



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**MAR 11 2015**

**By Certified Mail Return Receipt Requested**

Jeremy Johnson

St. George, UT 84770

RE: MUR 6850  
Jeremy Johnson

Dear Mr. Johnson:

Based on a complaint filed with the Federal Election Commission on June 30, 2014, the Commission, on November 18, 2014, found that there was reason to believe you violated 52 U.S.C. §§ 30122 and 30116(a) (formerly 2 U.S.C. §§ 441f and 441a(a)), and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that knowing and willful violations have occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief that you may submit will be considered by the Commission before proceeding to a vote on whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days. Enclosed is an agreement to toll the statute of limitations if you would like to request an extension.

You may also request additional information gathered by the Commission in the course of its investigation in this matter. See *Agency Procedure for Disclosure of Documents and Information in the Enforcement Process*, 76 Fed. Reg. 34986 (June 15, 2011). To expedite this

MUR 6850 (Jeremy Johnson)  
Page 2

matter, we have attached all non-public documents on which our analysis relies, including a computer disk containing audio recordings of three interviews that the Brief cites.

In addition, you may also request an oral hearing before the Commission. *See* "Procedural Rules for Probable Cause Hearings," 72 Fed. Reg. 64919 (Nov. 19, 2007). Hearings are voluntary, and no adverse inference will be drawn by the Commission based on a respondent's decision not to request such a hearing. Any request for a hearing must be submitted along with your reply brief and must state with specificity why the hearing is being requested and what issues the respondent expects to address. The Commission will notify you within 30 days of your request for a hearing as to whether or not the request has been granted.

Should you have any questions, please contact Michael Columbo, the attorney assigned to this matter, at (202) 694-1341.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa J. Stevenson', with a long horizontal flourish extending to the right.

Lisa J. Stevenson  
Deputy General Counsel - Law

Enclosure

Brief with attachments  
Computer disc containing audio recordings  
Return envelope for Reply Brief  
Tolling Agreement



1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 In the Matter of )

4 ) MUR 6850  
5 Jeremy Johnson )  
6 )  
7 )

8 **GENERAL COUNSEL'S BRIEF**  
9

10 **I. STATEMENT OF THE CASE**  
11

12 This matter was generated by a complaint filed with the Federal Election Commission by

13 The Alliance for a Better Utah and Maryann Martindale, alleging that Jeremy Johnson violated  
14 the Federal Election Campaign Act of 1971, as amended (the "Act"). The Complaint alleged  
15 that Johnson admitted that in 2010 he made \$50,000 in contributions in the names of others to  
16 the Friends of Mike Lee ("Lee Committee"), the principal campaign committee of Sen. (then-  
17 candidate) Mike Lee. Compl. at 2. On November 18, 2014, the Commission found reason to  
18 believe that Jeremy Johnson violated 52 U.S.C. §§ 30122 and 30116(a) (formerly 2 U.S.C.  
19 §§ 441f and 441a(a)).<sup>1</sup>

20 Based on our analysis of the facts described below, including Johnson's admission that,  
21 in 2009 and 2010, he made approximately \$170,000 in contributions in the names of others  
22 (\$70,000 still within the statute of limitations) to the United States Senate campaign committees  
23 of Mark Shurtleff, Mike Lee, and Harry Reid, Johnson's identification of several of his straw  
24 donors, and his admission that he did so specifically and repeatedly to circumvent the limit on  
25 individual contributions to federal candidates, this Office is prepared to recommend that the  
26 Commission find probable cause to believe that Johnson knowingly and willfully violated  
27 52 U.S.C. §§ 30122 and 30116(a).  
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<sup>1</sup> Commission Certification ¶ 2(a), MUR 6850 (Jeremy Johnson) (Nov. 18, 2014).

1     **II.     ANALYSIS**

2             **A.     Statement of Facts**

3                     1.     Background

4             Jeremy Johnson is a Utah businessman who, before the events described here, had  
5     contributed funds to Mark Shurtleff, the Attorney General of Utah from January 2001 to January  
6     2013. John Swallow is a former Congressional candidate who served as a fundraiser for  
7     Shurtleff's 2009 Senate campaign, was appointed Chief Deputy Attorney General by Shurtleff,  
8     and served as Utah Attorney General from January 2013 to November 2013. *See* Utah House of  
9     Representatives, Rpt. of the Special Investigative Comm. at 5 (Mar. 11, 2014), *available at*  
10    [http://le.utah.gov/investigative/final\\_report\\_simple.pdf](http://le.utah.gov/investigative/final_report_simple.pdf). Shurtleff and Swallow were criminally  
11    charged in state court with 10 counts, including receiving bribes, witness tampering, and  
12    evidence tampering, related to their service in the Utah Attorney General's Office and are  
13    awaiting trial. Information, *State v. Shurtleff*, No. 141907720 (Utah 3rd Dist. Ct. July 15, 2014).

14            As discussed in greater detail below, Johnson made contributions to candidates in the  
15    names of others in the belief that it would further his business interests. Those interests included  
16    companies that received approximately \$180 million in revenues between November 2009 and  
17    December 2010 to process financial transactions for online poker games. Rpt. of Receiver's  
18    Financial Reconstruction at 31-32, *FTC v. Johnson*, No. 2:10-2203 (D. Nev. Jan. 31, 2012)  
19    ("Receiver's Report"). At the time Johnson reimbursed contributions to the Lee Committee in  
20    June of 2010, and to Friends for Harry Reid ("Reid Committee"), the principal campaign  
21    committee of Sen. Harry Reid, the United States Attorney's Office in the Southern District of

New York had been seizing the assets of online poker companies, including companies like Johnson's that processed the financial transactions of those online poker companies.<sup>2</sup>

Johnson was also the owner of iWorks, an Internet marketing company. Following customer complaints that iWorks charged them without authorization, the FTC investigated iWorks and, on December 21, 2010, filed suit against Johnson, his businesses, and his associates in federal district court in Nevada. Complaint, *FTC v. Johnson*, No. 2:10-2203 (D. Nev. Dec. 21, 2010). The FTC alleges that Johnson and his associates conducted

a far-reaching Internet enterprise that deceptively enrolls unwitting consumers into memberships for products or services and then repeatedly charges their credit cards or debits funds from their checking accounts without consumers' knowledge or authorization for memberships the consumers never agreed to accept . . . .

*Id.* at 6. On January 13, 2011, the Court granted the FTC's request for a temporary restraining order, froze Johnson's assets, and placed them under the control of a court-appointed Receiver. A preliminary injunction followed on February 10, 2011. Johnson was subsequently indicted on criminal charges in federal district court in Utah based on iWorks' business practices and is currently awaiting trial. See Superseding Indictment, *United States v. Johnson*, No. 2:11-00501 (D. Utah Mar. 6, 2013).

2. Johnson Admits He Previously Reimbursed Contributions to Shurtleff's 2009 Senate Campaign to Circumvent the Act's Contribution Limits

The record evidence includes Johnson's admission that he reimbursed contributions to Mark Shurtleff's 2009 Senate campaign. Utah state law enforcement officers, conducting an investigation with the assistance of the Federal Bureau of Investigation into corruption

<sup>2</sup> See Frederic Frommer, *Group Says Online Poker Winnings Are Frozen*, AP (June 9, 2009), available at [http://www.nbcnews.com/id/31193285/ns/technology\\_and\\_science-tech\\_and\\_gadgets/t/group-says-online-poker-winnings-are-frozen/#.VOzFECzcv8](http://www.nbcnews.com/id/31193285/ns/technology_and_science-tech_and_gadgets/t/group-says-online-poker-winnings-are-frozen/#.VOzFECzcv8) (summarizing efforts of the federal government in 2009 to seize poker processing entities' accounts and the industry's reaction).

1 allegations, interviewed Johnson on August 14, 2013. According to the official summary of that  
2 interview, Johnson stated that:

3 he supplied money for someone else to donate to Mark Shurtleff and Mike  
4 Lee's campaigns. [Johnson] said John Swallow approached him with that  
5 plan . . . Swallow said they needed a certain amount of money. [Johnson]  
6 said he asked him who to make [his check] out to, and Swallow said the  
7 most they could donate was \$2,500 . . . Swallow said that most people  
8 cannot do that, referring to the amount of money. [Johnson] said the  
9 solution was that he put up the money when he could.

10  
11 Scott Nesbitt Supplemental Report at 8 (Sept. 16, 2013) (attached here as Attach. 1); *see*  
12 Recording B0397 at 45:14 ("I was like 'Yeah fine, I'll give you a check.' [Swallow said] 'The  
13 most it can be [is] \$2,500.' I don't know that many people that can write out \$2,500 checks.  
14 Swallow is like 'You can give them a gift and they could donate that if they want.'"); *id.* at 49:00  
15 (according to Johnson, "Swallow was careful, he didn't say 'go give the people money and then  
16 have them write checks to the campaign.' [Swallow said] 'You can give them a gift and if they  
17 want to donate that, then that's how we can get the money.' One of those shifty things  
18 [Swallow] said.").

19 Johnson admitted that he contributed approximately \$100,000 to Shurtleff's Senate  
20 Campaign in the names of others. When asked how many straw donors he used to contribute to  
21 Shurtleff, Johnson answered: "Hundred grand worth. I don't know how many of them were  
22 ones I gave money to. I would have to look at them, I could look at them and say I gave them  
23 the money." Recording B0375 at 33:00. Mark Shurtleff abandoned his Senate campaign on  
24 November 4, 2009.<sup>3</sup>

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<sup>3</sup> Johnson's violations, if any, in connection with Shurtleff's 2009 Senate campaign are beyond the five-year statute of limitations applicable to the Act. *See* 28 U.S.C. § 2462. Nevertheless, those statements are evidence of his intent and consciousness of guilt and further provide relevant background information concerning his contributions to the Lee campaign, which remain within the statute of limitations. Indeed, Johnson's statements to law enforcement about his subsequent contributions in the names of others to the Lee campaign were made as part

1                   3.     Johnson Admits Reimbursing Contributions to Friends of Mike Lee

2  
3             According to Johnson, after Shurtleff dropped his campaign, Johnson reimbursed  
4     approximately \$50,000 in contributions to Mike Lee's Senate campaign at John Swallow's  
5     request. Johnson explained that Swallow exploited his fears that criminal authorities would  
6     pursue his online poker game processing businesses in Utah, stating that if they helped get Mike  
7     Lee elected, Lee would appoint Utah's next U.S. Attorney who, in turn, may be in a position to  
8     protect poker businesses in Utah from prosecutions by other U.S. Attorneys:

9             Swallow said . . . "let me explain to you why it is important that we raise  
10            this money and make Mike Lee our guy. He is going to be . . . we need  
11            him because he is going to be choosing the next U.S. Attorney and you  
12            gotta have him in your corner and you gotta have the U.S. Attorney in  
13            your corner especially while you are processing poker in this district. And  
14            that way if there's problems that come up, you know, you've already got a  
15            friend there that will combat that" . . . . And the poker guys, their arch  
16            nemesis is a guy named Arlo Brown who is the AUSA in New York.  
17            [Brown] keeps seizing their money, so they loved all this stuff that  
18            Swallow was saying. . . .<sup>4</sup>

19  
20     Recording DW B0375 at 19:40 – 20:26. Johnson further claimed that:

21            One of their strategies . . . one of the things Swallow was saying in getting  
22            money for Lee is you know he says "Look, if there's a problem with your  
23            [online poker payment] processing [business], even if the U.S. Attorney  
24            from New York wants to bring an action and seize their money in Utah, he  
25            is going to have to have the cooperation of the U.S. Attorney's office in  
26            Utah. So it is important that you have a guy there that knows you and  
27            understands your business and is on your side because if he says I don't  
28            want to mess with it, that really rains on Arlo's parade and makes it really  
29            hard for him to come in and cause mischief." . . . And so the poker people  
30            were in heaven over that idea and they wanted to do anything Swallow  
31            suggested to help make that happen . . . and that is why they were like

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of the same interview in which he discussed his contributions in the names of others to Shurtleff's campaign and indicate that his reimbursement of contributions to the Lee Committee, like his reimbursements to the Shurtleff Senate campaign, commenced as a result of Swallow's request. For all of these reasons, we conclude that Johnson's statements and his conduct in connection with the Shurtleff matter would be admissible in a trial on the merits.

<sup>4</sup>     See Frommer, *supra* note 2.

1 "Jeremy this is why you gotta bring in Mike Lee and why you got to bring  
2 him in early, if he has a strong showing in the beginning, it helps attract  
3 money later on. We won't bother you for money." So I was like, "Okay."  
4 So I got people to give him money, and most of them I had to end up  
5 giving them money to give the money [for Lee].  
6

7 Recording B0375 at 27:20-35:45; *see id.* at 37:50, 44:45, 51:45; Recording B0397 at 44:00,  
8 51:25.<sup>5</sup>

9 Having just contributed \$100,000 through others to Shurtleff's abandoned Senate  
10 campaign, Johnson claimed that he was concerned about Swallow's request to donate to Lee:

11 The problem . . . with the Lee thing is that they just squeezed me to death  
12 on Shurtleff. So I did probably, I know I did a hundred [thousand dollars]  
13 plus on Shurtleff's [Senate campaign]. Then they come to me and they're  
14 like, "okay, Shurtleff is done. Will you get money for Lee?" And I'm  
15 like, "Oh my God are you kidding me?"  
16

17 Recording B0375 at 17:45-18:04; Recording B0397 at 51:20 (Johnson said "I just got done  
18 doing this for Shurtleff and now you want me to get it for a new guy?"). Johnson estimated that  
19 he reimbursed approximately \$50,000 to Lee's campaign.<sup>6</sup>

20 Johnson also described how he approached conduits and promised reimbursement:<sup>7</sup> "I  
21 just said 'Hey would you donate to Mike Lee? I'll get you the money.'" Recording B0375 at  
22 31:00; *see id.* at 34:30 ("So I am going to like in some cases the same people I had already

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<sup>5</sup> In his first recorded interview, Johnson suggested that the funds that he contributed to Lee were not his own, but rather the funds of others in the poker industry. *See* Recording B0375 at 28:53 ("[I]t was all the poker money, so it wasn't even my money I was giving them. I was just giving them money from the poker people."). Even if true and not merely an effort to evade liability, that claim would not limit Johnson's personal liability. *See* 11 C.F.R. § 110.4(b)(ii), (iii) (violation of the prohibition in the Act against making a contribution in the name of another includes knowingly helping or assisting any person in making a contribution in the name of another).

<sup>6</sup> Johnson stated in one interview: "I went through Lee's [list of disclosed contributions] yesterday and I picked out a lot of them . . . I am guessing about 50 grand worth. . . . You can get them online. . . . I figured out it looked about 50 grand worth, but there were a bunch I was wondering that maybe, maybe not." Recording B0375 at 33:25.

<sup>7</sup> Johnson stated that there were no fictitious conduits. Recording B0375 at 32:25.

1 hammered to donate to Shurtleff, and I'm like can you donate to Lee and I'll give you the  
2 money?").

3 Johnson also reportedly explained in a press interview that "he was instructed by online  
4 poker figures to hide illegal contributions to the campaigns of Reid and Lee in 2010 by finding  
5 'straw donors' who were reimbursed from poker accounts in the bank for money they supposedly  
6 contributed."<sup>8</sup> Matthew Mosk, *et al.*, *Utah Officials Call on Feds To Investigate Senators Reid,*  
7 *Lee*, ABC News (Mar. 13, 2014).<sup>9</sup> In an interview with law enforcement, Johnson also stated  
8 that he reimbursed contributions with cash. Recording B0397 at 58:00.

9 Johnson explained that sometimes the contribution checks would be deposited before the  
10 conduits deposited their reimbursements for the contributions, which in some cases caused the  
11 conduits' contribution checks to bounce:

12 Now sometimes . . . I would be like, "Hey Scott,<sup>10</sup> can you write me a  
13 check for \$2,400 to Mike Lee and I'll get you the money?" And then  
14 because there was just so much pressure to get these checks. So I would  
15 get the check and I wouldn't get the money fast enough and then they

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<sup>8</sup> Johnson had the ability to order that funds be dispensed from poker accounts. In a deposition taken in connection with his FTC case, Johnson acknowledged that he ordered checks for \$2,500 each be made in June of 2010 from a poker company account — but testified that he not know what they were for other than admitting that they may not have been used to play poker. FTC Johnson Dep. 169-171 (attached here as Attach. 2). He explained that he could specify the account and routing numbers of the recipient accounts to which they would be paid. *Id.* at 170-171. Johnson, who owned a poker processing company, also explained that he would sometimes have checks issued to himself from the poker site as a sort of "test" to see which companies the poker sites used, that is, to identify his competition. *Id.* A bank official questioned her superior about such checks, which — having Johnson's name on them as the issuer even though he was not the account holder — did not comport with the bank's practices, but dropped the issue after she was told that they were "some kind of a test," an answer that she agreed was not satisfactory. Ewell Dep. at 160 (attached here as Attach. 3). The Commission has obtained 31 such checks for \$2,500 issued by Johnson in June of 2010 at approximately the same time as he reimbursed numerous \$2,400 contributions to the Lee Committee. *See* Attach 4.

<sup>9</sup> Johnson implicitly endorsed the accuracy of the Mosk press report when, during a phone call with Commission staff on January 6, 2015, Johnson suggested that staff communicate with ABC journalists, including one of this article's authors, to learn more about his reimbursement scheme.

<sup>10</sup> Johnson has identified one of his straw donors as Scott Leavitt, one of Johnson's co-defendants in the criminal matter relating to iWorks. *See* Superseding Indictment, *United States v. Johnson*, No. 2:11-00501 (D. Utah Mar. 6, 2013).



1 would hurry up and cash the check and it would bounce. That happened  
2 all the time. I'm like "Geez can you guys just give me a few days to  
3 breathe?" 'Cause I got to go out and figure it out, get the cash and get it  
4 from somebody.  
5

6 Recording BO375 at 32:30. As explained in detail below, Johnson's statement in his interview  
7 that some of his conduits' checks bounced is further corroborated by the Lee Committee's  
8 disclosure reports and additional e-mail correspondence between Swallow and Johnson  
9 concerning certain contribution checks that were drawn from accounts that had insufficient funds  
10 when the Lee Committee first deposited them.

11 4. Johnson Admits Reimbursing Contributions to Friends for Harry Reid

12 In a recorded interview, Johnson stated that he reimbursed \$20,000 in contributions to the  
13 Reid Committee, using approximately eight conduits, at the request of Ray Bitar.<sup>11</sup> See B0397 at  
14 58:00. Ray Bitar is a principal of Full Tilt Poker, allegedly one of three leading internet poker  
15 companies between 2006 and 2011 that was a defendant in a civil asset forfeiture case brought  
16 by the United States Attorney's Office in the Southern District of New York in 2011. Verified  
17 Complaint, *United States v. Pokerstars*, 11-cv-02564 (S.D.N.Y. Apr. 20, 2011).<sup>12</sup> In a press  
18 interview, Johnson reportedly stated that poker interests "led him to start arranging for what he  
19 says would become tens of thousands of dollars in contributions to an array of state and federal  
20 political campaigns, including that of Reid." Mosk, *supra* note 5.

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<sup>11</sup> The Utah House of Representatives Special Investigative Committee Report documented Johnson's unsuccessful efforts in the latter half of 2010 to seek Senator Reid's assistance to stop the Federal Trade Commission's action against Johnson. See Utah House Report at 131-134. It is not clear that this effort, or an earlier alleged effort on behalf of poker interests that Johnson claims was undertaken to obtain the Senator's support for legislation legalizing online poker, involved payments to influence an election. Accordingly, we make no recommendations based on this information.

<sup>12</sup> As noted below, we have identified several contributions from persons associated with Johnson who contributed the maximum amount to Reid, the Democratic Senate majority leader, one month after they contributed the maximum amount to Republican primary Senate candidate Mike Lee, including two individuals — Jason and Todd Vowell — whom Johnson specifically identified as straw donors.



1                   5.       Johnson's Straw Donors

2           In recorded interviews with law enforcement officers, Johnson described his conduits as  
3 family, employees, associates, people he did business with, and friends. Recording B0397 at  
4 47:25. He also stated that some of the people whose contributions to the Lee Committee were  
5 reimbursed were also conduits for his reimbursed contributions to the Shurtleff Senate campaign.  
6 Recording B0397 at 53:05. In a subsequent interview, Johnson identified several conduits by  
7 name or relation — including Todd Vowell, Jason Vowell, C.J. Wade, Terrason Spinks, Duane  
8 Fielding, and Johnson's parents and brother. Recording D0418 at 37:05.

9                   i.       Johnson Family and Personal Associates

10          We have gathered the following information with respect to straw donors whom Johnson  
11 identified as well as others associated with Johnson who also likely served as his straw donors.

12          Christopher J. Wade: In two recorded interviews, Johnson admitted to reimbursing the  
13 contribution of "C.J. Wade," whom he identified as the son of a person who owned a car  
14 dealership in St. George. *See* Recording B0397 at 54:00; Recording D0418 at 36:44, 2:23.  
15 Christopher Wade of St. George, Utah, wrote a contribution check for \$2,400 to the Lee  
16 Committee dated June 11, 2010, *see* Attach. 5, that the Lee Committee disclosed receiving on  
17 June 21, 2010. The Committee also disclosed receiving a check for \$2,400 from Stephen Wade  
18 of St. George, Utah, apparently C.J. Wade's father, whose employer was disclosed to be Stephen  
19 Wade Auto. Friends of Mike Lee 2010 July Quarterly Rpt. at 93 (Aug. 19, 2011); *see* Attach. 6  
20 (Stephen Wade contribution check).

