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FILED DISTRICT COURT
Third Judicial District
JUL 15 2014
By Deputy Clerk

IN THE THIRD DISTRICT COURT, SALT LAKE DEPARTMENT

IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

THE STATE OF UTAH Plaintiff, vs. **JOHN EDWARD SWALLOW** **DOB: 11/10/1962,** **1263 East Bell View Circle** **Sandy, Utah 84094** **OTN** **SO#** Defendant. **MARK LEONARD SHURTLEFF** Co-Defendant	Screened by: SIM GILL TROY RAWLINGS Assigned to: CHOU CHOU COLLINS B. FRED BURMESTER **INFORMATION** DAO # 14012685 ECR Status: **Non-ECR** Initial Appearance: Bail: $250,000 Warrant/Release: Non-Jail DAO # 14012686 Case No. 141907718

The undersigned Agent S. Nesbitt, Utah Department of Public Safety, Agency Case No. 12DPS0570, and Special Agent J. Isakson, Federal Bureau of Investigation, F.B.I. Case No. 194A-SU-68452, upon a written declaration states on information and belief that the defendant, JOHN EDWARD SWALLOW, committed the crime(s) of:

COUNT 1
PATTERN OF UNLAWFUL ACTIVITY, 76-10-1603 UCA, a Second Degree Felony, as follows: That on or about October 1, 2008 through October 25, 2013, in Salt Lake County, State of Utah, the defendant, as a party to the offense, (a) having received any proceeds derived, whether directly or indirectly, from a pattern of unlawful activity in which the defendant had

participated as a principal, did use or invest, directly or indirectly, any part of that income, or the proceeds of the income, or the proceeds derived from the investment or use of those proceeds, in the acquisition of any interest in, or the establishment or operation of, any enterprise;
(b) through a pattern of unlawful activity, acquire or maintain, directly or indirectly, any interest in or control of any enterprise;
(c) having been employed by or associated with any enterprise, conduct or participate, whether directly or indirectly, in the conduct of that enterprise's affairs through a pattern of unlawful activity; or
(d) conspire to violate any of the above provisions.

COUNT 2
ACCEPTING A GIFT, 67-16-5 UCA, a Second Degree Felony, as follows: That on or about June 01, 2010 through October 31, 2010, in Salt Lake County, State of Utah, the defendant, as a party to the offense, and as a public officer or public employee, under circumstances not amounting to a violation of Utah Code §§ 63G-6-1001 or 76-8-105, did knowingly and intentionally receive, accept, take, seek, or solicit, directly or indirectly for himself or another a gift of substantial value or a substantial economic benefit tantamount to a gift:
(1)(a) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties;
(b) that the person knew or that a reasonable person in that position should know under the circumstances was primarily for the purpose of rewarding the person for official action taken; or
(c) if he recently had been, is now, or in the near future may be involved in any governmental action directly affecting the donor or lender; and
(2) the total value of the compensation, conflict of interest, or assistance exceeded $1,000.

COUNT 3
RECEIVING OR SOLICITING A BRIBE, 76-8-105 UCA, a Second Degree Felony, as follows: That on or about June 01, 2011 through July 31, 2011, in Salt Lake County, State of Utah, the defendant, as a party to the offense, did ask for, solicit, accept, or receive, directly or indirectly, a benefit with the understanding or agreement that the purpose or intent was to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, of a public servant, party official, or voter and the value of the benefit asked for, solicited, accepted, or conferred exceeded $1,000.

COUNT 4
RECEIVING OR SOLICITING A BRIBE, 76-8-105 UCA, a Second Degree Felony, as follows: That on or about March 16, 2011 through January 6, 2014, in Salt Lake County, State of Utah, the defendant, as a party to the offense, did ask for, solicit, accept, or receive, directly or indirectly, a benefit with the understanding or agreement that the purpose or intent was to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, of a public servant, party official, or voter and the value of the benefit asked for, solicited, accepted, or conferred exceeded $1,000.

COUNT 5
RECEIVING OR SOLICITING A BRIBE, 76-8-105 UCA, a Second Degree Felony, as follows: That on or about September 01, 2010 through December 5, 2012, in Salt Lake County, State of Utah, the defendant, as a party to the offense, did ask for, solicit, accept, or receive, directly or indirectly, a benefit with the understanding or agreement that the purpose or intent was to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, of a public servant, party official, or voter and the value of the benefit asked for, solicited, accepted, or conferred exceeded $1,000.

COUNT 6
FALSE OR INCONSISTENT MATERIAL STATEMENTS, 76-8-502 UCA, Second Degree Felony, as follows: That on or about October 15, 2013 through October 25, 2013, in Salt Lake County, State of Utah, the defendant, as a party to the offense, did (1) make a false material statement under oath or affirmation or swore or affirmed the truth of a material statement previously made while believing the statement to be untrue; or
(2) make inconsistent material statements under oath or affirmation, both within the period of limitations, one of which was false and not believed by him to be true.

COUNT 7
TAMPERING WITH EVIDENCE, 76-8-510.5 UCA, Third Degree Felony, as follows: That on or about May 02, 2012, in Salt Lake County, State of Utah, the defendant, as a party to the offense, did knowingly or intentionally, in conjunction with an official proceeding, believing that an official proceeding or investigation was pending or was about to be instituted, or with the intent to prevent an official proceeding or investigation, or to prevent the production of anything or item which reasonably would be anticipated to be evidence in the official proceeding or investigation,
(a) alter, destroy, conceal, or remove any thing or item with the purpose of impairing the veracity or availability of the thing or item in the proceeding or investigation; or
(b) make, present, or use any thing or item which he knew to be false with the purpose of deceiving a public servant or any other party who was or may have been engaged in the proceeding or investigation.

