

HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT
HEARING
MR. SPENCER KYMPTON
MARCH 29th, 2018

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APPEARANCES
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Mr. Alex Curchin, Senior Counsel/Legislative Director
Representative Don Phillips
Representative Jeanie Lauer
Representative Kevin Austin
Representative Gina Mitten
Representative Shawn Rhoads
Representative Tommie Pierson, Jr.

Also present:

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(The hearing commenced at 8:00 a.m.)
MR. BARNES: The House Special
Investigative Committee on Oversight will come to
order.
Mr. Secretary, please call the roll.
MR. CURCHIN: Chairman Barnes.
MR. BARNES: Here.
MR. CURCHIN: Representative Phillips.
MR. PHILLIPS: Here.
MR. CURCHIN: Representative Mitten.
MS. MITTEN: Here.
MR. CURCHIN: Representative Lauer.
MS. LAUER: Here.
MR. CURCHIN: Representative Austin.
MR. AUSTIN: Here.
MR. CURCHIN: Representative Rhoads.
MR. RHOADS: Here.
MR. CURCHIN: Representative Pierson.
MR. PIERSON: Here.
MR. CURCHIN: Okay.
MR. BARNES: All seven present; we are all
here.
Mr. Kympton, thank you for being here with
us this morning via Skype. We really appreciate it.
We're kind of cramped in here because we had a hard

1 time finding a hearing room this morning because
 2 there are bill hearings going on everywhere, so we
 3 are in a back corner office all shoved into one
 4 spot.
 5 Can you speak to test how we can hear you
 6 okay?
 7 THE WITNESS: Sure. Thanks for having me
 8 here. How does my voice sound?
 9 MR. BARNES: Sounds great. Okay. Now
 10 before we start, let's have you take an oath.
 11 SPENCER KYMPTON,
 12 being first duly sworn, was examined and testified as
 13 follows:
 14 EXAMINATION
 15 BY MR. BARNES:
 16 Q. Can you state your name for the record.
 17 A. Spencer Kympton.
 18 Q. And can you spell that for the court
 19 reporter -- your last name, that is.
 20 A. Spencer, S-p-e-n-c-e-r, last name Kympton,
 21 K-y-m-p-t-o-n.
 22 Q. And, Mr. Kympton, my name is Jay Barnes.
 23 I'm the chairman of this committee. I'm from
 24 Jefferson City, Missouri. I'm also an attorney.
 25 Have you ever given testimony in a deposition or

1 anything like a deposition before?
 2 A. I have not.
 3 Q. Okay. So I just want to give you a few
 4 quick ground rules. The first is that shaking your
 5 head yes or no is not sufficient to answer a
 6 question; you have to actually use your voice and
 7 say "yes" or "no." Do you understand that?
 8 A. I do.
 9 Q. Okay. In addition to that, if anyone asks
 10 you a question that you do not understand -- and
 11 I -- I think you have counsel there next to you,
 12 if -- counsel might tap you on the shoulder if it's
 13 a question that you might not understand. Just go
 14 ahead -- if you don't understand the question being
 15 asked, ask us to repeat it or rephrase it in a
 16 different way. Do you understand that?
 17 A. I do.
 18 Q. And if you need to take a break for any
 19 reason, please feel free to let us know, and we can
 20 do that.
 21 A. Okay.
 22 Q. Okay. Mr. Kympton, what is your current
 23 title?
 24 A. I'm the president of The Mission
 25 Continues.

1 Q. And before you were the --
 2 MR. AUSTIN: Don't we need to know who all
 3 is present there?
 4 MR. BARNES: Yes, that's right.
 5 Let's let counsel make his presence known
 6 for the record.
 7 MR. JACOB: Thank you,
 8 Representative Barnes.
 9 Matthew Jacober from Lathrop Gage in the
 10 room representing The Mission Continues, and my
 11 cocounsel also in the room with Mr. Kympton this
 12 morning is Kevin Metz, Brian McManus and
 13 Catherine Yao.
 14 Kevin, can you confirm that's an accurate
 15 representation of who is in the room there?
 16 MR. METZ: Yes. And we have an associate
 17 also here -- an additional associate here with us,
 18 but that's correct.
 19 MR. BARNES: Thank you.
 20 Q. (By Mr. Barnes) Before -- when did you
 21 start with The Mission Continues?
 22 A. I started with The Mission Continues on
 23 June 1, 2011.
 24 Q. Prior to working for The Mission
 25 Continues, what was your career history?

1 A. Well, I came to The Mission Continues from
 2 an organization in the education reform space called
 3 Teach for America, where I had been for the previous
 4 three years as vice president of recruiting, but my
 5 career started in the military. I went to
 6 undergraduate at West Point and transitioned out of
 7 West Point into an eight-year Army career as a
 8 helicopter pilot -- a BlackHawk helicopter pilot. I
 9 transitioned out of the military via business
 10 school. I went to -- I got an MBA at Harvard and
 11 then went into management consulting for several
 12 years, where I was ultimately able to work with
 13 government and social sector clients, and
 14 transitioned from management consulting into more of
 15 a social sector community and the nonprofit
 16 community a little over ten years ago via Teach for
 17 America, and that ultimately started my path to
 18 The Mission Continues.
 19 Q. So you were with Teach for America for
 20 three years; is that right?
 21 A. That's correct.
 22 Q. And then The Mission Continues in July of
 23 2011?
 24 A. June of 2011, yeah.
 25 Q. How long have you known Eric Greitens?

1 A. I first spoke to Eric Greitens on or about
2 April of 2011, and it was part of, you know, more of
3 a formal interview process and discovery process as
4 I was considering joining The Mission Continues.

5 Q. And why were you brought on -- why were
6 they bringing you -- or I assume they were
7 interviewing other candidates as well. Why were
8 they bringing people into The Mission Continues at
9 that time?

10 A. At the time Eric had got the help of an
11 executive placement firm. The organization was
12 growing; they didn't really have a -- an executive
13 team. The organization was positioned to need, you
14 know, additional executives and senior leadership at
15 the time, and I believe Eric recognized that and
16 contracted the help of, you know, a firm to find
17 other executives. I just happened to be also
18 working with that firm as I was considering my next
19 career option.

20 Q. And did you move to St. Louis?

21 A. I did not. I live in New York City.

22 Q. Okay. And you've remained in New York
23 City?

24 A. I have.

25 Q. How much day-to-day interaction did you

1 have with Eric Greitens?

2 A. Well -- and that changed --

3 Q. Let's put it by year. Let's start --

4 A. Okay.

5 Q. -- for 2011, when you started in July.

6 How much interaction did you have with
7 Eric Greitens?

8 A. When I started in June of 2011, I would
9 call it fairly frequent. You know, I was brought on
10 as the chief partnerships officer at the time, so my
11 role was specifically focused on, you know, building
12 relationships with partners and supporters and
13 donors that would help take our mission and our
14 organization to the next level, so, accordingly, my
15 interactions with Eric were, you know, if not daily,
16 certainly quite a bit over the course of the week.
17 That would be largely virtual, but I probably went
18 to St. Louis twice a month in those first few years,
19 not only 2011, but kind of, you know, 2011, 2012.
20 My role -- not probably six months -- six to nine
21 months after I joined the organization, I
22 transitioned to a chief operating officer role, and,
23 you know, my responsibilities at that point expanded
24 beyond just a partnerships role to kind of more of
25 an all-encompassing role focused on the operations

1 and growing the operations of the organization, and
2 then, ultimately, maybe a year after that, I
3 transitioned into what -- a new role which we called
4 the president role, which at that time, I managed
5 everyone internally. The entire organization, in
6 some way, shape, or form -- again, from an org chart
7 point of view -- rolled up to me, and at that point,
8 I was -- in term of my interactions with Eric at
9 that point, you know, transitioned into -- most of
10 our coordination was around, you know, building
11 external partnerships, taking -- working on the
12 strategy of The Mission Continues, the long-term
13 strategy of The Mission Continues, and some of the
14 more kind of vision- and mission-oriented, you know,
15 executive conversations. And that -- you know, that
16 probably -- by the time -- up to and including, you
17 know, 2013 and 2014, would have been less regular
18 interactions than the daily or weekly that it might
19 have been in 2011 and more driven by either events
20 or strategy discussions that we needed to have.

21 Q. Okay. Was the plan all along for you to
22 transition to the COO? Were these expected --

23 A. Are you talking about in 2011, was the
24 plan for me to transition --

25 Q. That's right. When you were hired in

1 2011, did you expect a quick transition -- you said
2 six to nine months -- to COO?

3 A. When I joined The Mission Continues, I
4 didn't expect -- I had no expectations of what my
5 role was going to be within, you know, any horizon.
6 I was hired as the chief partnerships officer, and
7 when I became COO, it was a natural and -- it seemed
8 the right decision for the organization at the time.

9 Q. Okay. And then you said you became
10 president sometime -- I think you said 2012; is that
11 right?

12 A. I don't recall the exact dates, but it was
13 probably end of 2012, 2013.

14 Q. Okay. I want to direct you to a
15 memorandum of understanding that you provided us --
16 to us. Do you have that -- we -- on the front of my
17 page -- sheet or -- exhibit here it says,
18 "Exhibit A." And I'm going to hand this around to
19 members here. The first page on the document in
20 front of you say, "The GG Monthly Cost Obligation."
21 You may have it in a different form.

