

OFFICE OF
GENERAL COUNSEL
BEFORE THE FEDERAL ELECTION COMMISSION

Scott E. Coleman

)
)
)

MUR

2020 FEB -5 PM 1: 47

7692

COMPLAINT AGAINST SCOTT E. COLEMAN

By and through undersigned counsel, and pursuant to 52 U.S.C. § 30109(a)(1) and 11 C.F.R. § 111.4, Friends of Dave Joyce ("FDJ") submits this complaint against its former treasurer, Scott E. Coleman. The information contained in this complaint is based upon information and belief and publicly available information.

There is reason to believe that Mr. Coleman violated the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission regulations by misappropriating funds from FDJ and filing false reports with the Commission in an effort to conceal his misconduct. On August 29, 2019, Mr. Coleman pleaded guilty to Grand Theft, a fourth-degree felony, in the Geauga County (Ohio) Court of Common Pleas, for misappropriating up to \$174,952.40 from FDJ between January 1, 2015 and November 30, 2018. The court accepted Mr. Coleman's guilty plea. Mr. Coleman made restitution to FDJ and was sentenced to thirty days in jail. Mr. Coleman perpetuated the fraud by not reporting, or underreporting, contributions on FDJ's FEC reports. Attached for your convenience and review are (1) FDJ's supplemental sua sponte submission in P-MUR 623, which contains the findings of FDJ's investigation of the matter; (2) the bill of information filed with the Geauga County Court of Common Pleas; (3) an order from the Geauga County Court of Common Pleas memorializing its acceptance of Mr. Coleman's guilty plea; and (4) a copy of the restitution check from Mr. Coleman to FDJ.

The docket in the criminal matter discussed above indicates that Mr. Coleman is represented by Ian N. Friedman, Esq. and Brad S. Wolfe, Esq. of Friedman & Nemecek, L.L.C.

The firm's address is 1360 E. 9th Street, Suite 650, Cleveland, OH 44114. Its phone number is 216-928-7700.

For all the reasons stated above, the Commission must conduct an immediate investigation into the violations alleged above and impose the appropriate penalty under law.

Respectfully submitted,



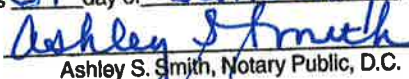
Benjamin L. Ginsberg
Megan Sowards Newton
Stephen J. Kenny
JONES DAY
51 Louisiana Avenue, N.W.
Washington, DC 20001
Tel. (202) 879-3939
bginsberg@jonesday.com

Counsel for Friends of Dave Joyce



District of Columbia: SS

Subscribed and sworn to before me, in my presence,
this 31 day of January, 2020


Ashley S. Smith, Notary Public, D.C.

My commission expires April 14, 2022.

BILL OF INFORMATION

19C000133

FILED
Crim. Rule 7(B)
=====

2019 AUG 29 PM 2:43

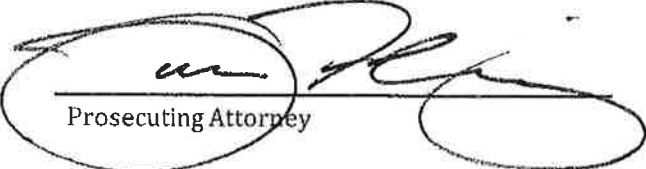
THE STATE OF OHIO:

GEAUGA COUNTY, ss. : **COURT OF COMMON PLEAS**
: CLERK OF COURTS
: GEAUGA COUNTY

I, James R. Flaiz, the Prosecuting Attorney of this County, says by way of information that, SCOTT E. COLEMAN, , Highland Hts., Ohio, 44143; SSN: ; DOB: , the Defendant, on or about January 1, 2015 - November 30, 2018, in a continuing course of criminal conduct, did in this County violate R.C. 2913.02(A)(1), in that said defendant

with purpose to deprive the owner of property or services, did knowingly obtain or exert control over either the property or services without the consent of the owner or person authorized to give consent, to-wit: the value of the property or services stolen being \$7,500 or more but less than \$150,000, contrary to and in violation of R.C. 2913.02(A)(1), Grand Theft, a felony of the fourth degree.