COUNT 8
TAMPERING WITH EVIDENCE, 76-8-510.5 UCA, a Third Degree Felony, as follows: That on or about June 2012, in Salt Lake County, State of Utah, the defendant, as a party to the offense, did knowingly or intentionally, in conjunction with an official proceeding, believing that an official proceeding or investigation was pending or was about to be instituted, or with the intent to prevent an official proceeding or investigation, or to prevent the production of anything or item which reasonably would be anticipated to be evidence in the official proceeding or investigation,
(a) alter, destroy, conceal, or remove any thing or item with the purpose of impairing the veracity or availability of the thing or item in the proceeding or investigation; or

(b) make, present, or use any thing or item which he knew to be false with the purpose of deceiving a public servant or any other party who was or may have been engaged in the proceeding or investigation.

COUNT 9
TAMPERING WITH EVIDENCE, 76-8-510.5 UCA, Third Degree Felony, as follows: That on or about July 19, 2012, in Salt Lake County, State of Utah, the defendant, as a party to the offense, did knowingly or intentionally, in conjunction with an official proceeding, believing that an official proceeding or investigation was pending or was about to be instituted, or with the intent to prevent an official proceeding or investigation, or to prevent the production of any thing or item which reasonably would be anticipated to be evidence in the official proceeding or investigation,
(a) alter, destroy, conceal, or remove any thing or item with the purpose of impairing the veracity or availability of the thing or item in the proceeding or investigation; or
(b) make, present, or use any thing or item which he knew to be false with the purpose of deceiving a public servant or any other party who was or may have been engaged in the proceeding or investigation.

COUNT 10
MISUSE OF PUBLIC MONEY, 76-8-402(1) UCA, Third Degree Felony, as follows: That on or about July 20, 2012 through July 30, 2012, in Salt Lake County, State of Utah, the defendant did , as a public officer or other person charged with receipt, safekeeping, transfer, disbursement, or use of public money:
(a) appropriate the money or any portion of it to his/her own use or benefit or to the use or benefit of another without authority of law;
(b) loan or transfer the money or any portion of it without authority of law;
(c) fail to keep the money in his possession until disbursed or paid out by authority of law;
(d) unlawfully deposit the money or any portion in any bank or with any other person;
(e) knowingly keep any false account or make any false entry or erasure in any account of or relating to the money;
(f) fraudulently alter, falsify, conceal, destroy, or obliterate any such account;
(g) willfully refuse or omit to pay over, on demand, any public money in his hands, upon the presentation of a draft, order, or warrant drawn upon such money by competent authority;
(h) willfully omit to transfer the money when the transfer was required by law; or
(i) willfully omit or refuses to pay over, to any officer or person authorized by law to receive it, any money received by him under any duty imposed by law so to pay over the same.

COUNT 11
OBSTRUCTING JUSTICE, 76-8-306(1) UCA, a Third Degree Felony, as follows: That on or about March 12, 2013, in Salt Lake County, State of Utah, the defendant, as a party to the offense, did with intent to hinder, delay, or prevent the investigation, apprehension, prosecution, conviction, or punishment of any person regarding conduct that constituted a criminal offense,
(1)(a) provide any person with a weapon;
(b) prevent by force, intimidation, or deception, any person from performing any act that might aid in the discovery, apprehension, prosecution, conviction, or punishment of any person;
(c) alter, destroy, conceal, or remove any item or other thing;
(d) make, present, or use any item or thing known by the actor to be false;
(e) harbor or conceal a person;
(f) provide a person with transportation, disguise, or other means of avoiding discovery or apprehension;
(g) warn any person of impending discovery or apprehension;
(h) warn any person of an order authorizing the interception of wire communications or of a pending application for an order authorizing the interception of wire communications;
(i) conceal information that was not privileged and that concerned the offense, after a judge or magistrate had ordered the actor to provide the information; or
(j) provide false information regarding a suspect, a witness, the conduct constituting an offense, or any other material aspect of the investigation; and
(2)(a) the conduct that constituted a criminal offense would be a second or third degree felony and the defendant violated Subsection (1)(b), (c), (d), (e), or (f);
(b) the conduct that constitutet a criminal offense would be any offense other than a capital or first degree felony and the actor violated Subsection (1)(a);
(c) the obstruction of justice was presented or committed before a court of law; or
(d) it was a violation of Subsection (1)(h);

COUNT 12
FALSIFICATION OR ALTERATION OF GOVERNMENT RECORD, 76-8-511 UCA, a Class B Misdemeanor, as follows: That on or about March 09, 2012 through March 15, 2012, in Salt Lake County, State of Utah, the defendant, as a party to the offense, under circumstances not amounting to an offense subject to greater penalty under Title 76, Chapter 6, Part 5, Fraud, did
(1) knowingly make a false entry in or false alteration of anything belonging to, received, or kept by the government for information or record, or required by law to be kept for information of the government; or
(2) present or use anything knowing it to be false and with a purpose that it be taken as a genuine part of anything belonging to, received, or kept by the government for information or record, or required by law to be kept for information of the government; or
(3) intentionally destroy, conceal, or otherwise impair the verity or availability of anything belonging to, received, or kept by the government for information or record, or required by law to be kept for information of the government, and knowing that the destruction, concealment, or impairment was unlawful.