22 A. I have it in reverse order. I have it as
23 an exhibit to the main document.

24 Q. So the memorandum of understanding is the
25 first document you have there in front of you, and

1 then the second document is a letter, and the third
2 document, is that Exhibit A?

3 A. That's correct.

4 Q. Okay. I'll put our -- mine, at least, in
5 order here, and we're going to mark ours as
6 Exhibit 15.

7 (Deposition Exhibit No. 15 was marked for
8 identification.)

9 MR. AUSTIN: Are we marking this whole
10 thing?

11 MR. BARNES: Yeah, let's mark the whole
12 thing as 15. It's the -- Representative Lauer is
13 handing out a different folder. This is the
14 memorandum of understanding.

15 MS. LAUER: Okay. Got it. Sorry.

16 Q. (By Mr. Barnes) Do you recall the process
17 of entering into this memorandum of understanding
18 with Mr. Greitens?

19 A. I do.

20 Q. And why was this agreement necessary?

21 A. This was a board-directed initiative and
22 effort and agreement that was intended to protect
23 and preserve the nonprofit status of The Mission
24 Continues. Recognizing that our CEO at the time was
25 also the CEO of a for-profit entity, so this

1 memorandum of agreement respected that relationship
2 but also was intended to preserve and protect the
3 fact that The Mission Continues is a 501(c)(3)
4 entity that had the opportunity to benefit from its
5 CEO and wanted to allow for that, while also
6 protecting the assets and resources of The Mission
7 Continues as a nonprofit.

8 Q. Were there concerns about Mr. Greitens and
9 the Greitens Group using The Mission Continues'
10 resources for personal purposes at the time?

11 A. There were not concerns, but this was an
12 attempt to formalize and make sure that those
13 protections and preservations were in place.

14 Q. So it was to make very clear what the
15 boundaries were of the relationships between the two
16 organizations?

17 A. That's correct.

18 Q. Okay. On page 3 of the document -- at the
19 bottom of page 3 of the document, it speaks about
20 TMC-generated requests and what to do if there was a
21 TMC-generated request, which bleeds over into
22 page 4.

23 Did The Mission Continues ever receive
24 notice from the Greitens Group pursuant to this
25 provision about TMC-generated requests?

1 A. I don't know if my document is labeled
2 differently -- here we go.

3 Q. It says -- and I'll read to you here so
4 we're on the same -- make sure we're in the same
5 spot. The bottom of page 3 starts with:

6 "For the purposes of this section, 4(a), a
7 TMC-generated request shall mean a request made to
8 Mr. Greitens or the Greitens Group for a private
9 business activity, such as a private speaking
10 engagement or a book event that (I) is made by a
11 Missions Continues donor, sponsor, volunteer, or
12 event participate and (II) occurs during or as a
13 direct result of a Mission Continues event or
14 activity. In the event a TMC-generated request has
15 been made and the Greitens Group desires to engage
16 in such private business activity, the Greitens
17 Group must first take the following actions:

18 (I) properly notify the COO of The Mission
19 Continues of such TMC-generated request.

20 (II) Cooperate with The Mission Continues
21 to generate a donation opportunity for
22 The Mission Continues from such TMC-generated
23 request."

24 Was that -- did TMC ever receive notice of
25 such request pursuant to this memorandum of

1 understanding?

2 A. I don't recall any specific requests that
3 it would have come from TMC donors, sponsors, or
4 volunteers, but I trust that in the event that it
5 did, this MOU was followed by either our staff
6 members or those involved.

7 Q. Well -- and the question was, Do you know
8 if the impetus under the memorandum of understanding
9 was on the Greitens Group to contact The Mission
10 Continues. Do you recall -- it seems not, from your
11 answer here, but I want to ask it more clearly.

12 Do you recall any circumstances in which
13 the Greitens Group notified The Mission Continues of
14 TMC-generated activity?

15 A. I do not recall any specific activity like
16 that.

17 Q. Okay. This document shows a cost split
18 for a Krystal Taylor that, I believe, is maybe
19 50/50. Do you know what the percentage of -- she's
20 now Ms. Proctor, but at that time Ms. Taylor. Do
21 you know what percentage of her salary was paid by
22 The Mission Continues prior to the signing of this
23 memorandum of understanding?

24 A. I do not.

25 Q. Let me ask you some questions about just

1 general practices.

2 We have had a previous witness testify
3 that the standard practice between the Greitens
4 Group and The Mission Continues would be that the
5 Greitens Group would book an event for Mr. Greitens
6 to speak to a group of people, and that then they
7 would get together with employees of The Mission
8 Continues and build Mission Continues events around
9 that private speaking schedule arrangement. Is that
10 your recollection of how Eric Greitens' events
11 occurred in approximately 2011, 2012, 2013?

12 A. My recollection -- Eric's speaking events
13 in 2011 and 2012 were that -- you know, through
14 either his book events or paid speaking engagements,
15 he was exposed to any number of individuals who,
16 through the course of that engagement, were able to
17 learn about The Mission Continues, and as a result
18 of learning about The Mission Continues and that
19 element of Eric Greitens' story, became interested
20 in The Mission Continues' programs and impact across
21 the country, and as a result of that, The Mission
22 Continues was able to build a relationship with
23 those individuals, and in many cases, those
24 relationships remain today.

25 Q. Okay. And as far as travel expensing for

1 those events, was it just expected that if he did a
2 private speaking event, that that would be -- the
3 travel would be paid by The Mission Continues,
4 regardless of whether there was a specific set-aside
5 event for The Mission Continues?

6 A. Pursuant to the MOU, if the purpose of
7 Eric's travel was for a paid speaking engagement or
8 anything that had been arranged through the Greitens
9 Group, that the travel would be paid for by the
10 Greitens Group and not The Mission Continues.

11 Q. And it's your testimony that, in fact,
12 that was the case, at least as far as when you were
13 a part of the organization?

14 A. I can testify that that was the intent and
15 that was what -- how this MOU is arranged, and it
16 was our intent as an organization that The Mission
17 Continues paid for travel-related expenses if Eric
18 was conducting Mission Continues business.

19 Q. Do you know who purchased the Greitens
20 Group's office equipment when there was a shared
21 office?

22 A. I do not.

23 Q. That may have been before your time in --
24 I think that was likely before your time in the
25 organization.

1 Do you know who purchased Krystal Taylor's
2 computer?

3 A. I do not.

4 Q. Did The Mission Continues ever purchase
5 books by Eric Greitens?

6 A. I have no reason to believe that The
7 Mission Continues purchased Eric Greitens' books.

8 Q. When you were COO or CEO, did The Mission
9 Continues ever purchase Greitens' books?

10 A. Again, I have no reason or have seen any
11 evidence that suggests we ever purchased books
12 during my time there.

13 Q. I now would like to direct you to the
14 nondisclosure agreement.

15 (Deposition Exhibit No. 16 was marked for
16 identification.)

17 Q. (By Mr. Barnes) Do you have it in front of
18 you?

19 A. I do.

20 Q. And just to make sure we're on the same
21 document, it's one -- four pages long. It starts
22 with --

23 A. I have it.

24 Q. Okay. And it's signed on the -- page 4 by
25 Eric Greitens on November 27th, 2012; is that

1 correct?

2 A. That's correct.

3 Q. Okay. And to be clear, you provide --
4 your organization provided this document to this
5 committee; is that right?

6 A. That's correct.

7 Q. I'm going to mark this as Exhibit 16.

8 What was the impetus of a nondisclosure
9 agreement for the organization?

10 A. Well, this is a document that all of our
11 staff signs. And, again, this is a -- an effort to
12 protect and preserve the confidential information
13 that The Mission Continues might have -- any
14 information that The Mission Continues might have
15 that could be used for anything other than explicit
16 TMC purposes, so it's a general expectation that we
17 were able to communicate to our entire staff via
18 this document and their signing of this document,
19 that as a 501(c)(3) organization, we were intent
20 upon protecting and observing that.

