



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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COMMISSION

2015 JAN 20 PM 2:47

OFFICE OF GENERAL
COUNSEL

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Kerry Johnson

DEC 22 2014

Santa Clara, UT 84765

RE: MUR 6850

Dear Mr. Johnson:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26 of the United States Code. The Commission has issued the attached order subpoena which requires you to provide certain information and documents in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

There is a federal statute, 52 U.S.C. § 30109(a)(12) (formerly 2 U.S.C. § 437g(a)(12)), requiring all persons to keep confidential investigations conducted by the Federal Election Commission, except with the written consent of the person who is the subject of the investigation. This means that unless you have such written consent, you should not publicly disclose the existence of an ongoing Commission investigation or the fact that the Commission has contacted you in connection with this matter. This restriction, however, does not prevent you from discussing the underlying facts and circumstances with any person, including the subject of the investigation or their counsel.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena and order. However, you are required to submit the information within 30 days of your receipt of this subpoena and order. All answers to questions must be submitted under oath.

If you have any questions, please contact me at (202) 694-1341.

Sincerely,

A handwritten signature in blue ink that reads "Michael Columbo" followed by a stylized monogram.

Michael Columbo
Attorney

Enclosure
Subpoena and Order

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 6850

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

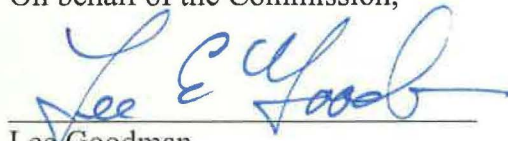
TO: Kerry Johnson

Pursuant to 52 U.S.C. § 30107(a)(1) and (3) (formerly 2 U.S.C. § 437d(a)(1) and (3)), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C. on this 19th day of December 2014.

On behalf of the Commission,



Lee Goodman
Chair

ATTEST:



Shawn Woodhead Werth
Secretary and Clerk of the Commission

Attachments

Questions and Document Request (3 pages)

INSTRUCTIONS

In answering these written questions and requests for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each question propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the written response.

If you cannot answer the following questions in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following questions and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following questions and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

“You” shall mean the person to whom these discovery requests are addressed, including your agents and attorneys.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these questions and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

QUESTIONS AND DOCUMENT REQUEST

The Federal Election Commission is investigating an allegation that a person concealed his contributions to the Friends of Mike Lee committee ("Lee Committee") by funding a small set of contributions made by others in their names. According to a disclosure statement filed by the Lee Committee, it received a \$2,400 contribution from you on June 21, 2010, for the 2010 primary election. The contribution disclosed in your name was identified as one that was potentially funded by another person.

I. QUESTIONS:

Please submit answers to the following questions:

1. Was your contribution made with your own personal funds?

Yes 

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Kerry Johnson
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2. Did anyone provide you with funds or anything of value, for example, an advance, bonus, gift, or reimbursement, for your contribution to the Lee Committee?

If so:

- a. What were you given?
- b. How was it provided to you?
- c. When was it provided to you?
- d. Who provided it?
- e. Who was the ultimate source of the funds, if not that person?
- f. What is your relationship with the person(s), if any, identified above?
- g. Describe the circumstances under which you were offered payment for the contribution and how it was accomplished, including all other persons involved, and any meetings, discussions, phone calls, emails, other communications, checks, payments, and funds exchanged.
- h. Who else knows about the reimbursement of your contribution?
- i. Identify any other persons whose contributions to the Lee Committee were reimbursed.
- i. What was the purpose of reimbursing your contribution to the Lee Committee?
- j. At the time you were reimbursed, were you aware that it is unlawful for a person to allow their name to be used for the making of a contribution by another person to a political committee?

Required Oath or Affirmation:

Please submit the following oath or affirmation with your answers to the above questions, followed by your signature: "I swear or affirm under penalty of law that that my answers to these questions are true."

Kerry Johnson 1-12-2015

II. DOCUMENT REQUEST:

Please submit with your answers all documents related to any reimbursement of the contribution identified above, including but not limited to all letters, notes, emails, texts, or any communications related to the contribution or reimbursement as well as all bank statements, checks, deposit slips, or receipts showing the reimbursement of your contribution.