COUNT 13
FAILURE TO DISCLOSE CONFLICT OF INTEREST, 76-8-109(2) UCA, a Class B Misdemeanor, as follows: That on or about March 9, 2012 through March 15, 2012, in Salt Lake County, State of Utah, the defendant, as a party to the offense, before or during the execution of any order, settlement, declaration, contract, or any other official act of office in which a state constitutional officer has actual knowledge that the officer has a conflict of interest which is not stated on the financial disclosure form required under 76-8-109(4), did fail to publicly declare that the officer may have a conflict of interest and what that conflict of interest is.

THIS INFORMATION IS BASED ON EVIDENCE OBTAINED FROM THE FOLLOWING WITNESSES:

Agent S. Nesbitt, and Agent J. Isakson

DECLARATION OF PROBABLE CAUSE:

Your declarants base probable cause upon the following:

1. On January 7, 2013, Defendant JOHN EDWARD SWALLOW was sworn in as the Utah Attorney General. He resigned that position on December 2, 2013.

2. From some time in 2008 through late 2013, Defendant SWALLOW was associated with a group of individuals to conduct or participate in, directly or indirectly, a pattern of unlawful activity. The individuals, entities, acts, underlying cases, or proceeds have jurisdictional ties to Salt Lake County, Utah. The activities include multiple instances of evidence tampering, obstructing justice, bribery, and accepting gifts by a public officer or public employee.

RICHARD RAWLE, CHECK CITY, AND GOLD COINS

3. In 2002 and 2004, Defendant SWALLOW unsuccessfully ran for the U.S. Congress. Jason Powers worked for him as campaign consultant during both campaigns. During his 2002 Congressional campaign, Defendant SWALLOW met Richard Rawle. Rawle owned and operated Check City, a business offering a variety of services, notably, payday lending services. TOSH, Inc. was the parent company of Check City and was also owned by Rawle. Rawle and at least some of his associates donated to Defendant SWALLOW's 2004 unsuccessful campaign.

4. In 2006, Defendant SWALLOW became the general counsel for Check City. Defendant SWALLOW registered as a lobbyist for TOSH, Inc. Then Utah Attorney General Mark Shurtleff's calendar entry for September 28, 2006, reflects a lunch appointment with Richard Rawle and Defendant SWALLOW.

5. In late 2007 or early 2008, Shurtleff hired Jason Powers to work as a consultant for his re-election campaign. Defendant SWALLOW joined Shurtleff's campaign as chief fundraiser.

6. Shurtleff was re-elected as the Utah Attorney General in 2008.

7. In December 2009, Shurtleff appointed Defendant SWALLOW as his Chief Civil Deputy in the Attorney General's Office. Defendant SWALLOW terminated his employment with Richard Rawle and Check City. SWALLOW claimed that he received twelve one-ounce gold coins from Rawle when SWALLOW terminated his employment with Check City.

8. Defendant SWALLOW claims that he sold the gold coins back to Rawle, from June 2011 through February 2012, in a succession of ten transactions. According to Defendant SWALLOW, he and Rawle agreed that the price was approximately $1,300 per coin. They further agreed, according to Defendant SWALLOW, that the sales proceeds be loaded on a pre-paid debit card. Defendant SWALLOW received approximately $17,000, the deposits of which were made not in multiples of $1,300, but in amounts ranging between $1,500 and $2,000.

JEREMY JOHNSON, HOUSEBOAT, AND AIRPLANE

9. Through his involvement in Shurtleff's 2008 re-election campaign, Defendant SWALLOW met St. George, Utah businessman Jeremy Johnson. Johnson owned, among other businesses, I Works, Inc. and Elite Debit, Inc. I Works, Inc. provided services and/or sold products through negative option continuity programs, while elite Debit, Inc. engaged in the business of processing payments online. A negative option continuity program is one in which a consumer purchases a product and is automatically enrolled in a membership program that results in recurring charges to the consumer's credit card that continue until the consumer actively cancels the membership.

10. Johnson contributed approximately $50,000 to Shurtleff's 2008 re-election campaign. Prior to Johnson's contribution, The Utah Consumer Protection Bureau had cited I Works, Inc. for numerous counts of consumer protection violations.

11. In or around September 2009, Johnson invested millions of dollars into the troubled SunFirst Bank, an FDIC-insured financial institution based in St. George, Utah. Beginning in December 2009, shortly after Defendant SWALLOW was appointed Chief Civil Deputy in the Utah Attorney General's Office, SunFirst Bank started to process Elite Debit's online poker transactions in violation of federal and Utah law.

12. On February 13, 2010, Defendant SWALLOW, while the Chief Civil Deputy in the Utah Attorney General's Office, e-mailed Johnson, from his personal e-mail account, for the purpose of joining services provided by Rawle's Check City payday loan processing with Johnson's I Works' online marketing capabilities. Defendant SWALLOW explained, in his e-mail exchange

with Johnson, that I Works, Inc. would get a "discount" with the online money processing because of SWALLOW's relationship with Rawle.

