

UTAH DEPARTMENT OF PUBLIC SAFETY INVESTIGATIONS  
Investigation Report

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Printed on: 07/15/2010

Case Number: 2009-00065 SBI SI SJH ENVISION-OGDEN

Agent: JIM VAUGHN

Requested By: SCOTT HANSEN

MNI #: 90001299

Date Reported: 04/06/2009

Date & Time Occured: 04/06/2007

Remarks: UAG ASKS SBI TO LOOK AT ACUSSATIONS FROM NEWSMAN WHO SEES FINANCIAL FRAUD OF CAMPAIGN

Offense: PUBLIC CORRUPTION

*Suspects*

Name: JOHNSON, BLAIN HENSLEY

Race: WHITE

Gender: MALE

DOB: [REDACTED]

Hgt: [REDACTED]

Weight: [REDACTED]

Eyes: BLUE

Hair: BLONDE

SS #: [REDACTED]

Driver's License: [REDACTED]

Address: APT#

Name: SHREVE, ABRAHAM

Race: WHITE

Gender: MALE

DOB: [REDACTED]

Hgt: [REDACTED]

Weight: [REDACTED]

Eyes: BROWN

Hair: BROWN

SS #: [REDACTED]

Driver's License: [REDACTED]

Address: 1 [REDACTED]

OGDEN, UTAH 84403

Name: LUCAS, JEFFERY PAUL

Race: WHITE

Gender: MALE

DOB: [REDACTED]

Hgt: [REDACTED]

Weight: [REDACTED]

Eyes: HAZEL

Hair: BROWN

SS #: [REDACTED]

Driver's License: 1 [REDACTED]

Address: [REDACTED]

MORGAN, UTAH 84050

Name: ECCLES, ROYAL SMITH

Race: WHITE

Gender: MALE

DOB: [REDACTED]

Hgt: [REDACTED]

Weight: [REDACTED]

Eyes: BLUE

Hair: BROWN

SS #: [REDACTED]

Driver's License: [REDACTED]

Address: [REDACTED]

OGDEN, UTAH 84403

Name: ENVISION OGDEN

Race:

Gender:

DOB

Hgt:

Weight:

Eyes:

Hair:

SS #:

Driver's License:

Address: APT#

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Name: FRIENDS OF NOTHERN UTAH REAL ESTATE

Race: Gender: DOB: Hgt: Weight:

Eyes: Hair: SS #: Driver's License:

Address: APT#

**Associates**

Type	Associate Name	Assoc DOB	Criminal (28CFR)
Person	JOHNSON, BLAIN HENSLEY	[REDACTED]	YES
Person	SHREVE, ABRAHAM	[REDACTED]	YES
Person	LUCAS, JEFFERY PAUL	[REDACTED]	YES
Person	ECCLES, ROYAL SMITH	[REDACTED]	YES
Business	ENVISION OGDEN		NO
Business	FRIENDS OF NOTHERN UTAH REAL ESTATE		NO

**Property**

NO

**Narrative**

**SOURCE**

Case received from Scott Reed, Office of the Utah Attorney General

**OFFENSE**

**Ogden City ordinances:**

Political Activity by city employee 2-6-13,  
Campaign financing disclosure in the name of another 1-8-3c,  
Campaign financing disclosure,  
Personal campaign committee 1-8-2-A

**Utah State statutes:**

Utah charitable solicitations act : 13-13-22  
Political activity of municipal officer or employee: 10-03-11  
Communication fraud 76-10-1801  
Money laundering 76-10-1903  
Communications Fraud 76-10-1801  
Registration of Political Action Committees 20 A-11-601

**Federal statutes:**

Money Laundering Title 18, Part 1, Chapter 95, Section 1956  
Tax law for 527 organizations

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COMP/VICT/WIT-INFO

Complainant:

SCHWEBKE, Scott  
Ogden Standard Examiner  
City Hall reporter

Complainant:

SCHROEDER, Daniel V.  
Department of Physics  
Weber State University  
2508 University Circle  
Ogden, Utah 84408-2508  
Phone: (801) [REDACTED]  
Fax: (801) [REDACTED]  
email: dschroeder@weber.edu

Home Address:

[REDACTED]  
Ogden, Utah 84401  
Phone: [REDACTED] (Cell)  
email: dvs@relia.net

Witness:

Scott Reed, Assistant Utah State Attorney General (AUSAG)  
5272 S College Dr, Suite 200  
Murray, Utah 84123  
801-281-1233

Witness:

Sharon Fleck, Legal Assistant  
5272 S College Dr, Suite 200  
Murray, Utah 84123  
801-281-1231

Witness:

Mark Thomas, Office Administrator  
Lieutenant Governor's Office  
Utah State Capitol, Suite 220  
Salt Lake City, Utah 84114  
801-531494

Person of Interest:

JOHNSON, Blain H.  
DOB: [REDACTED]  
Ogden, UT 84403  
Home: (801) [REDACTED]  
Cell: (801) [REDACTED]  
Council office: (801) 629-8153

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E-mail: [blainjohnson@ogdencity.com](mailto:blainjohnson@ogdencity.com)

**Person of Interest:**

**ECCLES, Royal**

[REDACTED]  
Ogden, UT 84403

**Witness/Victim:**

**Name:** Dan Peterson/Jeff Lucas

**Company Name:** Hertz Car Sales

**Title:** General Sales Manager/Accountant

**Address:** 2805 S Washington Blvd  
Ogden, Utah 84401

**Phone:** 801-528-4864

[REDACTED]  
**Email:**

**Witness/Victim:**

**Name:** Craig Bielik

**Company Name:** Ogden Regional Medical Center

**Title:** Director of Marketing & Public Relations

**Address:** 5475 S 500 E  
Ogden, Utah 84405-6978

**Phone:** 801-479-2591

[REDACTED]  
**Email:** [Craig.Bielik@mountainstarhealth.com](mailto:Craig.Bielik@mountainstarhealth.com)

**Witness/Victim:**

**Name:** Chris L. Dallin

**Company Name:** McKay-Dee Hospital Center

**Title:** Director of Public Relations, Media and Business Development

**Address:** 4401 Harrison Blvd.  
Ogden, Utah 84403

**Phone:** 801-387-3714

**Cell:**

**Email:** [chris.dallin@intermountainmail.org](mailto:chris.dallin@intermountainmail.org)

**Witness/Victim:**

**Name:** Dave Hardman/Mari Newbold

**Company Name:** Ogden-Weber Chamber of Commerce

**Title:** President and CEO/Accounting & Human Resources Manager

**Address:** 2484 Washington Blvd Suite 400

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Ogden, Utah 84401

Phone: 801-621-8300

Cell: 801-621-8300  
Email: DAVE@ECHAMBER.CC/MARI@ECHAMBER.CC

Witness/Victim:

Name: Ron Kusina

Company Name: Weber Economic Development Corporation

Title: Executive Director

Address: 2484 Washington Blvd Suite 400

Ogden, Utah 84401

Phone: 801-621-8300

Cell:

Email: [ron@echamber.cc](mailto:ron@echamber.cc)

Witness/Victim:

Name: Patty Marcroft

Company Name: Marketstar

Title: Assistant Controller

Address: 2475 Washington Blvd

Ogden, Utah 84401-1431

Phone: 801-786-5256

Cell: [REDACTED]  
Email: [pmarcroft@marketstar.com](mailto:pmarcroft@marketstar.com)

Witness/Victim:

Name: Tracy Duckworth, Manager

Company Name: UBS Financial Services

Address: 5730 S 1475 E #100

South Ogden, Utah 84403

Phone: 801-476-4860

299 South Main St Suite 2275

Salt Lake City, Utah 84111

Witness/Victim:

Name: Eric Bernstein

Company Name: UBS Financial Services

Address: 1200 Harbor Blvd 10th Floor

Weehawken, New Jersey 07086

Phone: 201-352-3406

Email: [eric.bernstein@ubs.com](mailto:eric.bernstein@ubs.com)

Witness/Victim:

Name: Kathy Hale

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**Company Name:** UBS Bank USA  
**Title:** Vice President, CRA Analyst  
**Address:** 299 S Main St Suite 2275  
Salt Lake City, Utah 84111  
**Phone:** 801-741-0386  
**Fax:** 801-741-0390  
**Email:** kathy.hale@ubs.com

**Witness/Victim:**

**Name:** Kristin Graziano, Broker  
**Company Name:** Coldwell Banker Residential Brokerage  
**Address:** 2225 Washington Blvd, #100  
Ogden, Utah 84401  
**Phone:** 801-479-9300 (Office)  
[REDACTED]  
**Email:** kristin.graziano@utahhomes.com

