



M U L T I S T A T E

[Is Columbia Mayor Brian Treece violating campaign finance law? Veto renews questions](#) (Missouri)

Nearly two years ago, Columbia attorney Dan Viets [filed a complaint with the Missouri Ethics Commission](#) regarding Mayor Brian Treece and his candidate committee.

Viets is still waiting on an answer to his inquiry.

The delay [could be related to House Bill 685](#), Viets said. This bill, which included changes to requirements to run for public office, ultimately was vetoed last Friday by Gov. Mike Parson.

An amendment added to the bill in a revision known as a Senate committee substitute through the Rules, Joint Rules, Resolutions and Ethics Committee, chaired by state Sen. Caleb Rowden, R-Columbia, would have allowed an exception [to a law governing candidate committees and lobbyists](#).

No attempt was made to remove the provision on the Senate floor, and the House passed it without seeking to discuss Senate changes. The Senate vote on the whole bill was 30-1 and the final House vote was 146-1.

The law in question requires that any person who registers as a lobbyist must dissolve their candidate committee for any public office in Missouri and disburse the funds either by refunding money to donors, giving it to charity or making a donation to a political party committee.

Treece has been a registered lobbyist since 1996.

Treece's candidate committee, which was formed in December 2015, remains active for a re-election campaign in 2022.

Why did Gov. Parson veto the bill?

The proposed exception, for those seeking or currently holding municipal or school board office, would have affected only a few individuals, including Treece, which is what led Parson to veto the bill, [he wrote in his veto letter](#).

"Further, this provision also was not heard in committee by either chamber of the General Assembly, and citizens were unable to provide testimony or feedback on this change," Parson wrote.

Viets is happy Parson vetoed the bill.

"It carved out an exception for special interests and there is no real justification for it," Viets said, adding with the veto, there is no reason for the [Missouri Ethics Commission](#) to delay on a decision regarding Treece's candidate committee.

The requirement for registered lobbyists to not have active candidate committees went into effect in late 2016, after Treece was first elected to office.

Viets filed his complaint in 2019 after learning about this section of Missouri election law.

Can Treece continue his committee while a registered lobbyist?

Treece argues the campaign finance and lobbying reforms from 2016 still allow him to continue his candidate committee despite being a registered lobbyist.

In a statement to the Tribune, he referenced Missouri Constitution Article VIII Section 23 and the law requiring lobbyists to dissolve candidate committees.

"(The dissolution rule) was never intended to prohibit school board members, mayors, fire protection district trustees, library board members and local elected officials who may meet the definition of a registered lobbyist from having a candidate committee while a candidate, or while continuing to serve in office," he said.

"In 2016, I was advised by the executive director of the Missouri Ethics Commission to not dissolve my candidate committee."

Part No. 7 of Section 23 provides definitions for candidate committees and other types of political committees, and stipulations regarding their continued use.

It also leaves open an option for candidates to file an affidavit saying they do not have control over the operations of their candidate committee. Treece didn't respond to a follow-up inquiry regarding this portion of Section 23 by press time.

The Missouri Ethics Commission said it could not provide comment or updates on Viets' complaint from November 2019 as the process is not yet resolved.

"I'm just waiting on a response from them," Viets said, adding it is a matter of public interest why there has been a holdup. "They still need to deal with this."

A similar case in 2019

The commission [ruled in late 2019 on a similar case](#) to the complaint Viets has filed.

Town and Country Mayor Jon Dalton was ordered to dissolve his candidate committee.

Dalton is a partner with Armstrong Teasdale LLP and president of its subsidiary AT Government Strategies LLC. His role as a lawyer and his involvement with government affairs required him to register as a lobbyist in 1994.

He first was elected mayor of Town and Country in 2005, winning re-elections in 2009, 2013 and 2017. Town and Country has fewer than 100,000 residents, and since Dalton raised more than \$1,000, he had to form a candidate committee.

For cities with more than 100,000 residents, like Columbia, candidates [cannot raise or spend more than \\$500 without forming a candidate committee](#). Individual contributions also cannot exceed \$325 without forming a committee.

Since Dalton registered as a lobbyist from 2017 to 2019, he should have dissolved his candidate committee, the Missouri Ethics Commission ruled.

Treece files monthly lobbyist reports with the commission. In the past three years, he has made [no contributions requiring a report to the commission](#) and has no business relationships, according to commission reports.

He is listed as an active principal of Missouri-Kansas-Nebraska Conference of Teamsters, Missouri State Orthopaedic Association and TreecePhillips LLC, as of Dec. 19, 2018. TreecePhillips is a public affairs firm started by Treece and his wife, Mary Phillips.

There have been no orders issued by the Missouri Ethics Commission regarding Treece's status as a lobbyist nor of his having a candidate committee while still in office.

