



Missouri State

UNIVERSITY

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COUNSEL

2008 SEP 16 A 10:53

September 16, 2008

Office of General Counsel
Attn: Kim Collins
Federal Election Commission
999 E. Street N.W.
Washington, DC 20463

Re: MUR6064

Dear Sir or Madam:

Dr. Michael Nietzel, President of Missouri State University, has asked me to respond to the above-referenced complaint received with the letter of Jeff S. Jordan, Supervisory Attorney, Complaints Examination and Legal Administration, Federal Election Commission, on September 4, 2008. I will be representing Dr. Nietzel and the University and have enclosed the Statement of Designation of Counsel signed by Dr. Nietzel. Please direct all further correspondence in this matter to me.

Richard Monroe essentially claims in his complaint that, because the University is a federal contractor, the Federal Election Campaign Act precluded the University from naming the Jordan Valley Innovation Center (JVIC) after Congressman Blunt because that act was either (1) a contribution of money or anything of value or (2) federal election activity. It is neither, which explains why Monroe cites no authority of any kind in support of his complaint.

The term "contribution" as used in 2 U.S.C. § 441c, Contributions by Government Contractors, is defined in 2 U.S.C. § 431(8) as follows:

- (i) Any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or
- (ii) The payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.

Under this definition, the naming of JVIC after Congressman Blunt is not a contribution. Under subsection (8)(ii), no payment for personal services was made by the University. Under subsection (8)(i), there was no tangible gift of anything and the naming was not done to influence any election. (See affidavit of Dr. Nietzel, attached as Exhibit A.)

OFFICE OF GENERAL COUNSEL

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Monroe also claims that the naming of JVIC was "federal election activity" because that naming was publicized by the University. He is again incorrect. That term is defined in 2 U.S.C. § 431(20) as

- (i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;
- (ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);
- (iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or
- (iv) services provide during any month by an employee of a State, district, or local committee of a political party who spends more than 25 per cent of that individual's compensated time during that month on activities in connection with a Federal election.

Monroe urges that 2 U.S.C. § 431(20)(iii) is broad enough to include building naming activity because it is a "public communication," particularly when coupled with the signage, press release, and website references. What Monroe ignores is the requirement that a public communication either "promotes or supports a candidate for that office or attacks or opposes a candidate for that office." Neither the naming of the building nor the University references to that name does either. They simply reference the man because of his distinguished service to the University and the State of Missouri.

Other research universities have named buildings after current Senators or Congressmen. For example, the University of Missouri has the Christopher S. Bond Life Science Center in Columbia (Exhibit B) and the William L. Clay Building in St. Louis (Exhibit C), and Missouri Western University recently dedicated the Christopher S. Bond Science and Technology Incubator (Exhibit D). Missouri schools are not alone. In West Virginia, West Virginia University has the Robert C. Byrd Health Science Center, Marshall University has the Robert C. Byrd Center for Rural Health, and the Robert C. Byrd Institute is supported by no less than ten public universities (Exhibits E, F, and G). Hundreds of other similar examples exist where university programs or buildings have been named for distinguished public servants while they are in office. Such acts do not amount to illegal campaign contributions. In short, they are not federal election activity of any kind.

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Thank you for your consideration of the enclosed material. If you need additional material or need to conduct interviews before closing this matter, do not hesitate to contact me.

Yours very truly,



Clifton M. Smart III
General Counsel

CMS/mjh

Enc.

c: Michael T. Nietzel
President, Missouri State University

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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client.
FAX (202) 219-3928

MUR # 6064

NAME OF COUNSEL: Clifton M. Smart III

FIRM: Missouri State University Office of General Counsel

ADDRESS: 901 South National Avenue

Springfield MO 65897

TELEPHONE- OFFICE (417) 836-8507

FAX (417) 836-6777

The above-named individual and/or firm is hereby designated as my
 counsel and is authorized to receive any notifications and other communications
 from the Commission and to act on my behalf before the Commission.

9/15/2008 Michael Nietzel President
 Date Respondent/ Client Signature Title

RESPONDENT/CLIENT *Michael Nietzel*
 (Please Print)

MAILING
 ADDRESS: Missouri State University Office of the President

901 South National Avenue

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Information is being sought as part of an investigation being conducted by the Federal Election
 Commission and the confidentiality provisions of 52 U.S.C. § 30705(a)(12)(A) apply. This section
 prohibits making public any investigation conducted by the Federal Election Commission without
 the express written consent of the person under investigation.

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The Life Sciences Center

The Life Sciences Center

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SEARCH FOR LIFE SCIENCES

Last update: 6/22/06

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The Christopher S. Bond Life Sciences Center

Vision

To become recognized world-wide as a center of scientific excellence and leadership in life sciences research, innovation and education.