Contrary to section 2913.02 of the Revised Code of Ohio, and against the peace and dignity of the State of Ohio.


Prosecuting Attorney

Asst. Prosecuting Attorney

GEAUGA COUNTY CLERK OF COURTS Case: 19C000133, eFile ID: 22770,
FILED: ONDREY, DAVID M 09/05/2019 10:22 AM

IN THE COURT OF COMMON PLEAS
GEAUGA COUNTY, OHIO

STATE OF OHIO

Plaintiff

-vs-

SCOTT E. COLEMAN

Defendant

CASE NO. 19 C 000133

JUDGE DAVID M. ONDREY

ORDER

This matter came on for hearing on the 29th day of August 2019. The defendant was present in court with his attorneys, Ian N. Friedman, Esq. and Brad S. Wolfe, Esq.; and the State of Ohio being represented by James R. Flaiz, Prosecuting Attorney.

The defendant advised the Court and signed the waiver form documenting that it was his desire to waive prosecution by Indictment and proceed by Bill of Information. The Court accepted defendant's request after inquiry of defendant's understanding of his right to prosecution by Indictment.

Thereupon the defendant was given or read a copy of the Bill of Information, informed as to the nature of the charge against him, advised of his right to representation by counsel, to remain silent, and to a jury trial.

The defendant waived his right not to be called upon to enter a plea at the initial appearance and requested that he be arraigned at this time.

The defendant then acknowledged receipt of the Bill of Information and waived irregularities of service, if any, and entered a plea of guilty to a violation of R.C. 2913.02(A)(1), Grand Theft, a felony of the fourth degree as charged in the sole count of the Bill of Information.

The court accepted the defendant's plea after addressing the defendant personally and determining that he was making his plea knowingly and voluntarily, with understanding of the nature of the charge and the maximum penalty involved, determining that he understood the effect of his plea and that the court upon acceptance of said plea can proceed with judgment and sentence; informing him and determining that he understood that by his plea he is waiving his right to a jury trial, to confront witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to require the State to prove him guilty beyond a reasonable doubt at a trial at which he cannot be compelled to testify against himself.

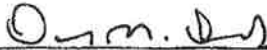
The court then referred the matter to the Probation Department of Geauga County for a presentence investigation and report.

The defendant was notified by the Court as required by R.C. 2943.032 including post-release control. The Court also advised that should the defendant receive a prison sentence, the defendant may be supervised by the adult parole authority after defendant leaves prison, which is referred to as post-release control, to-wit: up to three (3) years as determined by the parole board.

The court ordered the defendant to post a personal recognizance bond with the following conditions: the defendant shall not leave the State of Ohio without the permission of the court or his supervising officer; the defendant shall obey the laws of the State of Ohio and the United States; and the defendant shall comply with the existing electronic monitoring.

Pursuant to R.C. 2901.07(B)(1), the defendant is ordered to submit to DNA testing at the Geauga County Sheriff's Office. Also, the defendant shall be processed for photographs and fingerprinting.




The case was assigned to David M. Ondrey.



DAVID M. ONDREY, JUDGE

Prepared by:
James R. Flaiz (#0075242)
Prosecuting Attorney

cc: Prosecutor
Ian N. Friedman, Esq.
Brad S. Wolfe, Esq.
Adult Probation
Geauga County Sheriff's Office

FRIEDMAN & NEMECEK LLC IOLTA CLIENT TRT FND 1380 E 9TH ST STE 650 CLEVELAND, OH 44114-1723		01-16	701
DATE <u>8/28/19</u>		5-12/448 407	
PAY TO THE ORDER OF <u>Friends of Dave Joyce</u>		\$ <u>341,983.06</u>	
<u>Three Hundred Forty One Thousand, Nine Hundred Eighty Three Dollars</u>		and <u>06/100</u> DOLLARS	
 PNCBANK PNC Bank N.A. 070			
FOR <u>Scott Coleman - Agreed Restitution</u>			

Harland Charles