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FOR THE PLAINTIFF
FEDERAL ELECTION COMMISSION
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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

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FEDERAL ELECTION COMMISSION,)	
)	
Plaintiff,)	Case No. 2:15CV00439 DB
)	
v.)	
)	AMENDED
JEREMY JOHNSON)	COMPLAINT
)	
and)	
)	District Judge Dee Benson
JOHN SWALLOW,)	
)	
Defendants.)	
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**PLAINTIFF FEDERAL ELECTION COMMISSION’S
AMENDED COMPLAINT FOR
CIVIL PENALTY, DECLARATORY, INJUNCTIVE,
AND OTHER APPROPRIATE RELIEF**

Plaintiff Federal Election Commission (“Commission” or “FEC”), for its Complaint
against defendants Jeremy Johnson and John Swallow, alleges as follows:

INTRODUCTION

1. During the 2009-2010 campaign cycle for federal elections, Utah businessman Jeremy Johnson knowingly and willfully made campaign contributions that violated the Federal Election Campaign Act (“FECA” or “Act”) because they exceeded applicable limits and were made in the names of other persons, and former Utah Attorney General John Swallow knowingly and willfully violated FECA by making contributions in the name of another when he caused, helped, and assisted Johnson to advance or reimburse the contributions of straw donors to a candidate for United States Senate.

2. In 2009 and 2010, FECA provided that no person could contribute in excess of \$2,400 per election to any federal candidate. During that time, however, Johnson contributed approximately \$100,000 to Mark Shurtleff’s United States Senate campaign, about \$50,000 to Mike Lee’s Senate campaign, and about \$20,000 to then-Senate Majority Leader Harry Reid’s Senate campaign. Johnson contributed at least a substantial part of these unlawful amounts with the hope that doing so would help protect Johnson’s business interests from federal prosecution.

3. To contribute these excessive amounts, Johnson unlawfully used “straw donors” — that is, contributors who gave funds ostensibly in their own names to the candidates but with the understanding that Johnson would either advance them the funds or reimburse them after the contributions were made. Johnson advanced or reimbursed approximately \$170,000 to the straw donors he recruited, who in turn gave funds to the Shurtleff, Lee, and Reid campaigns.

4. Johnson contributed to the Shurtleff and Lee campaigns at Swallow’s behest. Swallow solicited a large contribution from Johnson to Shurtleff’s campaign, and Swallow instructed Johnson to make the contribution by giving money to others for them to contribute in their own names. After Shurtleff ended his campaign, Swallow solicited another large

contribution from Johnson, this time to Lee's campaign, and directed Johnson to follow the same procedures that he used to contribute to Shurtleff's campaign.

5. As to Johnson's contribution to Lee's campaign, Swallow not only initiated the scheme, he also alerted Johnson that certain straw donors' contribution checks had bounced, in order to effect the scheme. Swallow caused, helped, and assisted Johnson to advance or reimburse approximately \$50,000 in contributions through straw donors to Lee's campaign.

6. To remedy these violations, the Commission seeks a declaration that Johnson violated FECA's limit on the amount a person may contribute per election to a federal candidate, *see* 52 U.S.C. § 30116(a)(1)(A), and that Johnson and Swallow both violated FECA's prohibition on any person contributing to a federal candidate in the name of another person, *see* 52 U.S.C. § 30122. The FEC also requests that the Court assess appropriate civil penalties against Johnson and Swallow, permanently enjoin Johnson and Swallow from committing future similar violations, and impose any other appropriate relief.

JURISDICTION AND VENUE

7. This action seeks civil penalties, a declaratory judgment, a permanent injunction, and other appropriate relief as authorized by the Federal Election Campaign Act, 52 U.S.C. §§ 30101-46 (formerly 2 U.S.C. §§ 431-57).¹

8. This Court has jurisdiction over this suit pursuant to 28 U.S.C. § 1345, since it is an action brought by an agency of the United States expressly authorized to sue by an act of Congress. *See* 52 U.S.C. §§ 30107(a)(6), 30109(a)(6).

9. Venue is properly found in the United States District Court for the District of

¹ On September 1, 2014, FECA's provisions moved from Title 2 of the United States Code to newly created Title 52. The alleged violations and some of the administrative actions in this matter occurred prior to this change. A full transfer table is available at http://uscode.house.gov/editorialreclassification/t52/Reclassifications_Title_52.html.