21          In response to public reports relating to the same allegations in this matter, the Lee  
22 Committee attempted to identify Johnson's potential conduits. It focused on deposits that were  
23 close in time and location to Johnson's personal contribution. It determined that Johnson's

1 personal \$2,400 contribution was included in a deposit to the Committee's account at the Zion  
2 Bank branch in St. George, Utah, where Johnson resided. That deposit, made by a Committee  
3 volunteer, included the contributions of 17 individuals. The Committee sent certified letters to  
4 15 of those donors, including Christopher and Stephen Wade, asking that each sign and return a  
5 certification that they made their contributions from personal funds. The Committee did not  
6 receive a response from either of them.<sup>13</sup> See Mike McCauley Aff. ¶¶ 7-14, Ex. A (attached  
7 here as Attach. 7).<sup>14</sup>

8 Kerry and Barbara Johnson: In a recorded interview on March 6, 2014, Johnson admitted  
9 that his straw donors included his parents. See Recording D0418 at 37:00. In the process of  
10 litigating against Johnson and the iWorks allegations, the FTC identified Johnson's parents as  
11 Kerry and Barbara Johnson. FTC Press Release, *FTC Seeks \$22 Million from Wife and Parents*  
12 *of Ringleader Behind Alleged Utah-based Internet Billing Scheme iWorks* (Jan. 23, 2013),  
13 [http://www.ftc.gov/news-events/press-releases/2013/01/ftc-seeks-22-million-wife-and-parents-](http://www.ftc.gov/news-events/press-releases/2013/01/ftc-seeks-22-million-wife-and-parents-ringleaderbehind-alleged)  
14 [ringleaderbehind-alleged](http://www.ftc.gov/news-events/press-releases/2013/01/ftc-seeks-22-million-wife-and-parents-ringleaderbehind-alleged).<sup>15</sup>

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<sup>13</sup> The Commission previously sent both Christopher and Stephen Wade Orders to Submit Written Answers and Subpoenas to Produce Documents. The Commission's first mailing of its Order and Subpoena to Christopher Wade was returned as undeliverable, but a second mailing to an alternate address has not been returned as of this writing. The Commission's Order and Subpoena to Stephen Wade, sent by certified mail with a return receipt requested, was returned on February 26, 2015, when, after three notifications, the Commission's package remained unclaimed.

<sup>14</sup> In an interview with law enforcement recorded on February 3, 2013, Johnson remarked that the Lee Committee had corresponded with Wade about his contribution after Lee was elected, indicating that Wade and Johnson remained in contact about Wade's contribution. B0397 at 54:00.

<sup>15</sup> Additional evidence suggests that Kerry and Barbara Johnson previously helped Johnson conceal his financial transactions by allowing their names to be used instead of his. According to the Receiver in Johnson's FTC matter, Kerry and Barbara Johnson owned the KB Family Limited Partnership ("KBFLP"). On December 3, 2009, KBFLP purchased \$1.7 million of stock in Sunfirst Corporation (Johnson's brother, Andy Johnson, purchased another \$1.7 million of stock that day). The source of funds used for these purchases was a home equity line of credit secured by the residence owned by Johnson and his wife, Sharla Johnson, and by a reserve account funded by Johnson's companies. According to the Receiver, Kerry and Barbara Johnson "asserted their Fifth Amendment

1           The Friends for Mark Shurtleff committee disclosed receiving \$5,000 each in  
2     contributions from Kerry and Barbara Johnson on September 30, 2009. Friends of Mark  
3     Shurtleff October 2009 Quarterly Rpt. at 11, 13 (Oct. 15, 2009).<sup>16</sup> Kerry and Barbara Johnson  
4     also each wrote checks for \$2,400 to the Lee Committee dated June 11, 2010, *see* Attach. 8, that  
5     the Committee disclosed receiving on June 21, 2010, Friends of Mike Lee July Quarterly Rpt. at  
6     57, 59 (Aug. 24, 2011). The Committee identified them as potential straw donors because their  
7     checks were among the others deposited with Johnson's and it sent letters asking them to  
8     confirm that their contributions were not reimbursed. The Committee did not receive a response  
9     from either of them.<sup>17</sup> *See* Mike McCauley Aff. ¶¶ 7-14, Ex. A (attached here as Attach. 7).

10           The Commission also issued an Order to Submit Written answers and Subpoena to  
11     Produce Documents to Kerry and Barbara Johnson. In short responses, they claimed that they  
12     used their personal funds for their contributions and were not reimbursed. *See* Attach. 9.<sup>18</sup> In  
13     contrast to their motive to protect their son, we have identified no facts that suggest a motive for  
14     Johnson to fabricate his claim that he reimbursed his parents' contributions, a statement against  
15     their interest and his own. During a call with Commission staff on January 6, 2015, Johnson also  
16     stated that he would instruct his conduits to not cooperate with the Commission.

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privilege against self-incrimination to all substantive questions about this transaction." Receiver Report at 17; *see also id.* at 73, Tab 101 (Kerry Johnson also helped Johnson conceal the true ownership of an aircraft).

<sup>16</sup> After Shurtleff abandoned his Senate campaign in November 2009, it refunded \$2,600 of contributions each to Kerry and Barbara Johnson. Friends of Mark Shurtleff 2009 Year End Rpt. at 17-19 (Jan. 29, 2010).

<sup>17</sup> Kerry Johnson apparently received the Committee's letter because he provided it to Johnson, who forwarded it to a state law enforcement agent. *See* Scott Nesbitt, Supplemental Report at 1 (Aug. 19, 2014) (memorializing Johnson's transmission of the Lee Committee letter to him) (attached here as Attach. 1).

<sup>18</sup> Johnson also stated that he reimbursed his brother's contribution. D0418 at 37:45. The only person we could identify as a brother to Johnson is Andy Johnson, who allowed Johnson to use his name to purchase \$1.7 million of shares in Sunfirst Corporation in December of 2009. Receiver's Report at 17. There are no disclosed federal contributions from Andy Johnson, however.

1        Sharla Johnson: The Federal Trade Commission identified Sharla Johnson as Johnson's  
2 wife. *See* FTC Press Release (Jan. 23, 2013), *supra*. Sharla Johnson submitted a cashier's check  
3 dated June 11, 2009, to the Lee Committee for \$2,400. *See* Attach. 10. The Lee Committee  
4 disclosed receiving this contribution on June 21, 2010, and another contribution from Ms.  
5 Johnson of \$2,400 on August 19, 2010. Friends of Mike Lee July 2010 Amended Quarterly  
6 Report at 59 (Aug. 24, 2011); Friends of Mike Lee October 2010 Amended Quarterly Report at  
7 55 (Aug. 24, 2011). The Reid Committee also disclosed receiving a \$2,400 contribution from  
8 Ms. Johnson on July 14, 2010. Friends for Harry Reid October 2010 Quarterly Report at 99.

9        The Lee Committee sent her a letter asking her to confirm that she used her personal  
10 funds for this contribution. She did not respond. *See* Mike McCauley Aff. ¶¶ 7-14, Ex. A  
11 (attached here as Attach. 7). The Commission subsequently sent Ms. Johnson an Order to  
12 Submit Written Answers and a Subpoena to Produce Documents. The post office returned it on  
13 February 26, 2015, after the package remained unclaimed.

14                                ii.        iWorks Business Associate Conduits

15        Todd and Jason Vowell: On March 6, 2014, Johnson stated in a recorded interview that  
16 he reimbursed contributions made by Todd and Jason Vowell. Recording D0418 at 36:45.  
17 Johnson also stated that Todd Vowell helped him find other straw donors. Recording B0397 at  
18 59:45. Todd and Jason Vowell are brothers and were identified by the court-appointed receiver  
19 in the FTC case against Johnson as nominal owners of numerous corporations operated for  
20 Johnson's benefit as part of his business schemes and through which Johnson routed millions of  
21 dollars. *See* Receiver's Report at 4, 6-11 ("Todd and Jason Vowell appear to be the individuals  
22 primarily responsible for orchestrating the movement of Jeremy Johnson's assets discussed in  
23 this report."). The Lee Committee disclosed receiving a \$2,400 contribution from Jason Vowell

1 on May 20, 2010, and a \$2,400 contribution from Todd Vowell on June 8, 2010. *See* Friends of  
2 Mike Lee 2010 Pre-Primary Report at 53; Friends of Mike Lee Amended July 2010 Quarterly  
3 Report at 92; *see also* Attach. 11 (Todd Vowell contribution check). The Reid Committee  
4 disclosed receiving \$2,400 contributions from Todd and Jason Vowell on July 14, 2010.<sup>19</sup> *See*  
5 Friends for Harry Reid October 2010 Quarterly Report at 365, 371.

6 Duane and Robin Fielding: On March 6, 2014, Johnson stated in a recorded interview  
7 that he reimbursed the contribution of Duane Fielding. Recording D0418 at 36:45. Duane  
8 Fielding is a co-defendant with Johnson in the iWorks FTC case. Complaint, *FTC v. Johnson*,  
9 No. 2:10-2203, *supra*. Friends of Mark Shurtleff disclosed receiving three \$2,400 contributions  
10 from Robin Fielding on June 30, 2009. Friends for Shurtleff July 2009 Quarterly Report at 9-  
11 10.<sup>20</sup> The Friends of Mike Lee disclosed receiving \$2,400 contributions from each of the  
12 Fieldings on June 21, 2010. Friends of Mike Lee July 2009 Quarterly Report at 36-37 (Aug. 24,  
13 2011). The contributions to the Lee Committee were made by cashier's checks dated June 11,  
14 2010, *see* Attach. 15 (Fieldings' contribution checks), that were included in the set of  
15 contributions deposited together in St. George that the Lee Committee identified as potentially  
16 reimbursed contributions. *See* Mike McCauley Aff. ¶¶ 7-14, Ex. A (attached here as Attach. 7).  
17 The Lee Committee's inquiry letters to the Fieldings asking them to confirm that they used their  
18 own funds for their contributions were returned as undeliverable. *Id.*, Ex. A. The Commission's  
19 Order and Subpoena to Duane Fielding was returned with a notation that he was no longer at that  
20 address, and it was re-sent to a newer address on January 14, 2015. We have not received a

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<sup>19</sup> On May 17, 2010, Jason Vowell signed a \$9,600 check payable to cash, *see* Attachment 26, from Triple 7, a company he operated for Johnson's benefit. *See* Receiver Report at 26-28. That amount would precisely fund four contributions for \$2,400.

<sup>20</sup> Two of these contributions were refunded after Shurtleff ended his candidacy. Friends for Shurtleff April 2010 Quarterly Report at 8.

1 response from him. On February 26, 2015, the post office returned Robin Fielding's package  
2 after it remained unclaimed.

3 Arvin Lee Black and Associates: Arvin Lee Black, II, is currently incarcerated after  
4 pleading guilty in 2014 to wire fraud and money laundering for using his company, Sole Group,  
5 LLC, to defraud customers in a ponzi scheme masquerading as a day trading operation.  
6 Executed Judgment, *United States v. Black*, 13-cr-00836 (D. Utah July 31, 2014); Statement in  
7 Advance of Plea, *United States v. Black*, 13-cr-00836 (D. Utah Jan. 10, 2014). According to the  
8 Receiver in Johnson's FTC case, millions of dollars that originated with Johnson, including  
9 \$250,000 transmitted from Johnson's father, Kerry Johnson, passed through Black and his  
10 company, Sole Group, LLC. Receiver's Report at 12-15, 41, 50-57, Tab 72 at 3.

11 On June 14, 2010, one of the companies operated by Johnson's associates for his benefit,  
12 Triple 7, issued a check to Sole Group for \$14,400.00, which would have been the exact amount  
13 needed to fund six contributions for \$2,400, the individual contribution limit in the 2010 election  
14 cycle. *See* Attach. 16; see also Receiver Report at 26-28 ("[I]t is clear that after February 2010  
15 Jeremy Johnson continued to exercise control over Triple 7 . . . The depositions of the five  
16 former SunFirst [Bank] officers and the voluminous documents produced to the FTC and the  
17 Receiver have provided substantial additional evidence that Jeremy Johnson owned and  
18 controlled Triple 7[.]"). Triple 7 nominally was owned or controlled by Jason and Todd Vowell.  
19 *Id.* at 29, 37. As noted, Johnson stated that Todd Vowell helped him find straw donors,  
20 Recording B0397 at 59:45, and the signature on the Triple 7 check to Sole Group appears to be  
21 that of "J Vowell."

22 The same day that Triple 7 issued its \$14,400 check to Sole Group, Sole Group issued six  
23 checks for \$2,400 (totaling \$14,400) to Arvin Black, Atia Black, Matthew Black, Savannah

- 1 Jones, Kyle Boyer, and Tiffany Boyer (sequential checks all signed by Sole Group CFO  
 2 Savannah Jones). *See* Attach. 17. Each of those six persons made \$2,400 contributions to the  
 3 Lee Committee in June of 2010, *see* Attach. 18, as summarized below:

<b>Contributions Reimbursed on June 14, 2010, Through Sole Group</b>		
<b>Donor</b>	<b>Amount</b>	<b>Reported Date</b>
Arvin Black	\$2,400	June 12, 2010 (NSF June 15, 2010)
Atia Black	\$2,400	June 12, 2010 (NSF June 16, 2010)
		June 22, 2010
Matthew Black	\$2,400	June __, 2010 (NSF June 16, 2010) <sup>21</sup>
		June 22, 2010 (NSF June 25, 2010)
Savannah Jones	\$2,400	June 14, 2010 (NSF June 16, 2010)
		June 22, 2010
Kyle Boyer	\$2,400	June 21, 2010
Tiffany Boyer	\$2,400	June 21, 2010

- 4  
 5 As to Johnson's reimbursement through Sole Group of the contributions of Black and  
 6 Black's family, friends, and employees, we note also the following particularized facts:

- 7 In response to the Commission's subpoena, Arvin Black stated that he has responsive  
 8 information but would not comply with the subpoena unless a criminal defense attorney was

<sup>21</sup> Matthew Black's first contribution check was dated June 11, 2010. *See* Attach. 18. The Lee Committee disclosed the failure of this contribution check in an entry dated June 16, 2010, but did not disclose receiving this check before that date, as it had done with the contributions of Arvin Black, Atia Black, and Savannah Jones. It also disclosed that Matthew Black's June 21, 2010, contribution check bounced through an entry dated June 25, 2010. *See* Friends of Mike Lee 2010 July Quarterly Rpt. at 121-123.



1 appointed to represent him in connection with the Commission's inquiry. *See* Arvin Black  
 2 Subpoena Resp. (attached here as Attach. 19).<sup>22</sup>

3 Atia Black did not respond to an inquiry letter sent by the Lee Committee. *See* Mike  
 4 McCauley Aff. ¶¶ 7-14, Ex. A (attached here as Attach. 7). She responded to the Commission's  
 5 Order and Subpoena by producing the June 14, 2010, check from Sole Group, LLC, to her for  
 6 \$2,400 and stated: "Yes, I received a check from my husband's company, as I always did to pay

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<sup>22</sup> We have identified several other potential straw donors. Bryce Payne was a manger of Johnson's iWorks, was a co-defendant of Johnson's in the FTC case, and is a codefendant in the related federal criminal case. Stipulated Final Order for Permanent Injunction and Monetary Judgment As to Defendant Bryce Payne, *FTC v. Johnson*, No 10-2203, *supra* (Oct. 21, 2013); Superseding Indictment, *United States v. Johnson*, No. 2:11-00501 (D. Utah Mar. 6, 2013). Bryce and Krista Payne each wrote checks on June 11, 2010, for \$2,400 to the Lee Committee that were deposited along with the contributions of the other suspected conduits. *See* Mike McCauley Aff. ¶¶ 7-14, Ex. A; *see also* Attach. 20 (contribution checks). Accordingly, the Lee Committee sent them a letter asking them to confirm that they used their own funds for their contribution but they did not respond. The Commission sent them an Order to Submit Written Answers and a Subpoena to Produce Documents. *See* McCauley Aff. ¶¶ 7-14, 17, Ex. A (attached here as Attach. 7). They responded that they used their own funds and were not reimbursed. Bryce and Krista Payne Subpoena Responses (attached here as Attach. 21).

The Receiver in the FTC case against Johnson described John Hafen as "an accountant who works for Todd Vowell and is involved in a number of entities through which millions of dollars were routed." Receiver's Report at 4, 12 (indicating that between April and June of 2010, Triple 7, a company nominally owned and operated by others for Johnson's benefit, routed \$2.9 million to Hafen). Hafen asserted his 5th Amendment privilege when asked by the Receiver about millions of dollars of transfers and the entities with which he was purportedly associated. *Id.* John Hafen's \$2,400 contribution check to Friends of Mike Lee is dated June 1, 2010, the same day as Todd Vowell's contribution check. *See* Attach. 13.

It appears that John Hafen's spouse is Mikelles Yates. *See* Attach. 12. Yates wrote a \$2,400 contribution check to Friends of Mike Lee on June 11, 2010, the same date as numerous other Johnson conduits. *See* Attach. 14. Her contribution was deposited along with the other suspected conduits and the Lee Committee sent Mikelles Yates a letter asking her to confirm that her contribution was made with her own funds. *See* Mike McCauley Aff. ¶¶ 7-14, Ex. A (attached here as Attach. 7). It was returned as undeliverable, potentially because her contribution check bore an address (the same one disclosed on the Lee Committee's reports) that lacked her unit number. In Response to the Commission's Order and Subpoena, Mikelles Yates responded that her contribution was made with her own funds and not reimbursed. Yates Subpoena Resp. at 1. (attached here as Attach. 25).

Johnson also stated in a recorded interview that he reimbursed the contribution of Terrason Spinks. Recording D0418 at 36:45. Terrason Spinks is one of Johnson's codefendants in the FTC matter regarding iWorks. *FTC v. Johnson*, No. 2:10-2203, *supra*. Spinks' only federal contributions appear to have been three \$2,400 contributions to Friends for Shurtleff on June 29, 2009. Friends for Shurtleff July 2009 Quarterly Report at 17-18. Johnson's reimbursement of those contributions would thus be beyond the statute of limitations.

Further, Johnson wasn't certain if he reimbursed a contribution by Scott Leavitt. Recording D0418 at 36:45. Leavitt was a manager of iWorks named as a defendant in the FTC's litigation against Johnson and in the related criminal prosecution. There is no record in the Commission's database of Leavitt making a federal contribution, but Johnson has indicated that he reimbursed state contributions as well.



1 my bills and make any purchases. As far as I am aware the funds were not from any other  
2 person. I was not and am not aware of this being unlawful in any way.” Atia Black Subpoena  
3 Resp. at 1 (attached here as Attach. 22).

4 In response to the Lee Committee’s inquiry letter, Savannah Jones called the Committee  
5 and stated that she had worked for “Mr. Black” in 2010, and that he asked her to contribute to the  
6 Lee campaign and said he would reimburse her. *See* McCaulley Aff. ¶¶ 7-14, 17, Ex. A  
7 (attached here as Attach. 7). In Response to the Commission’s Order and Subpoena, Jones  
8 submitted a statement conceding that:

9 My former employer, Lee Black, asked me to write a check to Mike Lee  
10 for \$2400 to be paid as a contribution. I did not use my own personal  
11 funds. . . . [Black] provided me with [a] reimbursement for the  
12 contribution . . . in the form of a check. . . . [M]y former employer  
13 instructed me to write [a Sole Group, LLC] check to myself. . . . The  
14 reimbursement was deposited into my account on June 15, 2010.<sup>23</sup>

15 Jones Subpoena Resp. at 1 (attached here as Attach. 23).

16 The Lee Committee also identified two \$2,400 contributions that it received on June 21,  
17 2010, from Tiffany and Kyle Boyer of St. George, Utah, as potentially reimbursed contributions.  
18 *See* McCaulley Aff. ¶¶ 7-14, 17, Ex. A (attached here as Attach. 7). Kyle Boyer did not respond  
19 to the Lee Committee’s inquiry and its letter to Tiffany Boyer was returned as undeliverable. *Id.*  
20 Each wrote their checks on June 11, 2010, and appear to have been reimbursed by checks issued  
21 from Sole Group on June 14, 2010. *See* Attachs. 17, 18. Kyle Boyer appears to be married to  
22 Tiffany Boyer and to work in St. George, Utah. *See* <http://www.crossfitdixie.com/coaches/> (last

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<sup>23</sup> Jones stated that she had been working for Black only for two months at the time and that she was unaware that it was unlawful to allow one’s name to be used to make a contribution. Jones Subpoena Resp. at 1 (attached her as Attach. 23).

1 visited Mar. 5, 2015). The Commission also sent Tiffany and Kyle Boyer Orders to Submit  
2 Written Answers and Subpoenas to Produce Documents. They did not respond.

3 Additional evidence further corroborates that these six contributors served as straw  
4 donors for Johnson. Johnson noted in his interviews with law enforcement that some of his  
5 straw donors' checks bounced because they were deposited by the Lee Committee before the  
6 donors received reimbursement. The Lee Committee identified only five donors whose  
7 contribution checks had insufficient funds during the period covered by the 2010 July Quarterly  
8 Report: Arvin Black, Atia Black, Matthew Black, Savannah Jones, and an individual for whom  
9 we have not found a connection to Black or Johnson (and whose contribution differs in amount,  
10 timing, and location). *See* Friends of Mike Lee 2010 July Quarterly Rpt. at 121-123. The Lee  
11 Committee's 2009 July Quarterly Report disclosed the failure of Arvin Black's check on June  
12 15, 2010, and included like entries denoting the failure of Savannah Jones's and Atia and  
13 Matthew Black's checks on June 16, 2010. *Id.* at 122-123.

14 Moreover, in an e-mail exchange between Swallow and Johnson on June 21, 2010 — the  
15 day before the primary in which Lee would be nominated — Swallow wrote "We are working  
16 hard and tomorrow is the big day," and that "4 [o]f those checks bounced. I'll forward you the  
17 names." Special Committee Report, Appendix III, Ex. 22 [p. 918] ("Swallow June 22 E-mail")  
18 (attached as Attach. 24). In reply, Johnson stated "I am really sorry about the checks. I will get  
19 it fixed ASAP! Let me know whos [*sic*] bounced. I was in a mad rush to get those so maybe I  
20 pushed a few people too hard." *Id.* The Lee Committee then disclosed that it received \$2,400  
21 contributions from Atia Black, Matthew Black, and Savannah Jones on June 22, 2010 — the day  
22 after Johnson pledged to correct the problem. *See See* Friends of Mike Lee Amended July 2009

1 Quarterly Report at 15, 61 (Aug. 24, 2011).<sup>24</sup> No other bounced contribution checks from other  
2 donors to the Lee Committee were re-submitted after June 21, 2010.