**Witness/Victim:**

**Name:** Jonathan Cohen, Vice President Relocation Services  
**Company Name:** Coldwell Banker  
**Address:** 9350 S 150 E 5th Floor  
Sandy, Utah 84070  
**Phone:** 801-563-7662  
**Email:** jonathan.cohen@utahhomes.com

**Witness/Victim:**

**Name:** Daniel Allen Tabish, Hotel Owner (2/8/07)  
**Company Name:** Ben Lomond Hotel  
**Current Manager:** Dirk Johnson - GM  
**Address:** 2510 Washington Blvd.  
Ogden, Utah 84401  
**Phone:** 801-627-1900 (Hotel)  
[REDACTED]  
**Email:**

**Tabish's home address from UTDL:**

[REDACTED]  
Ogden, Utah 84405  
[REDACTED]

**Witness:**

**Name:** Barbara Smith, Bankruptcy Court Appointed Accountant  
**Company Name:**  
**Address:**  
**Phone:** 801-451-9889  
**Email:**

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Witness/Victim:

**Name:** Dorie Leavitt

**Company Name:** Zions Bank

**Address:** 2304 Washington Blvd #100  
Ogden, Utah 84401

**Phone:** 801-626-2801

**Email:**

Witness/Victim:

**Name:** Rob Brough, Executive Vice President  
Director of Marketing & Communications

**Company Name:** Zions Bank

**Address:** 1 South Main St, 7th Floor  
Salt Lake City, Utah 84111

**Phone:** 801-844-7979

**Email:**

**SYNOPSIS**

Case presented to SBI by Scott Reed, an Attorney for the Utah Attorney General.

The case originated from Scott Schwebke, a reporter for the Ogden Standard examiner. He alleges that in 2007 two Ogden city council candidates received approximately \$20,000 in campaign contributions through illegal means. The donations were made by Envision Ogden, but funneled through a second company known as Friends of Northern Utah Real Estate (FNURE).

Schwebke goes on to point out several city ordinances, state code violations and federal laws that were broken related to the campaign contributions.

**DETAIL**

This case was initially present to SBI by Scott Reed, an attorney with the Utah Attorney General's office. This is related to allegations of public corruption involving the November 2007 Ogden City Council elections.

Daniel V. Schroeder, a professor at Weber State University, has compiled files and documents related to a political race and suspected improper conduct related to financial donations to campaigns.

Envision Ogden was accused of giving financial donations to campaigns and then funneling other funds through another source, Friends of Northern Utah Real Estate to contribute more to these same campaigns, Envision Ogden later has admitted giving over \$20,000 in contributions to the campaigns of Royal Eccles and Blain Johnson, both candidates for Ogden City Council.

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5/7/2009 SA Scott Hansen

CI Jim Vaughn and SA Scott Hansen met with Daniel Schroeder at SBI offices. Schroeder provided several documents, one of which was a copy of the IRS Form 8872, Schedule A (Itemized list of donors) and Schedule B (itemized list of expenditures) for Envision Ogden for the year 2007. This form is to be filed by January 31 of the year following the reported period (January 1 - December 31). This report was dated 3/3/2008 and signed as being prepared by Jeff Lucas, the Secretary/Treasurer for Envision Ogden.

This IRS report shows 29 donors listed as contributing \$1,000 or more and 24 other donors for more than \$50 but less than \$1,000. The IRS 8872 also shows \$16,885 for contributors of less than \$50 and do not need to be listed individually.

5/12/2009 SA Scott Hansen

Interviewed Dan Peterson, General Sales Manager for Hertz Car Sales in Ogden. He said he was contacted by one of their employees over in Corporate, another area of offices in the same building, but separate. This employee is one of their accountants or bookkeepers named Jeff Lucas. He admitted that he was the same Jeff Lucas associated with Envision Ogden as their Secretary/Treasurer. He said he had asked Hertz for a contribution to Envision Ogden. He said that these funds were for a table at the Amer Sports banquet at the Ben Lomond Hotel Grand Ballroom.

I asked him if he could provide a copy of Hertz's canceled check, he said he could. Then I asked him about Envision Ogden and Friends of Northern Utah Real Estate. He said he had been with Envision Ogden since it began and that Abraham Shreve was the President and Director.

I asked Lucas about FNURE. He said he didn't know much about them. Lucas said that he had been instructed by Abraham Shreve to cut some checks to FNURE out of the Envision Ogden account. Lucas said he had personally delivered one of those checks to Blain Johnson. Lucas said he couldn't recall which one it was or what the amount was, but he gave the check to Johnson personally.

5/18/2009 SA Scott Hansen

Having made contact with several of the contributors listed on IRS 8872 Schedule A, none were aware that their donations were going to a Political Action Committee. Many were governed and restricted from contributing to any political interests by federal regulations. All said they have internal policies prohibiting the company from donating to candidates or political issues because of conflicts of interest or issues that may arise from customers with opinions that oppose that of a particular person or issue.

Each of the contacted parties provided copies of the canceled checks made payable to Envision Ogden and accompanying invoices. All showed "For Deposit Only" with a Wells Fargo Bank

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account number of [REDACTED] which is the account for Envision Ogden at the Ogden downtown branch at 24th and Washington Blvd. See follow up reports for supplements of responses to questions posed to each of the contacted parties.

**5/19/2009 SA Scott Hansen**

After trying to contact Jeff Lucas to retrieve a copy of the Hertz Car Sales check, Abraham Shreves called SA Hansen. He asked about the investigation and what the allegations were. Hansen explained some of the complaints and Shreve said they were retaining an attorney, though he would not say who, to review the facts of this case. Shreve said he had reviewed these things with another attorney early on and had been told that there was nothing criminally wrong. Hansen asked the name of that attorney, but was again denied any names.

Hansen asked Shreve, "Who is Friends of Northern Utah Real Estate."

Shreve responded, "That's Blain Johnson."

Hansen asked, "If that is Blain Johnson's business, why did he deny any knowledge of it in a press interview?"

Shreve, "I don't really know. I asked myself that question when I found out about it."

Hansen asked Shreve to come in and meet, but Shreve declined until he could meet with this new attorney. Shreve said it should be taken care of within a couple of days. Then he would be available to meet.

**Salt Lake Tribune article by Christopher Smart titled "Ogden City Attorney: Campaign funding problem 'cured'", appearing March 30, 2009**

Article begins with talking about how Dan Schroeder had taken in facts and figures to the Ogden City Attorney, Gary Williams, to file complaints of campaign funding irregularities on the parts of Blain Johnson and Royal Eccles, both candidates for Ogden City Council positions.

The article reads ". . . But City Attorney Gary Williams ruled earlier this month that inconsistencies surrounding campaign-fund reporting during that municipal election have been "cured" by amended disclosures he allowed 17 months after the election. . . .

"Both organizations (Envision Ogden and Friends of Northern Utah Real Estate-FNURE) had been named in initial campaign disclosure statements of then-candidates Blain Johnson and Royal Eccles.

"The candidates - shortly after Schroeder filed his complaint - amended disclosures confirming that the funds attributed to Friends of Northern Utah Real Estate really came from Envision Ogden.

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"Johnson received \$1,500 from Envision Ogden and \$10,990 from Friends of Northern Utah Real Estate, according to his 2007 filings. March's [2009] amended filings show he received \$12,490 from Envision Ogden. Eccles, who lost the election, reported, in his 2007 disclosure, that he received \$9,700 from the Northern Utah group; in March, his amended disclosure shows that Envision Ogden gave him the money.

"In an interview, now-Councilman Johnson said he had acted ethically and within the law. He explained that he amended his campaign disclosure to make the flap go away.

"I know I didn't do anything wrong," he said. "I received the funds, and I reported it."

"Johnson said he believed Friends of Northern Utah Real Estate was a legitimate organization, despite not being able to come up with the names of anyone associated with it."

**Sunday, April 5, 2009, Ogden Standard Examiner reporter Scott Schwebke printed in an article titled "Envision Ogden contributors worry donations ended up in Ogden campaigns".**

Quoting from the article; "Some financial contributors to Envision Ogden, an organization formed to promote local outdoor recreation, are surprised their donations may have been funneled in 2007 to two city council candidates.

"Ogden Regional Medical Center gave \$5,000 to Envision Ogden in March 2007 with the understanding the money would be used for economic development activities, said Craig Bielik, hospital spokesman.

"We absolutely did not know the money would be used in that manner to make a political contribution. It's a little concerning," said Bielik, adding Ogden Regional Medical Center doesn't get involved in political campaigns. "It was our understanding that it was to go to support development of the downtown Ogden corridor."