Utah pursuant to 28 U.S.C. § 1391(b) and 52 U.S.C. § 30109(a)(6)(A), because Johnson and Swallow are found, reside, and transact business in this District and because a substantial part of the acts or omissions giving rise to this suit occurred in this District.

THE PARTIES

10. Plaintiff FEC is the independent agency of the United States government with exclusive jurisdiction over the administration, interpretation, and civil enforcement of FECA. *See* 52 U.S.C. §§ 30106(b)(1), 30107(a), 30109. The Commission is authorized to investigate possible violations of the Act, *id.* § 30109(a)(1)-(2), and to file civil lawsuits in the United States district courts to enforce the Act, *id.* §§ 30107(e), 30109(a)(6).

11. Defendant Jeremy Johnson is a Utah resident who has conducted business in Utah. At all times relevant to this case, Johnson has owned or effectively controlled a company named Triple 7, an internet-marketing company named I Works, Inc. (“I Works”), and other businesses that processed transactions for online-poker companies.

12. Defendant John Swallow is a Utah resident and a member of the Utah State Bar. In 2002 and 2004, Swallow unsuccessfully ran for United States Congress in Utah’s 2nd Congressional District. In December 2009, Utah Attorney General Mark Shurtleff appointed Swallow to serve as chief deputy attorney general. Swallow served as a fundraising adviser for Shurtleff’s 2008 Utah attorney general and 2009 United States Senate campaigns. Swallow also engaged in fundraising efforts for Mike Lee’s 2010 United States Senate campaign. In November 2012, Swallow was elected Attorney General of Utah. He served from January 2013 until his resignation in December 2013.

RELEVANT STATUTORY AND REGULATORY PROVISIONS

13. During the 2009-2010 election cycle, FECA prohibited any person from contributing in excess of \$2,400 per election to any candidate for federal office and his or her authorized political committees. 52 U.S.C. § 30116(a)(1)(A) (formerly 2 U.S.C. § 441a(a)(1)(A)); Price Index Increases for Contribution and Expenditure Limitations, 74 Fed. Reg. 7435-02, 7437 (Feb. 17, 2009).

14. The Act further provides that “[n]o person shall make a contribution in the name of another person.” 52 U.S.C. § 30122 (formerly 2 U.S.C. § 441f). Additionally, no person may “[k]nowingly help or assist” any person contribute in the name of another. 11 C.F.R. § 110.4(b)(1)(iii) (2010). A person has knowingly helped or assisted a person to contribute in the name of another when he or she has “initiate[d] or instigate[d] or ha[d] some significant participation in a plan or scheme to make a contribution in the name of another.” Prohibited Contributions, 54 Fed. Reg. 34,098, 34,105 (Aug. 17, 1989) (Explanation and Justification for 11 C.F.R. § 110.4).

15. The Act authorizes a United States district court to order a defendant who has knowingly and willfully contributed excessive amounts to a federal candidate in violation of 52 U.S.C. § 30116(a) to pay a civil penalty. That civil penalty may not exceed the greater of \$16,000 or 200% of the contributions involved in the violation. *See* 52 U.S.C. § 30109(a)(6)(C); 11 C.F.R. § 111.24(a)(2)(i) (2010).

16. The Act authorizes a United States district court to order a defendant who has knowingly and willfully made contributions in the name of another in violation of 52 U.S.C. § 30122 to pay a civil penalty. That civil penalty may not be less than 300% of the contributions involved in the violation and may not be more than the greater of \$60,000 or 1,000% of the

contributions involved in the violation. 52 U.S.C. § 30109(a)(6)(C); 11 C.F.R. § 111.24(a)(2)(ii) (2010).

17. For a defendant who has violated FECA, but has not done so knowingly and willfully, the Act authorizes a United States district court to order that defendant to pay a civil penalty that does not exceed the greater of \$7,500 or an amount equal to any contribution involved in the violation. 52 U.S.C. § 30109(a)(6)(B); 11 C.F.R. § 111.24(a)(1) (2010).

18. In addition to imposing civil penalties, FECA authorizes a United States district court to “grant a permanent or temporary injunction, restraining order, or other order” against any defendant who has violated the Act. 52 U.S.C. § 30109(a)(6)(B).