21 Q. Did the board make that clear in oral
22 representations to Mr. Greitens?

23 A. I do not know.

24 Q. Okay. To be clear -- and I want to get
25 this in the record. Paragraph 1(c), it's the

1 definition of confidential information. Can you
 2 read for the committee what 1(c) defines as
 3 confidential information of The Mission Continues?
 4 A. So within the definition of confidential
 5 information, 1(c) defines:
 6 "The identities of donors or investors and
 7 any personal information of donors or investors and
 8 any contact information for donors or investors" as
 9 confidential information.
 10 Q. Have you had -- I sent to your attorneys
 11 the e-mail from January 6th, 2015 from
 12 Krystal Taylor, now Proctor, to Danny Laub and
 13 Michael Hafner that included an attachment with
 14 The Mission Continues' donor list. Would your donor
 15 list fit under what is defined here in 1(c)?
 16 A. The list that was attached to that e-mail
 17 I would -- I would consider as something that would
 18 fall under 1(c).
 19 Q. And now I'd like to direct you to
 20 paragraph 1(i). And just to get this in the record,
 21 could you read for the committee paragraph 1(i),
 22 which also is -- is that included as confidential
 23 information, what is in paragraph 1(i)?
 24 A. 1(i) also states that confidential
 25 information are "plans, lists, databases, marketing

1 and sales practices, projections, trade or business
 2 secrets, identities of consultants or advisers,
 3 identities of contractors, studies, findings,
 4 correspondence, and similar or dissimilar
 5 information relating to the operations or activities
 6 of TMC."
 7 Q. Do you believe that that donor list that
 8 you've reviewed fits in with paragraph -- the
 9 definition of confidential information in
 10 paragraph 1(i)?
 11 A. I can see how it would fit under the
 12 definition within 1(i).
 13 Q. Okay. I'd now like to direct you to
 14 paragraph 2, and to, again, read into the record
 15 those first two sentence of paragraph 2(A).
 16 A. 2(A) reads: "Employees shall keep all
 17 confidential information disclosed to or received by
 18 employee in strict confidence. Employee shall not
 19 at any time during employee's employment with TMC or
 20 at any time after termination or expiration of
 21 employee's employment with TMC, disclose any
 22 confidential information to any third party in whole
 23 or in part."
 24 Q. Would that restriction include the list
 25 that you reviewed attached to the e-mail of

1 January 6th, 2015?
 2 A. It would.
 3 Q. And is there any exception for political
 4 activity?
 5 A. There are no exceptions.
 6 Q. Would there ever be an exception for
 7 political activity for a nonprofit organization?
 8 A. I can't see a case where there would be an
 9 exception made.
 10 Q. Would that jeopardize your 501(c)(3)
 11 status?
 12 A. I don't have a position on whether it
 13 would jeopardize our 501(c)(3) status, I --
 14 Q. Let me ask it a different way.
 15 A. It would not be an authorized use of any
 16 information from The Mission Continues' point of
 17 view.
 18 Q. Let me ask it a different way.
 19 If a 501(c)(3) charitable organization had
 20 employees using that charitable organization's
 21 information for political purposes, would that
 22 potentially jeopardize -- with the authorization of
 23 the 501(c)(3), would that jeopardize its status?
 24 A. Again, I don't know if it jeopardizes its
 25 status as a 501(c)(3); I can only speak to the fact

1 that that would be an unauthorized -- and be
 2 considered a misuse, as far as The Mission Continues
 3 is concerned.
 4 Q. Okay. I now would like to direct you
 5 to -- well, let's -- 2(b) has some exceptions in it.
 6 Exception B Roman Numeral I says:
 7 "An employee shall not be liable for
 8 disclosure if TMC specifically authorizes and
 9 directs an employee in the performance of employee's
 10 duties to disclose such confidential information."
 11 Did The Mission Continues authorize or
 12 direct the disclosure of that list for political
 13 purposes?
 14 A. No.
 15 Q. Did it do so implicitly in any way?
 16 A. I don't have any reason to believe that we
 17 would have implicitly given permission or
 18 authorization to use that list.
 19 MS. MITTEN: I'm sorry. I'm going to ask
 20 you to kind of repeat that because our speaker is
 21 not so great, and I'm worried about the court
 22 reporter.
 23 A. I don't have any reason to believe that we
 24 would have implicitly authorized the use of this
 25 list.

1 MS. MITTEN: Okay. Thank you.

2 Q. (By Mr. Barnes) Did you implicitly

3 authorize the use of this list?

4 A. No. Not for purposes of outside of TMC.

5 Q. Do you know of any employee of TMC who

6 would have authorized the use -- implicitly

7 authorized the use of the list?

8 A. I do not know of anyone at TMC who

9 authorized --

10 Q. And, actually, let me back up and talk

11 about the organization chart. You were the

12 president at that time; correct?

13 A. That's correct.

14 Q. Is there anyone else to whom -- who would

15 have had the authority to either expressly or

16 implicitly authorize the use of this list above

17 Mr. Greitens?

18 A. Well, I have to clarify what time you're

19 talking about -- the time frame.

20 Q. And when the list was -- so we have

21 another e-mail from May of 2014, when the list was

22 sent from -- that we'll get to in a moment -- when

23 the list was sent from Mission Continues employees

24 to Mr. Greitens, Ms. Taylor, and some others within

25 The Mission Continues.

1 Was there -- so at that point in time, in

2 May of 2014, when the list was sent to Mr. Greitens

3 and Ms. Taylor, who had the authorization to

4 expressly or implicitly permit the use of the list

5 for purposes outside of The Mission Continues?

6 A. In May of 2014, Eric Greitens was the CEO

7 of The Mission Continues. This is prior to his

8 departure from the organization, so from an org

9 chart point of view, I would have reported to

10 Eric Greitens as the CEO.

11 Q. Okay. And as the CEO now, do you report

12 to the board?

13 A. I'm still the president. We don't have a

14 fee structure, but I do report to the board; that's

15 correct.

16 Q. Did the CEO report to the board?

17 A. Yes.

18 Q. Okay. I now direct you to paragraph 3(a).

19 And, Mr. Kympton, have you signed an agreement like

20 this with The Mission Continues?

21 A. I don't recall specifically signing it,

22 but I would assume as an employee of The Mission

23 Continues, I've also signed it.

24 Q. Okay. And that first sentence -- I'd like

25 to, again, get this into the record. If you could

1 read that first sentence for us.

2 A. Sorry. You're asking for 3(a) on the same

3 page.

4 Q. 3(a), that's correct.

5 A. Okay. 3(a) reads:

6 "Employee acknowledges and agrees that all

7 intellectual property that is developed by employee

8 during the time employee is employed by TMC, and

9 that is within the scope of employee's employment

10 with TMC, is the property of TMC, including but not

11 limited to any copyrights or trade secrets."

12 Q. Was the list you reviewed that was sent in

13 May 2014 a list that was created by someone within

14 the scope of their employment with TMC?

15 A. Yes, it was.

16 Q. Do you know who was primarily responsible

17 for that list?

18 A. I can't -- can you clarify what you mean

19 by "primarily responsible" for the list?

20 Q. Well, the list that was sent on 5/7 of

21 2014 was later attached to the e-mail in 2015. Do

22 you know who created that document?

23 A. I believe it was a member of our

24 development team. I'm not certain which member of

25 our development team, but that is a list that was --

1 would have been created through the normal course of

2 reporting through our Salesforce databases and

3 generated for the purposes of development for

4 The Mission Continues.

5 Q. Okay. And that may have been

6 Lyndsey -- Lyndsey Hodges may have been a person

7 that created that?

8 A. She certainly would have been in a

9 position to do that, yes.

10 Q. Or -- and if she didn't create it herself,

11 she would have been a person who -- she may know who

12 created that list?

13 A. That's correct.

14 Q. Okay. I'd also like to direct you to

15 paragraph 3(c), and the sentence there reads -- and

16 I'll read this one for you.

17 "Unless employee has first received the

18 prior written consent by e-mail or letter of TMC,

19 employee shall not use or display any portion of any

20 such intellectual property in connection with

21 employee's portfolio, employee's Web site, or

22 otherwise in any context outside of employee's

23 employment."

24 Did TMC ever write to Mr. Greitens by

25 e-mail a letter authorizing the use of the list that

1 was attached to the January 6th e-mail for political
2 purposes?

3 A. I have not seen any evidence that there
4 was any authorization to Mr. Greitens, either in the
5 context of his role as CEO or after to suggest any
6 authorization to use it for political purposes.

7 Q. So there is no such prior written consent
8 in your records anywhere of an e-mail or a letter
9 from TMC?

10 A. Not that I have seen.

11 Q. Direct you to page 4. Who is Jack Neyens?

12 A. Jack Neyens was our vice president of
13 finance and administration.

14 Q. And is he still with the organization?

15 A. He's not.

16 Q. What were the circumstances in which he
17 left?

18 A. Jack left, I believe, in the second half
19 the 2016 as a natural transition as the organization
20 grew and the size and scope of the role, you know,
21 grew to kind of national. We were looking to change
22 the financing.

23 MR. BARNES: Can you -- let's try to --
24 we're going to -- we're having problems with this
25 speaker. Can we take a short break to try to get an

1 external speaker that -- our court reporter is
2 having trouble -- and some of our members, I can
3 tell, are having trouble, so let's take a short
4 break to fix our speaker problem.

5 THE WITNESS: Okay.

6 (A recess was taken.)

7 MR. BARNES: We are back on the record
8 with a fixed hookup.

9 Q. (By Mr. Barnes) Jack Neyens is where we
10 left off. Did he -- was that an amicable split with
11 the organization?

12 A. My recollection was that it was an
13 amicable split. It was a natural transition, and as
14 I said previously, we were a growing organization
15 that needed a skill set and a finance component and
16 didn't feel that Jack had that going forward.

17 Q. So it fair to say that Jack was let go or
18 terminated? I mean --

19 A. I don't know how others would characterize
20 it, but I would call it a transition that was --
21 didn't -- that was because we had a staff member who
22 didn't have a skill set we needed going forward.

23 Q. It wasn't necessarily that he did anything
24 wrong in his role; it was that he didn't have the
25 skill set you needed to move forward?