"Little is known about FNURE. Jeff Lucas, an accountant from Morgan who is treasurer of Envision Ogden, said he has no information about the organization. The organization is listed as Northern Utah Friends of Real Estate on Envision Ogden's federal disclosure report.

"Eccles said in an amended campaign disclosure statement filed with the city that FNURE's address is 4723 Harrison Blvd, which is the location of the Ogden law offices of Smith Knowles, where Johnson works as an attorney.

"Johnson said FNURE was established by some employees of a title company who have an office in the building where he works, but declined to identify the employees or the firm.

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"Lincoln title Insurance Agency is headquartered in the Smith Knowles building. Melvin Smith, an attorney who owns the title company and is a principle with Smith Knowles, said he has no knowledge of FNURE.

"Qwest Communications gave \$7,500 to Envision Ogden in May 2007 to help sponsor a local reception to network with other businesses looking to relocate to Utah, said Mark Milzen, a spokesman for the telecommunications company.

"It was for a corporate sponsorship of an event and for no other purpose," he said.

"A political organization contribution and expenditure report filed by Envision Ogden with the U.S. Internal Revenue Service lists Qwest's contribution as \$10,000.

"It is unclear why the amounts reported by Qwest and Envision Ogden are different.

". . . Between Jan. 4 and Dec. 31, 2007, Envision Ogden received 55 donations totaling \$87,342 and spent \$79,676, according to its IRS contributions and expenditures report.

Most of Envision Ogden's expenditures were associated with the Amer Sports dinner and a sneak peek event in June 2007 at the Salomon Center, a recreation and entertainment facility at The Junction development downtown, the report indicates.

"Johnson and Eccles have since amended campaign finance disclosure statements to acknowledge they received contributions from FNURE, which got funds from Envision Ogden.

"Johnson said while his original campaign filings are accurate, he amended them to address Schroeder's complaint. "I don't believe I did anything wrong," he said."

**Wednesday, June 30, 2009, SA Scott Hansen**

After contacting witnesses and receiving documents and statements from them, the facts were presented to Assistant Attorney General Scott Reed for consideration of criminal charges. Explaining that the people did not know, nor were they told that the money they were contributing for Envision Ogden would be used for anything other than for welcoming Ameri Sports into the Metro Ogden area and to also try and solicit or encourage other businesses to consider locating in the Ogden area. Many have internal policies pertaining to involvements in political campaigning or even display of support or a stand on a political issue. Some are actually prohibited by federal or legal statutes regarding contributing funds to political issues.

Scott Reed said that he couldn't see how they had necessarily devised or used a scheme or artifice to defraud another or to obtain from another money, property, or anything of value by means of false or fraudulent pretenses, representations, promises or material omissions.

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The fact that the Ogden City Attorney, the FBI and US Attorney, Lieutenant Governor's Office and now the Utah State Attorney General had declined to do anything with this case it will be closed.

FOLLOW UP

4-6-2009

Received complainant's file for examination.

\*\*\*\*\*

4-7-2009

Read file, research laws related to file

\*\*\*\*\*

4-8-2009

I contacted IRS Agent Greg Stewart (REDACTED). I generally explained the case and asked if they were interested in looking at the case. He said he would be interested and requested a copy of the file.

\*\*\*\*\*

1-8-2009

A courier from the IRS met with me at SBI and picked up a copy of the case for Agent Stewart.

\*\*\*\*\*

4-9-2009

News Article:

TUESDAY, MARCH 03, 2009

**Criminal Wrongdoing in the 2007 Ogden City Council Campaign - Updated**

**Even in *Emerald City*, laundering campaign contributions is illegal**

*By Dan Schroeder*

During the 2007 *Ogden* municipal election campaign, an entity called *Friends of Northern Utah Real Estate* accepted over \$20,000 in contributions from *Envision Ogden* and immediately passed this money on to two city council candidates, Blain Johnson and Royal Eccles. This activity violated *Ogden's* campaign finance disclosure ordinance, which prohibits campaign contributions made by one person in the name of another. The violation is a class B misdemeanor. If Mr. Johnson is convicted as a knowing participant in this activity, he will be disqualified from holding office as a city council member.

**Evidence**

The receipt of funds from *Friends of Northern Utah Real Estate (FNURE)* is detailed on the financial disclosure statements filed with the *Ogden City Recorder* by candidates Blain Johnson and Royal Eccles on October 26, November 28 and November 30, 2007. Johnson received a total of \$10,990 in four installments from *FNURE*, while Eccles received \$9700 in two installments. For each candidate this amount constituted more than half of the total contributions received during the

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opponent. Johnson's disclosure statements give the address of *FNURE* as "4723 Harrison, Ogden," which is the same building as his law office. Eccles gave no address for *FNURE* on his statement.

No entity by the name of *Friends of Northern Utah Real Estate*, or anything similar, is registered as a business in *Utah* or as a 527 political organization with the *IRS*.

Meanwhile, *Envision Ogden* was organized in early 2007 and conducted various fund raising activities during the first half of that year, including the "Sneak Peek" grand opening of the city-owned Salomon Center on June 15. The organization made a direct contribution of \$1500 to Johnson's campaign on September 7, 2007, as disclosed on Johnson's October 26 statement.

However, by early September, *Envision Ogden* was coming under increasing scrutiny. One citizen asked the Lieutenant Governor's office to inquire into the organization's status. A second citizen submitted a records request to *Ogden City*, asking for documentation of the arrangement under which *Envision Ogden* was permitted to use the *Salomon Center* for its fund raising event. A third citizen called the leader of *Envision Ogden* and asked about the organization's purpose and how it had been able to use the *Salomon Center*.

*Envision Ogden* notified the *IRS* of its Section 527 status (using the required Form 8871 on March 3, 2008. The form names realtor Abraham Shreve as the chairman and only officer, and Jeff Lucas as the custodian of records. Its 2007 year-end Report of Contributions and Expenditures (Form 8872) *Envision Ogden* Disclosure Statement was submitted on May 12, 2008. That report lists the direct \$1500 contribution to Blain Johnson plus five later contributions totaling \$20,700, to "*Northern Utah Friends of Real Estate*." The purpose of these contributions is stated to be "*city council campaign support*." The total amount is just \$10 more than the total amount of the six contributions from *FNURE* reported by Johnson and Eccles. The dates and amounts of the individual contribution installments also correspond to an extent.

In conclusion, it would appear that *FNURE* simply forwarded political contributions from *Envision Ogden* to candidates Johnson and Eccles. This effectively concealed the true source of these contributions from voters, both before the election and for more than six months after the election.

#### Relevant law

**Section 1-8-3C of the Ogden City Code** prohibits campaign contributions made by one person in the name of another:

C. In Name Of Another: No person shall make a contribution in the name of another person or make a contribution with another person's funds in his or her own name, and no candidate, member of a personal campaign committee, or political campaign committee shall knowingly accept a contribution made by one person in the name of another person or made by one person with the funds of another person.

Section 1-8-1 defines "*person*" very broadly to include organizations and committees. Section 1-8-7 makes violation of the disclosure ordinance a class B misdemeanor, and states that a person

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convicted of such a violation may not hold the office to which the person was elected, if any.

### Implications

Whoever operated *FNURE* clearly violated *Ogden's* ordinance and is guilty of a class B misdemeanor. At this time we do not know the identity of that person or persons. However, the address that Johnson gave for *FNURE* suggests that the entity was operated either by Johnson himself, or by someone else at his law firm, or by someone else in the same building. In any case, it should be easy for a prosecutor to subpoena the bank records and determine who was signing the checks.

Even if someone else signed the checks, Johnson and Eccles would still be guilty of violating the ordinance if they were aware that the *FNURE* contributions originally came from *Envision Ogden*.

It seems probable that *Envision Ogden* violated *Ogden's* disclosure ordinance by contributing funds through *FNURE*. It may also have violated another provision of the ordinance by making \$4684 in direct expenditures for the 2007 campaign. In addition, *Envision Ogden* appears to have violated federal tax laws by filing Form 8871 more than a year after it began accepting contributions, by failing to file a mid-year disclosure report, and by filing its year-end disclosure report more than three months after the January 31 deadline. *Envision Ogden* may have also violated state laws by soliciting contributions while holding itself out to be a charitable organization, and by contributing \$2000 to a legislative candidate in 2008 without properly registering with the state or filing its disclosure statement on time.

Finally, *Ogden City* officials may have violated the law by allowing *Envision Ogden* to use a city-owned building for a political fund raising event.

