

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 GEOFFREY FIEGER,
D-2 VERNON JOHNSON,

Defendants.

Case: 2:07-cr-20414
Assigned To: Cox, Sean F
Referral Judge: Majzoub, Mona K
Filed: 08-22-2007 At 12:51 PM
INDI USA V. SEALED MATTER (2 DFTS)
TAM

HONORABLE:

CONSPIRACY
(18 U.S.C. 371)
ILLEGAL CONTRIBUTIONS
(2 U.S.C. 441b and 2 U.S.C. 441f)
FALSE STATEMENTS
(18 U.S.C. 1001)
OBSTRUCTION OF JUSTICE
(18 U.S.C. 1503)
CAUSING AN OFFENSE
(18 U.S.C. 2)

INDICTMENT

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

All dates in this indictment are alleged to be "on or about" the specific date stated. At all times pertinent to this Indictment:

Defendants and Background

1. Defendant GEOFFREY FIEGER is an attorney licensed to practice law by

- the State of Michigan. Defendant FIEGER was admitted to the Michigan bar in 1979 and has practiced law for approximately 28 years.
2. Defendant VERNON (“VEN”) JOHNSON is an attorney licensed to practice law by the State of Michigan. Defendant JOHNSON was admitted to the Michigan bar in 1986 and has practiced law for approximately 21 years.
 3. Defendant FIEGER was the president of the corporation of Fieger, Fieger, Kenney & Johnson, P.C., Southfield, Michigan (the “Corporation”). The Corporation was a Michigan corporation, and defendant FIEGER was its majority shareholder. Defendant JOHNSON was an officer in the Corporation and a minority shareholder.
 4. During 2003 and 2004, John Edwards sought the nomination as the Democratic Party’s candidate for the office of President of the United States. The “Edwards for President” campaign committee was formed to receive campaign contributions to Senator Edwards.
 5. Defendant FIEGER served as a fundraiser for the Edwards for President committee. The committee kept track of the amount of contributions raised by each fundraiser, and to that end the committee assigned defendant FIEGER a unique identification number to track contributions for which he was given credit.

6. The Federal Election Commission was an agency of the United States government.
7. As an agency of the United States, the Federal Election Commission was responsible for administering and enforcing the Federal Election Campaign Act (the "Election Act"). This federal statute imposed duties on the Federal Election Commission, political committees, and contributors, including the following:
 - a. To limit the impact and influence that any one individual can have on a federal election, the Election Act established that the most an individual could contribute to any candidate for federal office (or to his authorized political committees) was \$2,000 per election.
 - b. To eliminate the influence of corporate funds in federal elections, the Election Act made it illegal for a corporation to make political contributions in connection with the election of federal candidates.
 - c. To prevent individuals from circumventing these prohibitions, the Election Act also made it illegal for any individual to make political contributions in the name of another person or to knowingly permit one's name to be used to effect such contributions.

- d. To enforce these prohibitions, the Election Act required each treasurer of a political committee to file periodic reports of receipts and disbursements with the Federal Election Commission. In these reports, the political committees were required to identify each person who, during the relevant reporting period, contributed more than \$200 to the committee during the election cycle.
 - e. To instill public confidence in the election process and to allow the public to monitor compliance, the Election Act required the Federal Election Commission to provide accurate information to the public about the amounts and sources of campaign contributions, and the Federal Election Commission used the reports of receipts and disbursements to satisfy that obligation and administer and enforce the Election Act.
8. On March 26, 2003, defendant FIEGER and his spouse each contributed \$2,000, the maximum individual amount permitted by the Election Act, to the Edwards for President committee.
9. On January 24, 2003, defendant JOHNSON and his spouse each contributed \$1,000 to the Edwards for President committee. On March 26, 2003, defendant JOHNSON contributed an additional \$1,000. On March 27,

2003, defendant JOHNSON'S spouse contributed an additional \$1,000.

Therefore, as of March 27, 2003, both defendant JOHNSON and his spouse had contributed the maximum individual amount allowed by the Election Act to the Edwards for President committee.