FACTUAL BACKGROUND

19. During the 2009-2010 election cycle, Johnson knowingly and willfully used straw donors to contribute amounts in excess of FECA’s limits to three candidates for United States Senate at least in part in an attempt to further and protect his business interests, and Swallow knowingly and willfully violated FECA by making contributions in the names of another when he caused, helped, and assisted Johnson to advance or reimburse the campaign contributions of straw donors to a candidate for United States Senate.

Unlawful Contributions to the Shurtleff Campaign

20. In 2009, Johnson used the names of others to contribute approximately \$100,000 to Mark Shurtleff, who was then the Attorney General of Utah and a candidate in the June 2010 Republican primary election for United States Senate in Utah. Swallow solicited Johnson to contribute in this way and instructed Johnson on how to do so without running afoul of FECA’s limits.

21. In 2009, Swallow solicited Johnson to make a large contribution to Shurtleff's 2009 U.S. Senate campaign. Johnson offered to write a check for Shurtleff's campaign in an amount in excess of FECA's limits. Swallow told Johnson, however, about the statutory limit to the amount that any one person could legally contribute to a federal candidate.

22. Swallow and Johnson then discussed the possibility of illicitly contributing additional amounts to Shurtleff's campaign by giving the funds to straw donors and arranging for those straw donors to pass on the funds to the Shurtleff campaign. Swallow also e-mailed Johnson to tell him to make contributions by giving money to other people for them to contribute.

23. Johnson entered into arrangements or understandings with his straw donors that they would contribute funds to Shurtleff's campaign and that Johnson would supply them with the funds for those contributions.

24. Johnson's straw donors transmitted funds to Shurtleff's campaign that collectively amounted to approximately \$100,000. Johnson supplied his straw donors with those funds by either advancing them the money for the donations they would make to Shurtleff's campaign, or reimbursing them for the donations they had already made to Shurtleff's campaign.

25. Johnson made the contributions described in paragraphs 20-24 for the purpose of influencing the 2010 Republican primary election for United States Senate in Utah or the 2010 general election for United States Senate in Utah.

26. Johnson made the contributions described in paragraphs 20-24 voluntarily and with an awareness that they were unlawful.

Unlawful Contributions to the Lee Campaign

27. In 2010, Johnson used the names of others to contribute approximately \$50,000 to Mike Lee, who was then a candidate in the June 2010 Republican primary election for United States Senate in Utah, and who, after winning that election, became a candidate in the November 2010 general election for United States Senate in Utah. Swallow solicited Johnson to reimburse contributions to the Lee campaign and promised Johnson that funding the contributions would help protect Johnson's business interests from federal prosecution.

28. During the time relevant to this case, Johnson's business interests included companies that made tens of millions of dollars by processing financial transactions for online-poker companies. Also during the time relevant to this case, Johnson was aware that the United States Attorney's Office in the Southern District of New York had been filing lawsuits to seize the assets of online-poker companies, including those like Johnson's companies that processed financial transactions relating to online poker games.

29. In November 2009, Shurtleff ended his campaign, and in January 2010, Lee entered the race for the Republican nomination for Senate in Utah, with Shurtleff's endorsement. Swallow engaged in fundraising efforts for Lee's campaign and solicited Johnson to make a large contribution to the campaign. When Swallow asked Johnson to contribute to Lee's campaign, Johnson asked Swallow whether he could write a large check to the Lee campaign or if the limits applicable to Shurtleff's campaign also applied. Swallow confirmed to Johnson that the same rules applied.

30. Swallow and Johnson discussed how contributing to Lee's campaign would help protect and advance Johnson's business interests. Johnson has reported that Swallow said to him: "I'm supporting you, and supporting your processing of poker . . . you don't have to worry

about anything on the state level, but if the federal government comes after poker, you wanna head that off and this is how you do it.” Johnson has also stated that Swallow said to him: “[W]e’ve gotta raise this money and we gotta make Mike Lee our guy. . . . [H]e’s gonna be choosing the next U.S. Attorney and you gotta have him in your corner and you gotta have the U.S. Attorney in your corner, especially while you’re processing poker in this district.”

31. Johnson entered into arrangements or understandings with his straw donors that they would contribute funds to Lee’s campaign and that Johnson would supply them with the funds for those contributions. As Johnson has described, he would simply tell a potential straw donor: “Hey would you donate to Mike Lee? I’ll get you the money.”