13. On March 4, 2010, an attorney representing the online poker industry sent Johnson and his business partner, Chad Elie, an e-mail with a draft opinion regarding the issue of whether Texas Hold'Em was a game of chance or a game of skill. The attorney asked Jeremy Johnson and Chad Elie to "deliver this to the Utah AG and request he meet next week...with me and the Executive Director of the Poker Players Alliance who he already knows..." Johnson forwarded the e-mail to Swallow's personal e-mail account, john.swallow1@me.com, and asked whether "we" could do this. Swallow responded, "I don't know yet. I'm abt half way through the doc. Mark get's (sic) back tomorrow from DC and well (sic) discuss. I'm still new enough that I've got to see what we can and can't do. I like the analysis so far."

14. On March 8, 2010, Defendant SWALLOW e-mailed Johnson from his personal e-mail, informing Johnson that SWALLOW and Shurtleff had discussed the draft opinion. Defendant SWALLOW opined that Utah law was more restrictive than federal law on that issue, but that he had some ideas that should help.

15. On March 11, 2010, a representative of the online poker industry e-mailed Shurtleff's assistant and Shurtleff, requesting a meeting about, among other things, "the laws in Utah and how they govern poker."

16. On April 1, 2010, Shurtleff and Defendant SWALLOW met with online poker industry representatives. According to the subsequent e-mail exchange, Shurtleff and Defendant SWALLOW were not in a position to deem online poker gaming legal in Utah, but they were willing to submit an *amicus* brief if the industry were to engage in legal proceedings seeking a determination that online poker was legal in Utah.

17. On July 2, 2010, an online poker industry attorney e-mailed Johnson, informing him that the industry intended to file suit in Utah to obtain a favorable ruling for the online poker industry. The attorney asked Johnson to obtain the Utah Attorney General's "view" of the industry prior to the filing of the legal proceedings. The attorney also wanted the Utah Attorney General's Office to "weigh in with an Amicus brief" in support of the industry's legal proceeding.

18. On July 4, 2010, Johnson forwarded the e-mail from an online poker industry's attorney to Defendant SWALLOW's personal email account, john.swallow1@me.com. Johnson stated,

in the e-mail, that the industry's position was that while Utah law was unclear regarding the legality of playing online poker, the processing of online poker payments was legal. On July 5, 2010, Defendant SWALLOW responded to Johnson's e-mail, stating "Jeremy, I am not aware of any such law in Utah to prohibit what you are doing." SWALLOW then wrote that he would have an attorney in the office review the issue.

19. In 2010, Johnson was under investigation by the Federal Trade Commission (FTC) in connection with the operation of I Works, Inc. In or about August 2010, Johnson contacted Defendant SWALLOW, then Chief Civil Deputy in the Utah Attorney General's Office, asking for assistance regarding the FTC investigation. On August 25, Defendant SWALLOW sent Shurtleff an e-mail from his personal e-mail account (johnswallow@gmail.com), relaying Johnson's request to meet with United States Senator Orrin Hatch about the investigation.

20. On September 29, 2010, Defendant SWALLOW sent an e-mail to Johnson, informing him that he had spoken with Rawle, who had a connection, through a contact person, with United States Senator Harry Reid. Defendant SWALLOW stated that the price to obtain access to Rawle's contact person likely "won't be cheap."

21. On October 7, 2010, Johnson sent Rawle an e-mail with the subject line "Senator Reid." Johnson began the e-mail with "I talked to John Swallow and he said you might have some connections to Reid that would be helpful to us." Johnson's e-mail also described the FTC's pursuit of shutting down companies that use negative options such as those used by I Works, Inc.

22. Johnson wired $50,000 (on November 2, 2010) and $200,000 (on December 2, 2010) to RMR Consulting, LLC, a company which was owned and operated by Rawle. In or about November 2010, Rawle paid Defendant SWALLOW $8,500 from the funds wired by Johnson into the RMR Consulting bank account. The deposit of that payment occurred in Sandy, Salt Lake County. In April 2011, Defendant SWALLOW received an additional $15,000 via a check to P Solutions LLC also from the Rawle's RMR Consulting bank account. P Solutions LLC was a company created and owned by Defendant SWALLOW.

23. On December 21, 2010, the Federal Trade Commission filed its civil Complaint against Johnson in U.S. District Court for the District of Nevada (2:10-cv-02203-MMD-GWF), in connection with Johnson's business practices at I Works, Inc. and Elite Debit. On June 15, 2011, Johnson was indicted, in the U.S. District Court for the District of Utah for Mail Fraud. The Indictment alleged that I Works, Inc. marketed many products using negative option continuity

programs and "forced up-sells" techniques while utilizing the U.S. Mail for, among other things, the shipment of various products to consumers (2:11-cr-00501-DN-PMW).

24. Contemporaneous with the FTC's investigation of Johnson's business practices in 2010, and Johnson's efforts to have online poker processing legalized in the State of Utah, Defendant SWALLOW utilized Johnson's personal aircraft for travel to and from Salt Lake City and St. George, Utah. In or about September or October 2010, Defendant SWALLOW and his family, at Johnson's expense, spent two nights on Johnson's large (approximately 80 feet long) luxury houseboat on Lake Powell. The value of the benefit Defendant SWALLOW received, in connection with using the houseboat, exceeded $1,000.

