

MARK A. RICHARDSON
Prosecuting Attorney



(573) 634-9180
FAX (573) 634-7797
www.colecopa.com

OFFICE OF THE PROSECUTING ATTORNEY

COLE COUNTY COURTHOUSE ANNEX
311 E. High Street, 3rd Floor
Jefferson City, Missouri 65101

September 20, 2018

Darrell L. Moore
Deputy Attorney General for Criminal Litigation
Missouri Attorney General's Office
207 West High Street
P.O. Box 899
Jefferson City, MO 65102

Re: HELP, Inc.

Dear Mr. Moore:

You made a request that I ask the Governor for your assistance into an investigation on issues connected to Help, Inc.

Your investigation consisted of supplying us with the Missouri State Auditor's report, unsigned probable cause statements and a letter setting forth your basis for requesting charges. As we went through the auditor's report, we saw it was not based upon a thorough investigation and required a more detailed investigation. The AGO investigator mentioned by you, when contacted by this office, indicated no investigation had been done by her on this case.

You mentioned when you requested charges that the FBI had done something. When the FBI was contacted by this office, the agent said they found nothing criminal and that they were going to close their file, but if and since we were looking into the matter, their file would be kept open a while longer. When Investigator Schlup went back and told them he had found no criminal conduct, the indication was that they were going to be closing their file.

We turned to attorneys familiar with the ethics statutes in question for their general interpretation of Section 105.454 (5) and (6). After that and upon researching the issue, I concluded that the provisions of that statute were not violated and those provisions were complied with by the four individuals mentioned, given the evidence. We suggested you contact the same attorneys familiar with the ethics statutes to see if

they would share their expertise on ethics matters with you. I suggested if you received differing information that you let me know.

As to Ms. Jan Skouby, I find no evidence that Skouby's actions come under the life-time ban provision, and since she left MODOT in 2013, any issue is past the applicable statute of limitations before this investigation even began. Moreover, as to Skouby, there is no evidence she did any work in Missouri for Help, Inc. during the one year period after she left MoDot in 2013. There is no evidence Skouby, after her retirement from MoDot in 2013, ever conducted business in Missouri concerning a particular "case, decision, proceeding or application" she made while at MoDot in which she had control over. Also, there is no evidence that she attempted to influence a MoDot decision on Help, Inc. after her retirement. It was no violation for her to sit on the Help, Inc. board while she worked for MoDot. This is especially so given that the decision placing her on the board was made by an employee of MoDot senior to her.

In terms of the Scott Marion e-mails, the MoDot investigator and director shared with this office that a full investigation had been done and it found no evidence of a criminal violation by Marion with regard to his e-mails. He never released any confidential documents of MoDot that would be in violation of a criminal law. He never received any compensation from Help, Inc.

This office's investigator found that the auditor's allegations against Greg Kindle had no truth to them. There was no evidence uncovered that Kindle ever worked in Missouri for Help, Inc.

As to Brett Johnson, there is no evidence that he ever discussed the Drivewyse termination after his retirement while conducting his lobbying work for Help, Inc. He had advance discussions with Missouri Ethics concerning his retirement and restrictions on working for Help, Inc. He also terminated the lobbying when he became aware that the relationship had been raised as a possible issue.

Not one of the four individuals was ever interviewed by the Auditor or your office, although all have claimed to our office they were willing to discuss this matter fully with the Auditor or AGO. All four were interviewed by this office. All four were very forthcoming with any information requested. Our office has found no evidence that any of the four either got a personal gain or cost the state any money by virtue of their work for the state or, after retirement, for Help, Inc. There has been no evidence found that any acts done by any of the four constitute public corruption.

Darrell L. Moore
September 20, 2018
Page 3

Moreover, no evidence has been found that any of the four made the initial decision on the original agreement between Missouri and Help, Inc.

You sent down drafts of PC statements which were not signed by any investigator. This office's investigator, after completing his investigation, has told me he cannot and will not sign any of the draft PC statements because he has found in fact that no probable cause exists that any of the four violated any criminal law. I found, based on the information I have at this time, that there were no criminal violations by any of the four.

I am declining to file charges in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Richardson".

Mark A. Richardson
Prosecuting Attorney

MAR:bkv