Mission

- To become the intellectual focus for interdisciplinary research in the life sciences on the MU campus by integrating the strengths of multiple, often disparate, disciplines to promote discovery that boosts the production and quality of food, improves human and animal health and enhances environmental quality.
- To enrich the State of Missouri and its people by generating new businesses and jobs, fueling the economy through the creation and dissemination of new knowledge, and training young people to solve complex interdisciplinary problems.

The University of Missouri-Columbia had a vision and commitment for interdisciplinary research long before it became a priority in the research funding agencies. In the 1980s, MU established two major interdisciplinary programs, Food for the 21st Century and the Molecular Biology Program with assistance from state and federal funding. In the mid-1990s, then dean of the College of Agriculture, Food and Natural Resources, Roger Mitchell, began to champion the idea of a major interdisciplinary life sciences research center at MU.

Ground was broken in September 2001, construction began in December 2001, and the topping off celebration was held in February 2003. The first occupants began to move in July 2004 and the building was dedicated the following September.

Six schools and colleges joined forces on the project: the College of Agriculture, Food and Natural Resources, the College of Arts & Science, the College of Engineering, the College of Human Environmental Sciences, the School of Medicine, and the College of Veterinary Medicine. The Life Sciences Center reports to the Provost through the Office of Research.

Leadership

Dr. Jack Schultz, Professor of Plant Sciences, joined the Bond

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Life Sciences Center as Director on January 2, 2007.

The Bond LSC has two associate scientific directors, Bruce McClure and David Pintel, whose roles are to act as the main liaisons between faculty investigators and the director and to develop and expand the scientific endeavor within the Bond LSC. They also assist with the recruiting of new faculty appointees into the Bond LSC; jointly with the director provide annual assessments of academic performance, particularly as it relates to the goals and philosophy of the LSC; work with investigators to determine research needs for equipment and other resources; organize the LSC seminar series to include regular presentations from LSC faculty and talks from notable scientists to provide broad campus interest.

Dr. Mark Hannink is the associate director for education and outreach. He has campus-wide responsibilities that include leading the Missouri Life Sciences Week, an annual event that celebrates life sciences activities on the MU campus. Life Sciences Week includes lectures by visiting scientists, workshops, a vendor show, and an extensive poster session representing the breadth of life sciences research at MU. Dr. Hannink also oversees the Life Sciences Fellowships Program that currently supports 12 postdoctoral and 42 graduate trainees across the campus. Fellowships coordinator Isabel Rife manages the day-to-day operations of the fellowships program. One of his main goals is to improve the quality of research training on campus and improve graduate student recruitment.



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Center for Nanoscience



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About Us

The Center for Nanoscience (CNS) at the University of Missouri-St. Louis was established to both facilitate collaboration among university and industry scientists and engineers and provide interdisciplinary opportunities for faculty and students. Its mission is to enhance the research capacities of its faculty members and students and serve the region through research and technology transfer, cooperative and educational outreach programs and workforce development.

The CNS has approximately 16,000 square feet of assignable space, including 11,300 square feet for research laboratories and 2,700 square feet for research support space. In addition, there are 12 offices, two secretarial suites and a conference room. The CNS also houses the Microscopy Image and Spectroscopy Technology (MIST) Lab and the X-ray Diffraction Facility.

Located in the William L. Clay building, the Center had its beginnings in a federal grant proposal initiated in 1988 by M. Thomas Jones, chemistry professor and deputy chancellor. The CNS facility took real shape with the help of Congressman William L. Clay and his support of a \$10 million funding proposal that was awarded in July 1991 -- \$7.5 million was used for building construction and \$2.5 million was used for research instrumentation and building furnishings. The building, named in honor of Congressman Clay, was completed in early summer 1997.

Originally named the Center for Molecular Electronics, the facility was renamed as the Center for Nanoscience in early 2007 to better encompass the research being conducted by members. A new director, Dr. Jingyue Liu, and associate director, Dr. George Gokal, were hired in 2006 to help facilitate the goals of the Center.



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UM-St. Louis Center Expands Scope by Going Nano

To better reflect current and planned research, the Center for Molecular Electronics (CME) on the UM-St. Louis campus has been renamed the Center for NanoScience (CNS). The Center is located in the William L. Clay Building next to Benton Hall.

According to CNS Director, Dr. Jimmy Liu, and Associate Director, Dr. George Gokel, molecular electronics is a small subset of nano-electronics. Center research is more aptly described within the broader category of nanoscale science/nanotechnology.