\*\*\*\*\*

4-8-2009

News Article:

### Ogden city attorney: Campaign funding problem 'cured'

By Christopher Smart

The Salt Lake Tribune

Salt Lake Tribune Posted:03/30/2009 04:41:01 PM MDT

An entity called *Envision Ogden* gave nearly \$20,000 to two *Ogden City Council* candidates in 2007. But amended campaign disclosures, filed in mid-March, reveal that the entity funneled a good chunk of the money through the non-registered *Friends of Northern Utah Real Estate*.

That could be in violation of an *Ogden* ordinance that reads: "No person [or entity] shall make a contribution in the name of another person ... ."

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But City Attorney Gary Williams ruled earlier this month that inconsistencies surrounding campaign-fund reporting during that municipal election have been "cured" by amended disclosures he allowed 17 months after the election.

When asked Monday by *The Tribune* to expand upon or explain his ruling, Williams declined to comment, except to say, "I'm done with this."

Not everyone shares Williams' opinion, including City Councilwoman Amy Wicks. Last week, she questioned whether the Envision Ogden/Friends of Northern Utah Real Estate contributions were within Ogden ordinances. Perhaps, she suggested, the law should be strengthened to prevent future sleights-of-hand.

Representatives of Envision Ogden, which registered with the Lieutenant Governor's Office the year after the election, could not be reached for comment. Friends of Northern Utah Real Estate is not registered anywhere and does not appear in any directory. No one interviewed for this story could name any principals of that organization.

The brouhaha began in March when Ogden resident Dan Shroeder formally complained to the city attorney that Envision Ogden campaign contributions to two City Council candidates appeared to have been "laundered" through a dummy organization.

Both organizations had been named in initial campaign disclosure statements of then-candidates Blain Johnson and Royal Eccles.

The candidates -- shortly after Shroeder filed his complaint -- amended disclosures confirming that the funds attributed to Friends of Northern Utah Real Estate really came from Envision Ogden.

Johnson received \$1,500 from Envision Ogden and \$10,990 from Friends of Northern Utah Real Estate, according to his 2007 filings. March's amended filings show he received \$12,490 from Envision Ogden. Eccles, who lost the election, reported, in his 2007 disclosure, that he received \$9,700 from the Northern Utah group; in March, his amended disclosure shows that Envision Ogden gave him the money.

In an interview, now-Councilman Johnson said he had acted ethically and within the law. He explained that he amended his campaign disclosure to make the flap go away.

"I know I didn't do anything wrong," he said. "I received the funds, and I reported it."

Johnson said he believed Friends of Northern Utah Real Estate was a legitimate organization, despite not being able to come up with the names of anyone associated with it.

Johnson prevailed over Sheila Aardema, while Eccles lost to Wicks in the 2007 election.

Said Wicks: "We need to know who a candidate's donors are ... who has an interest in getting that person elected."

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4-14-2009

Met with Jim Malpede, FBI, Public Corruption investigations, he agreed to meet with me next week for a discussion of this case and how federal public corruption laws might apply.

\*\*\*\*\*

4-14-2009

Scott Reed, Utah Attorney General (UAG), called Major Carr concerning this case.

\*\*\*\*\*

4-29-2009

Met with Scott Reed UAG concerning this case.

\*\*\*\*\*

5-5-2009

I emailed Daniel V. Schroeder at his online address at Weber State. He responded soon after and we arranged for a meeting at SBI on Wednesday May 6, at 10:30.

\*\*\*\*\*

5/12/2009 S/A Scott Hansen with Hertz Car Sales, Ogden, Utah

1. Name: Dan Peterson/Jeff Lucas

Date: 5/12/2009

Company Name: Hertz Car Sales

Title: General Sales Manager/Accountant

Address: 2805 S Washington Blvd  
Ogden, Utah 84401

Phone: 801-528-4864

[REDACTED]  
Email:

2. Did you or your organization contribute to Envision Ogden?

Peterson said he was contacted by one of their employees, Jeff Lucas - an accountant in the management office, requesting a \$5,000 donation. Hertz had agreed upon contributing \$1,000. Lucas was the person who handled the check request and gave the check to Envision Ogden.

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Lucas was at the office and Peterson brought him in. He admitted that he was also the same Jeff Lucas that shows as Secretary/Treasurer for Envision Ogden and the same person that prepare, signed and submitted the IRS forms 8872, Schedules A and B. Lucas also stated that Envision Ogden was a Political Action Committee and was registered with the State of Utah as such. When Lucas was asked what these solicited contributions were used for he said they were used to put on a "Sneek Peek" for a promotional dinner for welcoming Amer Sports into the Ogden area.

When Lucas was asked about what the excess monies were used for he said they were used to promote Envision Ogden and to support local candidates in campaign races.

When asked about Friends of Northern Utah Real Estate (FNURE), Lucas said he didn't know much about them, other than he was told by Abe Shreves, director of Envision Ogden, to cut checks to Blain Johnson's campaign fund and to FNURE. Lucas also said he had personally given at least one of those checks payable to FNURE to Blain Johnson, a candidate for Ogden City Council.

**3. How much did you contribute?**

Hertz contributed \$1,000.

**4. Was there a requested or suggested amount to contribute?**

The original solicited sponsorship was for \$5,000, but \$1,000 would secure a table (10 settings) at the banquet held at the Ben Lomond Hotel and would also name your company as a contributor on the program. \$5,000 would have also provided a banner to be shown at the banquet and gala festivities at the "Sneek Peek" at the Solomon Center and Ben Lomond Hotel Grand Ballroom.

**5. How did you pay Envision Ogden - cash, check, certified funds or bank transfer?**

Company check.

**6. Do you have a copy of the documents (invoices, check requisition and front and back of the check) and would you provide a copy to us?**

Yes.

**7. How were you contacted? By whom?**

Jeff Lucas was the person that made the request from Dan Peterson.

**8. Did they explain what Envision Ogden does and how these funds would be used?**

No, other than it was to support a business function and banquet. The \$1,000 would provide Hertz with a table accommodating 10 guests. It would also include them as a listed contributor, not a sponsor - which would have cost \$5,000 - \$10,000, on the printed program or advertising

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9. Did they at any time state that they were a "PAC" (Political Action Committee) or group?

Peterson did not receive such an explanation, but his contact was with Jeff Lucas - who is the secretary/treasurer for Envision Ogden and he did state to S/A Hansen that they are registered as a PAC.

10. Did they say these funds would be used for political actions or campaign support or contributions to any candidates in political races?

No.

11. Were there any stipulations, restrictions or limitations given by you as to what these funds were or were not to be used for?

No, however it is the company policy to not engage in any political positions or to be named supporters of political positions or of specific candidates.

\*\*\*\*\*

5/12/2009 S/A Scott Hansen with Ogden Regional Medical Center

1. Name: Craig Bielik

Date: 5/12/2009

Company Name: Ogden Regional Medical Center

Title: Director of Marketing & Public Relations

Address: 5475 S 500 E

Ogden, Utah 84405-6978

Phone: 801-479-2591

  
Email: [Craig.Bielik@mountainstarhealth.com](mailto:Craig.Bielik@mountainstarhealth.com)

2. Did you or your organization contribute to Envision Ogden?

Yes, we as the hospital did contribute. We didn't have any independent recollections of having contributed, but the hospital was contacted by the Ogden Standard Examiner reporter, Scott Schwebke, asking about a donation made to Envision Ogden. After looking up in the accounting department, it was shown that the hospital did make a contribution to Envision Ogden

3. How much did you contribute?

\$5,000, a table sponsor for the Amer Sports Welcome Gala.

Was there a requested or suggested amount to contribute?

\$10,000 for a full sponsorship, \$5,000 for a table sponsorship with a banner, and then

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\$1,000 for a table and listing as a business contributor. Individual tickets were

**5. How did you pay Envision Ogden - cash, check, certified funds or bank transfer?**

Check # [REDACTED], \$5,000, Pay to the Order of: Envision Utah (not Envision Ogden). The check does show it being deposited into Wells Fargo Bank account [REDACTED], Envision Ogden account.

**6. Do you have a copy of the documents and would you provide a copy to us?**

Yes, we will provide a copy of our check request, front and back of the check and copy of the invoice received from Envision Ogden. (Copies of these documents were received 5/14/2009.)

**7. How were you contacted? By whom?**

Bielik and Mark Adams, the CEO for Ogden Regional Medical Center, were contacted by the Ogden Mayor's office requesting support of this function. Bielik didn't recall if it was the mayor or someone from his office that initially contacted the hospital.