25. In or around August 2010, Rawle asked Defendant SWALLOW to provide consulting services for the Chaparral Limestone and Cement Corporation, regarding a project located in Nevada. Defendant SWALLOW claims to have received compensation for his consulting work for that corporation, but the two payments ($8,500 and $15,000) SWALLOW received were from the RMR Consulting bank account and not from Chaparral.

TRAVIS MARKER AND THE SOLICITATION OF $120,000

26. In 2011, Johnson approached attorney Travis R. Marker, who specialized in mediation and dispute resolution, for the purpose of resolving Johnson's legal matter with the FTC. In the summer of 2011, Marker met with Defendant SWALLOW on multiple occasions regarding Johnson's criminal case. During a subsequent meeting at the Utah State Capitol building in Salt Lake County, Defendant SWALLOW told Marker that if Johnson could provide SWALLOW approximately $120,000, there might be more options available to Johnson for resolving that criminal case.

THE KRISPY KREME MEETING AND DISAPPEARING ELECTRONIC EVIDENCE

27. On April 30, 2012, Defendant SWALLOW met with Johnson at a Krispy Kreme shop in Orem, Utah. During the recorded meeting, Johnson and Defendant SWALLOW discussed, among other things, SWALLOW's exposure to various potential criminal charges and potential evidence the government might garner against Defendant SWALLOW in connection with Defendant SWALLOW's orchestration of assistance to Johnson regarding the FTC investigation and the $250,000 payment to Rawle for potential access to U.S. Senator Harry Reid. Johnson informed Defendant SWALLOW that Rawle should return the money to Johnson and that Rawle should delete e-mails Rawle did not wish the government to obtain.

28. On or about May 1, 2012, Defendant SWALLOW instructed one of his campaign staffers to obtain a "burner" or prepaid cell phone. Defendant SWALLOW instructed his campaign

staffer to pay cash for the cell phone so that it could not be traced to Defendant SWALLOW's campaign.

29. On or about May 2, 2012, Defendant SWALLOW retroactively created two invoices for services rendered to Rawle regarding the Chaparral cement project, purportedly justifying the November 2010 and April 2011 payments of $8,500 and $15,000 respectively.

30. On May 2, 2012, Defendant SWALLOW wrote a letter to Rawle confirming a previous conversation between them in which Defendant SWALLOW stated to Rawle that he would return the $23,500 paid to him by Rawle for SWALLOW's supposed services in connection with the Chaparral project. Defendant SWALLOW asked Rawle to find a new channel through which Rawle would repay $23,500 to Defendant SWALLOW.

31. On May 15, 2012, Defendant SWALLOW issued a check from P Solutions LLC to RMR Consulting in the amount of $23,500. Rawle repaid the $23,500 to Defendant SWALLOW from another account.

32. On or about July 19, 2012, Defendant SWALLOW instructed a member of the Utah Attorney General's Office IT department to wipe his State-issued laptop and his desktop computers. Prior to the wipe, Defendant SWALLOW claimed that he transferred the data onto an external hard drive. The information on the external hard drive was then loaded onto his personal computer.

33. On or about July 20, 2012, Defendant SWALLOW instructed the Utah Attorney General's Office IT department to replace a broken glass screen on his home computer. That replacement was done at the expense of the State of Utah. The cost of the glass screen was $196.85.

34. In or about November 2012, during a flight from Phoenix to Salt Lake City, Defendant SWALLOW lost, according to him, the external hard drive.

35. In the fall of 2012, Defendant SWALLOW, according to him, returned his cell phone to his carrier, Verizon, and purchased a refurbished cell phone.

36. According to Defendant SWALLOW, in or around December 2012, while Rawle was dying of cancer, Defendant SWALLOW provided notes to Rawle's attorney. That attorney drafted the "Declaration of Richard Rawle." That Declaration states that it was done for the purpose of preserving Rawle's testimony for "anyone who would be interested at some point, including the court." The Declaration was executed by Rawle on December 5, 2012. On December 8, 2012, Rawle died.

37. In January 2013, according to Defendant SWALLOW, Defendant SWALLOW's personal home computer crashed. In the same month, the Utah Attorney General's Office issued Defendant SWALLOW a new iPad, iPhone, and MacBook Pro laptop computer. Defendant SWALLOW claimed that he lost a large volume of his work e-mail from the migration of the email system to Google. In fact, and contrary to what Defendant SWALLOW claimed, Defendant SWALLOW personally deleted all the e-mail and no e-mail was lost due to Google email migration.

38. In February 2013, according to Defendant SWALLOW, Defendant SWALLOW lost his campaign iPad while he was at the National Association of Attorney Generals in Washington, D.C.

39. In October 2013, Defendant SWALLOW's assistant attempted to retrieve SWALLOW's electronic calendar. The assistant noticed that the appointments had been deleted from Defendant SWALLOW's 2009, 2010, and 2011 calendars. The assistant did not make those deletions.

40. Further investigation revealed that in 2012, Defendant SWALLOW retroactively created his day planner entries for the calendar years 2010 and 2011, to reflect his supposed work on the Chaparral cement project.

MARC JENSON AND THE PELICAN HILL RESORT

41. On August 10, 2005, the Utah Attorney General's Office in Salt Lake County filed an Information against Marc Sessions Jenson (Jenson), charging him with, among other things, Securities Fraud and Pattern of Unlawful Activity (Third District Court Case Number 051905391).