3 **B. Johnson Statements to Commission Staff**

4 During a phone call on January 6, 2015, with Commission staff about the Commission's  
5 Subpoena and Order, Johnson did not deny the allegations. Rather, he admitted that he had  
6 responsive information but refused to comply with the subpoena. He conceded that he could  
7 help the Commission trace the funds used to make the contributions, but stated that he would not  
8 do so and, further, that he would instruct the conduits not to cooperate with the Commission.  
9 Johnson initially stated that he would not cooperate with the Commission's investigation unless  
10 he were granted immunity from prosecution and "dropped" from this matter but, in the end, he  
11 indicated that he was not certain that even immunity would be sufficient to induce him to  
12 cooperate. Johnson stated that he would never admit the facts in a conciliation agreement, and  
13 stated his preference to confront the Commission's evidence once in district court, rather than  
14 respond to it in the administrative enforcement process as well. He also stated that he would not  
15 cooperate with the Commission's investigation because that would only help build the  
16 Commission's case against him.

17 **C. There is Probable Cause to Believe that Johnson Reimbursed Contributions**  
18 **and Made Excessive Contributions to the Lee Committee**  
19

20 The Act provides that no person shall make contributions to any candidate and his or her  
21 authorized political committees with respect to any election for federal office that, for the 2010  
22 election cycle, exceed \$2,400 in the aggregate. 52 U.S.C. §30116(a)(1)(A) (formerly 2 U.S.C.  
23 § 441a(a)(1)(A)). The Act further provides that no person "shall make a contribution in the

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<sup>24</sup> Matthew Black's contribution check appears to have bounced a second time. Friends of Mike Lee Amended July 2009 Quarterly Report at 122 (Aug. 24, 2011).

1 name of another person.” 52 U.S.C. § 30122 (formerly 2 U.S.C. § 441f). That prohibition  
2 extends to knowingly permitting one’s name to be used to effect the making of a contribution in  
3 the name of another, or to knowingly helping or assisting any person in making a contribution in  
4 the name of another. 11 C.F.R. § 110.4(b)(ii), (iii). The Commission has explained that  
5 “knowingly helping or assisting” a false-name contribution would reach the conduct of “those  
6 who initiate or instigate or have some significant participation in a plan or scheme to make a  
7 contribution in the name of another.” Explanation & Justification for 11 C.F.R. § 110.4, 54 Fed.  
8 Reg. 34,098, 34,105 (Aug. 17, 1989).

9       The record evidence in this matter amply demonstrates that there is probable cause to  
10 believe that Johnson violated 52 U.S.C. §§ 30116(a)(1)(A) and 30122 (formerly 2 U.S.C.  
11 §§ 441a(a)(1)(A) and 441f) as alleged. As summarized above, Johnson consistently admitted in  
12 multiple recorded interviews that over the course of the 2010 election cycle he reimbursed  
13 approximately \$170,000 in contributions to the U.S. Senate campaigns of Mark Shurtleff, Mike  
14 Lee, and Harry Reid, including approximately \$70,000 in contributions to the Lee and Reid  
15 committees that remain within the statute of limitations. Johnson also explained why he  
16 reimbursed contributions to the Lee Committee — because he was assertedly told by Swallow  
17 that the contributions to Lee might help protect his lucrative businesses from federal prosecution  
18 if Lee won the election. *See* Section II(A)(3), *supra*. And he explained how he did it — through  
19 payments routed through online poker accounts, with cash payments, and through the assistance  
20 of other associates. *See* Section II(A)(3)-(4), *supra*. The record includes evidence that Johnson  
21 had the ability to route payments from online poker accounts, even one that was not registered in  
22 his name, and evidence that he in fact had 31 checks for \$2,500 issued in June 2010. *See*

1     Attachs. 2, 4. Finally, Johnson identified several of his straw donors, including his parents, C.J.  
2     Wade, Todd and Jason and Todd Vowell, and Duane Fielding. Recording D 0418 at 36:45.

3             The evidence obtained during the investigation relating to the contributions made in the  
4     names of those individuals also tends to suggest that they were funded with funds received from  
5     Johnson, corroborating Johnson's admissions against his own interest. In addition, the record  
6     includes a \$14,400 check from Triple 7, a company operated for Johnson's benefit by his  
7     associate, Jason Vowell, to Sole Group, LLC, a company owned by another Johnson associate,  
8     Arvin Black, as well as six \$2,400 checks (totaling \$14,400) from Sole Group to six individuals  
9     who each contributed \$2,400 to the Friends of Mike Lee. *See* Attachs. 16-18. Moreover, Arvin  
10    Black's wife, Atia Black, has also admitted that her contribution was funded by the check she  
11    received from Sole Group. *See* Attach. 22. And Savannah Jones has admitted that Arvin Black  
12    directed her to make the contribution and reimburse it. *See* Attachs. 7, 23.

13            Finally, Johnson stated that some of his straw donors' contribution checks bounced, and  
14    the record includes an e-mail from Swallow informing him on June 21 that four contribution  
15    checks to the Lee Committee bounced. Johnson responded with a pledge to "fix" the bounced  
16    contribution checks immediately. *See* Attach. 24. The next day, the Lee Committee received  
17    renewed contributions from Atia Black, Matthew Black, and Savannah Jones, three of the five  
18    donors whose contribution checks bounced at the relevant time and the only three contributions  
19    that were renewed.

20            In assessing the weight of the credible evidence, the Commission should also consider  
21    Johnson's unwillingness to comply with the Commission's Subpoena and his claim that he  
22    would instruct witnesses not to cooperate, and the non-responses of many of the straw donors  
23    that Johnson identified, some of whom similarly refused to answer the Lee Committee's earlier

request that they affirm that they were not reimbursed. The only assertions contrary to the allegations comes from several individual conduits, whose denials are limited only to their own contributions.<sup>25</sup>

Consequently, there is probable cause to believe that Jeremy Johnson violated 52 U.S.C. §30116(a)(1)(A) and 52 U.S.C. § 30122.

**D. There is Probable Cause to Believe Johnson Acted Knowingly and Willfully**

The Act also prescribes additional monetary penalties for violations that are knowing and willful. *See* 52 U.S.C. §§ 30109(a)(5)(B), 30109(d) (formerly 2 U.S.C. §§ 437g(a)(5)(B), 437g(d)). A violation of the Act is knowing and willful if the “acts were committed with full knowledge of all the relevant facts and a recognition that the action is prohibited by law.” 122 Cong. Rec. 12,197, 12,199 (May 3, 1976). This does not require proving knowledge of the specific statute or regulation the respondent allegedly violated. *United States v. Danielczyk*, 917 F.Supp.2d 573 (E.D. Va. 2013) (quoting *Bryan v. United States*, 524 U.S. 184, 195 & n.23 (1998) (holding that, to establish a violation is willful, government needs to show only that defendant acted with knowledge that conduct was unlawful, not knowledge of specific statutory provision violated)). Instead, it is sufficient to demonstrate that a respondent “acted voluntarily and was aware that his conduct was unlawful.” *Id.* (citing jury instructions in *United States v. Edwards*, No. 11-61 (M.D.N.C. 2012), *United States v. Acevedo Vila*, No. 08-36 (D.P.R. 2009),

<sup>25</sup> As noted, Johnson asserted in a discussion with counsel for the Commission that he would instruct alleged straw donors not to cooperate with the instant investigation. That assertion may constitute evidence of an intent to obstruct a federal agency proceeding or to engage in witness tampering. *See* 18 U.S.C. §§ 1505, 1512(b). If so, that conduct would fall outside the Commission’s jurisdiction. The Commission in its discretion may consider reporting a possible violation of criminal law to a relevant law enforcement authority under 52 U.S.C. § 30109(a)(5)(C) (formerly 2 U.S.C. § 437g(a)(5)(C)). Nonetheless, we are not aware of any evidence that Johnson in fact sought to deter any witness from cooperating fully with the Commission’s investigation and do not intend to make a recommendation that the Commission report a potential violation at this time.

1 *United States v. Fieger*, No. 07-20414 (E.D. Mich. 2008), and *United States v. Alford*, No. 05-69  
2 (N.D. Fla. 2005)). This may be shown by circumstantial evidence from which the respondents'  
3 unlawful intent reasonably may be inferred. *Cf. United States v. Hopkins*, 916 F.2d 207, 213 (5th  
4 Cir. 1990) (quoting *United States v. Bordelon*, 871 F.2d 491, 494 (5th Cir. 1989)).<sup>26</sup> For  
5 example, a person's awareness that an action is prohibited may be inferred from "the [person's]  
6 elaborate scheme for disguising . . . political contributions." *Id.* at 214-15.<sup>27</sup>

7 Johnson has admitted that Swallow solicited him to raise contributions for Shurtleff, that  
8 he offered to write a check himself for the full amount, that Swallow advised him that individual  
9 contributions were subject to a lower limit, and that, on Swallow's suggestion, he made the  
10 contribution anyway by passing funds through straw donors in whose names the contributions  
11 would be disclosed. *See* Section II(A)(2), *supra*. Johnson's elaborate scheme to disguise his  
12 contributions involved, by his admission, providing funds to another associate and telling him to  
13 recruit conduits, providing conduits with cash, and concealing reimbursement payments to  
14 conduits by routing them through online poker accounts. *See* Section II(A)(3)-(4), *supra*.  
15 Johnson's statements and actions therefore indicate that he was fully aware that he was making  
16 contributions in excess of the Act's limits by making them in the names of others.

17 We note that in one recorded interview, after Johnson explained that Swallow instructed  
18 him to gift money to straw donors to avoid the contribution limit, Johnson's attorney pressed  
19 Johnson to agree that Swallow told him that doing so was "okay." Johnson initially answered

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<sup>26</sup> *Hopkins* involved a conduit contributions scheme, and the issue before the Fifth Circuit concerned the sufficiency of the evidence supporting the defendants' convictions for conspiracy and false statements under 18 U.S.C. §§ 371 and 1001.

<sup>27</sup> As the *Hopkins* court noted, "It has long been recognized that 'efforts at concealment [may] be reasonably explainable only in terms of motivation to evade' lawful obligations." *Id.* at 214 (quoting *Ingram v. United States*, 360 U.S. 672, 679 (1959)).

1 that doing so “was just the solution,” and in response to a second invitation, responded that  
2 “Yeah, that was his [Swallow’s] idea.” *See* Recording B0375 at 30:40. And again, after Johnson  
3 agreed that he gave money to others to contribute to Shurtleff, Johnson’s attorney asked: “And  
4 that too was on the basis that Swallow told you it was okay? This is kind of critical to me and  
5 because at the same time, and you correct me if I’m wrong, Swallow is also giving you advice  
6 about how to are running your business and that it was okay, the way you were doing it right?”  
7 To this, Johnson answered, “Yeah.” *Id.*<sup>28</sup>

8 On the full record presented here, Johnson’s agreement to his attorney’s questions, after  
9 his initial explanation that the reimbursements were the “solution” and Swallow’s idea, do not  
10 overcome Johnson’s plain, repeated concession that Swallow advised him of the individual  
11 contribution limit and his admission — corroborated by the extensive documentary and other  
12 circumstantial evidence described above — of the measures he employed to conceal his  
13 contributions in the names of others. Those efforts to conceal demonstrate that Johnson willfully  
14 disregarded the known contribution limits.

15 Moreover, the several pending criminal prosecutions and civil actions relating to  
16 Johnson’s alleged fraudulent business practices offer further evidence that tends to suggest  
17 Johnson’s willful intent to disregard a known legal obligation here.<sup>29</sup> Those matters involve the  
18 same individuals who apparently served as conduits here, who allegedly worked with Johnson in  
19 those matters to hide the true nature of his financial transactions by substituting their names for

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<sup>28</sup> Immediately after, the interviewer then asks “So Swallow is telling you basically the \$2,400 limit, I mean he told you this is the amount, so he’s even giving you that information.” *See* Recording B0375 at 30:40.

<sup>29</sup> Although the rules of evidence do not apply in the Commission’s administrative enforcement proceedings, relevant evidence of other fraudulent activity by Johnson may be admitted in a subsequent civil trial as proof of his intent, motive, absence of mistake, *modus operandi*, and other potentially disputed issues of fact. *See* Fed. R. Ev. 404(b).



1 his in several instances. *See, e.g.*, Superseding Indictment, *United States v. Johnson*, No. 2:11-  
2 00501, *supra* (alleging that Johnson and his associates created numerous shell entities and  
3 submitted false documents to cause banks to provide services to iWorks); Receiver Report at 17  
4 (stating that Kerry and Barbara Johnson served as straw purchasers to conceal Johnson's  
5 investment in Sunfirst Bank); *id.* at 73, Tab 101 (indicating that Kerry Johnson helped Johnson  
6 conceal his true ownership of an aircraft); *id.* at 9 (providing deposition testimony of Johnson  
7 accountant Scott Leavitt about transactions on behalf of Johnson that were conducted in the  
8 names of others, including those of several of the alleged conduits here).

9 For all of these reasons, we conclude that there is probable cause to believe that  
10 Johnson's violations were knowing and willful.

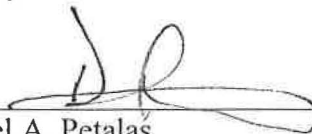
11

1    **III.    CONCLUSION**


2            Based on the foregoing, the Office of General Counsel is prepared to recommend that  
3    there is probable cause of believe that Jeremy Johnson knowingly and willfully violated  
4    52 U.S.C. §§ 30122 and 30116(a) (formerly 2 U.S.C. §§ 441f and 441a(a)).

5  
6    March 11, 2015  
7    Date

8  
9      
10    Lisa J. Stevenson  
11    Deputy General Counsel - Law

12      
13    Daniel A. Petalas  
14    Associate General Counsel for Enforcement

15      
16    Peter Blumberg  
17    Assistant General Counsel

18      
19    Michael A. Columbo  
20    Attorney  
21  
22  
23

# Attachment 1

**Utah Department of Public Safety**

State Bureau of Investigation

5500 West Amelia Earhart Drive Building 100

Salt Lake City, Utah 84116

Office: 801-532-2168 Fax: 801-532-3769

**Supplemental Report**

Created By: Nesbitt, Scott

Creation Date: 09/16/2013

Creation Time: 13:43

Reporting Investigator: S. Nesbitt

**INTERVIEW WITH JEREMY JOHNSON**

On 08-14-13, Jeremy Johnson was interviewed at the Davis County Attorney's Office in Farmington, Utah. I was present for the interview as well as Davis County Attorney Troy Rawlings, Davis County Attorney's Office Chief Investigator Craig Webb, Ron Yengich who was representing Jeremy Johnson, and Jeff Wright who was working as an investigator for Ron Yengich.

Jeremy said that he met Mark Shurtleff first. Jeremy said the "Lost Boys" were leaving Colorado City, and he took one in. Jeremy said it was a girl he took in, and more showed up. Jeremy said that was when the state was taking over the trust. Jeremy said there was chaos, and kids were leaving. Jeremy said Mark Shurtleff helped and lobbied the legislature.

Jeremy said that there were 14 kids, and money was received from the Atkinson grant to transition them. Jeremy said a house was needed for the kids. Jeremy said he purchased a house and paid for half of it. Jeremy said they paid for the other half. Jeremy said he did not know Mark Shurtleff or John Swallow before this. Jeremy said he had not made any significant donations in the past to politicians.

Jeremy said he met Mark Shurtleff face to face, and he was introduced to Mark Shurtleff by a foundation lady. Jeremy said he liked Mark Shurtleff. Jeremy said he met John Swallow after he donated money to Mark Shurtleff but before John Swallow was the Chief Deputy.

Jeremy said he has a "fair amount" of documentation regarding Mark Shurtleff and John Swallow. Jeremy said that documentation included recordings and emails. Jeremy said he liked John Swallow. Jeremy said the first meeting he had with John Swallow had to do with money. Jeremy said John Swallow said he was Mark Shurtleff's event or campaign manager.

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Report requested by SCOTT NESBITT

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Jeremy said he received a telephone call from John Swallow, and John Swallow said something like that Mark Shurtleff wanted him (John Swallow) to call him (Jeremy). Jeremy said that any time John Swallow called him, he wanted something. Jeremy said he gave John Swallow money, and he did not remember what that money was for. Jeremy said that money could have been for the meth project or crimes against children. Jeremy said he would give \$50,000 or \$100,000, and payment would usually be in the form of a check. Jeremy said he would call the accountants and tell them to cut a check.

Jeremy said that Nathan (Crane) asked him to record people. Jeremy said he did not record people of his own accord. Jeremy said he had an employee that was taking data and selling it as a side company. Jeremy said that employee said he (Jeremy) had authorized that. Jeremy said he started recording things because of that situation. Jeremy said that the Iworks PBX recorded everything automatically.

Jeremy said he developed distrust for John Swallow after he got sued by the FTC. Jeremy said that all of the things John Swallow told him were not happening, and he got excuses. Jeremy said he had even possibly developed distrust for John Swallow even before that. Jeremy said John Swallow was concerned with enriching himself, and John Swallow was in it for himself.

Jeremy said that Mark Shurtleff was not the same but did receive perks from his (Mark Shurtleff's) relationship with him (Jeremy). Jeremy said that John Swallow portrayed himself as a front man for Mark Shurtleff and spoke for Mark Shurtleff. Jeremy said this was after Mark Shurtleff was the Attorney General.

Jeremy said that John Swallow told him that he was going to be the Chief Deputy before he became the Chief Deputy. Jeremy said that John Swallow saw him (Jeremy) as an opportunity to access resources and to accomplish goals. Jeremy said the resources included money, airplanes, and connections. Jeremy said these resources were to further John Swallow's political agendas and other things that were for the public good as well.

Jeremy said John Swallow knew what Iworks was doing, and John Swallow assured him that there would not be an FTC investigation. Jeremy said he has an email regarding this. Jeremy said he found out that the FTC was investigating Iworks. Jeremy said he didn't involve the Attorney General's Office.

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Jeremy said that Mark Shurtleff and John Swallow went step by step through the operation of Iworks and said nothing was wrong. Jeremy said he was showing the FTC documents, and the FTC made accusations. Jeremy said he showed the FTC documents, and nothing was good enough. Jeremy said the FTC was hell bent on making them pay a fine. Jeremy said that when Barack Obama became president, people thought there was a lot of free money. Jeremy said he saw an increase in sales.

Jeremy said that six months into it, he told John Swallow. Jeremy said John Swallow told him that he would talk to Mark Shurtleff, and they would meet with (Senator Bob) Bennett and (Senator Orrin) Hatch. Jeremy said that John Swallow set it up, and Mark Shurtleff went with him to meet with either or both of them. Jeremy said that Senator Bennett told him to threaten the FTC. Jeremy said that Senator Hatch told him he (Jeremy) was a good guy and would look into things to see if he had been treated unfairly.

Jeremy said that about one month later, John Swallow called him and asked him how things were going with Senator Hatch. Jeremy said he told John Swallow that he had not heard much. Jeremy said that John Swallow told him he was afraid of that. Jeremy said John Swallow told him how it works in Washington; the wheels needed to be greased. Jeremy said that John Swallow told him that he had a friend in Washington to get things done. Jeremy said that at some point, that friend was Senator Harry Reid. Jeremy said John Swallow told him it was going to be expensive, a couple of million dollars.

Jeremy said he told John Swallow that he did not have that amount of money, and John Swallow asked him how much money he could do. Jeremy said he told John Swallow he would talk to Scott (Leavitt). Jeremy said he was having financial trouble and had 300 employees in Utah. Jeremy explained that he was paying lawyers and for document production.

Jeremy said that John Swallow was not representing him with Iworks, and Iworks had its own lawyers. Jeremy said that John Swallow asked him if he could do \$600,000, and Jeremy said he told John Swallow he could do half of that. Jeremy said John Swallow said he thought that could work. Jeremy said he told John Swallow he could do the whole amount if his business was working.

Jeremy said John Swallow set up the meeting with (Richard) Rawle. Jeremy said he sent \$50,000 up front, and he said he was told to do that. Jeremy said that the meeting was in Richard Rawle's office in Orem, and present at the meeting were Nathan Crane, Richard Rawle, Brady Whittingham, and John Swallow. Jeremy said that Brady Whittingham is the brother of Coach Kyle Whittingham. Jeremy said that Brady just sat there in the meeting and played with his phone.

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Jeremy said there were two meetings with Richard Rawle, and John Swallow was at one of the two meetings. Jeremy said John Swallow said he was not there. Jeremy said John Swallow told him he (Jeremy) had taken someone else to the meeting. Jeremy said he did record the meeting that took place in Orem. Jeremy said he asked Brady, and Brady told him he didn't know if John Swallow was there.

Jeremy said that both meetings were recorded, and he has 500 recordings. Jeremy said he sent \$50,000 ahead of time, and they set up an entity for it. Jeremy said Richard Rawle had a guy named Cort Walker. Jeremy said the \$50,000 was paid either with a check or through a wire. Jeremy said he has emails, and the money was from the Iworks company account.

Jeremy said that Richard Rawle said that nobody does things for free. Jeremy said Richard Rawle said that when (President) Barack Obama was on the campaign trail, Barack Obama promised to put limits on payday lenders. Jeremy said Richard said that would be devastating to him. Jeremy said Richard asked him who would have the clout to go into Barack Obama's office to have him not make good on a campaign promise. Jeremy said that guy is Harry Reid.

Jeremy said that Richard was selling himself and said Harry Reid was not dumb. Jeremy said that Richard said he (Jeremy) needed to work with him (Richard). Jeremy said he gave \$200,000, and John Swallow knew he had given that money. Jeremy said he spoke with John Swallow. Jeremy said he told John Swallow that the \$200,000 he gave was supposed money he was going to pay attorneys with.

Jeremy said John Swallow told him to trust him that he will fix it so he would not need an attorney. Jeremy said he believed that John Swallow was trying to help them until he found out that John Swallow got a chunk of the money. Jeremy said he found out from Mark Shurtleff that John Swallow got gold out of the deal. Jeremy said he did not know what John Swallow did with the gold.

Jeremy said that Mark Shurtleff cornered him in a meeting and asked him about John Swallow. Jeremy said the meeting was regarding the guilty plea. Jeremy said he told Mark that he didn't want to say anything because he didn't want him (Mark Shurtleff) to have to act.