**8. Did they explain what Envision Ogden does and how these funds would be used?**

It was said that this function was to welcome in Amer Sports, a new business moving into the Ogden area, and to show business support for them and their employees. It was presented as rallying support for this business and any others that are being solicited by Ogden City, Chamber of Commerce, and the Weber County Economic Development. On the Envision Ogden invoice it states under their name, "Working to Promote Ogden's High Adventure Recreation". It was assumed that this was a business promoting, organizing and planning venture to help in setting up a wise development plan for current and future growth of commercial and economic developments in the Ogden/Weber areas.

The hospital was supporting the new business in hopes of securing their support and aligning themselves with the HR department and finding out if they may be a listed care facility with the company insurance plan.

**9. Did they at any time state that they were a "PAC" (Political Action Committee) or group?**

No, it was not said - nor was it asked, due to the nature of the festivities and how and what was being promoted.

**10. Did they say these funds would be used for political actions or campaign support or contributions to any candidates in political races?**

No.

Were there any stipulations, restrictions or limitations given by you as to what these funds were or were not to be used for?

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No, it was just assumed it was to be used for business developments.

It was interesting that though the check was made payable to Envision Utah it was deposited into the Envision Ogden account and nothing else was noted or said. Envision Utah was a Governor Initiative originating with Governor Mike Leavitt, with Jon M. Huntsman, Jr being committee chairman. Their role or mission was to assist communities and regions throughout the state of Utah with planning and development for future growth with necessary infrastructures to support and attract commercial and residential growths to these areas of the state.

\*\*\*\*\*

5/12/2009 SA Scott Hansen, McKay-Dee Hospital, Ogden, Utah

1. **Name:** Chris L. Dallin **Date:** 5/12/2009

**Company Name:** McKay-Dee Hospital Center

**Title:** Director of Public Relations, Media and Business Development

**Address:** 4401 Harrison Blvd  
Ogden, Utah 84403

**Phone:** 801-387-3714

**Cell:**

**Email:** [chris.dallin@intermountainmail.org](mailto:chris.dallin@intermountainmail.org)

2. **Did you or your organization contribute to Envision Ogden?**

At first he didn't recall this incident. His first response was a question, "Is Envision Ogden the same as Envision Utah?" Dallin had been associated with Envision Utah when it was originally organized. He is familiar with their role and purposes, but he didn't know anything about Envision Ogden. As we talked he then remembered the banquet, though he didn't actually attend it himself. He did remember contributing, but not as much as they had been asked for.

3. **How much did you contribute?**

\$1,000, they had been asked to be a sponsor for \$10,000 or \$5,000. Dallin went to the hospital's executive board and suggested giving a \$1,000 contribution. This amount was approved.

4. **Was there a requested or suggested amount to contribute?**

\$10,000 for a full sponsorship, \$5,000 for a table sponsorship with a banner, and then \$1,000 for a table and listing as a business contributor and supporter.

**How did you pay Envision Ogden - cash, check, certified funds or bank transfer?**

Check # [REDACTED], \$1,000, Pay to the Order of: Envision Ogden PO Box 1751, Ogden,

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Utah 84402. The check does show it being deposited into Wells Fargo Bank account [REDACTED], Envision Ogden account.

**6. Do you have a copy of the documents and would you provide a copy to us?**

Yes, we will provide a copy of our check request, front and back of the check and copy of the invoice received from Envision Ogden. (Copies of these documents were received 5/12/2009.)

**7. How were you contacted? By whom?**

They were originally contacted by Mayor Godfrey requesting McKay-Dee be a sponsor for the Amer Sport welcome gala to be held February 8, 2007. The Mayor's office was suggesting their \$5,000 or \$10,000 sponsorship. McKay-Dee chose to be a \$1,000 donor, and this was split with Select Health, the HMO or insurance division. Each paid \$500, though the check does show \$1,000 from McKay-Dee Hospital

Both McKay-Dee and Select Health are interested in showing support with the hope of gaining their business as patients and also insurance customers. Select Health did this in hopes of gaining a stronger position with Mayor Godfrey and his consideration as an insurance option for consideration to Ogden City employees.

**8. Did they explain what Envision Ogden does and how these funds would be used?**

It was said that this function was to welcome in Amer Sports, a new business moving into the Ogden area, and to show business support for them and their employees. It was presented as rallying support for this business and any others that are being solicited by Ogden City, Chamber of Commerce, and the Weber County Economic Development office. On the Envision Ogden invoice it states under their name, "Working to Promote Ogden's High Adventure Recreation". It was assumed that this was a business promoting, organizing and planning venture to help in setting up a wise development plan for current and future growth of commercial and economic developments in the Ogden/Weber areas.

Chris Dallin was not familiar with Envision Ogden. He was one of the original organizers and administrators for the Envision Utah program initiated by Governor Leavitt. He worked with Envision Utah as part of his responsibilities as President and Director of the Davis County Chamber of Commerce. It was his idea or concept of Envision Utah that prompted his support of this request from Envision Ogden.

Chris Dallin also included copies of emails between himself, Tim Pehrson - Administrator and CEO of McKay-Dee Hospital, Jerry Edgington - Administrator with Select Health.

**Did they at any time state that they were a "PAC" (Political Action Committee) or group?**

No, it was not said - nor was it asked, due to the nature of the festivities and how and what

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was being promoted. McKay-Dee tries to be supportive of community affairs in hope of earning the trust and support with the people of the community.

10. Did they say these funds would be used for political actions or campaign support or contributions to any candidates in political races?

No. They, McKay-Dee Medical Center, have strict guidelines prohibiting the hospital from taking political stands or endorsing any political candidates or specific issues.

11. Were there any stipulations, restrictions or limitations given by you as to what these funds were or were not to be used for?

No, it was just assumed it was to be used for business developments.

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5/14/2009 SA Scott Hansen and Ogden-Weber Chamber of Commerce

1. Name: Dave Hardman/Mari Newbold

Date: 5/14/2009

Company Name: Ogden-Weber Chamber of Commerce

Title: President and CEO/Accounting & Human Resources Manager

Address: 2484 Washington Blvd Suite 400

Ogden, Utah 84401

Phone: 801-621-8300

Email: DAVE@ECHAMBER.CC/MARI@ECHAMBER.CC

2. Did you or your organization contribute to Envision Ogden?

Yes, it was to support the Amer Sport banquet at the Ben Lomond Hotel.

3. How much did you contribute?

\$1,000, they had been asked to be a sponsor for \$5,000. As they presented it to the Chamber's governing board it was agreed that they would participate, but only for \$1,000.

4. Was there a requested or suggested amount to contribute?

\$10,000 for a full sponsorship, \$5,000 for a table sponsorship with a banner, and then \$1,000 for a table and listing as a business contributor and supporter.

5. How did you pay Envision Ogden - cash, check, certified funds or bank transfer?

Check # [REDACTED] \$1,000, Pay to the Order of: Envision Ogden PO Box 1751, Ogden, Utah 84402.

Do you have a copy of the documents and would you provide a copy to us?

Yes, we will provide a copy of our check, front and back of the check, and a copy of the Envision Ogden. (Copies of these documents were received

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5/18/2009.) The check did show an endorsement (hand written) "For Deposit Only" into Wells Fargo Bank account [REDACTED]

7. How were you contacted? By whom?

They were originally contacted by Mayor Godfrey requesting their support and participation as a sponsor for the Amer Sport welcome gala to be held February 8, 2007. The Mayor's office was suggesting their \$5,000, but that was more than they felt they could afford. They did settle on being a \$1,000 donor.

8. Did they explain what Envision Ogden does and how these funds would be used?

It was said that this function was to welcome in Amer Sports, a new business moving into the Ogden area, and to show business support for them and their employees. It was presented as rallying support for this business and any others that are being solicited by Ogden City, Chamber of Commerce, and the Weber County Economic Development office. On the Envision Ogden invoice it states under their name, "Working to Promote Ogden's High Adventure Recreation". It was assumed that this was a business promoting, organizing and planning venture to help in setting up a wise development plan for current and future growth of commercial and economic developments in the Ogden/Weber areas.

Did Envision Ogden, at any time, state that they were a "PAC" (Political Action Committee) or group?

No, it was not said - nor was it asked, due to the nature of the festivities and how and what was being promoted. It was an assumption on the Chamber's part that this was a business development group.

10. Did they say these funds would be used for political actions or campaign support or contributions to any candidates in political races?

No. They, Ogden - Weber Chamber of Commerce, have strict guidelines prohibiting the Chamber of Commerce from taking political stands or endorsing any political candidates or specific issues. Though members may hold or take positions the Chamber itself remains neutral on all issues and candidates so as not to alienate any members or businesses from the Chamber of Commerce.

11. Were there any stipulations, restrictions or limitations given by you as to what these funds were or were not to be used for?

