



STATE REPRESENTATIVE JAY BARNES

ROOM 215B • 751.2412 • Jay.Barnes@house.mo.gov

June 17, 2013

Mike Downing, Acting Director
Missouri Department of Economic Development
301 West High Street
Jefferson City, MO 65102

Dear Director Downing:

I write today with great concern over the Department's procedures relating to Brownfield Redevelopment Tax Credits. On Sunday June 16, the Post-Dispatch published a report with facts appearing to show inadequate oversight on the Department's part regarding the award of Brownfield credits for asbestos mitigation at the old Northwest Plaza Mall in St. Louis. If true, it appears the Department has not taken any lessons from the Mamtek fiasco into other areas and has much work to do to update its oversight of Brownfield credits.

To help ensure the Department's due diligence procedures for Brownfield credits adequately protect Missouri taxpayers, I am requesting documents and written responses to determine: (1) the Department's existing procedures for Brownfield credits, and (2) if lacking, where they may be improved. In addition to the attached requests for production of documents, please provide written responses to the following:

1. Please provide an organization chart for the Department as it relates to Brownfield credits.
2. Explain how the Brownfield tax credits are designed to work.
3. Explain the Department's criteria and procedures for determining (1) when to award Brownfield credits, and (2) how much to award.
4. Explain all steps the Department takes to verify (1) that the Brownfield recipient is complying with the assertions made in the application for credits, (2) that the remediation work is bid in a competitive and open manner likely to lead to work that is both of high quality and completed at the least cost possible to Missouri taxpayers.

Responses to these first requests are expected no later than Thursday, July 18 at 5:00 p.m. If you have any questions about these requests, please contact my office.

Yours in service,

A handwritten signature in blue ink, appearing to read "Jay Barnes", is written over a white background.

Representative Jay Barnes

CC. Sarah Parker Pauley, Director Missouri Dept. of Natural Resources

**FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
TO THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
REGARDING BROWNFIELD REMEDIATION TAX CREDITS**

For each request for production of documents, the following definitions and rules shall apply.

DEFINITION OF DOCUMENT

“Document” means each of the following that is in the possession, custody, or control of the Department of Economic Development or that can be obtained by any person in the Department Economic Development through the exercise of a superior right to compel production from a third person: the original and each non-identical copy (whether different from the original by virtue of notes made or otherwise) and, if the original is not in existence or subject to your control, each non-identical copy, regardless of origin or location, of any handwritten, typewritten, printed, recorded, transcribed, punched, taped, photocopied, photostatic, telecopied, filmed, microfilmed, or otherwise prepared matter, including without limitation, drafts, however produced or reproduced, and further including without limitation any memos, e-mail records (whether from public or private email accounts), text messages, papers, books, accounts, drawings, graphs, charts, photographs, phone records, plans, blueprints, electronic or videotaped recordings, and any other data compilation from which information can be obtained or translated into a reasonably usable form.

PRIVILEGE LOG FOR WITHHELD DOCUMENTS

If any documents responsive to any request herein are withheld by reason of any assertion of privilege, the person withholding such documents shall submit a schedule at the time of production stating, for each such document withheld, the following information:

- a. The type of document (i.e. letter, memorandum, email, etc...)
- b. The date the document was prepared, and the date of any meeting or conversation reflected or referred to therein;
- c. The name of each author, co-author, or preparer of the document and the name of each recipient or addressee, including each recipient of a copy thereof;
- d. If the document reflects or refers to a meeting or conversation, the name of each person who was present at or was a party to the meeting or conversation;
- e. The subject matter of the information contained in the document;
- f. The nature of the privilege asserted; and
- g. A brief explanation of why the document is believed to be privileged.

REQUESTS RELATED TO BROWNFIELD REMEDIATION TAX CREDITS

- 1. All documents, including but not limited to e-mails, relating to or constituting communications between the Department of Economic Development and any person or entity regarding Brownfield remediation tax credits at Northwest Plaza in St. Louis.**
- 2. All internal documents of the Department of Economic Development, including but not limited to emails, relating to or constituting communications regarding Brownfield remediation tax credits at Northwest Plaza in St. Louis.**
- 3. All documents evidencing an exercise of due diligence on the part of the Department of Economic Development to investigate environmental remediation to occur at Northwest Plaza in St. Louis as a result of the award of Brownfield tax credits, including but not limited to investigations into the bidding process and specific bidders on the project.**
- 4. All documents which set forth internal or published rules or guidelines relating to the award and carrying out of Brownfield remediation tax credits.**

DUE DATE: The Committee expects to receive documents responsive to these requests one through seven on or before Thursday, July 18, 2013 at 5:00 p.m.