Nanoscience, or science on a molecular and atomic scale that deals with dimensions and tolerances of 0.1 to 100 nanometers, is interdisciplinary and encompasses all branches of sciences. Liu and Gokel note that a successful nanoscience or nanotechnology research program will include chemists, biologists, materials scientists, physicists as well as engineers. The change from "Center for Molecular Electronics" to "Center for NanoScience" signifies the broader intellectual base of nanoscience.

The CNS will host an open house once renovations have been completed. Watch for more information.

Background Information

The William L. Clay Center for Molecular Electronics building was completed in early summer 1997. Congressman Clay had helped secure funding of \$10 million in 1991, of which approximately \$7.5 million was used for construction with the balance used to furnish the building and some research instruments. The building has approximately 16,000 square feet assignable space, (11,300 square feet for research laboratories; 2,700 square feet for research support space). In addition, there are 12 offices, two secretarial suites, a conference room, the Microscopy Image and Spectroscopy Technology (MIST) Lab and the X-ray Diffraction Facility. ●

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CLAY, William Lacy, Sr., (1931 -)



Image, Congressional Pictorial Directory, 106th.

CLAY, William Lacy, Sr., (father of William Lacy Clay, Jr.), a Representative from Missouri; born in St. Louis, St. Louis County, Mo., April 30, 1931; B.S., St. Louis University, 1953; real estate broker; manager, life insurance company, 1959-1961; alderman, St. Louis, Mo., 1959-1964; business representative, city employees union, 1961-1964; education coordinator, Steamfitters Local No. 562, 1966-1967; elected as a Democrat to the Ninety-first and to the fifteen succeeding Congresses (January 3, 1969-January 3, 2001); chairman, Committee on the Post Office and Civil Service (One Hundred

Second and One Hundred Third Congresses); was not a candidate for reelection to the One Hundred Seventh Congress.

Bibliography

Clay, William L. *Bill Clay: A Political Voice at the Grass Roots*. St. Louis: Missouri Historical Society Press: Distributed by University of Missouri Press, 2004.

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News Releases

Western Hosts Life Sciences Leaders

Contact: Kent Heier
Phone: (816)-271-4124
Title: Assistant PR/Marketing Director
Email: kheier@missouriwestern.edu

WESTERN HOSTS LIFE SCIENCES LEADERS

St. Joseph, Mo. —July 9, 2008—Leaders from the life sciences industry in the St. Joseph and Kansas City area learned about Missouri Western State University's ongoing science and mathematics initiatives during a luncheon at Western today.

"The life sciences industry, especially in the area of animal health, is a major force in the region's economy," said Dan Nicoson, Western's vice president for university advancement. Kansas City area companies, including many in St. Joseph, account for about a third of total sales in the nearly \$17 billion global animal health market, Nicoson said. "Western's mission is to provide quality higher education while advancing the region's development, and a number of recent initiatives help fulfill that mission by better equipping us to prepare tomorrow's workforce for life sciences companies and assisting the development of those companies."

Two construction projects were among the initiatives described by Nicoson. Western recently dedicated the Christopher S. "Kit" Bond Science and Technology Incubator, the first building in a planned research park on university-owned land west of Interstate 29. The incubator, funded in large part by a \$2.5 million grant from the U.S. Economic Development Administration, will provide affordable facilities and assistance to new businesses while giving Western students and faculty the opportunity for applied learning and research. The incubator's first tenant is the Institute for Industrial and Applied Life Sciences, a collaboration between Western and several public and private entities to enhance life sciences training in the region and foster the development of new companies and products while attracting companies new to the region.

The other construction project that will help Western develop the life sciences workforce of the future is the expansion and renovation of science and mathematics instruction and research facilities, Nicoson said. Work will begin soon on a \$37.5 million project to renovate the existing Agenstein Hall and build a new facility called Remington Hall, named for animal health industry pioneer Wes Remington and his wife, Patsy, who contributed a major gift toward the project. The renovation and new construction will result in approximately 120,000 square feet of state-of-the-art classrooms and laboratories, nearly doubling the space devoted to science and math.

"Western already recruits and retains top-notch faculty and students in the science and math disciplines," Nicoson said. "These new facilities will make Western even more attractive to these outstanding scholars."

Other initiatives described by Nicoson include cooperative efforts to improve science and math instruction in public schools, increased opportunities for faculty-student research and internships in life sciences companies, and the Master of Applied Science degree specifically designed to meet the needs of industry that Western began offering last fall.

About 40 people attended the luncheon, including Dr. William Duncan, president of the Kansas City Area Life Sciences Institute; Benjamin Richey, executive director of the United States Animal Health Association; and leaders from regional life sciences companies. Chris Felden, plant manager of Becker

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Underwood in St. Joseph, said his company appreciates Western's focus on science and math as he described an internship program at his company.