No, it was just assumed it was to be used for business developments and the cost of this gala banquet.

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5/18/2009 SA Scott Hansen and Weber Economic Development Corp.

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1. **Name:** Ron Kusina **Date:** 5/18/2009  
**Company Name:** Weber Economic Development Corporation  
**Title:** Executive Director  
**Address:** 2484 Washington Blvd Suite 400  
Ogden, Utah 84401  
**Phone:** 801-621-8300  
**Cell:**  
**Email:** [ron@echamber.cc](mailto:ron@echamber.cc)
  2. **Did you or your organization contribute to Envision Ogden?**  
Yes, it was to support the Amer Sport banquet at the Ben Lomond Hotel.
  3. **How much did you contribute?**  
\$1,000, they had been asked to be a sponsor for \$5,000. Ron presented it to the governing board and this was the amount they felt they could contribute. The Chamber of Commerce and Economic Development often support these functions and usually in similar amounts as each other to welcome and encourage the business and economic development of the Ogden and Weber commercial and business sector.
- Was there a requested or suggested amount to contribute?**  
\$10,000 for a full sponsorship, \$5,000 for a table sponsorship with a banner, and then \$1,000 for a table and listing as a business contributor and supporter.
5. **How did you pay Envision Ogden - cash, check, certified funds or bank transfer?**  
Check # [REDACTED], \$1,000, Pay to the Order of: Envision Ogden PO Box 1751, Ogden, Utah 84402.
  6. **Do you have a copy of the documents and would you provide a copy to us?**  
Yes, we will provide a copy of our check, front and back of the check, and a copy of the invoice received from Envision Ogden. (Copies of these documents were received 5/18/2009.) The check did show an endorsement (hand written) "For Deposit Only" into Wells Fargo Bank account [REDACTED]
  7. **How were you contacted? By whom?**  
They were originally contacted by Mayor Godfrey requesting their support and participation as a sponsor for the Amer Sport welcome gala to be held February 8, 2007. The Mayor's office was suggesting their \$5,000 support, but that was more than they felt they could afford. They did settle on being a \$1,000 donor.

**Did they explain what Envision Ogden does and how these funds would be used?**

It was said that this function was to welcome in Amer Sports, a new business moving into the Ogden area, and to show business support for them and their employees. It was

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presented as rallying support for this business and any others that are being solicited by Ogden City, Chamber of Commerce, and the Weber County Economic Development offices. On the Envision Ogden invoice it states under their name, "Working to Promote Ogden's High Adventure Recreation". It was assumed that this was a business promoting, organizing and planning venture to help in setting up a wise development plan for current and future growth of commercial and economic projects and developments in the Ogden Weber County areas.

**9. Did Envision Ogden, at any time, state that they were a "PAC" (Political Action Committee) or group?**

No, it was not said - nor was it asked. It was an assumption that this was a business development group. Weber Economic Development does not and cannot take political positions for the danger of alienating any existing or potential businesses.

**10. Did they say these funds would be used for political actions or campaign support or contributions to any candidates in political races?**

No. They, Weber Economic Development Corp, is comprised of a wide variety of business leaders with different attitudes and opinions. They also recognize the necessity of being open minded and neutral politically.

Thus, it is the policy of the Weber Economic Development Corp to not have personal goals or ambitions to be reflected in any of their actions as a group.

If Envision Ogden had indicated or insinuated in any way that they would use these funds for political purposes it would have declined participating as a financial contributor.

**11. Were there any stipulations, restrictions or limitations given by you as to what these funds were or were not to be used for?**

No, it was just assumed it was to be used for business developments and the cost of this gala banquet.

\*\*\*\*\*

5/18/2009 SA Scott Hansen and Marketstar in Ogden, Utah

1. Name: Patty Marcroft

Date: 5/14/2009

Company Name: Marketstar

Title: Assistant Controller

Address: 2475 Washington Blvd

Ogden, Utah 84401-1431

Phone: 801-786-5256

[REDACTED]

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Email: [pmarcroft@marketstar.com](mailto:pmarcroft@marketstar.com) <<mailto:pmarcroft@marketstar.com>>**2. Did you or your organization contribute to Envision Ogden?**

At first she didn't have any independent recollection of this event. She said she would have to look it up and locate the check and the invoice or check request. Patty then called back to say that she had located it. Yes, it was to support the Salomon Center Sneak Peek gala but that was about all that she could say about it. She didn't know anything else about this, other than what showed on the paperwork.

**3. How much did you contribute?**

\$1,000.

**4. Was there a requested or suggested amount to contribute?**

Patty didn't know. She said this invoice was something done and handled by Erin Housley, a name that shows on the invoice from Envision Ogden. Checking with Erin, she didn't have any recollections of this event nearly two years ago.

**5. How did you pay Envision Ogden - cash, check, certified funds or bank transfer?**

Check # [REDACTED] \$1,000, Pay to the Order of: Envision Ogden PO Box 1751, Ogden, Utah 84402.

**6. Do you have a copy of the documents and would you provide a copy to us?**

Yes, they provided a copy of their check, front and back, and a copy of the invoice received from Envision Ogden. (Copies of these documents were received 5/18/2009.) The check did show an endorsement (hand written) "For Deposit Only" into Wells Fargo Bank account [REDACTED]

**7. How were you contacted? By whom?**

They weren't sure, since they can't find anyone that recalls this particular incident or event. According to the date on the invoice it was for the Salomon Center Sneak Peek in June of 2007. The invoice was dated June 5, 2007.

**8. Did they explain what Envision Ogden does and how these funds would be used?**

It was said that this function was to welcome in Amer Sports, a new business moving into the Ogden area, and to show business support for them and their employees. It was presented as rallying support for this business and any others that are being solicited by Ogden City, the Ogden-Weber Chamber of Commerce, and the Weber County Economic Development offices. On the Envision Ogden invoice it states under their name, "Working to Promote Ogden's High Adventure Recreation".

It was assumed that this was a business promoting, organizing and planning venture to help in setting up a wise development plan for current and future growth of commercial and

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economic projects and developments in the Ogden-Weber County areas.

**9. Did Envision Ogden, at any time, state that they were a "PAC" (Political Action Committee) or group?**

No, it was not said - nor was it asked. It was an assumption that this was a business development group. Marketstar does not take political positions for the danger of alienating any existing or potential businesses from being customers. No one had actually spoken with anyone from Envision Ogden. The only contact they had with Envision Ogden was when they attended the event. There was no mention or talk of then being a political action committee.

**10. Did they say these funds would be used for political actions or campaign support or contributions to any candidates in political races?**

No. If Envision Ogden or the Mayor's office had indicated or insinuated in any way that these funds would be used for political purposes they would have declined, or it would have influenced their participating as a financial contributor.

**11. Were there any stipulations, restrictions or limitations given by you as to what these funds were or were not to be used for?**

No, it was just assumed it was to be used for business developments and the cost of this gala sneak peek event.

Envision Ogden's IRS 8872 Schedule A shows that Marketstar made two contributions totaling \$1,800 (6/18/2007 for \$1,000 and 8/1/2007 for \$800). Patty was able to locate the check for \$1,000, but she couldn't find any payments for \$800. On the invoice from Envision it lists the name Erin Housley next to Marketstar and shows under "Description" Salomon Center Sneak Peek.

Erin Housley is the assistant to the CEO for Marketstar. SA Hansen spoke with Erin and she didn't have any independent recollections of this. She said that the Salomon Center Sneak Peek did sound familiar, but she didn't attend anything there. It may have been management and the bill simply came to her. She checked her file for copies of the invoice or some other paperwork, but she only goes back for one year and then she shreds them, except the copies that are held in accounting. This was nearly two years ago and her records were gone.

She did say that they don't get involved with any political issues or events. She couldn't see how they would have knowingly participated in anything that would have been remotely associated with politics.