Jeremy said that Mark Shurtleff said that John Swallow is a friend and that their families are friends. Jeremy said Mark Shurtleff said that John Swallow had not received any money from the Richard Rawle deal. Jeremy said Mark Shurtleff said that John Swallow got some gold coins as a Christmas gift. Jeremy said Mark Shurtleff said things were already swirling.

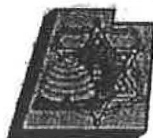
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Report requested by SCOTT NESBITT

Utah Case Management

CASE# 12DPS0570

Printed Date: 12/04/2014

**Utah Department of Public Safety****State Bureau of Investigation**

5500 West Amelia Earhart Drive Building 100

Salt Lake City, Utah 84116

Office: 801-532-2168 Fax: 801-532-3769

Jeremy said someone called Mark Shurtleff and told Mark Shurtleff that he needed to help Jeremy. Jeremy said this occurred because of the guilty plea he was going to take. Jeremy said Jason Peterson was trying to do anything to stop it. Jeremy said Jason went to Mark Shurtleff, and Mark Shurtleff wanted to meet with him (Jeremy) also. Jeremy said they then had the above described meeting. Jeremy said he stayed away from Mark Shurtleff because he did not want them to get involved.

Jeremy said he was willing to go to prison to protect John Swallow and John Swallow's family. Jeremy said Mark Shurtleff told him not to do it. Jeremy said Mark Shurtleff specifically said that if John Swallow has broken the law, he himself would have to bring charges. Jeremy said Mark Shurtleff said that John Swallow was a dear friend and has endorsed him as Attorney General.

Jeremy said that Mark Shurtleff is just a person but is not saying that he is not flawed. Jeremy said there was no quid pro quo with Mark Shurtleff. Jeremy said Mark Shurtleff was different from John Swallow. Jeremy said he suspected that John Swallow was getting something out of it from the beginning because he was so adamant that he do it, referring to the Richard Rawle situation.

Jeremy said that without John Swallow, he wouldn't have given the money and wouldn't have had the connection. Jeremy said John Swallow convinced him that was what he needed to do. Jeremy said he was already having dealings with Harry Reid with the poker guys. Jeremy said that John Swallow was answering questions and convincing him to do it. Jeremy said he would "definitely not" have done it without that. Jeremy said it would be hard to say if he would have done it if Richard Rawle was saying it. Jeremy said the "Chief Deputy" was saying to do it.

Jeremy said that he wanted someone to go into the FTC and show them that what they were alleging wasn't true. Jeremy said he wasn't buying his way out of crimes. Jeremy said he wanted to show what John Swallow and Mark Shurtleff had already blessed. Jeremy said he was paying for an influential ear.

Jeremy said that John Swallow used his airplane to go to the guy's place in California. Jeremy said that John Swallow didn't pay for it. Jeremy said he paid for the fuel and fees for landing the airplane. Jeremy said that John Swallow and Mark Shurtleff both used his airplane, and they both had access to it. Jeremy said they would call and ask, and he told them to contact his pilot, Scott.

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Report requested by SCOTT NESBITT

MUR 6850 03526



**Utah Department of Public Safety**

State Bureau of Investigation  
 5500 West Amelia Earhart Drive Building 100  
 Salt Lake City, Utah 84116  
 Office: 801-532-2168 Fax: 801-532-3769

Jeremy said that John Swallow and Mark Shurtleff went to New York twice to pick up a celebrity guy who was on the television show Law & Order for a campaign fundraiser for Mark Shurtleff. Jeremy said those were the most expensive trips. Jeremy said he wasn't told it was a campaign contribution, and he didn't believe it was a campaign contribution. Jeremy said there were "probably" plane logs, and he said he was sure he could locate them.

Jeremy said he was told that John Swallow was using his airplane. Jeremy said his (Jeremy's) relatives wanted to use his airplane, and John Swallow was put off by them being on the airplane. Jeremy said "Yeah, I'm sure I did" donate to John Swallow's campaign. Jeremy then said he actually didn't do so because his money was taken by then.

Jeremy said he didn't recognize the name Proper Role of Government. Jeremy said John Swallow would ask him for money for this or that, and Jeremy said the amount of \$50,000. Jeremy said John Swallow was using his airplane until it got taken away in December of 2010. Jeremy said John Swallow portrayed himself as Mark Shurtleff's main guy.

Jeremy said he spoke with Mark Shurtleff about meth cops and the predator thing. Jeremy said the little things were John Swallow. Jeremy said John Swallow had some product, and he wanted them to sell it. Jeremy said that product was possibly credit monitoring. Jeremy said there were a lot of things that John Swallow brought to him. Jeremy said the light bulb thing sounded familiar. Jeremy said John Swallow would sit down with him and ask him how he could make more money. Jeremy said he had a lot of conversations like that with people.

Jeremy said that at Iworks, they would only take things that would make \$10,000,000. Jeremy said they did take a couple of projects that didn't do that. Jeremy said that Mark Shurtleff got the use of his airplane and drove his (Jeremy's) Lamborghini for his (Mark Shurtleff's) birthday. Jeremy said Mark Shurtleff got things from him while he was the Attorney General. Jeremy said Mark Shurtleff stayed in their house in Saint George. Jeremy said that was the vacation house that was used for clients. Jeremy said there may be records of that.

Jeremy said he had a houseboat, a house in Santa Monica, California, a helicopter, and a house in Saint George. Jeremy said all of those things were available for use. Jeremy said he liked Mark Shurtleff. Jeremy said he thought it was a noble thing that Mark Shurtleff was a public servant and could have made more money in the private sector. Jeremy said Mark Shurtleff never offered anything.

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Report requested by SCOTT NESBITT

Case Management

CASE# 12DPS0570

Printed Date: 12/04/2014

**Utah Department of Public Safety**

State Bureau of Investigation

5500 West Amelia Earhart Drive Building 100

Salt Lake City, Utah 84116

Office: 801-532-2168 Fax: 801-532-3769

Jeremy said the first money he gave to Mark Shurtleff was \$50,000 to his campaign at the behest of Rob Stahura. Jeremy said Mark Shurtleff said he appreciated the donation and hoped they could work together. Jeremy said Mark Shurtleff said that didn't mean he could break laws. Jeremy said he specifically remembered Rob Stahura pitching it as "fire insurance". Jeremy said he didn't get that from Mark Shurtleff.

Jeremy said Rob Stahura said their industry needs legal protection. Jeremy said the check was made out to Mark Shurtleff's campaign, and he didn't tell Mark Shurtleff what Rob Stahura had said. Jeremy said Rob Stahura knew the money would please Mark Shurtleff. Jeremy said John Swallow got trips, the use of his airplane, and the use of his houseboat. Jeremy said he possibly gave John Swallow some golf clubs that were worth \$100,000 or paid his credit card for him.

Jeremy said he gave a girl who couldn't eat \$100,000 for surgery. Jeremy said he allowed the use of his airplane for her family. Jeremy said John Swallow brow beat the insurance company into paying. Jeremy said John Swallow was in the Attorney General's Office at that time. Jeremy said he had asked John Swallow to help out with this.

Jeremy said that when he found out that the federal government was investigating John Swallow, he called him and warned him. Jeremy said he promised John Swallow he wouldn't cooperate. Jeremy said Nathan Crane gave him the proffer agreement to prosecute John Swallow. Jeremy said he assumed that Brent (Ward) was prosecuting. Jeremy said John Swallow said that he and Brent Ward had a meeting, and Brent agreed not to run against him if he hired him after becoming the Attorney General.

Jeremy said he gave Brent a list of people that he believed could have been prosecuted. Jeremy said Brent agreed to the list, and the language in the plea agreement covered John Swallow more than anyone else.

Jeremy said he was involved in the poker accounts of "Poker Stars" and "Full Tilt". Jeremy said those accounts were making \$100,000 a day. Jeremy said they were important. Jeremy said he had \$30,000,000 at a time, and he wanted to keep the their trust. Jeremy said it was lucrative for him and the bank. Jeremy said he got a call from Harry Reid's staff. Jeremy said he was told that Harry Reid wanted to take him to lunch and had heard about his thing in Haiti.

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Report requested by SCOTT NESBITT

MUR 6850 03528

Utah Case Management

CASE# 12DPS9570

Printed Date: 12/04/2014

**Utah Department of Public Safety**

State Bureau of Investigation

5500 West Amelia Earhart Drive Building 100

Salt Lake City, Utah 84116

Office: 801-532-2168 Fax: 801-532-3769

Jeremy said Jeff was pounding him to meet with Harry Reid. Jeremy said they met at the Rio in Las Vegas, Nevada. Jeremy said the poker guys came. Jeremy said Harry Reid said he was behind in the election and needed his help. Jeremy said Harry Reid said that in the past he had been against online gambling and was willing to switch his position on poker and help get legislation passed, so they did not have to operate in the grey area. Jeremy said there are photographs of that meeting.

Jeremy said he was portrayed as a Mormon honest guy who was transparent. Jeremy said Harry Reid thanked him and left. Jeremy said he asked one of Ray Bitar's cronies how he convinced Harry Reid to go against his constituents, and that person said to just say that Harry Reid is getting something in his retirement.

Jeremy said John Swallow said it wasn't legal to play poker in Utah, but there was nothing wrong with processing it. Jeremy said there was a PAC called Poker Players Alliance. Jeremy said he was not aware of taking poker money and putting it into PACs. Jeremy said "Yes, I know Jason Powers." Jeremy said he knew Jason Powers "really well". Jeremy said he did not know who Seth Crossley, Renae Cowley, and Jessica Fawson were. Jeremy said he knew Jack Powers, and Jack Powers ran Mike Lee's finance.

Jeremy said his job was to go out and get money for campaigns. Jeremy said it happened that he supplied money for someone else to donate to Mark Shurtleff and Mike Lee's campaigns. Jeremy said John Swallow approached him with that plan. Jeremy said John Swallow said they needed a certain amount of money. Jeremy said he asked him who to make it out to, and John Swallow said the most they could donate was \$2,500.

Jeremy said John Swallow said that most people cannot do that, referring to the amount of money. Jeremy said John Swallow said he (Jeremy) could give a gift or a bonus, and the other's could donate. Jeremy said the solution was that he put up the money when he could. Jeremy said John Swallow came to him in behalf of the Mike Lee and Mark Shurtleff campaigns for donations. Jeremy said Jason Powers and Jack Powers wanted him to donate to Mike Lee. Jeremy said Ray Bitar came to him to donate to Harry Reid's campaign.

Jeremy said they asked for money in excess of what was allowed to donate. Jeremy said they would tell him how to do it. Jeremy said they were aware that the people were not going to give the money and that the money was really coming from him. Jeremy said they came to him more than once.

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Report requested by SCOTT NESBITT

MUR 6850 03529

Case Management

CASE# 12DPS0570

Printed Date 12-04-2014

**Utah Department of Public Safety****State Bureau of Investigation**

5500 West Amelia Earhart Drive Building 100

Salt Lake City, Utah 84116

Office: 801-532-2168 Fax: 801-532-3769

Jeremy said he had no specific knowledge of the \$200,000 to Jack Powers. Jeremy said he did not know Marc Jenson. Jeremy said he didn't believe Marc Jenson when Marc Jenson said that Mark Shurtleff wanted him to purchase his books. Jeremy said he offered to purchase a whole bunch of Mark Shurtleff's books, and Mark Shurtleff said that would be considered an improper gift.

The interview was recorded by Ron Yengich, and we agreed to his request not to record it ourselves. Ron Yengich agreed to provide a copy of the recording at some point.

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**Report requested by SCOTT NESBITT**

MUR 6850 03530

**Utah Department of Public Safety**

State Bureau of Investigation

5500 West Amelia Earhart Drive Building 100

Salt Lake City, Utah 84116

Office: 801-532-2168 Fax: 801-532-3769

**Supplemental Report**

Created By: Nesbitt, Scott

Creation Date: 11/06/2013

Creation Time: 19:18

Reporting Investigator: S. Nesbitt

**ITEMS FROM ATTORNEY RONALD YENGICH**

On 10-30-13, Troy Rawlings and I went to the the law office of Ronald Yengich located at 175 East 400 South #400 in Salt Lake City. Ronald Yengich told us that he had his client, Jeremy Johnson's permission to allow us to have copies of anything in his case file with the exception of his (Ronald Yengich's) notes. I obtained electronic copies of all of the transcriptions of the depositions in the Federal Trade Commission case against Jeremy Johnson, copies of some court filings in the Federal Trade Commission case against Jeremy Johnson, copies of emails between Assistant United States Attorney Jared Bennett and Ronald Yengich regarding Jeremy Johnson, copies of emails between Assistant United States Attorney Jeannette Swent and Brent Ward, copies of emails between Jeremy Johnson and Brent Ward, copies of emails involving John Swallow and poker, copies of emails between John Swallow and Jeremy Johnson, an interview synopsis for John Young, and a statement from Karen Beck-Redd.

The statement from Karen Beck-Redd read in part "I am Jeremy Johnson's personal assistant. My duties for Jeremy included taking care of and scheduling some of his properties, vehicles, boats, helicopters and planes. I have been asked to state the time that I remember John Swallow or Mark Shurtleff using any of these items. The way it usually worked was.....Jeremy would send me a text message specifying what he needed..I wouldn't ask a lot of Questions so as far as details go, I would have to pull my old cell phones out, charge them up and go through them to find dates etc. Here are some of the times I can remember just off the top of my head... -I remember getting the houseboat all stocked up and ready for John Swallow and his family to use. (Terrance Jacob also helped with that) -I remember quite a few times I had to arrange a pilot and plane for them to use. Trips to and from SLC-SG, trips to Vegas, to daughters soccer games in Mesquite and back to Salt Lake City. -Numerous times Jeremy would ask me to leave a car at the airport because one of them would be flying in and needed a car to use. -I also recall a few times arranging for them to come and stay at his "Green House" (Its Jeremy's home on Main street that is the color green) Terrance Jacob also helped get properties ready...I am in the process of getting his phone number...I will forward it on as soon as I get it. He would also know some of this information. Karen Beck -Redd".

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Report requested by SCOTT NESBITT

MUR 6850 03531

Utah Case Management

CASE# 12DPS0570

Printed Date: 12-04-2014

**Utah Department of Public Safety**

State Bureau of Investigation

5500 West Amelia Earhart Drive Building 100

Salt Lake City, Utah 84116

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The interview synopsis for John Young read "John Young was introduced to Mark Shurtleff and John Swallow in 2009. John Young and Rob Stuhura were previous employees with MOA (Monitoring of America) and were aware that MOA (owned by Doug Gervink and Gary Hewitt) were not compliant and possibly involved in some inappropriate activity. John and Rob were being sued by Doug and Gary for \$ 175 million. Rob arranged a meeting with Shurtleff and Swallow to negotiate a deal that resulted in them being fined \$ 14,000.00. Following this their relationship Rob and John were introduced to Mark Jensen, who was working on the Mt. Holly."

The interview synopsis read "Rob Stuhura working with Shurtleff negotiated a Plea Bargain for Mark Jensen. Jensen relocated to Montage, CA. Young stated that he believed Jensen paid approximately \$200 K for the house and later purchased another for his spouse. Rob Stuhura notified John Young that they now "had to pay up" for their own job security. Young arranged for Tim Lawson to travel to California and meet with Mark Jensen. Young stated he provided Tim with \$ 2,500.00 on 4 (four) different occasions. Young stated that Lawson was to keep Jensen and Shurtleff's association. Young stated that Tim Lawson could help with the contact with the AG, and assist Swallow with fund raising."

The interview synopsis read "Rob Stuhura contacted Young and stated he needed \$ 10,000 for Swallow's campaign. This happened numerous times and for different amounts of cash. Young was told to contact Jeremy Johnson and Lawson for Swallow's campaign and raise funds. Young stated he was told by Rob to tell Jeremy that \$ 20,000.00 was for "Job Security and Fire Insurance". Young described Mark Jensen's role as "Pimping" for Swallow and Shurtleff. Young stated it was very clear that if the individuals involved wanted to maintain the association and relationship with the AG (job security and fire insurance) Swallow was going to replace Shurtleff - they would have to contribute."

The interview synopsis read "Young stated two other individuals that could assist with providing information were Joe Johnson and Amy Wolf both of Tampa, FL. Young stated that Joe and Amy came in with \$ 10 million and Amy "leveraged" a houses package for approximately \$960 K. Young stated that Joe and Amy had a business (Get Motivated) and they wanted to purchase and merge with a company Wealth Rock. Wealth Rock's CEO was Aaron Osmond. Young stated that Osmond later became uncomfortable because funds began to disappear and he believed they were "stealing" money from investors. Young stated that he believes Amy will be very cooperative and will provide additional information. He also believes Joe will also cooperate."

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Report requested by SCOTT NESBITT

MUR 6850 03532



Case Management

CASE# 12DPS0570

Printed Date: 12/04/2014

**Utah Department of Public Safety****State Bureau of Investigation**

5500 West Amelia Earhart Drive Building 100

Salt Lake City, Utah 84116

Office: 801-532-2168 Fax: 801-532-3769

The interview synopsis read "Young stated that while he and Rob were being sued by Doug and Gary, he and Rob went to Swallow. Young stated they went to lunch and requested assistance with hiring a lawyer to help them. Young stated Swallow introduced them to "Stole-Reeves". Young indicated that a short time later Doug and Gary dropped the law suit. Young later was told that the AG had threatened Doug and Gary and that was the reason for dropping the law suit. Young stated that he recalled another instance when Rob came to him and again stated for their "Job Security" he needed to give Jensen another \$ 5,000. Young assumed that the request was generated by Swallow. John Young stated he would cooperate in any way he could."

The emails regarding poker were from Salt Lake Tribune reporter Tom Harvey, and they appeared to have been cut and pasted from actual emails. The email information read "From: Jeremyjohnson@elitedebit.com Rep: Utah Draft Opinion March 4, 2010 To: john.swallow1@me.com Previous message from "A. Jeff Ifrah jeff@ifrahlaw.com To: Jeremyjohnson@elitedebit.com and chad@elitedebit.com Please take a look at this. We would like you to deliver this to the Utah AG and request that he meet next week T-W or Th, with me and the Executive Director of the Poker Players Alliance (John Pappas) who he already knows."

The email information read "March 8, 2010, JJ@eJitedebit.com To: john.swallow1@me.com Re: Utah draft opinion Any progress on his opinion? Do you think I can come up and meet with Mark about it next week? March 8, 2010 From: john.swallow1@me.com Mark and I met today and we discussed it and he read it like I did. Can I call you tomorrow and we can talk about it? Utah law is less lenient than federal law. But I have some ideas that should help. Let's talk tomorrow. john@theppa.org arranging a meeting with Shurtleff. SLC Tribune reporter inquiring why he meeting with AG. To jj Marc J. Zwillger; Jeff Ifrah, re: UT AG meeting 4-1-2010".

The email information read "April 1, 2010 From: Marc Zwillinger Marc@zwillgen.com To john@theppa.org Cc: Jeff Ifrah This was second message on one to Jeremy Johnson at jeremyjohnson@iworks.com April 2, 2010.... Discussion opinion on poker process ... AG and deputy warned an opinion might backfire 'because the public nature of the opinion might cause members of the legislature to demand a change in the law to make it more clear that poker was illegal'...points out church is opposed to poker... more include to try something less than formal opinion, like nonprosecution letter or statement. ... suggest amicus brief ... We also discuss how such a brief might be portrayed as consistent with Utah's view of federalism ..."

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Report requested by SCOTT NESBITT

MUR 6850 03533

Utah Department of Public Safety

CASE# 11DPS0570

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The email information read "April 1, 2010 This is in an email exchange, the last of which is April 4, 2010, from Jeff Ifrah to Jeremy Johnson and Chad Elie At this point, I am trying to figure out how Mark can help you. Also, he totally loves you, talked about how you were the top businessman with the most integrity etc. From Jeremy Johnson to Ifrah Zwiner papers April 1, 2010 'Mark is a really great guy that will shoot straight with you.' 6/14/2010 Jeff Ifrah to Jeremy Johnson, cc Chad Elie attached letter. We would still very much like to have John Swallow consider signing this informal letter like the attached."

The email information read "From: Jeremyjohnson@elitedebit.com To: July 1, 2010, Forwarded message from Jeff Ifrah to Jeremy Johnson and Chad Elie Subject: FW: DJ latest Drafts You should share this with John Swallow and see whether his office will provide the amicus support promised in support of your position that online poker processing does not violate Utah law. July 4, 2010 From To: Jeremyjohnson@elitedebit.com Continues same day from Johnson to Swallow Subject: fw: Akin memo re DOJ The question here is is there a Utah law that prohibits the processing of Poker transactions for persons in other states and countries aside from Utah? We have decided that the law is unclear on if Poker is legal to play online if you are residing in Utah so we are blocking transactions from anyone in Utah but we still think it is legal to process the transactions for other states and countries. Let me know your thoughts. Jeremy July 5, 2010 To: ] From: Jeremyjohnson@elitedebit.com Jeremy, I am not aware of any such law in Utah to prohibit what you are doing. I'll have one of our assistant Attorneys General look into it tomorrow. Let's talk tomorrow.

The emails between Jeremy Johnson and John Swallow read "From: John Swallow > Date: Monday, August 9, 2010 8:51 PM To: Jeremy Johnson <jeremyjohnson@elitedebit.com> Cc: Mark Shurtleff <[REDACTED]>, Mike Lee <mike@mikelee2010.com> Subject: Re: It looks like it will work. Any progress? I think we should plan on flying out in the morning on the 30th and returning sometime on the 1st of Sept. Thanks. John".

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Report requested by SCOTT NESBITT

MUR 6850 03534



Case Management

CASE# 1EDPS0570

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**Utah Department of Public Safety****State Bureau of Investigation**

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The emails between Jeremy Johnson and John Swallow read "On Mon, Aug 9, 2010 at 6:36 PM, Jeremy Johnson <jeremyjohnson@elitedebit.com> wrote: I got Karen working on it now ...What dates do you want? Jeremy On 8/9/10 5:28 PM, 'John Swallow' <[redacted]> wrote: I lost my phone here in Mexico. Let's coordinate via email. Thanks. John FW: Meeting with Check City and me On 2/15/10 11 :49 AM, 'John Swallow' <[redacted]> wrote: Jeremy: They also want to meet with us. My schedule is the X factor right now. Is there any way to get you up here on Friday for a few hours? If not, I might need some help to get down there since it's so busy with the session right now. They are going to be going down there to meet with your team next week--when do you usually leave for SM? When are you normally back? John".