32. Johnson’s straw donors transmitted funds to Lee’s campaign that collectively amounted to approximately \$50,000. Johnson supplied his straw donors with those funds by either advancing them the money for the contributions they would make to Lee’s campaign or reimbursing them for the contributions they had already made to Lee’s campaign.

33. In addition to soliciting Johnson to fund the straw donor contributions to the Lee campaign, Swallow actively furthered the contribution scheme when he alerted Johnson that certain straw donors’ contribution checks had bounced and reminded Johnson of the urgency of those contributions. On June 21, 2010, Swallow e-mailed Johnson to inform him that: “I was told that [four] of those checks bounced. I’ll forward you the names. We are working hard and tomorrow is the big day.”

34. Johnson made the contributions described in paragraphs 27 and 29-33 for the purpose of influencing the 2010 Republican primary election for United States Senate in Utah or the 2010 general election for United States Senate in Utah.

35. Johnson made the contributions described in paragraphs 27 and 29-33 voluntarily and with an awareness that they were unlawful.

36. Swallow made contributions in the name of another to Lee's campaign voluntarily and with an awareness that they were unlawful when he caused, helped, and assisted Johnson to advance or reimburse the contributions described in paragraphs 27 and 29-33 for the purpose of influencing the 2010 Republican primary election for United States Senate in Utah or the 2010 general election for United States Senate in Utah.

Unlawful Contributions to the Reid Campaign

37. In 2010, Johnson used the names of others to contribute approximately \$20,000 to then-Majority Leader Harry Reid, who was a candidate in the June 2010 primary election for the Democratic nomination for United States Senate in Nevada, and who, after winning that election, became a candidate in the November 2010 general election for United States Senate in Nevada.

38. In 2010, Johnson discussed with individuals in the online-poker gaming industry, including Ray Bitar, a principal of an internet-poker company called Full Tilt Poker, using straw donors to contribute unlawful amounts to federal candidates, including Majority Leader Reid, in an attempt to protect or further their business interests. Full Tilt Poker became a defendant in a civil asset forfeiture case brought by the United States Attorney's Office in the Southern District of New York in 2011. *See United States v. Pokerstars, et al.*, No. 11-cv-2564 (S.D.N.Y.).

39. During the time relevant to this case, Johnson owned an internet-marketing company named I Works. In 2010, the Federal Trade Commission was investigating complaints that I Works charged customers without authorization and engaged in other fraudulent trade practices. In the latter half of 2010, Johnson unsuccessfully sought Majority Leader Reid's assistance in halting the Federal Trade Commission's investigation. In December 2010, the

Federal Trade Commission filed suit against Johnson and some of his associates and businesses, including I Works, in the United States District Court for the District of Nevada. *See FTC v. Johnson, et al.*, No. 2:10-cv-2203 (D. Nev.). Also as a result of I Works' allegedly unlawful business practices, Johnson was criminally indicted in June 2011 in the United States District Court for the District of Utah. *See United States v. Johnson et al.*, No. 2:11-cr-0501 (D. Utah).

40. Johnson entered into arrangements or understandings with his straw donors that they would contribute funds to Majority Leader Reid's campaign, and that Johnson would supply them with the funds for those contributions.

41. Johnson's straw donors transmitted funds to Majority Leader Reid's campaign that collectively amounted to approximately \$20,000. Johnson supplied his straw donors with those funds by either advancing them the money for the contributions they would make, or reimbursing them for the contributions they had already made, to the Reid campaign.

42. Johnson made the contributions described in paragraphs 37-38 and 40-41 for the purpose of influencing the 2010 Democratic primary election for United States Senate in Nevada or the 2010 general election for United States Senate in Nevada.

43. Johnson made the contributions described in paragraphs 37-38 and 40-41 voluntarily and with an awareness that they were unlawful.

Johnson's Straw Donors and Efforts to Conceal His Unlawful Contributions

44. The straw donors for Johnson's unlawful contributions to the Shurtleff, Lee, and Reid campaigns included Johnson's family members, employees, friends, and business associates.

45. In an attempt to conceal his illicit scheme, Johnson sometimes used cash to advance funds to his straw donors or to reimburse them for their donations to the candidates.

46. Also, Johnson and his straw donors at times used companies and accounts that they owned or effectively controlled to execute and attempt to conceal Johnson's illegal contributions.