1 A. That's correct.

2 Q. Okay. So as far as him leaving the
3 organization, if he were asking for references from
4 your organization, you would give those
5 references --

6 A. That's correct.

7 Q. -- as to the skill set that he had?

8 A. That's a correct representation.

9 Q. Okay. I would now would like to direct
10 you to an e-mail you provided to us from
11 Lyndsey Reichardt to Lori Stevens, yourself,
12 Eric Greitens, Krystal Taylor, and Lyndsey Hodges.
13 Isn't -- Lyndsey Hodges is Lyndsey Reichardt; is
14 that right?

15 A. Yes.

16 Q. Okay. She just had -- so she just had two
17 separate e-mails that she was working, and one was
18 her maiden name; one was her married name. I'm just
19 looking at the list of to's here.

20 Do you have this e-mail in front of you?
21 It's an e-mail from May 19th, 2014, and it has a
22 string below that includes e-mails that were sent
23 from May 13th, May 12th, and May 8th. And your
24 counsel provided this to us -- to me, I believe, in
25 an e-mail yesterday -- Tuesday may have been the

1 e-mail.

2 A. Okay. I think I'm looking at the e-mail.
3 Can you just describe a couple of the
4 characteristics, just so I can make sure?

5 Q. Sure. At the top the attachments say
6 "5/19/2014 Call List," and then the first line is:
7 "Hi, Eric. Sorry I missed you on
8 April 24th."

9 A. Yes. I have that e-mail.

10 Q. My -- the last line is: "My usual skills
11 don't work."

12 A. Yes.

13 Q. Okay. We're on the same -- we're on the
14 same document.

15 Have you had an opportunity to review this
16 e-mail prior to today?

17 A. Not in depth.

18 Q. Okay. Would you like to take a moment to
19 look at it now before I ask you questions about it?

20 A. Sure. We'll take a little bit of time
21 here, and I'll review it.

22 Q. Okay.

23 (Deposition Exhibit No. 17 was marked for
24 identification.)

25 Q. (By Mr. Barnes) Ready?

1 A. I am.

2 Q. And so counsel can be ready, if they have

3 the list itself, they could gather that; that might

4 be helpful. I might go to it in a moment.

5 Okay. Mr. Kympton, can you explain the

6 circumstances of this series of e-mails?

7 A. So the original e-mail that was sent

8 sometime earlier -- I mean, beginning on May 8th of

9 2014, was part of an overall plan that our

10 development team constructed to guide the external

11 communication of our CEO's transition. So this sat

12 a week or two after Eric had communicated internally

13 that his plan was to transition from the CEO role

14 over the summer -- so several months later.

15 So this was our first step in our

16 development team's first step at guiding a proactive

17 communications plan with our partners to not only

18 communicate the transition itself but also talk

19 about how The Mission Continues would be a going

20 concern, how their partnership in support of

21 The Mission Continues would continue to be valued by

22 the organization and just -- it was all part of a

23 natural transition plan that we had created.

24 Q. Was -- a previous witness testified that

25 Mr. Greitens thought of this list as his, that the

1 family on this list. There are individuals on this

2 list who came into The Mission Continues

3 relationship via events that we ran, and they might

4 have been invited by host committee members to those

5 events. There are individuals on this list who came

6 into a relationship with The Mission Continues by

7 the company that was supporting The Mission

8 Continues. So I think that there certainly are

9 individuals on this list who might have been a

10 friend or family member of The Mission Continues,

11 but I would very much characterize this list as a

12 list of supporters and partners of The Mission

13 Continues that came from a variety of different

14 pathways to that relationship.

15 Q. Now, you said you have friends and family

16 that are on the current Mission Continues donor

17 list. Do you have separate contacts -- do you

18 maintain contact information for those friends and

19 family separate from The Mission Continues donor

20 list?

21 A. Yes. Of course.

22 Q. So you have that in your own personal

23 files; right?

24 A. Yes.

25 Q. To your knowledge, did anyone ever tell

1 folks on it were his friends, his contacts that he

2 had built up himself. Was your counsel able to put

3 that list in front of you?

4 (Inaudible.)

5 Yes, the attachment to the 5/8/14 e-mail.

6 MR. BARNES: Off the record.

7 (Discussion off the record.)

8 Q. (By Mr. Barnes) Okay. Now, let me start

9 fresh with this question.

10 A previous witness testified that

11 Mr. Greitens thought -- essentially thought of this

12 list as his own, that the list was comprised of his

13 friends, his contacts that he had built up, and --

14 you've had an opportunity to review the list; you

15 know the list. Do you believe that to be true?

16 A. I would not characterize this list that

17 way. This list is a list of 500 -- more than 500

18 donors, supporters, partners of The Mission

19 Continues who had given collectively or over time

20 \$1,000 or above to The Mission Continues. Within

21 this list might be, you know, friends or family of

22 Eric Greitens that have transitioned into being

23 supporters of The Mission Continues, but as context,

24 I have friends and family who are on this list;

25 other staff members from The Mission Continues have

1 Mr. Greitens he could use this list for purposes

2 outside of The Mission Continues?

3 A. To my knowledge, no. And, again, to do so

4 would have been, you know, a misuse or an

5 unauthorized permission to use the list in that way.

6 Q. And that's by contract; correct?

7 A. That is both explicit, as we've discussed,

8 within our -- in the nondisclosure agreement that

9 we've already gone through.

10 Q. Okay. I now direct you to two

11 communications your organization sent out to

12 supporters in recent weeks. And there are no dates

13 on these, but I want to authenticate that you assert

14 to the truthfulness to the statements contained

15 therein.

16 So the first one starts with, "To our

17 partners," and there's a sentence that says:

18 "The Mission Continues did not provide nor

19 authorize any use of our donors' information to the

20 Greitens campaign or any persons or groups for

21 political or campaign purposes."

22 Did you send this e-mail out to Mission

23 Continues supporters?

24 A. I did.

25 Q. And is that statement true?

1 A. To the best of my knowledge, it is true.
 2 Q. Okay. You also state in here:
 3 "Any use of The Mission Continues
 4 resources for any political or other unauthorized
 5 purpose would violate our policies and the trust we
 6 expect from each member of our staff."
 7 Is that statement true?
 8 A. To the best of my knowledge, that is true.
 9 Q. And then you have a second e-mail here
 10 where it starts with, "Continuing progress,
 11 continuing the mission."
 12 A. I have that.
 13 Q. I'm going to mark these together as
 14 Exhibit 18.
 15 (Deposition Exhibit No. 18 was marked for
 16 identification.)
 17 Q. (By Mr. Barnes) And in that e-mail -- did
 18 you send this e-mail as well?
 19 A. I did.
 20 Q. And you sent that --
 21 A. Well, I -- it was sent on behalf of me
 22 but, yes, it came from The Mission Continues.
 23 Q. Okay. So your team drafted it; correct?
 24 A. I drafted it in partnership with my team,
 25 yes.

1 Q. You gave approval to send it; correct?
 2 A. That's correct.
 3 Q. And the person you have in charge of your
 4 e-mail sends hit the send button; correct?
 5 A. That's correct.
 6 Q. Okay. And are the statements contained in
 7 this e-mail true?
 8 A. To the best of my knowledge, they're true.
 9 Q. Do you recall when Mr. Greitens resigned
 10 from the board of The Mission Continues?
 11 A. I believe that the actual date where we
 12 notified the board that he would be stepping down
 13 was the end of August 2015.
 14 Q. What precipitated his departure from the
 15 board?
 16 A. Well, at that time, Eric notified both me
 17 and, as I recollect, our board chair that he was
 18 preparing to announce his candidacy for governor,
 19 and those conversations suggested that it was
 20 probably in the best interest of The Mission
 21 Continues at that time to -- and for Eric to step
 22 away from the board to avoid any types of conflict
 23 of interest that might arise as having a candidate
 24 for political office involved formally on our board.
 25 Q. Would one example of such a conflict of

1 interest be the use of Mission Continues resources
 2 for political purposes?
 3 A. I think that could be an example.
 4 Q. And at that time, were you or the board
 5 aware that The Mission Continues list had been sent
 6 to people associated with the Greitens campaign?
 7 A. I was not aware that any list had been
 8 sent at that time in August of 2015.
 9 Q. When did you become aware of the list
 10 being shared in that fashion?
 11 A. I believe the first time that any notion
 12 that the -- or suggestion or allegation that the
 13 list had been sent was when we were contacted by a
 14 reporter in the summer of 2016 suggesting that he
 15 was in possession of a list, shared the title of
 16 that list, and it was a list that was titled and
 17 very closely matched -- or exactly matched the list
 18 in question that we've already discussed.
 19 Q. And what happened after you were contacted
 20 by that reporter, if anything?
 21 A. Well, internally, you know, we -- as you
 22 might imagine, we wanted to understand what the list
 23 was, whether or not it was something that we had
 24 created or were all involved in, so we did, you
 25 know, a bit of internal -- just kind of historical

1 analysis to understand that. But subsequent to
 2 being contacted by the reporter, several months
 3 later, the same list became the subject of a
 4 Missouri Ethics Commission investigation of which we
 5 participated and cooperated.
 6 Q. Did you testify before the Missouri Ethics
 7 Commission in any form or fashion?
 8 A. We did speak -- I did testify, yes.
 9 Q. And did you tell them that -- and what did
 10 you tell them?
 11 A. I don't recall the exact testimony, but I
 12 would have provided and authenticated the fact that
 13 that was a list generated -- as far as we could
 14 tell, a list generated by The Mission Continues.
 15 Q. Did you give any opinion as to the value
 16 of that list?
 17 A. I did not give an opinion to the value of
 18 the list, as far as I recall.
 19 Q. Do you have an opinion as to the value of
 20 the list for your organization?
 21 A. Well, my opinion would stem from the fact
 22 that, you know, this is a list of over 500 donors
 23 and partners and supporters of The Mission Continues
 24 who had given to The Mission Continues over time and
 25 was paired not only with the amount of that gift,

1 but, also, in some cases, paired with the contact
2 information of those donors. So I can attest to its
3 value to The Mission Continues.