42. Shurtleff met Timothy Lawson while Shurtleff was running for Utah Attorney General in 2000. At some time after Jenson was charged, Lawson represented himself to Jenson as a close friend of the then Utah Attorney General, Mark Shurtleff.

43. In February 2008, without the assigned prosecutor's knowledge, Lawson sent an email to Shurtleff, outlining the terms of a proposed plea agreement in the Jenson case.

44. During 2008, the then Utah Attorney General, Shurtleff, personally arranged a plea-in-abeyance agreement in the Jenson case. The terms of the Shurtleff-arranged plea agreement were so lenient that the assigned prosecutor, Charlene Barlow (now Third District Judge Barlow), communicated her concerns to her superiors and was taken off the case. The plea offer was presented to the Court by another prosecutor, Scott Reed. Third District Court Judge Reese rejected the no contest plea-in-abeyance because it included no provisions for restitution.

45. Jenson's plea-in-abeyance agreement in Third District Court Case Number 051905391 was subsequently amended to include restitution to the victims.

46. On May 29, 2008, Jenson entered, in that case, no contest, plea-in-abeyance pleas to 3 counts of Sale of Unregistered Security, Third Degree Felonies. Jenson was to pay restitution in the total amount of $4.1 million as one of the conditions of the plea-in-abeyance agreement. The probation period was 3 years.

47. From January 30, 2009, to November 20, 2009, while under probation in the above-mentioned criminal case with the Utah Attorney General's Office, Jenson paid Lawson approximately $120,000.00 for the purpose of gaining access to the then Utah Attorney General, Shurtleff, and to influence, on Jenson's behalf, potential witnesses and/or victims in connection with Jenson's criminal and civil legal issues.

48. Jenson paid Lawson the approximately $120,000.00 by 18 separate payments, which were deposited into the bank accounts of Apple Dumpling Gang, LLC, and Slipstream, LLC, companies owned by Lawson.

49. Jenson did not pay any of the restitution required by his plea-in-abeyance agreement in Third District Court Case Number 051905391. As a result, on November 3, 2011, Third District Judge Reese entered Jenson's convictions, revoked his probation and sent him to the Utah State Prison.

50. In or about October 2007, Dr. Edward Jeffrey Donner of Fort Collins, Colorado, learned – through a business acquaintance, Timothy Bell – that Jenson and his brother, Stephen Jenson, were developing a private ski and golf resort, known as the Mount Holly project, in Beaver County, Utah, and were looking for interested investors. In response to an invitation from the Jenson brothers, Edward and his wife, Judee Donner, flew to Las Vegas to meet with the Jenson brothers regarding the potential Mount Holly investment.

51. On December 21, 2007, the Donners, having decided to purchase a Mount Holly membership, wired $400,000.00 to the Mount Holly MMA account number 70650749 at American National Bank, in Colorado Springs, Colorado. On December 28, 2007, the Donners wired an additional $1,100,000.00 to the same account at American National Bank and then, on December 31, 2007, they signed the Mount Holly Club membership agreement.

52. In or about June 2008, Edward Donner did some checking on Jenson and became suspicious about the $1.5 million investment he and his wife had made. Edward Donner informed the Jensons that he wanted out of the Mount Holly project and demanded the return of the money that he and his wife had invested.

53. In or about January 2009, the Donners retained the law firm Holland & Hart, LLP, in an attempt to recoup from Marc and Stephen Jenson, through civil action, their $1.5 million investment in the Mount Holly project. Shortly thereafter, in or about February or March 2009, Lawson began contacting Edward Donner via emails, text messages, and phone calls.

54. In May 2009, the Mount Holly property was foreclosed on and sold at auction, leaving the Donners without any of the $1.5 million they had invested in the Mount Holly project.

55. Lawson sent several aggressive text messages and emails to Edward Donner, trying to deter him from pursuing the recovery of his investment. On or about December 16, 2009, Lawson left Edward Donner a voice message, accusing Donner of causing problems and threatening Donner with revealing supposedly illegal activities in Donner's medical practice in Colorado.

56. In or around 2008, according to Jenson, Defendant SWALLOW appeared at Jenson's office in Salt Lake City, Utah. Defendant SWALLOW stated to Jenson that he, SWALLOW, was Shurtleff's hand-picked successor as Utah Attorney General, and was eminently electable.

57. On or about April 30, 2009, Jenson paid Lawson one of the 18 payments. This one was in the amount of approximately $6,190.00, and was for Lawson to arrange and pay for trips for at

least Shurtleff and Defendant SWALLOW to the Pelican Hill Resort, a high-end resort in California, where Jenson was staying at the time. Based on receipts and witness statements, Jenson paid for lodging and expenses including massages, golf, food, and clothing items at the Pelican Hill resort for at least Shurtleff and Defendant SWALLOW while Jenson was on probation for his criminal case (Third District Court Case Number 051905391) with the Utah Attorney General's Office. This trip took place on May 4 & 5, 2009.

58. On or about June 5 through June 7, 2009, Defendant SWALLOW and Shurtleff, traveled to the Pelican Hill Resort. Jenson again paid for lodging and expenses for Defendant SWALLOW and/or Shurtleff including, but not limited to, massages, golf, food, and men's apparel while Jenson was on probation for his criminal case with the Utah Attorney General's Office.