47. For example, Johnson enlisted one of his business associates, Arvin Lee Black II, to act as a straw donor and to recruit other straw donors for Johnson's illicit contributions. On June 14, 2010, Triple 7, a company Johnson owned or effectively controlled, issued a check for \$14,400 to Sole Group LLC, a company owned or controlled by Black. The \$14,400 amount of that check was the exact amount needed to fund six contributions of \$2,400 each, which was FECA's applicable limit for contributions to federal candidates in the 2009-2010 election cycle.

48. The same day that Triple 7 issued its \$14,400 check to Sole Group LLC, Sole Group LLC issued six checks for \$2,400 each (totaling \$14,400) made payable sequentially to Arvin Lee Black II, Atia Black, Matthew Black, Savannah Jones, Kyle Boyer, and Tiffany Boyer. Each of those six individuals attempted to make contributions in the amount of \$2,400 each to the Lee campaign in June 2010. Some of their checks bounced, but at least four of the contributions, for a total of \$9,600, were successfully made.

49. On June 21, 2010, Swallow informed Johnson about the four bounced contribution checks, and Johnson responded that he would "fix" the problem immediately. The following day, three of the four contributors whose contributions had bounced issued new contribution checks to the Lee campaign. One of the re-submitted checks also bounced.

ADMINISTRATIVE PROCEEDINGS AS TO JEREMY JOHNSON

50. On June 30, 2014, the Commission received an administrative complaint alleging, among other things, that Johnson used the names of others to contribute \$50,000 to the Lee Senate campaign; that Black was one of Johnson's straw donors; and that Swallow had

previously discussed with Johnson using the names of others to contribute to Shurtleff's 2010 Senate campaign.

51. On July 3, 2014, the Commission notified Johnson that the administrative complaint had been filed. The Commission provided Johnson with a copy of the administrative complaint and an opportunity to respond. *See* 52 U.S.C. § 30109(a)(1). Johnson did not submit a written response to the administrative complaint.

52. After reviewing the then-available information, on November 18, 2014, the Commission, by an affirmative vote of at least four of its members, found reason to believe that Johnson had violated 52 U.S.C. §§ 30116(a)(1)(A) and 30122 by making excessive contributions in the names of others to the Lee campaign. The Commission notified Johnson of its reason-to-believe findings in a letter dated December 22, 2014. *See* 52 U.S.C. § 30109(a)(2).

53. After conducting an investigation, the Commission's Office of the General Counsel notified Johnson by letter dated March 11, 2015 that it was prepared to recommend that the Commission find probable cause to believe that Johnson knowingly and willfully violated 52 U.S.C. §§ 30116(a)(1)(A) and 30122. The Office of the General Counsel also provided Johnson with a brief stating its position on the legal and factual issues of the matter. *See* 52 U.S.C. § 30109(a)(3). Johnson did not submit a reply.

54. After reviewing the information then available, on April 16, 2015, the Commission, by an affirmative vote of at least four of its members, found probable cause to believe that Johnson knowingly and willfully violated 52 U.S.C. §§ 30116(a)(1)(A) and 30122 by making excessive contributions in the names of others to federal campaigns. *See* 52 U.S.C. § 30109(a)(3).

55. The Commission notified Johnson of its probable cause findings against him by

letter dated April 20, 2015. The Commission then endeavored to correct Johnson's violations through informal methods of conference, conciliation, and persuasion, for a period of not less than 30 days. *See* 52 U.S.C. § 30109(a)(4)(A).

56. On May 15, 2015, Johnson signed an agreement tolling the statute of limitations for 30 days.

57. Unable to secure an acceptable conciliation agreement, on June 15, 2015, the Commission, by an affirmative vote of at least four of its members, authorized filing this suit against Johnson. *See* 52 U.S.C. § 30109(a)(6).

58. The Commission has satisfied all of the jurisdictional requirements in FECA that are prerequisites to filing this action.

ADMINISTRATIVE PROCEEDINGS AS TO JOHN SWALLOW

59. On June 30, 2014, the Commission received an administrative complaint alleging, among other things, that Johnson used the names of others to contribute \$50,000 to the Lee Senate campaign; that Black was one of Johnson's straw donors; and that Swallow had previously discussed with Johnson using the names of others to contribute to Shurtleff's 2010 Senate campaign.