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Name: Eric Bernstein

Date: 5/21/2009

Company Name: UBS Financial Services

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**Title:** Executive Director

**Address:** 12 00 Harbor Blvd 10th Floor, Weehawkin, New Jersey 07086

**Phone:** 201-352-3406

**Cell:**

**Email:** [eric.bernstein@ubs.com](mailto:eric.bernstein@ubs.com) <mailto:eric.bernstein@ubs.com>

**Local Contacts:**

**Name:** Tracy H. Duckworth

**Company Name:** UBS Financial Services

**Title:** Director - Utah Complex Manager

**Address:** 299 S Main St Suite 2100  
Salt Lake City, Utah 84111

**Phone:** 801-524-1821

**Email:** [tracy.duckworth@ubs.com](mailto:tracy.duckworth@ubs.com)

**Name:** Kathy Hale

**Company Name:** UBS Bank USA

**Title:** Vice President, CRA Analyst

**Address:** 299 S Main St Suite 2275  
Salt Lake City, Utah 84111

**Phone:** 801-741-0386

**Fax:**

**Email:** [kathy.hale@ubs.com](mailto:kathy.hale@ubs.com)

**2. Did you or your organization contribute to Envision Ogden?**

Yes and no. We participated in a function with Envision Ogden as a welcoming banquet for Amer Sports that was coming into the Ogden area from the Portland, Oregon area. They [Envision Ogden] had wanted us to make a check payable to them, but we [UBS Financial Services] explained to them that we couldn't do that, per our internal protocols and standard operating procedures. UBS would agree to pay for the food and facilities, but would have to make any checks payable to the facilities or vendors directly, not to Envision Ogden. The total for the agreed upon expenses was \$6,047.00.

**3. How much did you contribute?**

\$6,047

**4. Was there a requested or suggested amount to contribute?**

Eric didn't recall if there was any other amounts discussed, but they had agreed to pay the expenses totaling \$6,047.00.

**5. How did you pay Envision Ogden - cash, check, certified funds or bank transfer?**

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Check # [REDACTED] \$6,047, Pay to the Order of Ben Lomond Hotel at PO Box 1751, Ogden, UT 84402.

(This is the same address as for Envision Ogden.):

6. Do you have a copy of the documents and would you provide a copy to us?

Yes, we will provide a copy of our check request, front and back of the check and copy of the invoice received from Envision Ogden. (Copies of these documents were received 6/1/2009.) Included in the package of documents:

- UBS check, # [REDACTED], front and back, dated 6/21/07 payable to Ben Lomond Hotel at PO Box 1751, Ogden, Utah
- Copy of Ben Lomond Hotel Invoice # [REDACTED] in the amount of \$6,047 with itemized billing (interesting note: at the bottom of the invoice it shows address of PO Box 1751, Ogden Utah 84402 - Envision Ogden's address too.)
- Copy of "AMER Event Budget" showing breakdown of costs totaling \$8,047
- Copy of email from Jeff Lucas (Envision Ogden) to Kathy Hale and another itemized bill totaling \$7,047 dated 5/9/07
- Copies of 2/7/2007 emails between Dori Mosher and Kathy Hale with attachments containing the event's guest list, copy of the invitation, announcement flyer and advertisement

7. How were you contacted? By whom?

The national office was contacted by Tracy Duckworth, the Branch Manager, with the request for contribution/support of this public/business function to welcome Amer Sports into the Ogden area.

After some negotiating and discussion, It was agreed that UBS would pay for the food and facility bills associated with the function.

Tracy Duckworth didn't recall how he was initially contacted or by whom.

8. Did they explain what Envision Ogden does and how these funds would be used?

It was said that this function was to welcome in Amer Sports, a new business moving into the Ogden area, and to show business support for them and their employees. It was presented as rallying support for this business and any others that are being solicited by Ogden City, Chamber of Commerce, and the Weber County Economic Development. On the Envision Ogden invoice it states under their name, "**Working to Promote Ogden's High Adventure Recreation**". It was assumed that this was a business promoting, organizing and planning venture to help in setting up a wise development plan for current and future growth of commercial and economic developments in the Ogden/Weber areas.

Did they, at any time, state that they were a "PAC" (Political Action Committee) or group?

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No, it was not said - nor was it asked, due to the nature of the festivities and how and what was being promoted. If this had been known UBS would have immediately declined to contribute or participate in any way. UBS is closely regulated by the Securities Exchange Commission (SEC) and prohibited from participating in or contributing to any political action committees or political issues of any kind.

**10. Did they say these funds would be used for political actions or campaign support or contributions to any candidates in political races?**

No, but again this question was not asked by UBS either, being led to believe it was solely for the purposes of welcoming in this new business or enterprise into the Ogden business community.

**11. Were there any stipulations, restrictions or limitations given by you as to what these funds were or were not to be used for?**

Yes, these funds were to cover food and facility expenses associated with this banquet function. Envision Ogden was told explicitly that they could not be used for anything else, per the company's internal policies.

Interesting notes with the documents that Eric Bernstein sent. These documents were received 6/1/2009 having been sent via UPS:

- A. The check, # [REDACTED], was made payable to Ben Lomond Hotel and shows an address of PO Box 1751 in Ogden. This is the mailing address for Envision Ogden and according to United States Postal Inspectors, Ben Lomond Hotel has not and does not receive mail at this box.
- B. The endorsement on the back of this check shows "FOR deposit only" and gives account number [REDACTED] which is the Washington Mutual Savings account number for Ben Lomond Hotel - but now closed since November 2008. It then shows "pay to order of Envision Ogden.
- C. The Invoice from Ben Lomond Hotel shows an amount of \$6,047, but there are two other bills or budget billings showing amounts of \$8,047 and \$7,047. In the emails included in the documents sent by Mr Bernstein, it refers to negotiations on what UBS could or would pay for. UBS stated that they needed invoices from the various vendors, but Envision Ogden was telling UBS that the various vendors had already been paid by Envision Ogden.

The invoice shown from Ben Lomond Hotel showing the \$6,047 matched the amount of the check. on the bottom of the invoice it showed an address for Ben Lomond Hotel of PO Box 1751, Ogden, Utah 84402, which again is the mailing address for Envision Ogden.

There seem to be some irregularities associated with this account and the supporting

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documents.

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**Witness/Contributor Questions on  
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1. **Name:** Jonathan Cohen **Date:** 5/26/2009  
**Company Name:** Coldwell Banker Real Estate  
**Title:** Vice President Relocation Services  
**Address:** 9350 S 150 E Suite 500, Sandy, Utah 84070  
**Phone:** 801-563-7662  
**Cell:**  
**Email:** [jonathan.cohen@utahhomes.com](mailto:jonathan.cohen@utahhomes.com) <mailto:jonathan.cohen@utahhomes.com>
2. **Did you or your organization contribute to Envision Ogden?**  
Yes.
3. **How much did you contribute?**  
\$2,000, Check No. [REDACTED] dated 3/21/2007.
4. **Was there a requested or suggested amount to contribute?**  
They didn't recall at this time, more than two years after the fact.
5. **How did you pay Envision Ogden - cash, check, certified funds or bank transfer?**  
Company check drawn on Bank of America, Check No. [REDACTED], dated 3/21/2007. Pay to the Order of: Envision Utah (not Envision Ogden).
6. **Do you have a copy of the documents and would you provide a copy to us?**  
Yes, we will provide a copy of our check request, front and back of the check and copy of the invoice received from Envision Ogden. (Copies of these documents were received 5/26/2009.)
7. **How were you contacted? By whom?**  
Kristin Graziano, our Ogden Broker, was contacted by someone from the Ogden Mayor's office requesting support of this function. Ms Graziano didn't remember much about the incident other than they will frequently contribute to these types of functions with hopes of gaining their business in relocating families associated with the business transfers. She did say that she wasn't able to attend the event personally.

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**8. Did they explain what Envision Ogden does and how these funds would be used?**

It was said that this function was to welcome in Amer Sports, a new business moving into the Ogden area, and to show business support for them and their employees. It was presented as rallying support for this business and any others that are being solicited by Ogden City, Chamber of Commerce, and the Weber County Economic Development. On the Envision Ogden invoice it states under their name, "Working to Promote Ogden's High Adventure Recreation". It was assumed that this was a business promoting, organizing and planning venture to help in setting up a wise development plan for current and future growth of commercial and economic developments in the Ogden/Weber areas.

**9. Did they, at any time, state that they were a "PAC" (Political Action Committee) or group?**

No, it was not said - nor was it asked, due to the nature of the festivities and how and what was being promoted it was never considered that this was affiliated with anything political. Coldwell Banker does not associate themselves with any political parties or issues because of the possible business contacts that this may affect.

**10. Did they say these funds would be used for political actions or campaign support or contributions to any candidates in political races?**

No.

**11. Were there any stipulations, restrictions or limitations given by you as to what these funds were or were not to be used for?**

No, it was just assumed it was to be used for business developments and promotions.

This was strictly an effort to solicit Amer Sports business to sell homes to their employees and executives transferring to Ogden. This is not unlike other contributions made to similar functions for other businesses where potential clients could be gained.

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**Monday, Oct 26, 2009, S/A Scott Hansen**

Thursday, Oct 22, 2009, Hansen spoke with Dirk Johnson - current General Manager of the Ben Lomond Hotel in Ogden. He gave the name of the previous owner, Dan Tabish, as being the best person to try and locate hotel records for that time period. August 2007 Tabish sold the hotel to Ian Dickson, who filed for bankruptcy in 2008 and the hotel is now in the hands of the Federal Bankruptcy Court.