59. In July, 2009, Defendant SWALLOW and his wife, Suzanne, celebrated their wedding anniversary at the Pelican Hill Resort. All expenses were paid by Jenson.

60. In or around August 2009, the then Utah Attorney General, Shurtleff, withdrew from the U.S. Senate race. In December 2009, Shurtleff appointed Defendant SWALLOW as the Chief Civil Deputy of the Utah Attorney General's Office.

61. On March 9, 2012, Defendant SWALLOW filed his Declaration of Candidacy for Utah Attorney General with the Lieutenant Governor's Office in Salt Lake City, Utah. Defendant SWALLOW, at the same time, also filed a 2012 Candidate Financial Disclosure or Conflict of Interest Form. In response to the question asking "Name of each entity that has paid $5,000 or more to the filer within the one-year ending immediately before the date of the disclosure form," Defendant SWALLOW answered, "None." Defendant SWALLOW also failed, contrary to what the disclosure form required, to disclose his ownership of SSV Management LLC, P Solutions LLC, and I-Aware Products Enterprises LLC.

62. On March 15, 2012, Defendant SWALLOW changed the name of registered agent and manager of each of his companies, SSV Management LLC, P Solutions LLC, and I-Aware Products Enterprises LLC, from Defendant SWALLOW to his wife, Suzanne Swallow. On the same date, Defendant SWALLOW filed a second 2012 Candidate Financial Disclosure or Conflict of Interest Form. In response to the question calling for the "Name of each entity that has paid $5,000 or more to the filer within the one-year period ending immediately before the date of the disclosure form," Defendant SWALLOW answered "None besides State of Utah."

On the same document, in response to the question asking for a brief description of employment of the filer's spouse, Defendant SWALLOW's responded "None."

63. Defendant SWALLOW never disclosed that his wife, Suzanne Swallow, was and had been, since March 15, 2012, the manager of SSV Management LLC, P Solutions LLC, or I-Aware Products Enterprises LLC. Defendant SWALLOW never disclosed that Rawle paid him $17,000 between June 2011 and July 2012. Defendant SWALLOW never disclosed that, in April 2011, P Solutions LLC received $15,000 from RMR or Rawle. Defendant SWALLOW never disclosed that, during the reporting period of time, P Solutions LLC paid approximately $19,000 to his wife, Suzanne Swallow, who then deposited the money into Defendant SWALLOW's joint checking account with his wife.

THE BELLS AND THE MORTGAGE REDUCTION

64. On March 16, 2011, Timothy and Jennifer Bell filed suit against Bank of America and Recon Trust, in Utah Federal District Court (2:11-cv-00271-BSJ), challenging the foreclosure practices of Recon Trust, a subsidiary of Bank of America and a successor trustee of the Bell mortgage, in the foreclosure of the Bells' residence (5346 South Cottonwood Lane) in Salt Lake County. The defendants' Motion to Dismiss was denied on March 15, 2012.

65. In March 2012, Jerry Jensen, an Assistant Attorney General in the Utah Attorney General's Office, notified Defendant SWALLOW, then Chief Civil Deputy in that office, of the State's intent to intervene in the Bells' case. On April 12, 2012, the State filed its Motion to Intervene, seeking to prohibit Recon Trust, a Texas corporation without a place of business in the State of Utah, from conducting non-judicial foreclosures in Utah. The State's Motion to Intervene was granted on July 26, 2012.

66. On June 8, 2012, while the State's Motion to Intervene was pending before U.S. District Judge Bruce Jenkins, Timothy Bell sought out Jessica Fawson, a campaign staffer for Defendant SWALLOW's 2012 Utah Attorney General campaign, offering help with that campaign.

67. On August 7, 2012, Defendant SWALLOW and the then Attorney General, Shurtleff, met with Bank of America attorneys and lobbyists to discuss the Bells' litigation.

68. On August 17, 2012, the Bells hosted a fundraiser for Defendant SWALLOW. The fundraiser was held at the Bells' residence in Salt Lake County, the same residence that was the subject of their foreclosure litigation. The actual cost of the Bells' fundraiser was $28,024.46, but

BellMed, the Bells' company, and Defendant SWALLOW's campaign reported an in-kind donation as $15,000.

69. On August 22, 2012, Timothy Bell contacted Seth Crossley (another Swallow campaign staffer) and inquired about the best time to discuss, with Defendant SWALLOW, his Bank of America lawsuit with Defendant SWALLOW. On August 27, 2012, Defendant SWALLOW had a telephone conference with Bank of America lobbyists.

70. On September 27, 2012, Judge Jenkins ordered disclosure of negotiations. The court record reflects that Defendant SWALLOW personally participated in discussions with the defense.

71. According to Shurtleff's calendar, on October 30 and 31, 2012, Shurtleff interviewed for a position with the law firm Troutman Sanders LLP. According to the firm's website, Bank of America is a major client of the firm.

72. On October 30, 2012, the Bells were accepted into a loan modification program with Bank of America. They had sought to be accepted into that program for several months. The Bells received significant reductions in the loan principal and in the interest rate. The modification the Bells received entailed a $1.13 million reduction in their loan balance, and a reduction of their loan interest rate from 7.5% to 2.65%. The modification did not affect the pending litigation on behalf of thousands of Utahns whose interests in foreclosure were being represented indirectly by the Utah Attorney General's Office.