60. On July 3, 2014, the Commission notified Swallow that the administrative complaint had been filed. The Commission provided Swallow with a copy of the administrative complaint and an opportunity to respond. *See* 52 U.S.C. § 30109(a)(1). On October 2, 2014, Swallow submitted a written response to the administrative complaint.

61. After reviewing the then-available information, on November 18, 2014, the Commission, by an affirmative vote of at least four of its members, found reason to believe that Swallow had violated 52 U.S.C. § 30122 by making excessive contributions in the names of

others to the Lee campaign. The Commission notified Swallow of its reason-to-believe findings in a letter dated December 22, 2014. *See* 52 U.S.C. § 30109(a)(2).

62. On January 6, 2015, Swallow designated counsel to represent him in this matter, and, on January 22, 2015, Swallow's counsel signed an agreement tolling the statute of limitations for 90 days.

63. After conducting an investigation, the Commission's Office of the General Counsel notified Swallow's counsel on May 28, 2015 that it was prepared to recommend that the Commission find probable cause to believe that Swallow knowingly and willfully violated 52 U.S.C. § 30122. The Office of the General Counsel also provided Swallow's counsel with a brief stating its position on the legal and factual issues of the matter. *See* 52 U.S.C. § 30109(a)(3).

64. On June 12, 2015, Swallow's counsel signed an agreement tolling the statute of limitations for 30 days. On July 10, 2015, Swallow's counsel signed an agreement tolling the statute of limitations for 14 days. On July 27, 2015, Swallow's counsel signed an agreement tolling the statute of limitations for 40 days. On August 17, 2015, Swallow's counsel signed an agreement tolling the statute of limitations for 3 days.

65. On August 20, 2015, Swallow's counsel submitted a reply brief and included a request for a probable cause hearing. On September 3, 2015, the Commission's Office of the General Counsel notified Swallow's counsel by e-mail that the Commission had approved the request. *See* Amendment of Agency Procedures for Probable Cause Hearings, 74 Fed. Reg. 55,443 (Oct. 28, 2009); Procedural Rules for Probable Cause Hearings, 72 Fed. Reg. 64,919 (Nov. 19, 2007). On September 9, 2015, Swallow's counsel signed an agreement tolling the statute of limitations for 27 days. On September 30, 2015, the Commission held a probable

cause hearing attended by Swallow's counsel.

66. The Commission's Office of the General Counsel notified Swallow's counsel by letter dated October 15, 2015 that it had recommended that the Commission find probable cause to believe that Swallow knowingly and willfully violated 52 U.S.C. § 30122. The Office of the General Counsel also provided Swallow's counsel with a copy of its notice to the Commission stating that it intended to proceed with the recommendation to find probable cause and stating its position on the legal and factual issues of the matter. *See* 52 U.S.C. § 30109(a)(3).

67. On October 22, 2015, Swallow's counsel submitted a request to respond to the Office of the General Counsel's factual and legal analysis in its notice to the Commission. *See* Agency Procedure Following the Submission of Probable Cause Briefs by the Office of General Counsel, 76 Fed. Reg. 63,570 (Oct. 13, 2011). The request was not approved because it did not receive at least four affirmative votes by Commission members.

68. After reviewing the information then available, on October 27, 2015, the Commission, by an affirmative vote of at least four of its members, found probable cause to believe that Swallow knowingly and willfully violated 52 U.S.C. § 30122. *See* 52 U.S.C. § 30109(a)(3).

69. The Commission notified Swallow's counsel of its probable cause findings by letter dated October 29, 2015. The Commission then endeavored to correct Swallow's violations through informal methods of conference, conciliation, and persuasion, for a period of not less than 30 days. *See* 52 U.S.C. § 30109(a)(4)(A).

70. Unable to secure an acceptable conciliation agreement, on December 4, 2015, the Commission, by an affirmative vote of at least four of its members, authorized filing this suit against Swallow. *See* 52 U.S.C. § 30109(a)(6).

71. The Commission has satisfied all of the jurisdictional requirements in FECA that are prerequisites to filing this action.

FIRST CAUSE OF ACTION

72. Paragraphs 1 through 71, inclusive, are incorporated herein by reference.

73. Defendant Jeremy Johnson knowingly and willfully violated 52 U.S.C. § 30116(a)(1)(A) by contributing approximately \$50,000 to Mike Lee's Senate campaign and about \$20,000 to Majority Leader Harry Reid's Senate campaign during the 2009-2010 election cycle.

