychecks to cover the cost.

Richard Callahan, a former judge and U.S. attorney handling Price’s case, contends the House changed its rules to retroactively allow it to fine Price as part of his censure.

“In this instance, while the Missouri Constitution explicitly gives the House the authority to make its own rules, that doesn’t necessarily mean the House then has the authority to break its own rules,” Callahan, who is handling the case pro bono, said in an email to The Independent.

In his letter to the House clerk, Callahan said he was reaching out “before filing our lawsuit to explore if there is any appetite on the part of the House to attempt to settle this matter without litigation.” In a followup email to House General Counsel Bryan Scheiderer, Callahan said the matter could be settled by having “the deductions stopped and Rep. Price foregoing his claim to a return of the money already collected.”

Scheiderer responded to Callahan’s inquiry by sharing documents he said support the House’s authority to withhold pay from a lawmaker, as well as audio of Price saying he would “accept the censure” during the January 2021 House debate on the issue.

He later told Callahan the payroll deduction would stop once Price paid the balance due.

The deputy commissioner of the Office of Administration, the agency that handles payroll for state government, wrote to Callahan denying that it acted improperly by withholding money from Price’s check.

No lawsuit has been filed. Callahan says a final decision on whether to file will not be made until after the legislative session, which ends May 13.

**Perjury**

In January 2020, the House received a report alleging Price violated a rule prohibiting lawmakers from sexual or romantic relationships with employees or interns.

The complaint was referred to the House Ethics Committee to investigate.

In testimony to the committee, Price’s legislative assistant claimed he admitted to her that he had sex with an intern. She alleged that after she informed Price she was required under House rules to report the incident, he threatened to fire her in an attempt to keep her quiet.

Both Price and the intern deny the sexual encounter took place. Price claims he had already told the legislative assistant he would be replacing her prior to her making the allegations. He admitted lying to a House investigator, but said he told the truth in closed-door testimony to the ethics committee.

In December 2020, the ethics committee — made up of five Republicans and five Democrats — completed its inquiry and voted unanimously to recommend censuring Price. It released a report that concluded he had committed perjury in his testimony, obstructed the legislative investigation and “compromised the ability of the House to provide a respectful, professional work environment.”

The legislature reconvened the next month, and the House voted 140-3 to censure him. The vote removed him from all committee assignments and required him to reimburse the state for the cost of the investigation, which included hiring an outside law firm to conduct the inquiry.

Missouri House members voted to kick Price out of their caucus a week later.

According to a draft of Price’s potential lawsuit, the House began deducting $500 from his bi-monthly paychecks starting February 2021. Over the course of the next year, Price lost $12,000 in salary, the lawsuit states.

Lawmakers earn roughly $36,000 per year.

Price’s legislative salary is “his sole source of income,” the draft of the lawsuit states, and he is “dependent on his salary for the daily living essentials.”

**Rule changes**

Price’s lawsuit argues that when the ethics committee report recommended requiring him to pay the cost of its investigation, “no rule allowed for such punishment.”

The punishments allowed under the rules at the time, Callahan argues in the lawsuit, were a letter of reproval, a reprimand, a censure or expulsion.

It was only after the House voted to censure Price, Callahan says, that the rules were amended to include an option that a legislator could be fined or punished by a dollar amount equal to the cost of an ethics investigation.

“Anybody knows there is something inherently unfair about changing the rules in the middle, or worse, at the end of a contest,” Callahan said in an email to The Independent. “But that is exactly what happened here.”

In a February email to Callahan, Scheiderer shared older House journals that reference fines and penalties, as well as a Congressional research brief pertaining to legislative discipline that includes “fine or monetary restitution.”

Caroline Coulter, deputy commissioner and general counsel for the Office of Administration, said in a March 30 letter to Callahan that the Missouri General Assembly has the constitutional authority “to determine the rules of its own proceedings.

“Pursuant to one of those rules,” Coulter wrote, “the House of Representatives directed (the Office of Administration) to begin paying one of its members $500 less than other members each pay period.”

**2022 re-election**

House Minority Leader Crystal Quade said she was not aware of Price’s threat of a lawsuit.

She said she supported the ethics committee’s recommendations to censure Price and require him to repay the costs of the investigation, as well as her party’s decision to expel him from the caucus.

Price is up for re-election this year, where he faces a challenger in the primary but no opponent in the fall.

If he is re-elected, Quade said the party’s bylaws state he will automatically be allowed back in the caucus. At that point, if a member of his party’s House delegation raises the issue, a vote could be held on whether to allow him to remain.

That could create a difficult situation for the party, which faced criticism from some legislative staff after the vote to censure Price.

Opposite party members wanted Price to be expelled, but Price’s party argued he shouldn’t be punished beyond the ethics committee’s recommendation. Party staffers accused their party’s leaders of doing more to protect a fellow lawmaker than employees.

Callahan said Price is not “complaining about any of the punishments imposed that were part of the House rules at the time of the complaint and investigation.”

If a lawsuit is ultimately filed, it will challenge a rule Price believes was enacted after the complaint and applied retroactively to his case.

“There is no intent to denigrate the important and challenging work that comes before the House Ethics Committee,” Callahan said. “Rather, if there is a lawsuit, the principle at stake is whether the legislative branch, like the other two branches of government, is bound by its own rules, or does ‘might’ (the majority) make right.

“The answer should be of interest to every House member.”