Jeremy Johnson made the following comment regarding those emails "I don't think this trip ever happened but they wanted to take the jet to Alaska for a little junket with Mike Lee."

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Report requested by SCOTT NESBITT

MUR 6850 03535

Case Management

CASE# 13DPS0570

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On 06-27-14, Special Agent J. Isakson and I met with Jeremy Johnson at the office of Ronald Yengich in Salt Lake City. Pamela Lindquist and Ronald Yengich were present. Jeremy said that Jared Pierce was a copy cat, referring to the government grant business. Jeremy said that Jared Pierce had a houseboat on Lake Mead. Jeremy said he discussed Jared Pierce with John Swallow, and John Swallow said he was a friend of Jared Pierce and had known him for years.

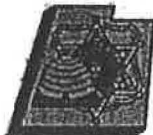
Jeremy said that things with Jared Pierce got worse, and Jared Pierce told him that bad things were going to happen. Jeremy said that Jared Pierce told him to stop saying things about John Swallow.

Jeremy said that John Swallow told him that (Senator) Mike Lee remembers what he (Jeremy) did and is looking out for him (Jeremy).

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Report requested by SCOTT NESBITT

MUR 6850 03536

**Utah Department of Public Safety**

State Bureau of Investigation

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Salt Lake City, Utah 84116

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**Supplemental Report**

Created By: Nesbitt, Scott

Creation Date: 08/19/2014

Creation Time: 13:32

Reporting Investigator: S. Nesbitt

**INFORMATION FROM JEREMY JOHNSON**

On 08-10-14, Jeremy Johnson sent me text messages with attachments asking me if I had heard about what was in the attachments. The attachments included a copy of a letter that was addressed to Kerry V. Johnson in Santa Clara, Utah, and the letter was from Mike McCauley the Treasurer for Friends of Mike Lee. The letter was regarding "Your contribution to Friends of Mike Lee in June 2010".

Part of the letter read "Recently, there have been news stories and allegations that certain individuals who helped raise money for Senator Lee's 2010 campaign may have reimbursed donors for their contributions to the campaign. This is not something that the Lee campaign or Senator Lee was aware of or in any way condoned. Senator Lee has asked me as treasurer of the campaign, to review all contributions received by the campaign during the time period in question - late June 2010 - and to contact each donor to confirm that the contribution was from the donor's own funds and that the donors were not reimbursed by any third party. If that is not the case, and if there were reimbursements, we need to know that information as well as for legal and reporting purposes. Our records reflect that you made a contribution of \$2,400 via check dated June 11, 2010."

The attachments included a copy of a check made out to "Friends of Mike Lee" for \$2,400. The check was dated 06-11-10, and the memo line read "Contribution". The account name on the check is "KERRY V. JOHNSON", and the check number is 1028.

The attachments included a form that read in part "Confirmation of Contribution to Friends of Mike Lee This is to confirm that my contribution to Friends of Mike Lee in June 2010 was from my personal funds and that I was not reimbursed by any third party for the contribution." The form had lines for a signature and a date.

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Report requested by SCOTT NESBITT

MUR 6850 03537

# Attachment 2

<p>165</p> <p>1 A. Yeah, it's -- anyway...</p> <p>2 Q. Well, would you say that had the TRO not been</p> <p>3 entered, that you would have continued gambling?</p> <p>4 A. No, that was curbed pretty well -- before the</p> <p>5 the TRO, for sure. I mean when the FDIC froze -- the</p> <p>6 only business we had that made any money was Elite</p> <p>7 Debit. When the FDIC froze all the processing, it</p> <p>8 effectively ended any income that I had, or at least</p> <p>9 most of it. And that was pretty much the nail in the</p> <p>10 coffin in the habit.</p> <p>11 Q. But up until the time that the FDIC froze the</p> <p>12 Elite Debit accounts in November 2010, you continued to</p> <p>13 gamble up until then; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. So would it be safe to say that if the funds</p> <p>16 hadn't have been frozen by the FDIC, you would have</p> <p>17 continued frequenting Las Vegas?</p> <p>18 MR. SHAW: Calls for speculation.</p> <p>19 A. Yeah. It's hard to say. I would like to</p> <p>20 think no, but maybe.</p> <p>21 Q. You probably would have?</p> <p>22 A. If you say so.</p> <p>23 Q. Did you also, in addition to gambling at Las</p> <p>24 Vegas and Reno and Mesquite, also gamble online?</p> <p>25 A. No. I played poker online.</p>	<p>167</p> <p>1 first page. Do you see a series of checks for \$2,500</p> <p>2 dollars to FT payments?</p> <p>3 A. Yes.</p> <p>4 Q. And are these checks that you created yourself</p> <p>5 or had somebody create for you through the Elite Debit?</p> <p>6 A. I don't recognize any of these checks, but, I</p> <p>7 mean, these are amounts that are consistent with</p> <p>8 deposits that were made into my account. So, yeah, I</p> <p>9 guess so.</p> <p>10 Q. And the three pages, all three pages reflect,</p> <p>11 or at least some of them reflect amounts of \$2,500?</p> <p>12 A. Well, sometimes we would test the system too.</p> <p>13 So I can't say that all of these went to my accounts.</p> <p>14 I don't know. I mean --</p> <p>15 Q. But I think you testified earlier that you --</p> <p>16 you or somebody at your direction created electronic</p> <p>17 checks with which you -- which you used to gamble on</p> <p>18 line at Full Tilt. And I'm asking if this is the</p> <p>19 example of the type of check that you arranged to have</p> <p>20 created or that you created yourself?</p> <p>21 A. Yes.</p> <p>22 Q. Do you agree with me that these checks are</p> <p>23 drawn on an account that ends in 6018?</p> <p>24 A. I don't know.</p> <p>25 Q. If you look at this portion right here --</p>
<p>166</p> <p>1 Q. You played poker online?</p> <p>2 A. There's a difference.</p> <p>3 Q. Okay. Did you play poker online?</p> <p>4 A. Yes.</p> <p>5 Q. Did you play poker in order to win money?</p> <p>6 A. Yes, that was the idea.</p> <p>7 Q. Did you win -- did you lose more than you won</p> <p>8 when you were playing?</p> <p>9 A. Ultimately, yes.</p> <p>10 Q. And did you play on Full Tilt?</p> <p>11 A. Yes.</p> <p>12 Q. And did you play on the Poker Stars as well?</p> <p>13 A. Yes.</p> <p>14 Q. Did you use funds from Elite Debit to play</p> <p>15 poker on Full Tilt?</p> <p>16 A. I don't know.</p> <p>17 Q. Did you use funds from Elite Debit to play on</p> <p>18 the Poker Stars site?</p> <p>19 A. I don't know. I don't think so.</p> <p>20 Q. Did you use electronic checks created through</p> <p>21 Elite Debit to play poker on the Full Tilt sites?</p> <p>22 A. Yes.</p> <p>23 (Deposition Exhibit No. 331 was marked.)</p> <p>24 Q. I show you what is marked as Exhibit 331 and I</p> <p>25 want to ask you about a couple of the checks on the</p>	<p>168</p> <p>1 A. Okay.</p> <p>2 Q. -- do you agree that they're drawn on an</p> <p>3 account that ends in 6018?</p> <p>4 MR. SHAW: He already said he doesn't know.</p> <p>5 A. Yeah, I see the number on the checks 6018. I</p> <p>6 don't know if that corresponds with an account number</p> <p>7 though, so --</p> <p>8 Q. Do you know if you had signatory authority</p> <p>9 over an account that ended in 6018?</p> <p>10 A. No, I did not. I don't believe I did.</p> <p>11 Q. Do you know who owned the account that ended</p> <p>12 in 6018?</p> <p>13 A. No, but I could find out.</p> <p>14 Q. This is not an exhibit but I'm going to show</p> <p>15 you a document, see if it refreshes your recollection.</p> <p>16 A. Okay.</p> <p>17 Q. This is SunFirst -- it looks to me like a</p> <p>18 signature card. The account holder is Powder Monkeys</p> <p>19 dba Net Web Funds. Can I come over and stand next to</p> <p>20 you?</p> <p>21 A. Yes.</p> <p>22 Q. I have one copy of this. Do you see that that</p> <p>23 account there ends in 6018?</p> <p>24 A. Yes.</p> <p>25 Q. Okay.</p>

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<p>169</p> <p>1 A. And, Collot, what this is making me think is</p> <p>2 that these are likely test transactions and not</p> <p>3 deposits.</p> <p>4 Q. Okay. And there are -- when you say this, are</p> <p>5 you referring to Exhibit 331?</p> <p>6 A. Yes. But I don't -- so I want to go back and</p> <p>7 say I actually don't know exactly what these checks</p> <p>8 went for.</p> <p>9 Q. But I believe you testified that to the best</p> <p>10 of your knowledge, you didn't have signatory authority</p> <p>11 over an account that ended in 6018?</p> <p>12 A. Yeah. I know specifically I didn't with this</p> <p>13 account, yes.</p> <p>14 Q. You did not have signatory authority?</p> <p>15 A. No.</p> <p>16 Q. But did you order the creation of those checks</p> <p>17 that are payable to FT Payments?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And that was even though you didn't</p> <p>20 have signatory authority over the account on which they</p> <p>21 were drawn?</p> <p>22 A. Yeah. It doesn't mean I didn't have</p> <p>23 authorization to generate these checks.</p> <p>24 Q. Uh-huh.</p> <p>25 A. But I didn't have signature authority. But, I</p>	<p>171</p> <p>1 back through FT payments, which Jason --</p> <p>2 Q. Are you referring to Jason Vowell?</p> <p>3 A. Yeah. Was the signatory. It was their</p> <p>4 account.</p> <p>5 Q. So, just so that the testimony is clear, you</p> <p>6 agree that you gambled on the poker sites Full Tilt and</p> <p>7 Poker Stars, but you're not certain that those checks</p> <p>8 that are in 331 reflect money that you used to gamble</p> <p>9 on those sites?</p> <p>10 MR. SHAW: I've been very lax about this</p> <p>11 issue, but you keep interchanging the word -- his</p> <p>12 words, "playing poker," with your word, "gambling," and</p> <p>13 we're not agreeing that playing poker is gambling. And</p> <p>14 I don't believe that to be the intent of your question.</p> <p>15 So if we're on the same page, let's make a record and</p> <p>16 then you can make that. I think we're talking about</p> <p>17 the same language.</p> <p>18 Q. And, I apologize, because I told you, I'm not</p> <p>19 a gambler. And so to me it's all gambling but --</p> <p>20 A. That is correct, what you said, so --</p> <p>21 MR. MONROE: What's correct? Could we hear</p> <p>22 that?</p> <p>23 A. That the checks -- that I did play poker on</p> <p>24 Full Tilt. But these checks here don't necessarily</p> <p>25 represent any money that I played with.</p>
<p>170</p> <p>1 mean, I would routinely go in and put checks into the</p> <p>2 system to see how and where they cleared. So --</p> <p>3 Q. But is it your -- what you previously -- you</p> <p>4 previously testified that you used money to gamble on</p> <p>5 Full Tilt and on Poker Stars?</p> <p>6 A. Right, but I don't know that these checks were</p> <p>7 any money that I used to gamble or even got deposited.</p> <p>8 So --</p> <p>9 Q. So when you were testing an account, were you</p> <p>10 just simply determining whether a check would be</p> <p>11 created?</p> <p>12 A. With these ones.</p> <p>13 Q. And you're referring to the checks that are</p> <p>14 payable to Full Tilt Payments that are on Exhibit 331?</p> <p>15 A. The ones that were FT payments, I would</p> <p>16 sometimes go in and make deposits because we didn't --</p> <p>17 we weren't their only processor. And so we would want</p> <p>18 to know if there -- sometimes if there was another</p> <p>19 processor, who it was or whatever just to understand,</p> <p>20 you know, who our competitors were.</p> <p>21 And so how it works is you enter an account</p> <p>22 number and a routing number. And then Full Tilt will</p> <p>23 send that out to whatever processor they want and</p> <p>24 generate this. And in these cases I knew what all</p> <p>25 these were because they came back to us, or they came</p>	<p>172</p> <p>1 MR. MONROE: Thanks.</p> <p>2 Q. And you're referring to the checks that are on</p> <p>3 Exhibit 331?</p> <p>4 A. Yes. And not to say that I didn't play with</p> <p>5 this money, I just --</p> <p>6 Q. You just don't know?</p> <p>7 A. I don't know.</p> <p>8 Q. Did you ever use money that was in the</p> <p>9 reserves for any of the merchants in order to play</p> <p>10 poker at Full Tilt or Poker Stars?</p> <p>11 A. I don't know.</p> <p>12 Q. Did you ever use --</p> <p>13 A. I don't think so.</p> <p>14 Q. Did you ever use money from the reserves at</p> <p>15 Poker Star to play at Poker Star or Full Tilt?</p> <p>16 A. I don't know.</p> <p>17 Q. The first question was much broader. Did you</p> <p>18 ever use reserves on any of the merchants?</p> <p>19 A. I don't know. I don't believe so on the</p> <p>20 reserves, no.</p> <p>21 Q. What money then did you use to -- when you</p> <p>22 did online poker playing? Where did that money come</p> <p>23 from?</p> <p>24 A. I would have used money that -- I don't know,</p> <p>25 actually, is the answer.</p>

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<p>173</p> <p>1 Q. But could it have come from the reserves of 2 Poker Star or Full Tilt? 3 A. No, I don't think so. I mean because the 4 reserves were actually a -- well, I don't know. 5 Q. Okay. Did you also gamble at a casino by the 6 name of Wynn? 7 A. Yes. 8 Q. Where is that located? 9 A. In Vegas. 10 Q. Did you gamble more at Wynn or more at the 11 Luxor? 12 A. I would probably say more at the Wynn. 13 Q. And were you also the kind of gambler where 14 you got the comp rooms? 15 A. Yes. 16 Q. And did you take your friends to the Wynn as 17 well? 18 A. Yes. 19 Q. And did you also provide money to your friends 20 for them to gamble at the Wynn as well? 21 A. Sometimes. 22 Q. And did you also gamble at the Wynn in 2010? 23 A. Yes. 24 Q. And at the Luxor in 2010? 25 A. Yes.</p>	<p>175</p> <p>1 significant amounts in any of them, you know, including 2 even Mesquite. But, you know, if we go somewhere -- I 3 mean, we were in Winnemucca sometimes and we'd gamble 4 at this little truck stop place. So I -- you know, and 5 the Philippines. 6 Q. So you gambled in the Philippines? 7 A. Yes. 8 Q. How often have you been to the Philippines, 9 Mr. Johnson? 10 A. How often? 11 Q. Yes. 12 A. It's very random. Sometimes I would go a lot, 13 sometimes I wouldn't go, you know, for whatever. It's 14 probably been a year. 15 Q. It's been a year since you've been to the 16 Philippines. Is that what you're saying? Did you go 17 in 2010? 18 A. I can't remember. If I did, it would have 19 been earlier in the year. No, I didn't go in 2010 at 20 all, actually. 21 Q. When you were on the poker gambling sites, did 22 you use any identities? 23 A. Yeah. 24 Q. What were the identities that you used? 25 A. Ginette 22.</p>
<p>174</p> <p>1 Q. And where did you gamble at Mesquite? 2 A. Probably mostly at Eureka. 3 Q. And did you take friends with you there too? 4 A. Usually. 5 Q. And did you provide them funds to gamble with? 6 A. Sometimes. 7 Q. And did the friends ever pay you back or were 8 they -- 9 A. Yes. 10 Q. -- just gifts to your friends? 11 A. Both. 12 Q. So sometimes you didn't get paid back? 13 A. Sometimes if you win a lot, you give some to 14 your buddies and whatever. And sometimes they ask you 15 to borrow money and they use it and then they pay it 16 back. So I would say both. 17 Q. Do any of your friends with whom you took 18 gambling still owe you money? 19 A. No. 20 Q. In addition to the Wynn and the Luxor and the 21 Eureka, were there any other casinos where you gambled? 22 A. Yes, Bellagio and MGM. I mean I probably -- 23 almost like -- lots of them. 24 Q. Okay. 25 A. I mean it wasn't -- I think there's not really</p>	<p>176</p> <p>1 Q. Anything else? 2 A. Yeah, I might have set up other ones too, but 3 that would have been the main one. I don't -- I set up 4 another one but it didn't work. I only played for like 5 a day on it. 6 Q. Did you use -- 7 A. And it wasn't always me, by the way. I turned 8 my account over to these pros, supposedly, and so -- 9 Q. Were they gambling or were they playing poker 10 on your behalf? 11 A. Well, they were playing poker, and then they 12 were going to split the money that they made with me. 13 But it ended up that they didn't make any so... 14 Q. Did you know the people to whom -- these pros 15 that you turned your account over to? 16 A. Yes. 17 Q. Who were they? 18 A. I don't have -- they were just other pros that 19 were playing online. 20 Q. Oh. 21 A. And so, online, what you do is you're playing 22 and like you can chat with people. And, I mean one of 23 them, Rice is his -- 24 Q. Rice 225? 25 A. Yeah. He played like Phil Ivey with my</p>

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# Attachment 3

## CONFIDENTIAL

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<p>1 Q. Is that right?</p> <p>2 A. That is correct.</p> <p>3 Q. Did you ever see any evidence of other</p> <p>4 transfers by Jeremy Johnson or any of the other -- or</p> <p>5 any of the third-party -- strike that.</p> <p>6 Did you ever see any other evidence of</p> <p>7 payments from Jeremy Johnson or from any of the</p> <p>8 third-party payment processing accounts to any bank</p> <p>9 employees or officers?</p> <p>10 A. No.</p> <p>11 Q. And is the first time that you've seen</p> <p>12 the email from John Campos to Jeremy Johnson, which</p> <p>13 is the first page of Exhibit 448, when I handed it to</p> <p>14 you this afternoon?</p> <p>15 A. Yes.</p> <p>16 Q. I'd like to show you a document</p> <p>17 previously marked as Exhibit 429, which contains what</p> <p>18 appear to be a photocopy or microfilm of several</p> <p>19 checks. And, Stacey, if you could also take a look</p> <p>20 at Exhibit 4 -- excuse me -- 550, the first document</p> <p>21 that we marked today. On the second page of</p> <p>22 Exhibit 550, towards the middle of the page there's</p> <p>23 an account which I just drew a little arrow next to,</p> <p>24 The account ends in No. 6018, and the company name is</p> <p>25 Powder Monkeys, LLC, and the dba name is</p>	<p>1 had our routing number as if Elite Debit were the</p> <p>2 bank. The Elite Debit was corrected. I was actually</p> <p>3 told that this was a test. And I said, "A test for</p> <p>4 what?"</p> <p>5 Q. You were told what was a test?</p> <p>6 A. That these were a test, that they were</p> <p>7 testing the account.</p> <p>8 Q. I'm sorry. I don't mean to interrupt.</p> <p>9 When you were saying they were testing the account,</p> <p>10 are we referring to the account that ends in 6018?</p> <p>11 A. Correct. I'm talking --</p> <p>12 Q. So were you aware -- I don't -- I don't</p> <p>13 mean to interrupt, but I want to make sure I</p> <p>14 understand. Were you aware of the checks that we've</p> <p>15 collectively marked as Exhibit 429? Were you aware</p> <p>16 that there were checks showing Jeremy Johnson as the</p> <p>17 account holder?</p> <p>18 A. I do not know that it was these specific</p> <p>19 checks, but I saw checks made out to Jeremy Johnson,</p> <p>20 or I should say in the name of Jeremy Johnson. I</p> <p>21 also saw checks that had Chad Elie's name.</p> <p>22 Q. Even though the accounts were not in the</p> <p>23 name of Jeremy Johnson or Chad Elie?</p> <p>24 A. Yes. And I took them to Mont and said,</p> <p>25 "What's going on?"</p>
Page 159	Page 161
<p>1 fulltiltpayments.com. Do you see that account on</p> <p>2 Exhibit 550?</p> <p>3 A. Yes.</p> <p>4 Q. And does that account number match up to</p> <p>5 the account number on the checks -- and I believe</p> <p>6 there are 12 -- 12 of them on Exhibit 429. Does that</p> <p>7 account number match up to the account number on the</p> <p>8 checks that are collectively marked as Exhibit 429?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Do you know why Jeremy Johnson's</p> <p>11 name is listed as the holder of that account when, in</p> <p>12 fact, it appears, based on the schedule prepared by</p> <p>13 the bank for the FDIC, that account was in the name</p> <p>14 of Powder Monkeys, LLC, doing business as Full Tilt</p> <p>15 Payments?</p> <p>16 A. I do not know why.</p> <p>17 Q. Would that have -- based on your</p> <p>18 experience as an auditor with SunFirst Bank, would</p> <p>19 that have been inappropriate, for checks to be</p> <p>20 printed or used containing an incorrect account name</p> <p>21 on the face of the check?</p> <p>22 A. No. And this was one of the things that</p> <p>23 was brought to the attention of Mont. There were</p> <p>24 also incorrect endorsements on the back. They</p> <p>25 actually said it was Elite Debit, I believe, and it</p>	<p>1 And he said, "Well, I understand it's</p> <p>2 some kind of a test, but I don't know what that test</p> <p>3 is."</p> <p>4 Q. Did you ask anyone else to explain to you</p> <p>5 what that test was?</p> <p>6 A. No.</p> <p>7 Q. Did you ever get a satisfactory answer as</p> <p>8 to what that test was?</p> <p>9 A. No.</p> <p>10 Q. I think you answered "No" a few questions</p> <p>11 back. I just want to make sure the record is clear.</p> <p>12 Having a name on a check which was different than the</p> <p>13 actual account holder, would that be a violation of</p> <p>14 the bank's practices?</p> <p>15 A. Yes.</p> <p>16 Q. And that would be inappropriate in your</p> <p>17 mind; correct?</p> <p>18 A. Yes.</p> <p>19 Q. All these checks are payable to</p> <p>20 "FTPayments." Do you know what that is?</p> <p>21 A. Full Tilt Payments.</p> <p>22 Q. And is Full Tilt -- do you know what Full</p> <p>23 Tilt Payments is? I mean, it's listed as the dba of</p> <p>24 Powder Monkeys, LLC, although the dba on Exhibit 550</p> <p>25 is FullTiltPayments.com. Do you know specifically</p>