SECOND CAUSE OF ACTION

74. Paragraphs 1 through 71, inclusive, are incorporated herein by reference.

75. Defendant Jeremy Johnson knowingly and willfully violated 52 U.S.C. § 30122 by using straw donors to contribute approximately \$50,000 to Mike Lee's Senate campaign and about \$20,000 to Majority Leader Harry Reid's Senate campaign during the 2009-2010 election cycle.

THIRD CAUSE OF ACTION

76. Paragraphs 1 through 71, inclusive, are incorporated herein by reference.

77. Defendant John Swallow knowingly and willfully violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b)(1)(iii) (2010) by making contributions in the name of another when he caused, helped, and assisted Johnson to advance or reimburse the approximately \$50,000 in contributions through straw donors to Mike Lee's campaign for United States Senate during the 2009-2010 election cycle.

PRAYER FOR RELIEF

WHEREFORE, plaintiff Federal Election Commission prays that this Court:

- A. Declare that defendant Jeremy Johnson knowingly and willfully violated 52 U.S.C. § 30116(a)(1)(A) by making contributions in excess of the lawful limits.
- B. Declare that defendant Jeremy Johnson knowingly and willfully violated 52 U.S.C. § 30122 by contributing money in the names of others.
- C. Declare that defendant John Swallow knowingly and willfully violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b)(1)(iii) by making contributions in the names of others.
- D. Permanently enjoin defendant Jeremy Johnson from contributing amounts in excess of FECA's limits to federal candidates.
- E. Permanently enjoin defendant Jeremy Johnson from contributing money in the names of others to federal candidates.
- F. Permanently enjoin defendant John Swallow from making contributions in the names of others to federal candidates.
- G. Assess an appropriate civil penalty against defendant Jeremy Johnson:
1. for each knowing and willful violation of 52 U.S.C. § 30116(a), a civil penalty that is not more than the greater of \$16,000 or 200% of the amount involved in the violation, *see* 52 U.S.C. § 30109(a)(6)(C), 11 C.F.R. § 111.24(a)(2)(i) (2010);
 2. for each knowing and willful violation of 52 U.S.C. § 30122, a civil penalty that is not less than 300% of the amount involved in the violation and is not more than the greater of \$60,000 or 1,000% of the amount involved in the violation, *see* 52 U.S.C. § 30109(a)(6)(C), 11 C.F.R. § 111.24(a)(2)(ii) (2010); and
 3. for any violation that the Court may find to be not knowing and willful, a civil penalty not to exceed the greater of \$7,500 or the amount of any contributions or expenditures involved, *see* 52 U.S.C. § 30109(a)(6)(B), 11 C.F.R. § 111.24(a)(1) (2010).

H. Assess an appropriate civil penalty against defendant John Swallow:

1. for each knowing and willful violation of 52 U.S.C. § 30122, a civil penalty that is not less than 300% of the amount involved in the violation and is not more than the greater of \$60,000 or 1,000% of the amount involved in the violation, *see* 52 U.S.C. § 30109(a)(6)(C), 11 C.F.R. § 111.24(a)(2)(ii) (2010); and

2. for each violation of 52 U.S.C. § 30122 that the Court may find to be not knowing and willful, a civil penalty not to exceed the greater of \$7,500 or the amount of any contributions or expenditures involved, *see* 52 U.S.C. § 30109(a)(6)(B), 11 C.F.R. § 111.24(a)(1) (2010).

I. Award plaintiff Federal Election Commission its costs in this action; and

J. Grant plaintiff Federal Election Commission such other relief as may be appropriate.

Respectfully submitted,

/s/ Daniel A. Petalas

(Signed by Filing Attorney with permission of Plaintiff Attorney)

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Acting General Counsel

/s/ Lisa J. Stevenson

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Attorney

/s/ Claudio J. Pavia
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Attorney

December 10, 2015

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CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2016, I electronically filed plaintiff Federal Election Commission's Amended Complaint with the Clerk of the United States District Court for the District of Utah by using the Court's CM/ECF system, which sent notification of such filing to the following counsel:

Karra J. Porter, Esq.
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I further certify that on February 24, 2016, I caused plaintiff Federal Election Commission's Amended Complaint to be sent by UPS and by electronic mail to the following counsel:

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