73. According to a Division Chief in the Utah Attorney General's Office, Defendant SWALLOW, on November 15, 2012, told him that SWALLOW may have given Bank of America the impression that, if the Bells' case settled, the State's intervention in the litigation would cease.

74. On December 1, 2012, Defendant SWALLOW informed the assigned attorney, Jerry Jensen, that he, Jerry Jensen, would no longer be handling the case. In December 2012, Jerry Jensen advised Shurtleff that he believed the State's case was strong and that the State would prevail on a Motion for Summary Judgment.

75. On December 19, 2012, Shurtleff personally contacted the Bank of America lobbyist and told him that the State would dismiss its case. On December 27, 2012, the then Attorney General, Shurtleff, signed the State's Motion to Dismiss.

76. Shurtleff joined the law firm of Troutman Sanders in January 2013. The value of the compensation exceeded $1,000.

77. On January 7, 2013, Defendant SWALLOW became the new Utah Attorney General. On January 15, 2013, Federal District Judge Jenkins demanded to know the reason why the Attorney General's Office had moved to dismiss its claim in intervention and ordered the State to reconsider its position. The Attorney General's Office informed Judge Jenkins that it would not reverse a prior Attorney General's decision.

78. On or about January 15, 2013, a campaign staffer for Defendant SWALLOW contacted Bell and asked him to "revisit" the cost of the Bells' fundraiser (the in-kind benefit was reported as $15,000 at that time). The next day, Bell amended the amount of in-kind benefit to $1,000 despite having spent over $28,000 for the fundraiser.

79. On March 12, 2013, F.B.I. agents interviewed Defendant SWALLOW at the law firm of Clyde Snow in Salt Lake County. During the interview, Defendant SWALLOW provided numerous pieces of false information, including, but not limited to, false information regarding the Jenson cases, campaign donations, and gifts and/or bribes received by him, Defendant SWALLOW.

80. On May 21, 2013, Defendant SWALLOW instructed his campaign manager, Jason Powers, to refund the Bells their in-kind donation to avoid "even the appearance of impropriety." The Bells did not receive a refund.

81. On October 15 & October 25, 2013, the Utah Lieutenant Governor's Office deposed Defendant SWALLOW. In the course of that deposition, SWALLOW made, under oath, numerous false or inconsistent statements, including, but not limited to, statements regarding the gold coins SWALLOW claimed to have sold, and gifts and/or bribes SWALLOW solicited or received.

82. On January 6, 2014, upon the demand of the Lieutenant Governor's Office, the Bells changed the amount for the in-kind contribution for their fundraiser to $28,024.46.

Pursuant to Utah Code Annotated § 78B-5-705 (2008) I declare under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my belief and knowledge.

Executed on: 07-14-14

Agent S. Nesbitt
Declarant

Executed on: 7/14/14

Special Agent J. Isakson
Declarant

Authorized for presentment and filing

SIM GILL, District Attorney for Salt Lake County
15th day of July, 2014
DAO #14012685

TROY RAWLINGS, District Attorney for Davis County
15th day of July, 2014
DAO #14012685

SO # OTN
DAO # 14012685

IN THE THIRD DISTRICT COURT, SALT LAKE DEPARTMENT
IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

FILED DISTRICT COURT
Third Judicial District
JUL 15 2014
By ... Deputy Clerk

THE STATE OF UTAH, Plaintiff, vs. **JOHN EDWARD SWALLOW** **DOB: 11/10/1962,** **1263 East Bell View Circle** **Sandy, Utah 84094** **OTN** **SO#** Defendant.	Before: Vernice Trease Magistrate **WARRANT OF ARREST** Case No. 141907718

THE STATE OF UTAH;

To any Peace Officer in the State of Utah, Greetings:

An Information, based upon a written declaration having been declared by Agent S. Nesbitt, Utah Department of Public Safety, Agency Case No. 12DPS0570, and Special Agent J. Isakson, Federal Bureau of Investigation, F.B.I. Case No. 194A-SU-68452, and it appears from the Information or Declaration filed with the Information, that there is probable cause to believe that the public offense(s) of;

PATTERN OF UNLAWFUL ACTIVITY, ACCEPTING A GIFT, RECEIVING OR SOLICITING A BRIBE (3 Counts), and FALSE OR INCONSISTENT MATERIAL STATEMENTS, Second Degree Felonies, TAMPERING WITH EVIDENCE (3 Counts), MISUSE OF PUBLIC MONEY, OBSTRUCTING JUSTICE, Third Degree Felonies, and FALSIFICATION OR ALTERATION OF GOVERNMENT RECORD, FAILURE TO DISCLOSE CONFLICT OF INTEREST, Class B Misdemeanors, have been committed, and that JOHN EDWARD SWALLOW has committed them.

SO # OTN
DAO # 14012685

YOU ARE THEREFORE COMMANDED to arrest the above-named defendant forthwith and bring the defendant before this Court, or before the nearest or most accessible magistrate for setting bail. If the defendant has fled justice, you shall pursue the defendant into any other county of this state and there arrest the defendant. The Court finds reasonable grounds to believe defendant will not appear upon a summons.

Bail is set in the amount of $250,000.

Dated this 14 day of July, 2014.

This Warrant may be served day or night.

STATE OF UTAH
THIRD DISTRICT COURT
SALT LAKE CITY

MAGISTRATE

SERVED DATE: 07-15-14 BY Ryan Van Fleet
Steve Hymas