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DepoPro, LLC

213-244-9668

Stacy Ewell Vol. I 1/12/2012

## CONFIDENTIAL

Page 162	Page 164
<p>1 what FTPayments -- what entity or person obtained 2 these checks? 3 A. Rephrase the question. Obtained the 4 checks. 5 Q. Do you know who the payee -- strike that. 6 Do you know where the money went that are 7 reflected on Exhibit 429? 8 A. Full Tilt. 9 Q. Did it go into an account at SunFirst 10 Bank? 11 A. That I don't know specifically on these 12 checks, but I would assume that it did, but I don't 13 know which one. 14 Q. Okay. And it wouldn't have made any 15 sense for them to go into account 6018 because that 16 was the same account the money went out of, correct? 17 A. It wouldn't have made sense, but I can 18 see them doing it. 19 Q. Why do you say that? 20 A. There were just so many strange things 21 that happened with these, and I don't even know how 22 to explain that except that it just seemed -- I mean, 23 I saw an account one time replace Jeremy Johnson 24 with -- it was like Angela Gomez or something like 25 that, and we figured that there was a fraud being</p>	<p>1 authorization was on file? 2 A. No. 3 Q. So you don't know if there was any such 4 authorization on file, correct? 5 A. Correct. 6 Q. Do you know why these checks appear to be 7 completely out of any kind of numerical order? 8 A. No. 9 Q. There's vast differences in check numbers 10 even though many of them are dated June 21, and 11 checks that are dated an early date sometimes have a 12 later check number. You don't know why any of that 13 occurred? 14 A. I don't know why. These were generated 15 by the third-party processor and submitted to us, and 16 we had -- 17 Q. In this case the third-party processor 18 being who? 19 A. I am assuming Elite Debit. 20 Q. The customer service phone number -- and 21 I apologize. These checks are obviously reproduced 22 very small. 23 A. Mm-hmm. 24 Q. Do you recognize that customer service 25 phone number?</p>
Page 163	Page 165
<p>1 occurred. But now I don't know that it was a fraud. 2 I don't know what was going on. We just had some 3 things going on, and there could have been a deposit 4 and a withdrawal to an account. 5 Q. But you never ended up investigating 6 where these checks were deposited -- 7 A. No -- 8 Q. -- is that correct? 9 A. -- not once. Mont had told me that they 10 were -- when I found out that Mont was aware of 11 something, I stopped because I knew it wasn't going 12 to do me any good to question anything. If I was 13 calling something to mind that they didn't know 14 about, then I would follow up on it. 15 Q. And you knew that it wouldn't do any good 16 because Mont was taking orders directly from John 17 Allen? 18 A. And Dan Strobell. 19 Q. Okay. And they were creating exceptions 20 for the accounts owned and controlled by Jeremy 21 Johnson. 22 A. Correct. 23 Q. Now, the authorization on file that's -- 24 that's referred to on each of these checks on the 25 signature line, did you ever investigate what -- what</p>	<p>1 A. My understanding was that it was Elite 2 Debit. 3 Q. Do you recognize the address 4 Utah? 5 A. Well, I think it should have been 6 Santa Monica, California. 7 Q. And do you recognize that address? 8 A. Yes. 9 Q. What is that address? 10 A. Jeremy Johnson. 11 Q. That's a house that he owned in 12 Santa Monica? 13 A. I don't know if it's a house or a 14 business. 15 Q. How do you know that was an address of 16 Jeremy Johnson's in Santa Monica? 17 A. I had seen it on something else. 18 Q. Related to Jeremy Johnson? 19 A. Yes. 20 Q. I want to cover another address issue 21 with you, if you could go back and look at 22 Exhibit 343, which is one of the account signature 23 cards. 24 A. Okay. 25 Q. And, actually, if you could also pull --</p>

42 (Pages 162 to 165)

DepoPro, LLC

213-244-9668

Stacy Ewell Vol. I 1/12/2012

# Attachment 4

6/25/10 Check 15371 Amount 2,500.00

Jeremy Johnson		15371
Santa Monica, UT 90401		DATE <u>2010-06-24</u>
PAY TO THE ORDER OF	<b>FTPAYMENTS</b>	\$ <b>2,500.00</b>
** Two Thousand Five Hundred Dollars Zero Cents **		
<b>SUN FIRST BANK</b>		
Memo: 88A823A0		
Order ID: 4a24049e398e86.16856576		
Customer Service Phone # 800-396-4420		
Authorization On File		
II	⑈0000 250000⑈	

6/25/10 Check 16229 Amount 2,500.00

Jeremy Johnson

16229

Santa Monica, UT 90401

DATE 2010-06-24PAY TO THE  
ORDER OF

FTPAYMENTS

\$ 2,500.00

\*\* Two Thousand Five Hundred Dollars Zero Cents \*\*

SUN FIRST BANK

Memo: 68482446

Order ID: 46240768e1e04,41197700

Customer Service Phone # 800-398-8420

Authorization On File

⑈0000250000⑈

6/25/10 Check 17443 Amount 2,500.00

Jeremy Johnson

17443

Santa Monica, UT 90401

DATE 2010-06-24PAY TO THE  
ORDER OF FTPAYMENTS\$ 2,500.00

\*\* Two Thousand Five Hundred Dollars Zero Cents \*\*

SUN FIRST BANK

Memo: 66A823E3

Order ID: 4c2404ce051b16.24919888

Customer Service Phone # 800-395-8420

Authorization On File

⑈0000250000⑈



6/25/10 Check 18155 Amount 2,500.00

Jeremy Johnson

18155

Santa Monica, UT 90401

DATE 2010-08-24

PAY TO THE  
ORDER OF FTPAYMENTS

\$ 2,500.00

Two Thousand Five Hundred Dollars Zero Cents

SUN FIRST BANK

MEMO: 86A70800

Order ID: 4c23d7981be2b318388959

Customer Service Phone # 800-398-6420

Authorization On File

⑈0000250000⑈

6/25/10 Check 23157 Amount 2,500.00

Jeremy Johnson		23157
Santa Monica, UT 90401		DATE <u>2010-06-24</u>
PAY TO THE ORDER OF	<b>FTPAYMENTS</b>	\$ <b>2,500.00</b>
"Two Thousand Five Hundred Dollars Zero Cents"		
<b>SUN FIRST BANK</b>		
Memo: #SATE603		
Order ID: 4c23dea136418.79907010		
Customer Service Phone # 800-396-6420		
Authorization On File		
		⑈0000250000⑈

6/24/10 Check 24045 Amount 2,500.00

Jeremy Johnson

24045

Santa Monica, UT 80401

DATE 2010-06-23

PAY TO THE  
ORDER OF

FTPAYMENTS

\$ 2,500.00

\*\* Two Thousand Five Hundred Dollars Zero Cents \*\*

SUN FIRST BANK

Memo: 86467281

Order ID: 4c22b2ee21e6e3.38581838

Customer Service Phone # 800-398-6420

Authorization On File

11

⑈0000250000⑈

6/25/10 Check 24752 Amount 2,500.00

Jeremy Johnson		24752
UT 80401		DATE <u>2010-06-24</u>
PAY TO THE ORDER OF	<b>FTPAYMENTS</b>	\$ <b>2,500.00</b>
** Two Thousand Five Hundred Dollars Zero Cents **		
SUN FIRST BANK		
Memo: 85A82D87		
Order ID: 4c249ba984fcd1.80794954		
Customer Service Phone # 800-398-8420		
Authorization On File		
11	⑈0000 250000⑈	

) 6/24/10 Check 25200 Amount 2,500.00

Jeremy Johnson		25200
Santa Monica, UT 90401		DATE <u>2010-06-23</u>
PAY TO THE ORDER OF	<b>FTPAYMENTS</b>	\$ <b>2,500.00</b>
** Two Thousand Five Hundred Dollars Zero Cents **		
<b>SUN FIRST BANK</b>		
Memo: 06A87301		
Order ID: 4a22b3ba070940.61757018		
Customer Service Phone # 800-398-9420		
Authorization On File		
		⑈0000250000⑈

6/22/10 Check 26268 Amount 1,000.00

Jeremy Johnson

26268

Santa Monica, UT 90401

DATE 2010-06-21PAY TO THE  
ORDER OF

FTPAYMENTS

\$ 1,000.00

\*\* One Thousand Dollars Zero Cents \*\*

SUN FIRST BANK

Memo: 98A3788C

Order ID: 4c1fa99c858e99.28907745

Customer Service Phone # 800-396-6420

Authorization On File

11

⑈0000 100000⑈

6/24/10 Check 28152 Amount 2,500.00

Jeremy Johnson

28152

Santa Monica, UT 80401

DATE 2010-06-23PAY TO THE  
ORDER OF

FTPAYMENTS

\$ 2,500.00

\*\* Two Thousand Five Hundred Dollars Zero Cents \*\*

SUN FIRST BANK

Memo: 06A873F3

Order ID: 4c22b3cd4a56a2.39685319

Customer Service Phone # 800-396-6420

Authorization On File

⑈0000250000⑈



6/25/10 Check 28761 Amount 2,500.00

Jeremy Johnson

28761

Santa Monica, UT 80401

DATE 2010-06-24PAY TO THE  
ORDER OF

FTPAYMENTS

\$ 2,500.00

\*\* Two Thousand Five Hundred Dollars Zero Cents \*\*

SUN FIRST BANK

MemoID: 06A7E996

Order ID: 4c23d6b7ef25a3.20739430

Customer Service Phone # 800-306-6420

Authorization On File

⑈0000250000⑈

6/22/10 Check 29953 Amount 2,500.00

Jeremy Johnson		29953
Santa Monica, UT 90401		DATE <u>2010-06-21</u>
PAY TO THE ORDER OF	<b>FTPAYMENTS</b>	\$ <b>2,500.00</b>
"Two Thousand Five Hundred Dollars Zero Cents"		
<b>SUN FIRST BANK</b>		
Memo: 85A2D280		
Order ID: 4c1fde04aa4921.60725524		
Customer Service Phone # 800-398-6420		
Authorization On File		
		⑈0000 250000⑈

6/24/10 Check 30972 Amount 2,500.00

Jeremy Johnson		30972
Santa Monica, UT 80401		DATE <u>2010-06-23</u>
PAY TO THE ORDER OF	FTPAYMENTS	\$ 2,500.00
** Two Thousand Five Hundred Dollars Zero Cents **		
SUN FIRST BANK		
Memo: 05A5729D		
Order ID: 4a22b30094a491.00488738		
Customer Service Phone # 800-395-8420		
Authorization On File		
		⑈0000250000⑈

6/22/10 Check 31522 Amount 2,500.00

Jeremy Johnson		31522
Santa Monica, UT 90401		DATE <u>2010-06-21</u>
PAY TO THE ORDER OF	<b>FTPAYMENTS</b>	\$ <b>2,500.00</b>
** Two Thousand Five Hundred Dollars Zero Cents **		
<b>SUN FIRST BANK</b>		
Memo: 66A20286 Order ID: 401fde0b4743bd.09284087 Customer Service Phone # 800-398-0420		
Authorization On File		
		⑈0000 250000⑈

6/22/10 Check 35026 Amount 2,500.00

Jeremy Johnson		35026
Santa Monica, UT 80401		DATE <u>2010-06-21</u>
PAY TO THE ORDER OF	<u>FTPAYMENTS</u>	\$ <u>2,500.00</u>
** Two Thousand Five Hundred Dollars Zero Cents **		
SUN FIRST BANK		
Memo: 6SA2D2ED Order ID: 4e1fddec0b3ce4.65351637 Customer Service Phone # 800-306-6420		
Authorization On File		
		⑈0000 250000⑈

6/25/10 Check 38213 Amount 2,500.00

Jeremy Johnson

38213

Santa Monica, UT 90401

DATE 2010-06-24PAY TO THE  
ORDER OF

FTPAYMENTS

\$ 2,500.00

\*\* Two Thousand Five Hundred Dollars Zero Cents \*\*

SUN FIRST BANK

Memo: 86A82430

Order ID: 4c24070d27d910.76792705

Customer Service Phone # 800-396-8420

Authorization On File

⑈0000250000⑈

6/24/10 Check 40930 Amount 2,500.00

Jeremy Johnson		40930
Santa Monica, UT 80401		DATE <u>2010-06-23</u>
PAY TO THE ORDER OF	<u>FTPAYMENTS</u>	\$ <u>2,500.00</u>
** Two Thousand Five Hundred Dollars Zero Cents **		
SUN FIRST BANK		
Memo: 45A672E8		
Order ID: 4c22b32cb4f2e5.25772612		
Customer Service Phone # 800-398-8420		
Authorization On File		
11		⑈0000 250000⑈

6/25/10 Check 44723 Amount 2,500.00

Jeremy Johnson		44723
Santa Monica, UT 90401		DATE <u>2010-06-24</u>
PAY TO THE ORDER OF	<b>FTPAYMENTS</b>	\$ <b>2,500.00</b>
** Two Thousand Five Hundred Dollars Zero Cents **		
SUN FIRST BANK		
Memo: 05A6240A		
Order ID: 4c2404ee816300.48633143		
Customer Service Phone # 800-326-5420		
Authorization On File		
		⑈0000250000⑈



6/25/10 Check 48926 Amount 2,500.00

Jeremy Johnson

48926

Santa Monica, UT 90401

DATE 2010-06-24PAY TO THE  
ORDER OF

FTPAYMENTS

\$ 2,500.00

\*\* Two Thousand Five Hundred Dollars Zero Cents \*\*

SUN FIRST BANK

Memo: 05A00767

Order ID: 4c23f2410337f6,19063368

Customer Service Phone # 800-394-8420

Authorization On File

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⑈0000 250000⑈

6/23/10 Check 53792 Amount 2,500.00

Jeremy Johnson

53792

Santa Monica, UT 90401

DATE 2010-06-22PAY TO THE  
ORDER OF

FTPAYMENTS

\$ 2,500.00

\*\* Two Thousand Five Hundred Dollars Zero Cents \*\*

SUN FIRST BANK

Memo: 66A602F6

Order ID: 4e217b7acd9814.91778647

Customer Service Phone # 800-396-6420

Authorization On File

⑈0000250000⑈

6/24/10 Check 56901 Amount 2,500.00

Jeremy Johnson

56901

Santa Monica, UT 90401

DATE 2010-08-23PAY TO THE  
ORDER OF

FTPAYMENTS

\$ 2,500.00

\*\* Two Thousand Five Hundred Dollars Zero Cents \*\*

SUN FIRST BANK

Memo: 68A673C4

Order ID: 4c22b31a9ccc1.34803734

Customer Service Phone # 800-396-8420

Authorization On File

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6/25/10 Check 57639 Amount 2,500.00

Jeremy Johnson

57639

Santa Monica, UT 90401

DATE 2010-06-24

PAY TO THE  
ORDER OF

FTPAYMENTS

\$ 2,500.00

Two Thousand Five Hundred Dollars Zero Cents

SUN FIRST BANK

Memo: 06A7E02F

Order ID: 4e23dec7236ce6.66768858

Customer Service Phone # 800-398-8420

Authorization On File

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6/25/10 Check 59831 Amount 2,500.00

Jeremy Johnson

59831

Santa Monica, UT 90401

DATE 2010-06-24

PAY TO THE  
ORDER OF

FTPAYMENTS

\$ 2,500.00

\*\* Two Thousand Five Hundred Dollars Zero Cents \*\*

SUN FIRST BANK

Memo: 33A82381

Order ID: 4c2404ae658ca4.24986619

Customer Service Phone # 800-396-6420

Authorization On File

II

⑈0000250000⑈

6/25/10 Check 61790 Amount 2,500.00

Jeremy Johnson

61790

Santa Monica, UT 90401

DATE 2010-06-24

PAY TO THE  
ORDER OF FTPAYMENTS

\$ **2,500.00**

Two Thousand Five Hundred Dollars Zero Cents

SUN FIRST BANK

Memo: 65A7PC80

Order ID: 4c23ebcccbfa1.30824955

Customer Service Phone # 800-398-0420

Authorization On File

⑈0000250000⑈

6/25/10 Check 66285 Amount 2,500.00

Jeremy Johnson		66285
Santa Monica, UT 90401		DATE <u>2010-06-24</u>
PAY TO THE ORDER OF	<b>FTPAYMENTS</b>	\$ <b>2,500.00</b>
** Two Thousand Five Hundred Dollars Zero Cents **		
SUN FIRST BANK		
Memo: 95A7D5PD Order ID: 4c23d60a735231.52458526 Customer Service Phone # 800-398-6420		
Authorization On File		
*	,0000 250000,	

6/25/10 Check 70702 Amount 2,500.00

Jeremy Johnson

70702

Santa Monica, UT 90401

DATE 2010-08-24

PAY TO THE  
ORDER OF

**FTPAYMENTS**

\$ **2,500.00**

Two Thousand Five Hundred Dollars Zero Cents

**SUN FIRST BANK**

Memo: 06A823PC

Order ID: 4c2464de587878.60516284

Customer Service Phone # 800-398-6420

Authorization On File

||

0000 250000



6/24/10 Check 72151 Amount 2,500.00

Jeremy Johnson

72151

Santa Monica, UT 90401

DATE 2010-06-23PAY TO THE  
ORDER OF FTPAYMENTS\$ 2,500.00

"Two Thousand Five Hundred Dollars Zero Cents"

SUN FIRST BANK

Memo: 86A66E93

Order ID: 4e22b014a84dd5.90791428

Customer Service Phone # 800-396-6420

Authorization On File

⑈0000 250000⑈

6/22/10 Check 78280 Amount 2,500.00

Jeremy Johnson

78280

Santa Monica, UT 80401

DATE 2010-06-21

PAY TO THE  
ORDER OF

FTPAYMENTS

\$ 2,500.00

Two Thousand Five Hundred Dollars Zero Cents \*\*

SUN.FIRST BANK

Memo: 66A20SCD

Order ID: 4c1fdcf9008fc3.21277479

Customer Service Phone # 800-396-6420

Authorization On File

||

0000 250000

6/25/10 Check 79599 Amount 2,500.00

Jeremy Johnson		79599
Santa Monica, UT 80401		DATE <u>2010-08-24</u>
PAY TO THE ORDER OF	<b>FTPAYMENTS</b>	\$ <b>2,500.00</b>
** Two Thousand Five Hundred Dollars Zero Cents **		
SUN FIRST BANK		
Memo: 95A82004		
Order ID: 4a240b271c0fa4.71455781		
Customer Service Phone # 800-396-6420		
Authorization On File		
		'0000 250000'

6/25/10 Check 81383 Amount 2,500.00

Jeremy Johnson

81383

UT 80401

DATE 2010-06-24

PAY TO THE  
ORDER OF

FTPAYMENTS

\$ 2,500.00

\*\* Two Thousand Five Hundred Dollars Zero Cents \*\*

SUN FIRST BANK

Memo: 05A77000

Order ID: 4023ebdfb79124.02050023

Customer Service Phone # 800-395-6420

Authorization On File

11\*

⑈0000250000⑈

6/24/10 Check 92919 Amount 2,500.00

Jeremy Johnson

92919

Santa Monica, UT 80401

DATE 2010-06-23PAY TO THE  
ORDER OF

FTPAYMENTS

\$ 2,500.00

\*\* Two Thousand Five Hundred Dollars Zero Cents \*\*

SUN FIRST BANK

Memo: 06A88EF3

Order ID: 4c22b0abc140d2.42449451

Customer Service Phone # 800-398-6420

Authorization On File

11

⑈0000 250000⑈

6/25/10 Check 94509 Amount 2,500.00

Jeremy Johnson		94509
Santa Monica, UT 90401		DATE <u>2010-06-24</u>
PAY TO THE ORDER OF	<b>FTPAYMENTS</b>	\$ <b>2,500.00</b>
** Two Thousand Five Hundred Dollars Zero Cents **		
<b>SUN FIRST BANK</b>		
Memo: 65A20F8		
Order ID: 4c240bd579f481.80039479		
Customer Service Phone # 800-398-5420		
Authorization On File		
		⑈0000250000⑈

# Attachment 5

06/12/2018 12:38

435--628-7188

FEDEX OFFICE

5593

PAGE 05



CHRISTOPHER J WADE

05-08

113

ST GEORGE, UT 89770 8028

31-8/1240  
437Pay to the  
Order of

ZIONS BANK

Cedar City / Providence Office  
1313 South Providence Center Drive  
Cedar City, Utah 84720  
www.zionsbank.com

For

Check Only

JEREMY JOHNSON  
SHARLA JOHNSON

08-08

260

ST GEORGE, UT 89770

31-7680/5240  
6

PAY TO THE ORDER OF

DESERET FIRST  
CREDIT UNION815 South 1900 Road  
St George, Utah 84790

For



# Attachment 6

06/12/2010 12:39

435--628-7188

FEDEX OFFICE

5593

PAGE 04

BRYCE PAYNE  
KRISTA PAYNE

9-97

6435

ST. GEORGE, UT 84790



Friends of Wildlife

ZIONS BANK

St. George/Snow Canyon Office  
1830 West Sunset Boulevard  
St. George, Utah 84770  
www.zionsbank.com

C O B F G A H S

DOLLARS

31-5/1240  
554

\$2400.00

FOR From Krista

BRYCE PAYNE  
KRISTA PAYNE

9-97

6436

ST. GEORGE, UT 84790



Friends of Wildlife

ZIONS BANK

St. George/Snow Canyon Office  
1830 West Sunset Boulevard  
St. George, Utah 84770  
www.zionsbank.com

C O B F G A H S

DOLLARS

31-5/1240  
554

\$2400.00

FOR From Bryce

STEPHEN W. WADE 01-03  
MARCIA C. WADE07-30471243  
0123007013

231

ST. GEORGE, UTAH 84790

DATE June 11, 10

PAY TO THE  
ORDER OF

The Friends of Wildlife

\$2400

Twenty thousand Four Hundred Dollars

DOLLARS

140 E. St. George Blvd.  
St. George, Utah 84770  
24 Hr. Banking (435) 875-0031  
www.sunfirstbank.com

MEMO

Payable to

# Attachment 7

## IN AND BEFORE THE FEDERAL ELECTION COMMISSION

State of Utah  
County of Salt Lake

## AFFIDAVIT OF MIKE MCCAULEY

The undersigned, Mike McCauley, a resident of the state of Utah and being of lawful age, does hereby affirm and state:

1. I am the treasurer of Friends of Mike Lee, the principal authorized committee of Mike Lee ("the Committee"), Republican member of the United States Senate from the State of Utah ("Sen. Lee").
2. I have served as Treasurer of the Committee since September 2012.
3. I was not the Committee treasurer during the 2010 election cycle but I have in my possession the books and records of the Committee since its inception, which includes the books and records for the 2010 election cycle.
4. I have read news reports in which Mr. Jeremy Johnson, an individual who is under criminal indictment in Utah ("Mr. Johnson"), supposedly claims to have reimbursed donors to the political campaigns of various Utah candidates, including his assertion that Sen. Lee's 2010 campaign was one in which he reimbursed one or more donors.
5. In order to ascertain whether such claims are true or false, I have worked with Mr. Dan Hauser and others who were involved in the 2010 campaign in an effort to reconstruct the facts regarding donors to the 2010 campaign, and the claims by Mr. Johnson of having reimbursed donors.
6. There is no evidence in the records of the campaign's bank accounts or other documents which would indicate in any manner that contributions were from a source other than the donor(s) on whose account the check(s) were drawn.
7. Because there is no documentary evidence of donor reimbursement, and there was no knowledge or suspicion among any of the 2010 Committee staff of donor reimbursement, we have constructed a potential method for inquiring into possible reimbursement(s).
8. The methodology we developed was to identify the deposit(s) that were close in proximity in time and geographical location to Mr. Johnson's personal contribution.
9. There was a deposit into the campaign's account on June 12, 2010, which included Mr. Johnson's personal contribution of \$2400, the maximum legal primary contribution during the 2010 election cycle.