4 Q. And what -- could you put a dollar figure
5 on the value to The Mission Continues?

6 A. I can't put a dollar figure on it.

7 Q. In terms of the amount of work that -- by
8 Mission Continues employees that went into creating
9 the list, is it a couple of hours? Dozens of hours?
10 Hundreds of hours?

11 A. Well, can you clarify what you mean by
12 "the work"? You know, there's the work and actually
13 -- you know, the kind of manipulation of the system
14 to generate the list, which is, you know, probably
15 less than an hour, but the work that, you know, goes
16 into the content itself and the relationships that
17 are contained within --

18 Q. I mean the second. The cultivation of the
19 donors that comprise the list, not just the data
20 manipulation.

21 A. You know, in some cases, you know, those
22 relationships with individuals were built over a
23 significant amount of time, and, you know,
24 collectively across 500-plus of those. I would
25 imagine that could represent a fair amount of time

1 to The Mission Continues broadly.

2 Q. Would you say the list has a value of over
3 a thousand dollars to your organization?

4 A. I can't speak to the value of the list
5 itself.

6 Q. That's fair.

7 MR. BARNES: So the way we operate here --
8 and we've got this odd arrangement now -- is what --
9 we go in order from the vice chair to our ranking
10 member, and then order of seniority, and if we get
11 to a member who you can't see, we'll have them raise
12 their hand to start, and then I may move around so
13 you can see people better.

14 THE WITNESS: Okay. I just want to make
15 sure that you know that for the last probably 10
16 minutes or so, your entire screen has been frozen,
17 so I really can't see anyone. I don't know if
18 that -- if -- we might give a try to refresh the
19 screens.

20 MR. BARNES: Okay. We're going to try to
21 refresh the screen.

22 How about now? Can't see anything, but
23 you can hear us okay? You can hear us --

24 THE WITNESS: I can hear you.

25 MR. BARNES: Okay. Well, let's do it that

1 way.

2 So the next person who will ask questions
3 who will be a voice with no body is
4 Representative Don Phillips, who is our vice chair.

5 EXAMINATION

6 BY MR. PHILLIPS:

7 Q. Thank you, Mr. Chairman.

8 Mr. Kympton, a lot of people consider it a
9 blessing if they can't see me while I talk, so you
10 may feel the same way, if we ever personally meet or
11 our video starts working.

12 Thank you for joining us this morning.
13 I'm Don Phillips, state representative from
14 District 138, and that means nothing to a man from
15 New York, but it's down near Branson, if you've ever
16 heard of Branson, Missouri.

17 I want to begin by just asking when the
18 original donor list was created and Eric formed The
19 Mission Continues in 2007, that was his baby, so to
20 speak? Did he implement the list to begin with?

21 A. I'd like to clarify the question. Are you
22 asking that I -- for me to speak to the generation
23 of a list beginning in 2007?

24 Q. If you have knowledge of that. Surely
25 somewhere in your conversation, you have knowledge

1 of how the list originally originated. Was that
2 something that Eric -- it seems pretty obvious to me
3 that he probably started the list.

4 A. When I arrived in 2011 -- I can speak to
5 what happened, you know, subsequent to June 2011.
6 You know, it was a fairly regular course of action
7 and practice for us to be in regular contact with
8 our donors, and one of the practices that
9 facilitated that was the generation of call lists
10 and the generation of lists that would facilitate
11 that outreach. And that was, in some cases, a
12 practice that we would do weekly or monthly, and the
13 list that was ultimately generated for that same
14 purpose in 2011 was probably a larger list than we
15 would have done in the past, but it was for the same
16 purposes, and that was to contact and be -- to
17 cultivate and steward relationships that had been
18 built to further the work of The Mission Continues.

19 Q. Okay. Great. So the list has grown
20 considerably since the list that maybe you
21 inherited?

22 A. That's correct. As has the organization.

23 Q. Did Mr. Greitens, to your knowledge,
24 solely run the organization from 2007 to 2011? What
25 was his pecking order in that? Do you have any

1 knowledge of that?

2 A. My knowledge was that he was the CEO from
3 inception in 2011, up until he stepped down from the
4 CEO role on July 4th of 2014.

5 Q. And there's always been a board of
6 directors, correct, as far as you know?

7 A. As far as I know.

8 Q. Okay. Would it be fair to assume that you
9 and Eric Greitens are friends?

10 A. I would characterize my relationship with
11 Eric Greitens as a colleague. It was a professional
12 relationship. Very limited social interaction
13 outside of our professional relationship.

14 Q. Have you heard from Mr. Greitens since he
15 became Governor Greitens?

16 A. I don't recall any interaction with the
17 governor since he's stepped into office.

18 Q. Okay. Was there ever a time -- in your
19 seven years of relationship with the governor, was
20 there ever a time that you felt uncomfortable in any
21 of the business dealings that took place in
22 The Mission Continues?

23 A. No.

24 Q. Okay. In your seven years of relationship
25 and knowing Mr. Greitens, do you feel like you could

1 characterize him as trustworthy and honest, in your
2 opinion?

3 A. I would have no reason to characterize
4 Eric Greitens as anything other than trustworthy and
5 honest, based on my interactions with him.

6 Q. Okay. Does he continue to have some
7 influence over The Mission Continues currently?

8 A. And when you ask -- I mean, I want to
9 clarify what you mean by "influence." Do you mean
10 does he have any way to influence the business
11 dealings or the focus of The Mission Continues?

12 Q. Yes. If he called in a favor, would it be
13 honored?

14 A. Eric does not have a professional
15 relationship with The Mission Continues. He's
16 stepped away from our board. He will always be the
17 founder of the organization. That's part of our
18 organization's history and part of his history, but
19 in terms of his influence on the organization, his
20 ability to request favors of The Mission Continues
21 is no different than any other donor or partner or
22 anyone else who has been a part of our history.

23 MR. PHILLIPS: Okay. Very good. Thank
24 you. That's all I've got.

25 Thank you, Mr. Chair.

1 MR. BARNES: Representative Mitten.

2 Is your screen working?

3 THE WITNESS: No.

4 MR. BARNES: Okay. Still not. How about
5 if you let us know if the screen starts working so
6 I'll stop asking that question.

7 THE WITNESS: Okay.

8 EXAMINATION

9 BY MS. MITTEN:

10 Q. Thank you. Good morning. I don't know if
11 your attorney here asked you to get The Mission
12 Continues' -- I think it was -- I called it the
13 employee manual. Do you have that on your end of
14 the world?

15 A. Give us one second; we'll have it in front
16 of us.

17 Okay. I have our team member handbook in
18 front of me.

19 Q. Yes. That's exactly right. And I'm going
20 to call your attention to -- hang or a second; now
21 I'm having a hard time finding my version of it.

22 I think it's Section 4, page 21 where it
23 talks about care of donor records.

24 A. Okay. I'm on that page.

25 Q. Okay. So I'm just -- I mean, if you want

1 that take a moment to familiarize yourself with that
2 paragraph.

3 So my question is just basically, based
4 upon this employee manual, are you aware of any time
5 when Eric Greitens returned donor lists to
6 The Mission Continues or returned them to the files?

7 A. I'm sorry. I'm not sure I understand the
8 question. Can you clarify?

9 Q. The second paragraph under "Care of Donor
10 Records."

11 "When possible, obtain all materials from
12 donor files and return the materials back to the
13 files."

14 Are you aware that Eric Greitens or
15 Krystal Taylor or anyone affiliated with the
16 Greitens Group, in fact, did that with donor
17 materials?

18 A. Again, just to clarify, are you asking if
19 I'm aware that they returned the materials to our
20 files after using them?

21 Q. Correct.

22 A. Well, first, I want to make clear that
23 employees of the Greitens Group would not have had
24 access -- authorized access to donor files. You
25 know, there's --

1 Q. Well, I'm going to interrupt you real
2 quickly there, because I believe that Krystal Taylor
3 was a dual employee and would have, by virtue of
4 that status, had access to those files.

5 A. Eric and Krystal were, in fact, employees
6 of both The Mission Continues and the Greitens Group
7 and would have been the only Greitens Group
8 employees to have access to those files. I'm not
9 aware of times when either Krystal Taylor or
10 Eric Greitens would have used those files and then
11 returned them.

12 Q. Okay. Are you aware of Eric Greitens or
13 Krystal Taylor destroying donor materials or other
14 materials obtained by The Mission Continues?

15 A. I'm not aware, no.

16 Q. Okay. When did you first become aware
17 that Eric Greitens was running for political office?

18 A. I don't recall the exact date that Eric
19 would have told me, you know, that he was running
20 for office. I would probably peg it at that
21 August 2015 time frame, when our discussions were
22 around his stepping away from the board, and then I
23 learned officially when the general public learned,
24 subsequent to his announcement in September of 2015,
25 that he was running for governor.