"We have really enjoyed the quality of students and graduates coming out of Western," Feiden said. "We have hired two microbiologists in the last two years and plan on bringing on another one or two in the next six months as part of an expansion project. The expansion is only possible because of our ability to get quality students from Western's microbiology program."

Another attendee expressed appreciation for the comprehensiveness of Western's strategic vision. "I can't think of one thing you missed," said Lowell Kruse, president and CEO of Heartland Health. "Western is doing exactly what a university ought to be doing for its community and region."

The Incubator and Agenstein/Remington project are part of a \$53 million investment in Western's continued excellence in the future called the Beyond Excellence Initiative. Money from the state and federal governments, a bond issue and \$15 million in private contributions will fund the initiative.

—end—

Contact Admissions: admission@missouriwestern.edu
Technical Help: tschank@missouriwestern.edu

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Robert C. Byrd Health Sciences Center

At WVU's Health Sciences Center, you can prepare for a career in health by working with expert doctors, nurses, pharmacists, dentists, and researchers. We're committed to the well-being of the entire state, and to advancing the boundaries of health sciences.



The same caring professionals who teach also provide health care to tens of thousands of people each year. The latest treatments and technologies are available—often from the experts who helped develop them.

The mission of the West Virginia University Health Sciences Center is to improve the health of West Virginians through the education of health professionals, through basic/clinical scientific research and research in rural health care delivery, through the provision of continuing professional education, and through participation in the provision of direct and supportive health care.

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The Robert C. Byrd Center for Rural Health

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Our Mission

"Isolation is one of the biggest barriers we have to effective practice in rural areas and fulfillment for rural providers. Our basic mission at the Center for Rural Health is to reduce or eliminate that isolation so that rural providers continue to practice in rural areas and rural people have better access to health care. With modern technology and resources, we can go a long way toward doing that. We have the resources of a great hospital, a great medical school

and a great university, and we want to share those resources with all the rural communities in the state."

Dr. Robert B. Walker,
Clinical Director, Robert C. Byrd Center for Rural Health



Southern West Virginia Area Health Education Center



Mobile Medical Unit
Robert C. Byrd Center for Rural Health



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Our History

On June 2, 1986, United States Senator Robert C. Byrd dedicated the Marshall University Center for Rural Health. Constructed with federal funding secured by Byrd, the Center for Rural Health serves as the base for Marshall's rural medicine outreach programs, which directly affect more than half of West Virginia's counties.

The Center for Rural Health represents a transformation in the supports for rural health care, according to Dr. Charles H. McIlwain, M.D., dean of Marshall's School of Medicine. "The Robert C. Byrd Center for Rural Health represents for this region a dramatic transition in health care and health services and in the impact the medical profession can make on the health and well-being of communities," he said. "Now we can provide services to address problems in a more integrated and functional manner than ever, over better, while at the same time continuing to improve our ability to educate new physicians."

"Like so many of Senator Byrd's visionary projects, the Center for Rural Health's impact will steadily increase over time, bringing benefits to future generations as well as our own," McIlwain added. "The School of Medicine and the people of rural West Virginia deeply appreciate his support for this important project."

Major projects underway at the Center for Rural Health include diabetes care, smoking cessation, care for rural elders and rural cancer prevention. The center also houses an ultra-modern learning technology center which will be used to support rural providers, as well as offices for two regional positions of the West Virginia Department of Health: the tobacco control office and the community health professional/prevention specialist. In addition, the center contains an auditorium and teleconferencing center, the health sciences library and administrative offices of the School of Medicine.

Byrd secured \$4.5 million in federal funding for the Center for Rural Health, as well as \$2.46 million for the University Physicians Center. The two centers make up the Marshall University Medical Center, which is part of the Cabell-Huntington Hospital health sciences campus.

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- WVU Institute of Technology
- Allegheny College of Maryland—Cumberland Campus
- Sheffield State College
- West Virginia vocational-technical centers
- Allegheny County (Maryland) Career Center

Industry Partners

- West Virginia Manufacturers Association
- National Institute for Metallizing Skills
- West Virginia Chamber of Commerce
- Chemical Alliance Zone
- Polymer Alliance Zone
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- National Contracting Assistance Center
- West Virginia Development Office
- West Virginia High Technology Consortium Foundation
- West Virginia Governor's Office of Technology

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 - MANTECH International Inc.
 - Department of Defense / DAREA
 - NASA's Mid-Atlantic Regional Technology Transfer Center
- ToCC operates the NASA Regional Technology Transfer Center for the Mid-Atlantic region—which comprises Delaware, Maryland, Pennsylvania, Virginia and West Virginia.

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Read the Fall 2008 Issue

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