10. The June 12, 2010 deposit was made into the campaign's account in the Zion Bank branch in St. George, UT.

11. Mr. Johnson was a resident of St. George, UT in 2010.

12. The June 12, 2010 deposit was made by a campaign volunteer and included contributions from seventeen individual donors.

13. Attached to this affidavit is a list of 15 donors whose contributions were included in that June 12, 2010 deposit, with two checks subsequently redeposited on June 22, 2010 that cleared the bank. See Exhibit A.

14. I personally sent certified letters to each of the donors whose contributions were part of the same deposit as Mr. Johnson's in June 2010, requesting that each donor sign and return a certification as to having made the contributions from his/her own personal funds. A copy of the letter and the certification form is attached hereto as Exhibit B.

15. As of this date, we are still awaiting receipt of the forms from the donors; no forms have been returned to the Committee at this time.

16. Four of the donor letters have been returned as having moved with no forwarding addresses.

17. In response to the letters I sent, one individual, Ms. Savannah Jones, telephoned me on August 16, 2014 and told me she had been working for a "Mr. Black" in 2010 and that he had asked her to write a check to the Lee campaign, and that he would reimburse her.

18. The 2010 Lee campaign received a check in the amount of \$2400 from Ms. Savannah Jones.

19. I told Ms. Jones that we would appreciate her sending information in writing about the transaction. I re-sent the letter and forms previously sent which her mother had received and signed for at the address the Committee has in its records.

20. To date, I have received nothing further from Ms. Jones.

21. There are no records, documents or evidence in the possession of the Committee that would suggest or indicate that any contribution to the Committee was from a source other than the donor recorded in the Committee's records and duly reported to the FEC. The telephone conversation with Ms. Jones is the first information about reimbursement of any contribution(s) that the Committee has received.

22. The Committee is prepared to disgorge the contribution from Ms. Jones to a payee as directed by the FEC.

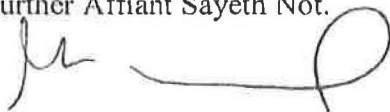
23. The Committee has made a good faith effort to validate from a select group of donors that their contributions were from their own funds. The Committee seeks the Commission's guidance as to further steps that should be taken, as there is no published guidance on this particular topic.

24. The Committee is not aware of any further actions or obligations that it can or should take to seek additional information or confirmation of source(s) of contributions.

25. The Committee makes every effort at all times to fully comply with the regulations of the Federal Election Commission regarding the solicitation, receipt, deposit and reporting of contributions.

I understand that these statements are made under penalty of perjury and I swear and affirm that the statements contained herein are made of my personal knowledge and are true and correct to the best of my knowledge and belief.

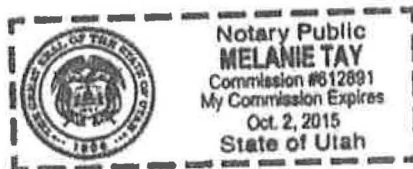
Further Affiant Sayeth Not.



Mike McCauley, Treasurer  
Friends of Mike Lee

Before me this 19th day of August, 2014 appeared Mike McCauley who affirmed and stated under penalty of perjury that the above and foregoing is true and correct to the best of his knowledge and belief.

NOTARY PUBLIC  
S E A L



My Commission Expires: 10/2/2015

# **EXHIBIT A**

Contribution Entries		Address	City	State	Zip	Employer	Occupation	Date of Receipt	Amount	Election to Date	FEC Transaction ID	FEC Page #	FEC Report	FEC Reference Contribution	Response
First	Last														
Atia	Black	2964 S. Slate Ridge Circle	St. George	UT		84790 Not provided	Not provided	6/22/2010	\$2,400	\$2,400	SA11AL29257	15/128	July 15, 2010 Amended	11020331406	certified mail receipt - no response
Kyle	Boyer	2548 Adams Ave	Ogden	UT		84403 Not provided	Not provided	6/22/2010	\$2,400	\$2,400	SA11AL28918	17/128	July 15, 2010 Amended	11020331408	No receipt No response
Tiffany	Boyer	333 West 200 North Apt 3	St. George	UT		84770 Not provided	Not provided	6/12/2010	\$2,400	\$2,400	SA11AL28917	17/128	July 15, 2010 Amended	11020331408	Letter returned for undeliverable address
Duane	Fickling	162 N. Shadow Point Dr	St. George	UT		84770 Not provided	Not provided	6/12/2010	\$2,400	\$2,400	SA11AL28925	36/128	July 15, 2010 Amended	11020331427	Letter returned for undeliverable address
Robin	Fickling	162 N. Shadow Point Dr	St. George	UT		84770 Homemaker	Homemaker	6/12/2010	\$2,400	\$2,400	SA11AL28924	37/128	July 15, 2010 Amended	11020331428	Letter returned for undeliverable address
Barbara	Johnson	2489 Riverfront Dr.	Santa Clara	UT		84765 Self	Entrepreneur	6/12/2010	\$2,400	\$2,400	SA11AL28912	57/128	July 15, 2010 Amended	11020331448	No receipt No response
Jeremy	Johnson	529 S. Woods View Circle	St. George	UT		84770 iWorks	President	6/12/2010	\$2,400	\$2,400	SA11AL28923	58/128	July 15, 2010 Amended	11020331449	No receipt No response
Kerry	Johnson	PO Box 639	St. George	UT		84765 Self	Entrepreneur	6/12/2010	\$2,400	\$2,400	SA11AL28911	59/128	July 15, 2010 Amended	11020331450	certified mail receipt - no response
Sharla	Johnson	529 South Woods View Cir	St. George	UT		84770 Homemaker	Homemaker	6/12/2010	\$2,500	\$2,400	SA11AL28926	59/128	July 15, 2010 Amended	11020331450	No receipt No response
Savannah	Jones	626 S. 150 E	Enterprise	UT		84725 Not provided	Not provided	6/22/2010	\$2,400	\$2,400	SA11AL29255	63/128	July 15, 2010 Amended	11020331452	certified mail receipt - no response
Bryce	Payne	2399 E. Bella Rosa Circle	St. George	UT		84790 iWorks	Management	6/12/2010	\$2,400	\$2,400	SA11AL28920	74/128	July 15, 2010 Amended	11020331465	certified mail receipt - no response
Krista	Payne	2399 E. Bella Rosa Circle	St. George	UT		84790 Nuzel Wireless	Management	6/12/2010	\$2,400	\$2,400	SA11AL28919	74/128	July 15, 2010 Amended	11020331465	certified mail receipt - no response
Christopher	Wade	56 Shadow Point Dr	St. George	UT		84770 Not provided	Not provided	6/12/2010	\$2,400	\$2,400	SA11AL28922	93/128	July 15, 2010 Amended	11020331484	No receipt No response
Stephen	Wade	1439 Bloomington Drive	St. George	UT		84790 Stephen Wade Auto	Sales	6/12/2010	\$2,400	\$2,400	SA11AL28921	93/128	July 15, 2010 Amended	11020331484	certified mail receipt - no response
Mikelle	Yates	816 E. Vermillion Ave	St. George	UT		84770 Not provided	Not provided	6/12/2010	\$2,400	\$2,400	SA11AL28913	98/128	July 15, 2010 Amended	11020331469	Letter returned for undeliverable address

\* Contribution divided in two per report. \$2400 and 100. Two letters sent to confirm activity. Neither have received a certified receipt or a response



# **EXHIBIT B**



10 West Broadway  
Suite 500  
Salt Lake City, Utah 84101

Mikelle Yates

St. George, UT 84770

RE: Your contribution to Friends of Mike Lee in June 2010

Dear Mikelle Yates:

First, thank you for your past support of Sen. Mike Lee (R-UT) in his campaign for the United States Senate in the 2010 Utah Republican primary.

Recently, there have been news stories and allegations that certain individuals who helped raise money for Senator Lee's 2010 campaign may have reimbursed donors for their contributions to the campaign. This is not something that the Lee campaign or Senator Lee was aware of or in any way condoned.

Senator Lee has asked me, as treasurer of the campaign, to review all contributions received by the campaign during the time period in question - late June 2010 - and to contact each donor to confirm that the contribution was from the donor's own funds and that the donors were not reimbursed by any third party. If that is not the case, and if there were reimbursements, we need to know that information as well for legal and reporting purposes.

Our records reflect that you made a contribution of \$2,400 via check dated June 11, 2010.

Enclosed is a form and pre-addressed envelope directed to my attention. Please complete, sign and return the enclosed form as soon as possible. We have set a deadline of August 15, 2014 to receive the forms and process them.

We apologize for any inconvenience and very much appreciate your help in ensuring that we comply with all campaign laws.

Please contact me at (801) 706-4427 if you have any questions or feel free to send me an email to: [mike@mccauleyassociatespc.com](mailto:mike@mccauleyassociatespc.com)

Thank you very much for your prompt attention.

Sincerely,

A handwritten signature in black ink, appearing to be "Mike McCauley".

Mike McCauley  
Treasurer, Friends of Mike Lee

[www.mikeleeutah.com](http://www.mikeleeutah.com)

Not printed or mailed at government expense

Mikelle Yates

St. George, UT 84770

**Confirmation of Contribution to Friends of Mike Lee**

This is to confirm that my contribution to Friends of Mike Lee in June 2010 was from my personal funds and that I was not reimbursed by any third party for the contribution.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

MIKELLE YATES 0187  
LIC. UT 159858914/2001  
ST. GEORGE, UT 84770

128  
31-7958/3240

6/11/10

PAY TO THE ORDER OF Mike Lee \$ 2,400.00  
Two THOUSAND FOUR HUNDRED AND XX/100 DOLLARS

RIVER ROAD OFFICE 77  
MOUNTAIN AMERICA  
CREDIT UNION  
183 RIVER ROAD • ST. GEORGE, UT 84770  
FOR DEPOSIT ONLY

Mikelle Yates



McCauley & Associates P.C.  
10 West Broadway, Suite 500  
Salt Lake City, UT 84101

# Attachment 8

05/12/2010 12:38

435--628-7188

FEDEX OFFICE

5593

PAGE 03

MATTHEW E BLACK 08-09

MAPLETON, UT 84664-9206

4031

31-207/1740 2/1  
6X99708225

June 11, 2010

Pay to the Order of MIKE LEE

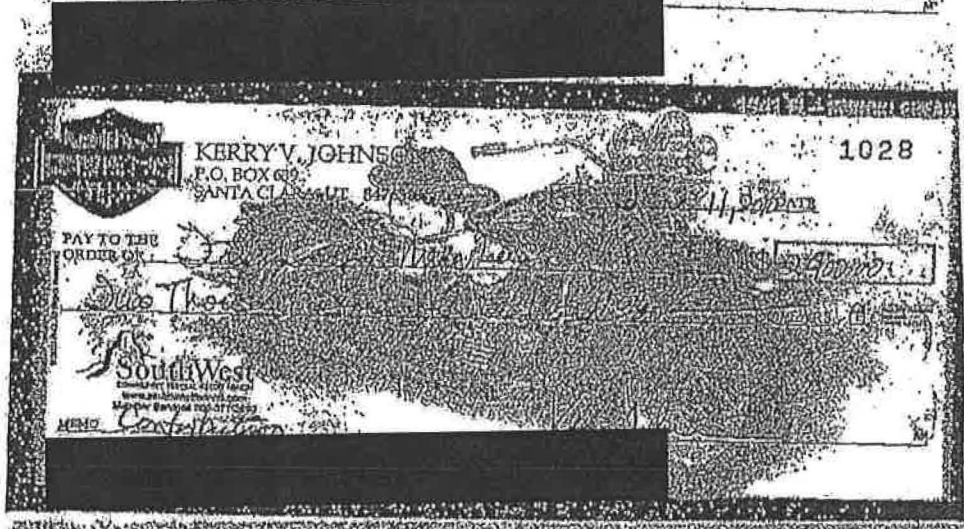
\$ 2400

Twenty Four Hundred Dollars & no/100 Dollars



Wells Fargo Bank, N.A.  
Utah  
wellsfargo.com

For



KERRY V. JOHNSON 12-08  
BARBARA JOHNSON

SANTA CLARA, UT 84765

31-283/1243  
21016213

253

DATE 6/11/10

PAY TO THE ORDER OF

Friends of Mike Lee  
Two thousand four hundred & no/100

\$ 2,400.00

DOLLARS



THE VILLAGE BANK  
1091 N. Dixie Street, Ste. 200 • St. George, UT 84778  
Ph: (435) 658-4500

MEMO



Barbara Johnson

# Attachment 9





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION

2015 JAN 20 PM 2:47

OFFICE OF GENERAL  
COUNSEL  
DEC 22 2014

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

Barbara Johnson

Santa Clara, UT 84765

RE: MUR 6850

Dear Ms. 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 black ink that reads "Michael Columbo Esq." with "Esq." written in a smaller, cursive script.

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**

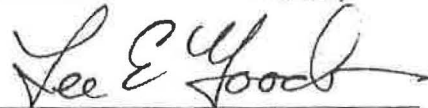
TO: Barbara Johnson

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.

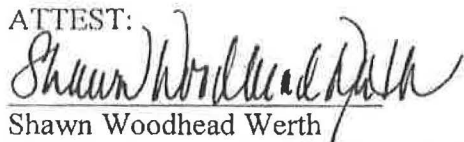
WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C. on this 19th day of December 2014.

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)

"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?

MUR 6850  
Barbara Johnson  
Page 4

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."

*Barbara Johnson*

**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.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
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

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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 black ink that reads "Michael Columbo" followed by a stylized monogram or initials.

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

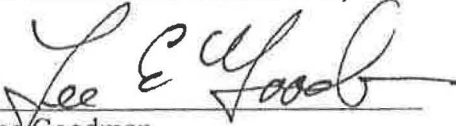
TO: Kerry Johnson

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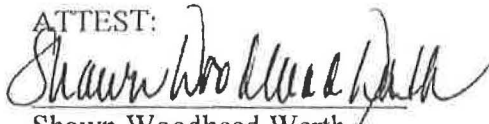
Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

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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.

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MUR 6850  
Kerry Johnson  
Page 4

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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."

 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.

# Attachment 10

06/12/2010 12:38 435--628-7188

FEDEx OFFICE 5593

PAGE 07

THIS DOCUMENT CONTAINS A TSUP WATERMARK, BOLD TO LIGHT TO VIEW

**ZIONS BANK**  
Salt Lake City, Utah 84101

**CASHIER'S CHECK**

1232954

31-5/1240

Date June 11, 2010

\$ 2,500.00

Pay

\*\*\*TWO THOUSAND FIVE HUNDRED and 00/100\*\*\* US Dollars

To \*\*\*MIKE LEE FOR SENATE\*\*\*

The Order Of

034 420 0010

*Sharla Johnson*

P 2400  
C 100  
2500

# Attachment 11

3233  
ST-7751/2342 14  
DATE 6/1/2010  
\$1,000.00  
DOLLARS 1  
PAY TO THE ORDER OF *Family of Mike Lee*  
*Dr. Thomas G. Kelly*  
AMERICA FIRST  
FEB 24 8 59 AM  
CHECK 11-01405  
NEW YORK, NEW YORK

# Attachment 12

CLEAR

CLEAR

Welcome rhearron@fec.gov!

[Logout](#)

Search



Search

My Results

My Workspace

Account Tools

History

Summary

Online Help

Training

2 Result Groups (representing 4 records) found for yates, mikelle, UT

## Result Detail

[Disclaimers](#)

HAFEN, MIKELLE

1 record aggregated.

SSN: [REDACTED]

DOB: [REDACTED]

Age:

AKA: HAFEN, MIKELLE LEE

Name First Reported: 10/04/2007

AKA: HAFEN, MIKELLE YATES

Name First Reported: 09/08/2003

AKA: YATES, MIKELLE L

Name First Reported: 08/10/1997

Spouse's First Name: JOHN

## Address/Phone

[ST GEORGE, UT 84790-6993](#)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[SAINT GEORGE, UT 84790-8090](#)

## Reported

11/09/2007 - 07/07/2013

02/03/2010

12/27/2005 - 06/20/2008

01/19/2006

07/14/2005

06/23/2003 - 09/08/2003

09/26/2001 - 01/12/2003

09/07/2001

09/30/1999 - 03/15/2000

08/10/1997 - 05/27/1999

# Attachment 13



[illegible][illegible]

# Attachment 14

06/12/2010 12:39

435--628-7188

FEDEX OFFICE

5593

PAGE 02

MIKELLE YATES 0197  
LIC. UT 159050314/2001

128

ST. GEORGE, UT 84770

6/11/10

31-7955/3240

PAY TO THE ORDER OF Mike Lee

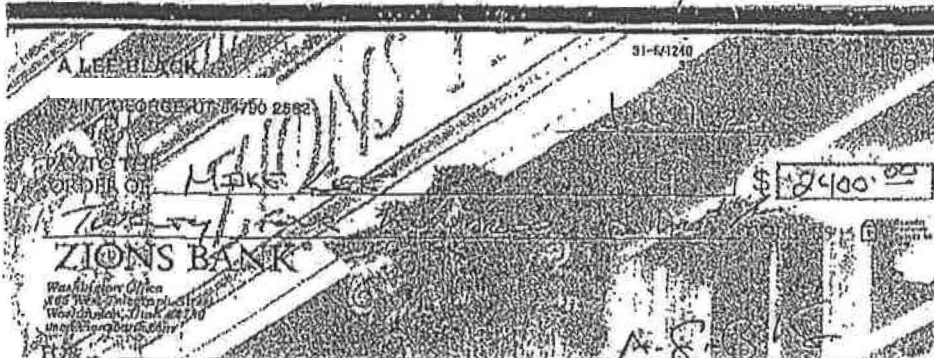
\$ 2,400.00

Two THOUSAND Four HUNDRED AND XX/100 DOLLARS

RIVER ROAD OFFICE  
MOUNTAIN AMERICA  
CREDIT UNION  
125 RIVER ROAD • ST. GEORGE, UT 84790

FOR DONATION

Mikelle Yates Hopen



Standard Chartered

SAVANNAH JONES 05-00

4116

ENTERPRISE, UT 84725

31-2971240 2200  
6768001702

6/14/10

Date

Pay to the Order of Mike Lee

\$ 2,400.00

Two thousand four hundred 00/100 Dollars



Valid Paper Receipt Only  
Void Where Prohibited

For

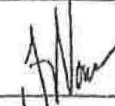
[Signature]

# Attachment 15

**ZION'S BANK**  
CASHIER'S CHECK  
Date June 11, 2010  
\$ \$2,400.00xx  
THOUSAND FOUR HUNDRED AND 00/100xxx US Dollars  
CASHIER TENDS OF NIKE LEExx  
Authorized Signature  
Jackie Jones

# Attachment 16

6/14/10 Check 5075 Amount 14,400.00

<b>Triple Crown, LP</b> Operating Agreement Salt Group, UT 84775-7129 (435) 594-0007		<b>5075</b> PAYMENT MADE Salt Group Salt Group, UT 84775 (435) 594-1345	<b>6/14/2010</b>
PAY TO THE ORDER OF <u>Sole Group, LLC</u>		<b>\$ 14,400.00</b>	
Fourteen Thousand Four Hundred and 00/100		DOLLARS	
Sole Group, LLC			
ME		40	

# Attachment 17



Site	Paid Date	Serial	Routing	Account	PC	Amount	Sequence #	CI
VIEWPOINTE	20100815	1019			000080	2,400.00	7741087492	

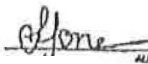
**SOLE GROUP, LLC**  
 230 N 1080 E STE 20  
 ST GEORGE, UT 84790-3002