1 Q. Okay. Okay. And then earlier you
2 testified that you -- nothing about your
3 interactions with Eric Greitens would cause you to
4 believe he was not trustworthy and honest. Would
5 you characterize using The Mission Continues donor
6 list for his political purposes as being trustworthy
7 or honest?

8 A. I would characterize the use of any list
9 or donor information or contact information --
10 anything that would fall under what we would have
11 earlier described as confidential information -- as
12 unauthorized by The Mission Continues and a misuse
13 of those resources.

14 Q. So you -- if I get your testimony
15 correctly, you believe that the unauthorized use of
16 confidential information from a nonprofit
17 corporation for political purposes as being honest?

18 A. No. I would constitute the use of donor
19 information and confidential information of
20 The Mission Continues as a misuse of our resources
21 and against policies that The Mission Continues had
22 established.

23 Q. Would you characterize using that data for
24 political purposes as indicating the character trait
25 of trustworthiness?

1 A. I'm sorry. Can you repeat the question?

2 Q. Would you characterize the use of
3 The Mission Continues donor materials for political
4 purposes as an exhibit or as -- display of the
5 character trait of trustworthiness?

6 A. I would characterize the use of Mission
7 Continues resources in that way as -- as misusing
8 the trust of The Mission Continues.

9 Q. Thank you.

10 MS. MITTEN: No further questions.

11 MR. BARNES: Representative Lauer.

12 EXAMINATION

13 BY MS. LAUER:

14 Q. Thank you, Mr. Chair. Thank you for being
15 here -- or for being there. And I also want to
16 thank you for your service to our country. We
17 certainly appreciate that.

18 A. Thank you.

19 Q. When we talked about the nondisclosure
20 statement, it appeared as though this was a very
21 important document to your organization; is that
22 correct?

23 A. That's correct.

24 Q. All right. And you said that the board
25 wanted to have this in place. Did the board come up

1 with a decision to initiate this agreement or to
2 develop this agreement, or upon whose direction did
3 this agreement begin?

4 A. It was a board-directed and
5 board-initiated effort.

6 Q. And what was -- I know you said that you
7 wanted to make sure that things were separate and
8 distinct, but at that time, was there a level of
9 concern that there might have been any crossover?

10 A. I think it was a -- and, again, I'm
11 speculating and wasn't on the board at the time --
12 but was part of the process in developing it. It
13 recognized the very simple fact that, you know, the
14 CEO of The Mission Continues, a nonprofit
15 organization, was also CEO of a for-profit
16 organization, and this effort was focused on
17 ensuring that those two entities remain separate and
18 distinct.

19 Q. Okay. So given the fact that there was,
20 as you just described, the for-profit and
21 not-for-profit element with the same individual,
22 there was a level of concern of potential conflict
23 of interest?

24 A. I can't speak to the level of concern; I
25 can only speak to what the board was focused on,

1 which is what their responsibility in governing the
2 organization and their focus on governance.

3 Q. Okay. Thank you.

4 Over a period of time with this donor
5 list, is it fair to say that this may -- the list
6 may have began in 2007, with Mr. Greitens beginning
7 it, and then continued on as normal practice to be
8 developed over periods of time even today?

9 A. I can speak to the fact that donor lists
10 and supporter lists were a part of our development
11 activities and the generation of those lists, and
12 they do continue to today.

13 Q. And that's part of your normal practice,
14 would be to continue to obtain donors throughout the
15 process?

16 A. That's correct.

17 Q. And would it be your practice to receive
18 those names from, again, as you indicated, a variety
19 of pathways?

20 A. Yes.

21 Q. All right. And so whether they are from
22 other authorized lists or events or wherever they
23 might come from, there is no set or exclusive
24 list -- or exclusive way of obtaining those names?
25 They can come from all over?

1 A. That's correct.

2 Q. Okay. Thank you.

3 The Greitens Group, as I understand it, is
4 responsible more for the for-profit side and the
5 sales of the books; is that correct?

6 A. The Greitens Group, as I understood it,
7 was a for-profit entity that was created to cover
8 Eric Greitens' separate literary and media
9 activities, as well as his professional speaking.

10 Q. And were there names -- were the names of
11 the people who purchased books or other lists of
12 names obtained from those events as well?

13 A. I'm not aware of any lists that were
14 generated as a result of individuals who had
15 purchased the books. As we've previously talked
16 about, there were either speaking engagements or,
17 you know, book tour-type events during which
18 individuals might have demonstrated an interest in
19 The Mission Continues as part of Eric Greitens'
20 stories that we then were able to build
21 relationships with in the context of The Mission
22 Continues.

23 Q. Okay. The -- let's go -- in talking about
24 the list -- and the Chair had asked about the value
25 of the list, and we've kind of been through that

1 discussion -- but in the nondisclosure agreement,
2 when we're talking about the misuse or indicators
3 for misuse, what would have been the remedy for
4 misuse?

5 A. Can you -- you're speaking to the
6 remedy --

7 Q. Based on the nondisclosure --

8 A. How we would handle the allegation of
9 misuse?

10 Q. Yeah. Based on the nondisclosure
11 agreement as the president of the organization --

12 MR. BARNES: Well -- hold on. Let me --

13 MS. LAUER: I'm sorry.

14 MR. BARNES: To the extent you're asking
15 him for a legal conclusion about the legal remedy is
16 one question, but if you're asking --

17 MS. LAUER: I'm asking about operational.

18 MR. BARNES: Operational remedy within the
19 organization, I think, is another.

20 MR. AUSTIN: As opposed to this -- does
21 this activity violate, you know, the rights to
22 501(c)(3) -- I mean, you did, too --

23 MR. BARNES: No, you're right, Kevin --
24 Representative, you're right.

25 MS. LAUER: I'm asking more about the

1 operational side. I want to clarify that.

2 MR. BARNES: Okay. And you can ask the
3 legal question, as well, but I think that might have
4 been the source of the confusion.

5 Q. (By Ms. Lauer) I'm sorry, sir. Let's back
6 up, if you would.

7 As the president of an organization, you
8 have a nondisclosure agreement, and should any
9 employee violate that nondisclosure agreement, what
10 would have internally been the remedy for that?

11 A. Well, if you're speaking about employee --
12 you know, I can't speak to the legal ramifications
13 thereafter, but if we're speaking about an employee,
14 it would have been viewed as an unauthorized use in
15 express -- you know, in violation of our
16 nondisclosure agreement and our employee handbook,
17 as we've mentioned, and we enter, likely, into a
18 discussion about the employee's future at The
19 Mission Continues.

20 Q. Okay. So it could potentially be a
21 disciplinary action and/or up to termination?

22 A. I would -- yes. I would assume so.

23 Q. And while we're talking about employees,
24 it could be anyone, again, who signed a
25 nondisclosure agreement; is that correct?

1 A. Yes.

2 Q. All right. And share with us -- again,

3 I'm not looking for a specific number -- what is

4 the -- internally, operationally, what is the impact

5 of the misuse of this to The Mission Continues?

6 A. I can't speak to what that impact would be

7 externally or internally.

8 Q. Do you have -- based on the information

9 that you sent out to your donors and your partners,

10 did you receive feedback from them as to their

11 concern about the misuse of a list?

12 A. We received limited -- or near zero, you

13 know, kind of impact or direct communications from

14 our --

15 Q. I'm sorry. You're somewhat frozen, sir.

16 Could you repeat your response?

17 THE WITNESS: We'll try and reconnect.

18 MR. BARNES: Off the record.

19 (A recess was taken.)

20 MS. LAUER: Ma'am, would you please

21 restate what we were discussing?

22 (The pending question was read by the

23 reporter.)

24 A. So we have been -- we've been in contact

25 and regular interactions with some of our primary

1 partners and donors, and this has been a distraction

2 for The Mission Continues. We're focused on -- our

3 mission all across the country, empowering veterans

4 to serve their country again and find pathways for

5 them to serve, and it has been a distraction. It's

6 not the type of conversation, as you might imagine,

7 that I want to have with our partners and

8 supporters. It's been a distraction across the

9 organization, in terms of the amount of time that we

10 have spent preparing and cooperating with multiple

11 investigations. We have -- as you may be aware, you

12 know, we have been placed on an advisory notice by

13 Charity Navigator, which has been -- which has

14 ranked us as a four-star organization for the last

15 three years running but have put that on hold as

16 investigations have gone on.

17 So while I still firmly believe in the

18 organizational health and governance of the

19 organization, you know, it's been a distraction, and

20 I'm not going to hide that fact.

21 Q. (By Ms. Lauer) And I appreciate -- I

22 certainly appreciate you explaining that and kind of

23 going into more depth, and I want to clarify that my

24 questioning of this is not for the integrity of The

25 Mission Continues; it is just in the events that

1 we're talking about. Is that fair?

2 Sir, can you hear me?

3 A. That's fair.

4 Q. Okay. Thank you. So there has been an

5 impact, obviously, as you've just described.