Speaking with Tabish he said he left all the hotel records and documents in the hotel when he sold it. He didn't know if they were still there or if Dickson may have removed them. Tabish did say that Barbara Smith had been appointed as accountant and was someone that may know if they are still

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there or where they may have been moved to. Tabish then gave Hansen contact phone numbers for Smith.

Talking with Barbara Smith and explaining what we were seeking she said that when she had left the hotel she had taken many of the old hotel records and she still had them. She would need some time to look through them and see if she might have records from February 2007. If she doesn't have them she knows the new court appointed executor, Ken Rushton, and is sure that he would have them and would be willing to help in locating them.

Smith said she would be able to find if she has them by tomorrow morning and would call with word if she had them or not and would talk with Rushton to see about getting them.

\*\*\*\*\*

**Thursday, November 5, 2009 telephone conversation with Ms Barbara Smith, SA Scott Hansen received the following information.**

Ms Smith had checked in her records and found that she didn't have them. She also checked with Ken Rushton, the court appointed executor for the bankruptcy proceedings and he didn't have them, but was agreeable to investigators receiving them from the current Ben Lomond Hotel owners or anyone else that may be found to be in possession of these records.

According to Mr Derek Jensen, the current owner of the hotel, he believes that they may be in one of the rooms upstairs with other assorted business records and documents. They are in unmarked boxes and he isn't sure if they are even in any systematic order. He doesn't object to any investigators looking through the boxes, but would request that they disclose any records they seize or make copies of before removing them.

\*\*\*\*\*

This case had been inactivated because no further leads or information could be found to support the citizen complaints. Contact was made with the Utah State Attorney General's office to inquire as to what their desires were concerning this investigation.

Scott Reed, Assistant Utah State Attorney General, was contacted and the facts reviewed with him. It was determined that with only misdemeanors being evident that the case would be closed, due to lack of sufficient evidence to pursue any further charges or warrant further investigations.

Information had been provided to the USAG office about a bank account held by Envision Ogden at Wells Fargo, account number [REDACTED] and a request for account records on this bank account was given to Reed. Nothing further was heard from the A.G.'s office and so the case was inactivated.

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2/4/2010, SA Scott Hansen meeting with AUSAG Scott Reed and Sharon Fleck.

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Hansen met with Reed to discuss this case and the further actions that may be taken to continue the investigation into Envision Ogden, Ogden City Councilman Blain Johnson and Royal Eccles, former Ogden City Council candidate.

It was determined that the bank records of Envision Ogden would be subpoenaed and the content of these records analyzed to determine the source of money coming into and the path of money going out of Envision Ogden's Wells Fargo checking account, number [REDACTED]

SA Hansen met with AUSAG Reed's assistant, Sharon Fleck, and an Affidavit of Good Cause was drafted to show the reasons why these records were being requested and the information sought for in these records.

On this date SA Hansen also spoke with Mark Thomas, Office Administrator for the Utah Lieutenant Governor's Office, about their interactions with Envision Ogden. Thomas said they had been working with Envision Ogden for about two years with questions of whether they qualified as a Political Action Committee (PAC) or not.

Initially, beginning of 2007, it was determined that they did not qualify as a PAC. They were involved in the promoting and developing the commerce and business community of Ogden and Weber County. They were not directly involved in political races or issues.

Beginning in the middle or end of 2007 Envision Ogden began to show interests and activities related to campaigns and political issues. Between September and the end of December 2007 IRS reports show that Envision Ogden paid \$22,200 in political contribution payments to Blain Johnson, Royal Eccles, Friends of Northern Utah Real Estate or Northern Utah Friends of Real Estate.

Following these contribution payments a question was raised again by Representative Neal A. Hansen, House District #9, Ogden, Utah, about whether Envision Ogden should be listed and registered as a PAC. Upon further review by the Lieutenant Governor's Office it was determined that Envision Ogden should now be registered as a PAC.

Notification of this decision was forwarded to Envision Ogden and an application was received and filed on December 10, 2008 and they have been registered as such since that time. This application shows Abraham Shreeve as PAC Governing Board Member and Jeffrey Paul Lucas as the Chief Financial Officer or Treasurer of the PAC. This application also shows Envision Ogden street address the same as Jeff Lucas shows for home address in Morgan, Utah.

Mark Thomas provided copies of Political Action Committee Statement of Organization, Political Action Committee Statement of Non-Receipt of Contributions and Non-Expenditure of Funds for the reporting period of 8/28/2008 to 10/28/2008. This report shows a due date of 10/28/2008, but the front page shows a date the report was prepared and verified of 1/22/2009.

Thomas also included a copy of Report of Contributions and expenditures for Political Action Committee.

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This report shows it was prepared and verified on 8/31/2009 and was for a period from 1/1/2009 to 8/31/2009. This report shows a beginning balance of \$0.00. This report also shows a total amount collected donations or contributions as \$0.00 and a total of all expenditures made for this period of \$864.56, with an ending balance of (\$864.56) in the hole.

\*\*\*\*\*

**2/9/2010, Subpoena Duces Tecum Signed by Judge Lindberg, Third District Court.**

Picked up copy of Application for Approval to Conduct a Criminal Investigation, Affidavit of Good Cause, and two Subpoena Duces Tecums (1) for Wells Fargo Bank on account [REDACTED] account belonging to Envision Ogden and for any other accounts for which Envision Ogden may have any signatory rights, and (Zions Bank for a copy of a check from Zions Bank made payable to Envision Ogden in the amount of \$5,000.

These documents were taken to the Salt Lake City office of the Third District Court and SA Scott Hansen appeared before and swore to Judge Denise Lindberg then filed with the court clerk and given file number 10-32. Since this is for a single criminal case both subpoenas were given the file number. Wells Fargo Bank and Zions Bank have until March 4, 2010 at 5:00 pm to produce the requested records.

Supplying of requested records at the office of the Utah State Attorney General located at 5272 S College I Suite 200, Murray, Utah will meet the requests of said subpoenas and will not require the appearance of the keeper of the records.

These documents were then returned to the Utah State Attorney General's office for them to be served upon said banks.

\*\*\*\*\*

**2/12/2010, Ben Lomond Hotel, Ogden Utah, Meeting with Dirk Johnson - General Manager of the hotel.**

S/A Scott Hansen met with Dirk Johnson to try and locate the invoice that was submitted to UBS Bank for payment on the Amer Sport Banquet and Gala. After having spoken with Daniel Tabish, the owner of the hotel at the time of this event, and Barbara Smith - a bookkeeper for the Ben Lomond Hotel it was determined that the records we were seeking are amongst the boxes of records still kept at the hotel.

Dirk Johnson was kind enough to meet with me to try and locate the invoice in question. These records are kept in a room that has boxes with envelopes containing the receipts for each month. In looking through all the boxes we couldn't locate the receipts for February, 2007. We located January and May and several other months for 2007, but February, March and April was missing from this box.

Looking in January's envelope there were no Ben Lomond Hotel Invoices, only receipts for individual room receipts. Asking Dirk about this he said he didn't know that much about their procedures back then. He has only been associated with the hotel for a little over a year. We found one invoice in the May, 2007 envelope

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This was Invoice #: [REDACTED] It shows an invoice date of 5/18/2007 for a banquet.

Because Mr Johnson is unfamiliar with what the hotel's accounting policies and procedures were at the time of question it is unknown if this event on this invoice was the first scheduled for the year 2007 or if they would begin numbering invoices new with each month.

Comparing the copy of a known authentic hotel invoice with the copy provided by UBS Bank for the event, invoice and amount solicited by Envision Ogden. The primary differences is:

1. Billing shows to UBA Bank USA. This is incorrect. It should show billing to UBS Bank USA.
2. At the bottom of the invoice the known authentic Ben Lomond Hotel invoice it shows an address of 2510 Washington Blvd, Ogden, Utah 84401. On the questioned invoice where : shows the street address of the Ben Lomond Hotel it shows an address of PO Box 1751, Ogden, Utah 84402. Dirk Johnson was asked if this was a PO Box used by the Ben Lomond Hotel. He said it is not any address the hotel has used, at least since he has been involved with it.

During an October 22, 2009 conversation with Daniel Tabish, prior owner of Ben Lomon Hotel and owner in February 2007, he said that was not an address or PO Box used by the hotel at any time.

PO Box 1751, Ogden, Utah 84402 is the mailing address for Envision Ogden. It is listed on all of the company filings and on their registration filing as a Political Action Committee.

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