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MISSOURI SENATE

ROB SCHAAF
DISTRICT 34

July 14, 2011

Mr. Bill Dalton
Political Editor
Kansas City Star
1729 Grand Boulevard
Kansas City, MO 64108

This letter is not intended for publication.

Dear Mr. Dalton:

Sunday, July 10, a headline on your front page read, "Lawmaker's Actions Fall in Gray Area: Sen. Rob Schaaf Should Have Recused Himself on Bill Affecting His Industry, Ethics Experts Say." *Star* reporter Jason Noble wrote the article that followed. In it, he falsely accused me of unscrupulous behavior and, in the process, violated the *Star's* published code of ethics. I feel deeply offended by this clumsy attack on my character and request that the *Star* print a public apology and retraction.

The article's criticism rests upon a single claim: "When Senate Bill 302 was read into the record on Feb. 21, lawmakers recalled that Schaaf rushed to the office of Senate leader Rob Mayer, who is responsible for assigning bills to committee." The article proceeds to clearly insinuate that I caused Senator Mayer to refer the bill to a committee of which I was vice chairman and that I then prevented the bill from getting a hearing. Senate staffer Farrah Fite and I both spoke Tuesday with Mr. Noble about his evidence, approaching him on separate occasions.

When pressed by Ms. Fite, Mr. Noble admitted that he in fact had based his statement on the testimony of only one lawmaker - not "lawmakers," as described in the article. This exaggeration alone is unacceptable.

Furthermore, Mr. Noble would not confirm for Ms. Fite that his source had witnessed first-hand any conversation between Senator Mayer and me. He would only say that he "knew that this occurred" because his source "spoke with authority."

Later, when I talked with Mr. Noble myself, he changed his story, claiming positively that the lawmaker in question had personally witnessed me leave the Senate chamber, followed me to Senator Mayer's office, and was there when I ostensibly "voiced objections" – to whom, Mr. Noble could not say. Any reasonable audience should find this story improbable and intolerably vague.

Next I asked Mr. Noble whether his source had said I had actually spoken with Senator Mayer. He answered that, if you read carefully, the article does not in fact state that I spoke with Senator Mayer; instead, it only speaks of Senator Mayer's office. This objection is obviously beside the point and in itself a revealing equivocation. Mr. Noble's article clearly implies that I spoke with Senator Mayer about the bill, and that claim forms the entire basis upon which he criticizes me, yet he does not stand beside it.

Another part of the article reads:

"Ethics experts said Schaaf's business interests should have led him to recuse himself from any involvement with the bill. 'Where there's such a particular financial interest at stake, it seems like he shouldn't have been involved,' said Beth Rosenson, a political scientist at the University of Florida who studies legislative ethics."

I asked Mr. Noble whether he had spoken with any ethics experts aside from this single out-of-state professor, Beth Rosenson. Rather than saying he had, Mr. Noble repeatedly evaded the question. I conclude that he again published a plural word when the singular was correct.

Consider this: Given that Mr. Noble has no evidence besides hearsay from an anonymous source to suggest that I influenced SB 302, upon what basis could Professor Rosenson have judged me? During our discussion Tuesday, Mr. Noble was unable to say that he had provided her with any evidence to augment that presented in the article. Perhaps he described my supposed actions to her as though they had truly been verified, causing her to unknowingly make a rash judgment. In any case, given the state of his evidence, Mr. Noble has no right to indicate that I was "involved" with the bill in any particular way. He writes that I should have "recused" myself. I ask: From what?

Mr. Noble exaggerated his numbers and disguised the nature of his evidence. In doing so, he violated several parts of the *Star's* Code of Ethics, published online at http://www.kansascity.com/code_of_ethics/. For example, the Code states: "Don't let sources use the cloak of anonymity to attack other individuals or organizations. As a rule, the *Star* does not print accusations by unidentified individuals." When coupled with his quotation from Professor Rosenson, Mr. Noble's claim that I spoke with Senator Mayer about SB 302 clearly amounts to an accusation, and he based it upon testimony from a single, unidentified source. That source may well have had a political or economic motive to hurt me, yet Mr. Noble published his claim as though it were fact, ignoring the *Star's* Code of Ethics.

The Code further explains, "In all cases, the reason for granting anonymity [to a source] should be made clear in the story." Mr. Noble obviously took no notice of this rule.

Moreover, the Code states, "Care must be taken in re-creating events so that it is clear to the reader that the event was not witnessed firsthand." Mr. Noble completely ignored this clause, instead presenting third-hand evidence as though it were fact. He wrote: "When legislation was introduced last spring to place stricter regulations on Missouri's medical-malpractice insurance industry, state Sen. Rob Schaaf didn't hesitate. Within minutes he was in the Senate leader's office, voicing his objections."

Aside from this unsubstantiated anecdote, Mr. Noble presented only one other claim to suggest that I influenced SB 302. Noting that Senator Mayer referred the bill to the Senate's Health, Mental Health, Seniors and Families Committee, of which I was vice chairman, Mr. Noble wrote: "In the past, medical-malpractice reform bills have been referred to the Senate's Small Business, Insurance and Industry committee." However, I find upon reviewing the Senate's records that such a bill – SB 410 – was sent to the Health, Mental Health, Seniors and Families Committee as recently as 2009. Furthermore, that this year's SB 302 was not heard in committee does not in any way indicate that I killed it. In fact, 7 of my own 11 bills in that committee also died without hearings.

Finally, I would like to briefly point out that Mr. Noble put forward several gross inaccuracies in his accompanying article, "Company that Senator Co-Owns Faced Scrutiny by State." First, as I told Mr. Noble repeatedly before his article appeared in the *Star*, I do not "co-own" MoDocs, the company in question. Instead, it is owned jointly by all doctors whom it serves, and I simply hold a position on its board of directors. I also help to direct a management company that contracts with MoDocs to supervise its day-to-day operations. However, my partner and I do not "receive a 10 percent cut from every transaction [the] insurance company makes." That is a flagrant overstatement. In reality, our contract entitles us only to *10 percent over the payroll*, and we have at times declined a portion of that commission. Finally, the "scrutiny" referred to so scandalously in the article was in fact nothing more than a routine state inspection which MoDocs and each of its peers undergoes regularly. The article failed to make this clear, instead presenting the inspection as something unusual and newsworthy.

In conclusion, I again ask that the *Star* print a public apology and retraction. Mr. Noble reported very dishonestly, and I believe that your integrity as the *Star's* editor will move you to stand by its Code of Ethics.

I welcome an opportunity to meet with you to discuss this issue in more depth.

Sincerely,



Rob Schaaf
Missouri Senator