6 When -- I want to shift gears a little bit.

7 When you were with The Mission Continues

8 and Krystal was with Mission Continues and Greitens

9 Group -- as we know, that was a part time in both

10 groups -- how did you know that there were separate

11 and distinct roles that she was fulfilling?

12 A. Could you ask the question again? There

13 was a phrase in the middle that was a bit garbled.

14 MS. LAUER: Okay. Would you restate that,

15 please?

16 (The pending question was read by the

17 reporter.)

18 A. Well, in terms of how -- knowing the

19 distinction between the roles, you know, there were

20 the -- there were the prescriptions [sic] that were

21 explicit within the MOU within the Greitens Group

22 and The Mission Continues that outlined that

23 relationship and how we handled the different

24 responsibilities and the -- in terms of her roles

25 and responsibilities at The Mission Continues, it

1 was outlined as pursuant to, you know, her role as

2 an executive assistant and the activities that

3 Eric's -- and time that Eric spent on Mission

4 Continues business. In terms of her roles and

5 responsibilities in the Greitens Group, I can't

6 speak to those.

7 Q. (By Ms. Lauer) Okay. And going back to

8 the e-mails on the donor list, we discussed that

9 Lyndsey sent an e-mail to a variety of people carbon

10 copying you as well as Krystal Taylor and

11 Eric Greitens on 5/19/2014, which we listed as

12 Exhibit 17, and that was sent to Krystal Taylor at

13 The Mission Continues; correct?

14 A. Yes.

15 Q. Okay. And then I have an e-mail that we

16 have previously identified as Exhibit 3A --

17 MS. LAUER: I'm sorry. He may not have

18 that.

19 MR. BARNES: What we've labeled as

20 Exhibit 3A is the e-mail from January 6th, 2015,

21 from ktaylor@greitensgroup.com to Danny Laub and

22 Michael Hafner. I provided that to your counsel

23 because that was the e-mail to which the list was

24 attached. And so --

25 THE WITNESS: I have that list -- I have

1 that e-mail now.

2 MR. BARNES: Okay. Great.

3 Q. (By Ms. Lauer) Okay. So then -- just to
4 kind of put this back in framework here.

5 So on 5/19/14, Lyndsey sends an e-mail to
6 ktaylor@missioncontinues with information on
7 Exhibit 17, and then at some point on Exhibit 3A,
8 Krystal Taylor then sends the donor list from the
9 Greitens Group. So there's a transience at some
10 point from ktaylor from The Mission Continues to the
11 Greitens Group as listed in the e-mail here.

12 So are you familiar or do you have any
13 insight as to how that donor list might have gotten
14 from Mission Continues into Greitens Group through
15 that e-mail transaction?

16 A. I have no idea how it would have gotten
17 into Greitens Group e-mails, other than the fact
18 that we sent Krystal Taylor, in her role as -- at
19 The Mission Continues, the list, as was general
20 practice for us to do, and as she served as Eric's
21 adjunct and administrative assistant during the
22 course of his time as CEO, that -- you know, as that
23 e-mail indicates, we did send it to her in her role
24 as executive assistant in May of 2014.

25 Q. And that would have been appropriate

1 because she was part of the organization at that
2 time, and that was an internal document; correct?

3 A. That's correct.

4 Q. Okay. Thank you. And just to clarify,
5 has Eric Greitens -- I think Representative Phillips
6 asked about influence that Greitens might have. To
7 what degree might he have any association with
8 The Mission Continues, or does he continue to
9 reference The Mission Continues in his events and so
10 forth? What is your knowledge of that? To what
11 level is he --

12 A. I have no knowledge of whether he
13 continues to reference The Mission Continues
14 externally.

15 Q. Okay. Again, I want to thank you for your
16 service and your help with our veterans. Thank you.

17 THE WITNESS: Thank you.

18 MR. BARNES: Representative Austin.

19 EXAMINATION

20 BY MR. AUSTIN:

21 Q. Thank you, Mr. Chair. I'm Kevin Austin.
22 Just a few follow-up questions. I'm going to be
23 jumping around; I apologize for that.

24 If we go to Exhibit 17 --

25 A. I'm sorry to cut you off, but we -- it's a

1 bit garbled, and I, unfortunately, can't understand
2 your question.

3 Q. (By Mr. Austin) Let me scoot up.

4 I'm Kevin Austin, District 136, and I'm
5 going to jump around a little bit, and I apologize
6 for that.

7 A. It's still fairly garbled. I'm having a
8 hard time understanding.

9 I think we should try to call back.

10 (A recess was taken.)

11 Q. (By Mr. Austin) We're back on record, sir.

12 My name is Kevin Austin, representative
13 from District 136, and I'm going to jump around a
14 little bit, and I apologize for that.

15 If we go back to Exhibit 17, that's the
16 e-mail from Lyndsey to you and others that
17 Representative Lauer was asking about, and it's from
18 Lyndsey to Lori Stevens. Do you still have that
19 front of you?

20 A. I do.

21 Q. It carbon copies you, Eric Greitens,
22 Krystal Taylor, and then Lyndsey Hodges. If you
23 look at that, there -- it addresses Eric Greitens
24 twice: Once Eric Greitens with his Mission
25 Continues e-mail and then addresses Eric Greitens

1 the -- actually, the first time to his Gmail
2 address. Do you know why that is?

3 A. My recollection is that from time to time,
4 given Eric's travel schedule, occasionally, e-mails
5 would pop up to him quicker if some went to his
6 personal address. So it wasn't general practice
7 that we would do that on all e-mails, but sometimes
8 on more important or time-sensitive e-mails, we
9 would also put his personal address.

10 Q. Okay. And then we're going to continue to
11 jump. If we go to Exhibit 16, that's the NDA, and
12 to follow up on some previous questioning, if we go
13 to paragraph 4, it discusses remedies.

14 A. Okay. I have that in front of me.

15 Q. And it discusses remedies against an
16 employee or former employee who violated this NDA,
17 and one of the remedies is that The Mission
18 Continues shall be entitled to adjoin the employee
19 from the continuance thereof and may apply to any
20 court of competent jurisdiction for entry of a TRO.

21 Has The Mission Continues done that with
22 regard to the list we're talking about today?

23 A. We have not.

24 Q. Has The Mission Continues done that ever
25 in the history, as far as you know, to any employee?

1 A. As far as I know, we have not.

2 Q. How many employees are there right now for

3 The Mission Continues?

4 A. I don't know an exact figure.

5 Q. Well, that's -- while we don't want you to

6 speculate, I'm going to ask you to guess. That may

7 be the same thing.

8 A. Okay. We have close to 70 employees

9 nationwide.

10 Q. And when you first came there, how many

11 employees were there?

12 A. My recollection was there was certainly

13 under 20. Maybe on the order of 15.

14 Q. When you go to seek donors and cultivate

15 them, what percentage or number of employees when

16 you first came there were dedicated to seeking

17 donors and then afterwards cultivating them?

18 A. So when I -- I was hired as chief

19 partnership officer in 2011. That was the team that

20 I would have managed as the team of two individuals

21 at the time who were specifically focused on

22 development and fundraising. I believe there was

23 a -- an administrator-type individual, but it was

24 roughly two or three of that 15 who were

25 specifically focused on development of fundraising.

1 Q. Do you remember their names?

2 A. Well, Lyndsey Hodges -- at the time --

3 Hodges-Reichardt now was one of them, and Tony Bryan

4 was another.

5 Q. And what about Eric Greitens? Did he play

6 a role in that?

7 A. Well, Eric was the CEO and founder of the

8 organization and was the chief fundraiser for the

9 organization at the time.

10 Q. And I assume that you had different

11 methods -- and marketing may be a bad term, but

12 marketing The Mission Continues to various donors,

13 say, smaller donors versus larger donors.

14 A. We were able to triage donors based on

15 their contributions to the organization, yes.

16 Q. And when you had larger donors, say, those

17 that you might hope to get a

18 thousand-dollars-or-above donation, what employees

19 were concentrating on those when you first got

20 there?

21 A. It would have been the same. It would

22 have been the development team, in partnership with

23 Eric on identifying and prioritizing across that

24 donor list.

25 Q. So we're talking about Lyndsey, Tony, and

1 Eric Greitens?

2 A. In 2011, if that's the time frame we're

3 talking about.

4 Q. And we are. And I'll ask you here in a

5 second how that changed over time, but what was

6 Lyndsey's role in cultivating these donors in 2011?

7 A. You know, my recollection is that Lyndsey

8 was more of the, kind of, process and orchestrating

9 the process itself, and that the cultivation and

10 personal interaction fell more on Eric's shoulders.

11 Q. Okay. What was Tony's role?

12 A. Similar. Tony had a bit more of an

13 external role, but, again, the lion's share was on

14 Eric's shoulder.

15 Q. And then how did that change from 2011

16 onward?

17 A. Well, subsequent to my transitioning from

18 the chief partnerships officer role, at which time

19 both Tony and Lyndsey would have reported to me,

20 embarked on professionalizing the development team

21 even further, and the first step of which, as far as

22 I remember, was hiring Lori Stevens, which is a name

23 that you've seen on some of these e-mails, as well,

24 as our vice president of development. And, you

25 know, following her joining our senior team in that

1 capacity, she built up the practices and procedures

2 on development of fundraising even more. Our team

3 grew larger, and, you know, our donor pipeline

4 diversified, as well as our team.