"(HB 685 had) overwhelming bipartisan support in the Missouri Senate and the Missouri House to comply with the Missouri Constitution by allowing candidates to continue their candidate committee as long as they are a candidate or elected officeholder," Treece said. "Any alternative would be less transparent to voters.

"I have always complied with Missouri's ethics laws and sought the advice of the Missouri Ethics Commission, and will continue to do so."

Lobbyist Spending in Nebraska Thrived During Pandemic (Nebraska)

A new [Common Cause Nebraska report](#) showed last year, more than \$18 million was invested in lobbying efforts in Nebraska. By comparison, in 2000, just over \$3 million was spent lobbying.

Jack Gould, issues chairman for the group, said high levels of spending to influence public policy can have an erosive impact on the democratic system. He is especially worried about senators who lean on lobbying firms to finance their election campaigns.

"We feel that the lobby should operate on the same level playing field as the public," Gould asserted. "Which means that they shouldn't be involved in campaign finance. We find the lobby making direct payments from lobbying firms, and we find them hosting fundraisers for candidates."

Overall spending was down almost a million dollars from 2019 numbers, likely because of pandemic-related public health precautions that impacted restaurants and in-person events. Still, compensation was up for more than half of the state's top ten lobbying firms.

Lobbyists have enjoyed few limits in Nebraska and nationwide after the U.S. Supreme Court's 2010 ruling money was a form of protected speech in its landmark [Citizens United](#) decision.

Gould argued money can drown out the voices of everyday Nebraskans, and has become a troubling barrier to getting laws passed that benefit the public. He added far too often, good

policy proposals stall in the Legislature, and only gain traction when nonprofits and community organizations can afford to hire a lobbying firm.

"Well, is that the way democracy is supposed to work?" Gould questioned. "That's not democracy the way I think of it, and I think most Americans think of it. The Legislature is supposed to react to the public, not to paid people."

Altria, formerly known as Phillip Morris, invested more than \$1 million in lobbying over five years. The Nebraska Chamber of Commerce came in second, spending some \$800,000 over the same time period.

The top-earning lobbying firm was Mueller/Robak, which pulled in \$7.2 million dollars for their efforts to get cozy with state lawmakers.

Santa Monica May Ban Lobbyists From Serving on Boards and Commissions (California)

Santa Monica may ban lobbyists from serving on City boards and commissions.

On July 13, Santa Monica City Council unanimously approved a motion by Councilmembers Phil Brock and Christine Parra that instructs staff to create a formal definition of a lobbyist and then prohibit such individuals from serving on City boards, commissions and task forces. Current City law requires paid lobbyists to disclose their clients and compensation with the City.

"Our city government functions to serve the interests of all citizens," Brock said during the meeting. "This is another way to make sure that everything that is done in our city is forthright and above board and that the residents of the city have the right to influence our Council, influence their boards and commissions, but people who are paid do not have the same right."

While the motion passed unanimously, there was some debate as to how encompassing the legislation should be. Mayor Sue Himmelrich raised concern about part of the Beverly Hills ordinance which considers unpaid individuals who raise over \$5,000 for a cause as a lobbyist.

"As I read the Beverly Hills ordinance, I think it is a much larger net that could capture some of our advocates here who may raise money or do other things for various causes," Himmelrich said.

Brock responded by stating he does not want the future legislation to ban such people from serving on boards, commissions and task forces in Santa Monica.

Councilmember Kristen McCowan made the suggestion of allowing paid lobbyists to serve on City boards and commissions if the subject matter is different from their area of work.

“These are sometimes some of our best policy experts,” McCowan said. “They are still residents, they still care about the city and they bring an expertise I think that might actually be beneficial to a commission that isn’t what they are paid to do.”

Brock, however, opposed this suggestion, arguing that being on a board or commission gives an individual increased access to City staff across all departments.

“I was a city commissioner for 18 years almost in the City of Santa Monica. I knew that I had more access as a City commissioner to staff than I would have if I was just a citizen who was not part of City Hall. Now even though I was a volunteer, if I needed something at Planning or wanted to talk to someone in Community and Cultural Services or another department, I was able to do that by nature of being a commissioner,” Brock said. “I don’t want an Arts Commissioner walking into Planning and walking by and say ‘let’s talk about this project,’ because they are already a lobbyist. I believe that we have enough residents who want to be on commissions and boards in the city. We don’t have a paucity of participation.”

Three members of the public called in during the meeting, all in support of the proposed ban, which is modeled after an ordinance in place in Beverly Hills. Among the residents who called in was Marc Verville, who made the case that any ban would only be effective if properly enforced.

“Designing and implementing radical transparency in the City’s decision making process is long overdue. The financial stakes get high every year, and the importance of transparency grows exponentially,” Verville said. “The most stringent rules are meaningless if they are not enforced. Discretion must be radically minimized with the letter of the ordinance driving the review and, if necessary, enforcement action.”