**WELLS FARGO BANK, N.A.**  
www.wellsfargo.com  
 877-771-8490

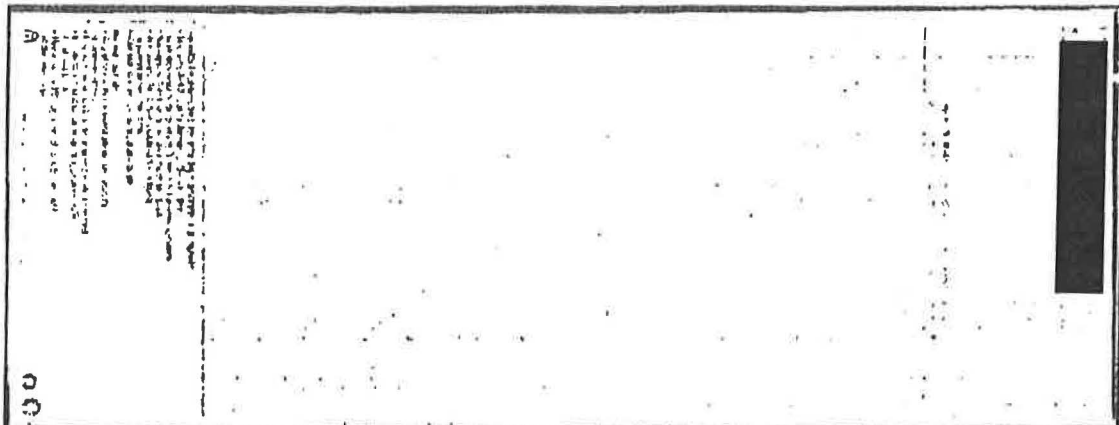
1019

6/14/10

PAY TO THE ORDER OF Savannah Jones \$ 2,400.00  
Two thousand four hundred 9/100 DOLLARS

  
 AUTHORIZED SIGNATURE

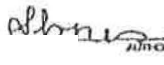
  






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Site	Paid Date	Serial	Routing	Account	PC	Amount	Sequence #	CI
VIEWPOINTE	20100616	1021			000080	2,400.00	8553874493	

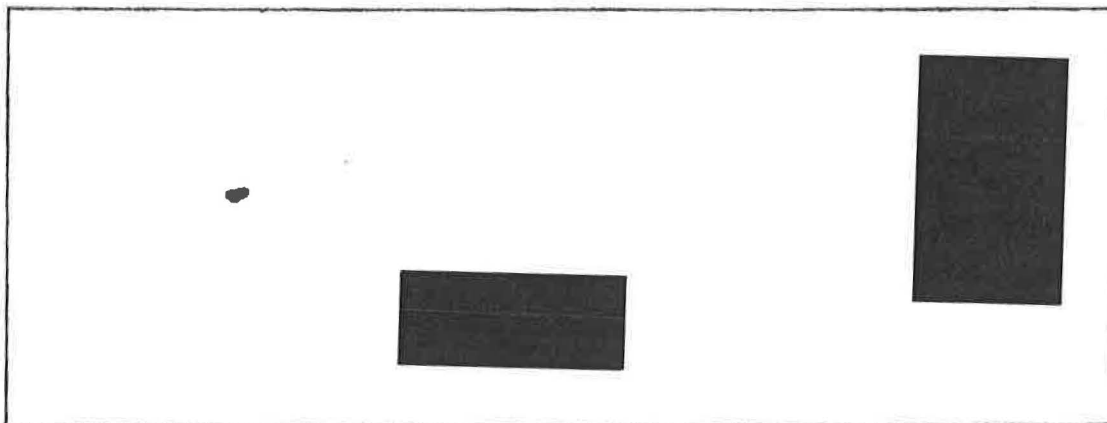
<b>SOLE GROUP, LLC</b> 230 N 1800 E STE B2 ST GEORGE, UT 84790-2502		<b>WELLS FARGO BANK, N.A.</b> www.wellsfargo.com 81-2971840	1021
		6/14/2010	
PAY TO THE ORDER OF <u>Kyle Boyer</u>		\$2,400.00	
Two Thousand Four Hundred and 00/100			DOLLARS
Kyle Boyer ..... 3222 South 356 West Washington, UT 84780			
MEMO		 AUTHORIZED SIGNATURE	
		⑈0000240000⑈	

10		06 14 2010	
			
			

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Site	Paid Date	Serial	Routine	Account	PC	Amount	Sequence #	CI
VIEWPOINTE	20100615	1022			000060	2,400.00	8654667508	

<b>SOLE GROUP, LLC</b> 230 N 1680 E STE 82 ST GEORGE, UT 84790-2563		<b>WELLS FARGO BANK, N.A.</b> www.wellsfargo.com 81-8871240		1022
		8/14/2010		
PAY TO THE ORDER OF <u>Lee Black</u>		\$2,400.00		
Two Thousand Four Hundred and 00/100		DOLLARS		
Lee Black 2994 South Slate Ridge Drive St. George, UT 84790				
MEMO		 AUTHORIZED SIGNATURE		



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Site	Paid Date	Serial	Routing	Account	PC	Amount	Sequence #	Cr
VIEWPOINTE	20100615	1023			000080	2,400.00	7741088670	

**SOLE GROUP, LLC**  
 230 N 1580 E STE 62  
 ST GEORGE, UT 84790-2582

**WELLS FARGO BANK, N.A.**  
www.wellsfargo.com  
91-25771840

1023


6/14/2010

PAY TO THE ORDER OF: Matt Black \$2,400.00

Two Thousand Four Hundred and 00/100 DOLLARS

Matt Black

MEMO

  
 AUTHORIZED SIGNATURE

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Site	Paid Date	Serial	Routine	Account	PC	Amount	Sequence #	CI
VIEWPOINTE	20100818	1024			000060	2,400.00	8653874492	

<b>SOLE GROUP, LLC</b> 230 N 1690 E STE 52 ST GEORGE, UT 84790-2582		<b>WELLS FARGO BANK, N.A.</b> www.wellsfargo.com 87-877/1240		1024
Date: 8/14/2010				
PAY TO THE ORDER OF <u>Tiffany Boyer</u>			\$2,400.00	
Two Thousand Four Hundred and 00/100			DOLLARS	
Tiffany Boyer				
MEMO			AUTHORIZED SIGNATURE <i>elma</i>	
			0000240000	

CI 91 33		[Redacted]		[Redacted]	
----------	--	------------	--	------------	--

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# Attachment 18

06/12/2010 12:38

435--628-7188

FEDEX OFFICE

5593

PAGE 02

MIKELLE YATES 06/07  
LIC. UT 159058312/P0001

ST. GEORGE, UT 84770

128

31-7959/3240

PAY TO THE ORDER OF

Mike Lee

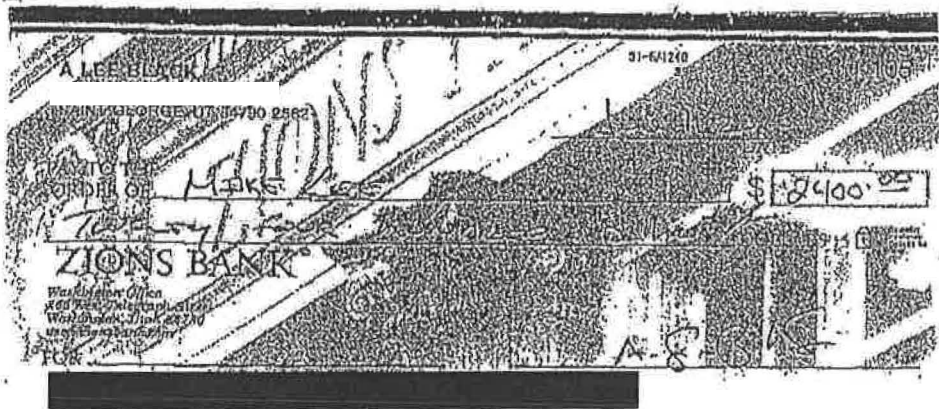
\$ 2,400.00

Two Thousand Four Hundred AND XX/100 DOLLARS

OVER ROAD OFFICE  
MOUNTAIN AMERICA  
CREDIT UNION  
(83 Great Road - St. George, UT 84790)

FOR MOUNTAIN

Mikelle Yates



Current Date

SAVANNAH JONES 05/06

ENTERPRISE, UT 84725

1118

31-297/1200 2000  
6763001798

6/14/10

Date

Pay to the Order of

Mike Lee

\$ 2,400.00

Two thousand four hundred 00/100 Dollars

FOR

SAVANNAH JONES

Alone



06/12/2010 12:38

435--628-7188

FEDEX OFFICE

5593

PAGE 03

MATTHEW E BLACK 08-09  
MAPLETON, UT 84664-3208

4031  
31-20771740-281  
6298768225

Pay to the  
Order of

MIKE LEE

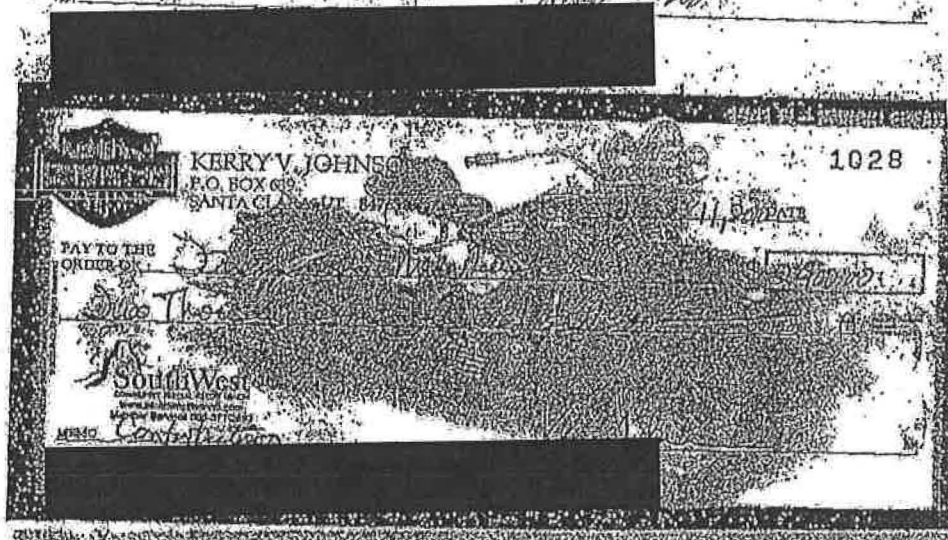
June 11, 2010

\$ 2400

TWENTY FOUR HUNDRED DOLLARS & no/100 Dollars



Wells Fargo Bank, N.A.  
Utah  
wellsfargo.com



KERRY V. JOHNSON 12-08  
BARBARA JOHNSON

SANTA CLARA, UT 84765

31-283/1240  
21316213

253

DATE 6/11/10

PAY TO  
THE ORDER OF

Friends of Mike Lee

\$ 2,400.00

Two thousand four hundred & no/100

DOLLARS



THE VILLAGE BANK  
1091 N. Oak Street, Dept. 200 • St. George, UT 84770  
Ph: (435) 638-4800

MEMO



Barbara Johnson

MATTHEW E BLACK 08-09  
MAPLETON, UT 84664-3206

1002  
31-297/1240 2838  
6299706225

4/21/10 Date

Pay to the Order of MIKE LEE \$ 2,140.00

Two thousand four hundred dollars and no/100 Dollars

WELLS FARGO  
Wells Fargo Bank, N.A.  
Joshi  
wellsfargo.com

For AP

CREDITED TO THE ACCOUNT  
OF THE WITHIN NAMED PAYEE  
ZIONS BANK

112-111111-11 06 23  
ZIONS BANK FRT7  
801-974-8888  
7551835760

Date:06/22/10 Sequence Num:51835760

Serial:- Amount:\$2,400.00 Dep Seq#:51835740

06/12/2010 12:38

435--628-7188

FEDEX OFFICE


5593

PAGE 01

ATIA BLACK 09-09 515  
ST GEORGE, UT 84700  
DATE 6/10/10  
PAY TO THE ORDER OF Mike Lee \$2400.<sup>00</sup>  
two thousand four hundred <sup>00</sup>/<sub>100</sub> DOLLARS  
WELLS FARGO  
Wells Fargo Bank N.A.  
Utah  
wellsfargo.com  
FOR [REDACTED]

TIFFANY BOYER 06/02 837  
ST GEORGE UT 84770  
DATE 6-11-10  
PAY TO THE ORDER OF Mike Lee \$2400.<sup>00</sup>  
twenty four hundred <sup>00</sup>/<sub>100</sub> DOLLARS  
AMERICA FIRST  
P.O. Box 9180  
Ogden, UT 84400  
www.americafirst.com  
FOR [REDACTED]

KYLE BOYER 06-03 207  
OGDEN, UT 84403  
DATE 6-11-10  
PAY TO THE ORDER OF Mike Lee \$2400  
twenty four hundred <sup>00</sup>/<sub>100</sub> DOLLARS  
AMERICA FIRST  
P.O. Box 9180  
Ogden, UT 84400  
www.americafirst.com  
FOR [REDACTED]

ATIA BLACK 09-09		516
ST GEORGE, UT 84790		51-297/1240 2871 9159355329
DATE <u>6/21/2010</u>		
PAY TO THE ORDER OF <u>Mike Lee</u>	\$ <u>2,400.00</u>	
<u>Two thousand four hundred no/100</u>		DOLLARS <input checked="" type="checkbox"/> <small>Pay to the order of the payee</small>
 Wells Fargo Bank, N.A. Utah wells.fargo.com		
FOR <u>ATIA BLACK</u>		

CREDITED TO THE ACCOUNT OF THE WITHIN NAILED PAYEE ZIONS BANK	124042554 25/10/06-22 ZIONS BANK PKT7 811-474-2800 7551835750
---	--

Date: 06/22/10 Sequence Num: 51835750 [REDACTED] Serial: Amount: \$2,400.00 Dep Seq#: 51835740

Site	Paid Date	Serial	Routing	PC	Amount	Sequence #	Ci
VIEWPOINTE	20100623	1118		000060	2,400.00		


**SAVANNAH JONES** 05-08  
 ENTERPRISE, UT 84725

**1118**  
 31-297/1240 2869  
 6763601732

6/22/10 Date

Pay to the Order of Mike Lee \$ 2,400.00

Two thousand four hundred 0/100 Dollars

 Wells Fargo Bank, N.A.  
Utah  
wellsfargo.com

For [Signature]

File Follow-Up Service  
for business records

1240000000 06/22/2010  
 ZIONS BANK PKT7  
 001-974-2211  
 7551835770

CREDITED TO THE ACCOUNT  
 OF THE WITHIN NAMED PAYEE  
 ZIONS BANK

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# Attachment 20

06/12/2010 12:38

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PAGE 04

BRYCE PAYNE  
KRISTA PAYNE

9-97

6435

ST. GEORGE, UT 84790

31-5/1240  
554

DATE 6-11-10

PAY TO THE ORDER OF Friends of Wildlife \$ 2400.00

Twenty four hundred and 00/100 DOLLARS

ZIONS BANK  
St George/Snow Canyon Office  
1830 West Sunset Boulevard  
St. George, Utah 84770  
www.zionsbank.com

FOR From Krista

BRYCE PAYNE  
KRISTA PAYNE

9-97

6436

ST. GEORGE, UT 84790

31-5/1240  
554

DATE 6-11-10

PAY TO THE ORDER OF Friends of Wildlife \$ 2400.00

Twenty four hundred and 00/100 DOLLARS

ZIONS BANK  
St George/Snow Canyon Office  
1830 West Sunset Boulevard  
St. George, Utah 84770  
www.zionsbank.com

FOR From Bryce

STEPHEN W. WADE 01-03  
MARCIA C. WADE97-3047 1243  
0123007013

231

ST. GEORGE, UTAH 84790

DATE JUNE 11, 10

PAY TO THE ORDER OF The Friends of Wildlife \$ 2400

Two thousand four hundred and 00/100 DOLLARS

SunFirst BANK  
140 E. St. George Blvd.  
St. George, Utah 84770  
24 Hrs. Banking (435) 878-8831  
www.sunfirstbank.com

MEMO Donation

# Attachment 24



**From:** john.swallow [REDACTED]  
**Sent:** Tuesday, June 22, 2010 6:21 AM  
**To:** dan@mikelee2010.com  
**Subject:** Fw: Letter

---

Sent from my Verizon Wireless BlackBerry

---

**From:** Jeremy Johnson <jeremyjohnson [REDACTED]>  
**Date:** Mon, 21 Jun 2010 22:16:35 -0700  
**To:** John Swallow <john.swallow [REDACTED]>  
**Subject:** Re: Letter

I can do tomorrow night or Wednesday am. I am really sorry about the checks. I will get it fixed ASAP! Let me know whos bounced. I was in a mad rush to get those so maybe I pushed a few people too hard.

Jeremy

On 6/21/10 3:25 PM, "John Swallow" <john.swallow [REDACTED]> wrote:

Tomorrow if you have time. Also I was told that 4 f those checks bounced. I'll forward you the names. We are working hard and tomorrow is the big day.

Sent from my Verizon Wireless BlackBerry

**From:** Jeremy Johnson <jeremyjohnson [REDACTED]>  
**Date:** Mon, 21 Jun 2010 14:49:38 -0700  
**To:** John Swallow <john.swallow [REDACTED]>  
**Subject:** Letter

Do you have time for lunch this week? Let me know what day if so.

Jeremy

# Attachment 26

0 1 1 478 13110 3 D 005055 40 9,600.00 0  
05/17/2010

**Triple Seven, LP**  
Operating Account  
401 North Bluff Street, Ste 330  
Saint George, UT 84770-7123  
(435) 650-2227

**SUNFIRST BANK**  
Main Branch  
St. George, UT 84770  
87-0041243

5055

5/17/2010

PAY TO THE ORDER OF SunFirst Bank *CASH JTV* \$ 9,600.00

Nine Thousand Six Hundred and 00/100..... DOLLARS

SunFirst Bank  
120 East St. George Blvd.  
St. George, UT 84770

*[Signature]*

40

*Cash*

100517 8117 013118 >124383049<

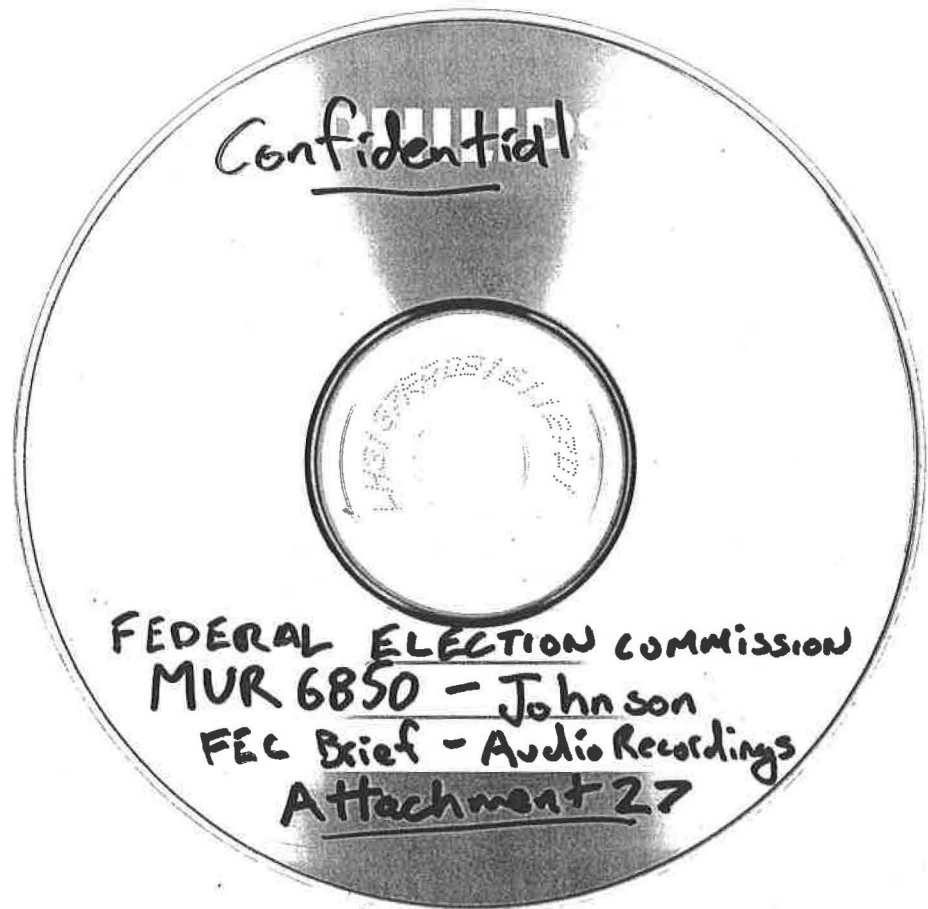
105 5/17/10 16:02:37 001530  
ON US CHECK - CASHED  
\*\*\*\*\*337 9,600.00

ENCLOSURE HERE  
X  
*[Signature]*  
5/20/10 5555

DO NOT WRITE STAMP OR SIGN BELOW THIS LINE

SFB-FTC-RCVR 09012

# Attachment 27



# UPS Service Order Form

UPS mailings must be received by the Mail Center by 4:00pm to be processed on the requested date.  
Mailings received after 4:00pm will be processed on the next business day.

PLEASE PRINT AND FILL OUT COMPLETELY

## ORIGINATOR INFORMATION

Today's Date: March 3, 2015  
Your Name: Jeremy Johnson Telephone Ext: \_\_\_\_\_

## DESTINATION INFORMATION

TO: Michael Colombo, Esq.  
ATTN: \_\_\_\_\_  
STREET: 999 E Street, NW  
CITY: Washington  
STATE OR COUNTRY: DC ZIP: 20463  
PHONE NUMBER: \_\_\_\_\_

## SERVICE TYPE\*

- ☒ Next Day Air  
Next Business Day by 10:30am
- ☐ Next Day Air Saver  
Next Business Day by 3:00pm
- ☐ 3-Day Select  
Deliver by end of 3<sup>rd</sup> Business Day

- ☐ 2<sup>nd</sup> Day Air A.M.  
Deliver by 10:30am on 2<sup>nd</sup> Day
- ☐ 2<sup>nd</sup> Day Air  
Deliver by End of 2<sup>nd</sup> Business Day

\* Some shipments to and from certain locations  
may require additional time and transit. For  
guarantee commitments, visit [UPS.com](http://UPS.com).

## OPTIONAL SERVICES

- ☐ Adult Signature Required  
Adults 21 years of Age or Older
- ☐ Signature Required
- ☐ Saturday Delivery