5 Q. And while Eric Greitens no longer plays an

6 active role, do you still use his image or excerpts

7 from his books or anything like that that help in

8 your marketing?

9 A. We do not.

10 Q. Have you ever been contacted by

11 Michael Hafner?

12 A. I have not.

13 Q. And very early in your testimony, you were

14 asked about evidence of permission to give written

15 consent to use the donor list that we've been

16 talking about. Can you tell us what you've done to

17 search your records -- and maybe you haven't,

18 because I know you don't know what questions you're

19 going to be asked today.

20 A. What we've done to search our records for

21 what, in particular?

22 Q. For -- to see if there has been any sort

23 of written permission for the donor list that we've

24 been talking about to be transferred from The

25 Mission Continues to the Greitens Group?

1 A. No. Well, we've done internal searches of
2 our e-mails that surrounds this list in particular,
3 and, again, pursuant to our MOU, have not found --
4 and nondisclosure agreements and employee handbooks,
5 have not found anyplace evidence that suggests that
6 internally this list was shared in a manner that
7 wasn't consistent with those prescriptions.

8 MR. AUSTIN: That's all I have. Thank
9 you.

10 MR. BARNES: Representative Rhoads.

11 EXAMINATION

12 BY MR. RHOADS:

13 Q. Thank you, sir. My name is Shawn Rhoads.
14 I've just got a couple of quick questions, and I
15 think Representative Austin kind of touched on one
16 of those real quick.

17 I want to send you over here to Exhibit 18
18 again, please, which would be the Mission Continues
19 letter to our partners that says, "You may have read
20 about The Mission Continues in the news lately."

21 A. Okay. I have the one that begins, "To our
22 partners. You may have read about The Mission
23 Continues in the news lately."

24 Q. Yes. What was the date that was sent out?

25 A. I don't recall the exact date, but,

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1 roughly, this would have -- this was probably two
2 weeks ago.

3 Q. Okay. And so you sent this out two weeks
4 ago. And when were you made aware that this list
5 was possibly used?

6 A. Again, our first indication or allegation
7 that we were aware of that the -- this list was out
8 there and that others outside of The Mission
9 Continues had it was in the summer of 2016, when a
10 reporter contacted us with -- in possession of this
11 list.

12 Q. Okay. Thank you.

13 And I think Representative Austin just
14 kind of touched on this. As -- has The Mission
15 Continues been conducting their own internal
16 investigation into this matter?

17 A. Can you clarify -- are you talking about
18 the use of the list?

19 Q. Yes. I'm sorry. Yeah. Being made in
20 light of that this list was out and not kept
21 internal, has The Mission Continues looked into this
22 matter about the list?

23 A. Well, we've been looking deeply into the
24 matter, pursuant to these investigations, and, you
25 know, we -- again, our internal investigations over

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1 the use of the list internally and with employees,
2 in the context of The Mission Continues, has not
3 uncovered evidence, to my knowledge, that suggests,
4 you know, internal misuse of the list or that the
5 list was generated for anything other than purposes
6 of The Mission Continues and contact of The Mission
7 Continues partners and supporters, subsequent to a
8 CEO transition claim that we had developed
9 internally.

10 MR. RHOADS: Okay. Thank you, sir.

11 MR. BARNES: Representative Pierson.

12 EXAMINATION

13 BY MR. PIERSON:

14 Q. Thank you, Mr. Chair. And thank you,
15 Mr. Kympton, for your time here today.

16 I just have one question, and that was
17 just to ask was there anything, as we have been at
18 it for over an hour and a half, that you wanted to
19 say or express to us or clarify at this point in
20 your testimony?

21 A. There's nothing I'd like -- thank you for
22 the opportunity to add that. Nothing I'd like to
23 add or clarify, other than what I mentioned before.
24 I mean, we are -- I have appreciated the opportunity
25 to participate in this investigation, as you might

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1 imagine, as someone who is focused on preserving and
2 protecting an organization whose impact we want to
3 have nationally and whose impact we want to continue
4 with veterans all across the country. It's
5 important for us to present what we know and the
6 evidence that we have that suggests and reflects our
7 internal practices at the time, so thanks for the
8 opportunity to do that.

9 MR. PIERSON: Very good. Thanks for your
10 service, work, and time here today.

11 Thank you, Mr. Chair.

12 MR. BARNES: We are back to me, and
13 everyone is trying to wrap up here, but I am going
14 to have a few short, I think, easy questions, and
15 then we're going to be finished.

16 RE-EXAMINATION

17 BY MR. BARNES:

18 Q. Does Lori Stevens still work for
19 The Mission Continues?

20 A. Lori transitioned for another opportunity
21 at the end of 2017.

22 Q. Do you -- where was she based?

23 A. In Boston.

24 Q. Did she leave amicably?

25 A. Yes.

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1 Q. Okay. Lyndsey Hodges, when did she leave
2 the organization?
3 A. I don't recall the exact dates. I believe
4 it was, you know, the first half of 2014 -- or 2015,
5 but not certain of the dates.
6 Q. Did she leave -- did Lyndsey
7 Hodges-Reichardt leave the organization amicably?
8 A. Yes. That's how I would characterize it.
9 Q. Okay. And where -- does The Mission
10 Continues maintain an e-mail list separate from the
11 donor list?
12 A. Well, all of our contact information,
13 donor or otherwise, would be contained within our
14 Salesforce databases.
15 Q. Was that true in 2014 as well?
16 A. To the best of my recollection, yes.
17 Q. Are they separate databases -- as
18 regarding -- let me clarify that question.
19 Is the e-mail list a separate database
20 from the donor list?
21 A. No. It would be contained within the same
22 database. There could be different levels of access
23 based on, you know, individuals' access rights into
24 whether or not it's donor information or contact
25 information.

1 Q. Okay. Are they contained within different
2 lists within that larger database?
3 A. Not to my knowledge.
4 Q. So they are not different tabs; it's just
5 one big -- okay. It's all -- they're all merged
6 together?
7 A. They would be merged together under an
8 individual's file. So if you had -- if you were in
9 The Mission Continues databases, your donor
10 information might be a tab under your file; your
11 contact information might be separate.
12 Q. Okay.
13 A. But contained within your file on the
14 Salesforce architecture.
15 Q. So if a Mission Continues employee who
16 logs into Salesforce, if they want to get the entire
17 e-mail list, they could click on a button that says,
18 Give me all of the e-mails?
19 A. I'm not a technical expert, but you --
20 there are reports that are generated by Salesforce,
21 and you would have to execute a report that then
22 pulls that information down into a usable list like
23 an Excel file.
24 Q. Are you aware of any program that would --
25 that you could check that would make you aware of a

1 person downloading -- running such a report?
2 A. I'm not aware of a program that would do
3 that.
4 Q. Okay. I believe your counsel provided
5 some documents, but I'm -- I'm not -- it's hard to
6 go back and trace things five years into the past,
7 so -- okay.
8 MR. BARNES: I have no further questions.
9 Does anyone else have any further questions?
10 MR. AUSTIN: Do you want to know where
11 Lori went to? I don't know if you want --
12 MR. BARNES: Do you have contact
13 information for Lori Stevens -- I think that's a
14 question -- we'll ask counsel if they can arrange
15 that.
16 MR. AUSTIN: Okay. That's fine.
17 MR. BARNES: Thank you very much. We
18 really appreciate your willingness to spend some
19 time with us this morning.
20 THE WITNESS: Yeah, I appreciate the
21 opportunity to share.
22 MR. BARNES: Thank you.
23 I move that we close Monday's hearing,
24 which starts at noon, and it -- in the Jeff City
25 Police Department.

1 All those in favor will vote yes.
2 MR. CURCHIN: Chairman Barnes.
3 MR. BARNES: Aye.
4 MR. CURCHIN: Representative Phillips.
5 MR. PHILLIPS: Aye.
6 MR. CURCHIN: Representative Mitten.
7 MS. MITTEN: Aye.
8 MR. CURCHIN: Representative Lauer.
9 MS. LAUER: Aye.
10 MR. CURCHIN: Representative Austin.
11 MR. AUSTIN: Aye.
12 MR. CURCHIN: Representative Rhoads.
13 MR. RHOADS: Aye.
14 MR. CURCHIN: Representative Pierson, Jr.
15 MR. PIERSON: Aye.
16 MR. BARNES: By your vote of seven aye and
17 zero no, you have voted to close Monday's hearing at
18 noon sharp at the Jefferson City Police Department.
19 And that will -- is there anything else we
20 need to vote on?
21 That will close today's hearing.
22 (The hearing adjourned at 9:54 a.m.)
23
24
25

1 CERTIFICATE OF REPORTER

2
3 I, Lisa Ballalatak, a Certified Court
4 Reporter for the State of Missouri, do hereby certify
5 that the witness whose testimony appears in the
6 foregoing hearing was duly sworn by me; the testimony
7 of said witness was taken by me to the best of my
8 ability and thereafter reduced to typewriting under my
9 direction; that I am neither counsel for, related to,
10 nor employed by any of the parties to the action in
11 which this hearing was taken, and further that I am
12 not a relative or employee of any attorney or counsel
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17 _____
18 Lisa Ballalatak
19 Missouri Supreme Court
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