COUNT ONE
(18 U.S.C. 371: Conspiracy)

1. The General Allegations are incorporated in this count.
2. From March 2003 through at least February 2004, in the Eastern District of Michigan and elsewhere, defendants GEOFFREY FIEGER and VERNON JOHNSON knowingly conspired, combined and agreed with each other and with others known and unknown to the grand jury, to:
 - a. knowingly and willfully violate the Election Act by using corporate funds to pay for more than \$25,000 in campaign contributions to the Edwards for President committee, an authorized campaign of John Edwards, a presidential candidate, in violation of Title 2, United States Code, Sections 441b(a) and 437g(d)(1)(A)(i);
 - b. knowingly and willfully violate the Election Act by making more than \$25,000 in contributions to the Edwards for President committee in the names of other persons, in violation of Title 2, United States Code, Sections 441f and 437g(d)(1)(A)(i);
 - c. knowingly and willfully cause the Edwards for President committee

unwittingly to file false and misleading campaign finance reports with the Federal Election Commission, in violation of Title 18, United States Code, Sections 2 and 1001; and

- d. defraud the United States by impairing, impeding, and defeating the lawful functions and duties of the Federal Election Commission, including the Federal Election Commission's responsibility to enforce the Election Act and to provide accurate information to the public about the amounts and sources of campaign contributions.

The Purpose of the Conspiracy

3. The purpose of the conspiracy was for defendants GEOFFREY FIEGER and VERNON JOHNSON to use corporate funds to make prohibited campaign contributions to the Edwards for President committee, which totaled approximately \$127,000, and to disguise those prohibited contributions as legitimate payments, in order to deceive the Federal Election Commission, the Edwards for President committee, and the public.

Manner and Means of the Conspiracy

4. The conspiracy was accomplished by the following means, among others, and in the following manner. Defendants FIEGER and JOHNSON, working individually and together, directly and indirectly:

- a. solicited various persons (the “straw donors”) to write contribution checks to the Edwards for President committee, agreeing to provide the straw donors with the funds to make the contributions or reimburse the straw donors for their contributions;
- b. maximized the use of each straw donor by having each one contribute the \$2,000 maximum amount allowed under the Election Act;
- c. recruited and solicited different groups of straw donors, including:
 - i. in March 2003, attorneys of the Corporation and their spouses;
 - ii. in June 2003, children of attorneys of the Corporation as well as non-attorney employees and their spouses;
 - iii. in September 2003, friends of defendant FIEGER; and
 - iv. in January 2004, third-party vendors of services to the Corporation, as well as attorneys and support staff who had not previously been used as straw donors;
- d. collected the contribution checks from the straw donors and transmitted them via commercial mail carrier to the Edwards for President committee, to ensure that defendant FIEGER received credit from the committee;
- e. caused the Corporation, using its corporate funds, to pay the straw

- donors, both directly and through intermediaries, for the amount of their individual contributions to the Edwards for President committee;
- f. disguised the payments to the straw donors by treating the payments to Corporation employees as bonuses, and by falsely characterizing the payments to the third-party vendors as payments for services that had been rendered by those third-party vendors. The payments to the Corporation employees were calculated to net the precise amount of the straw donors' contributions after taxes and withholdings were taken out of the employees' pay checks;
 - g. concealed their unlawful activities from the Federal Election Commission, the public, and the Edwards for President committee by causing the Edwards for President committee unwittingly to file with the Federal Election Commission false and deceptive campaign finance reports which failed to disclose the Corporation's actual contributions to the Edwards for President committee.

Overt Acts Which Furthered the Conspiracy

In order to further the objects of the conspiracy, the following overt acts, among others, were committed in the Eastern District of Michigan and elsewhere.

March 2003: The First Cycle of Illegal Conduit Contributions

1. In March 2003, defendants FIEGER and JOHNSON selected the first group of straw donors to make contributions to the Edwards for President committee, choosing a group composed largely of Corporation attorneys and their family members.
2. Between March 26 and March 31, 2003, defendants FIEGER and JOHNSON, along with others working at their direction, recruited straw donors to make contributions, caused the straw donors to make contributions in the amounts shown, and caused the Corporation to pay each Corporation employee in the amount of that straw donor's contribution plus the amount of any contribution made by that employee's family members, each separate act of recruiting, causing a contribution, and funding that contribution being a separate overt act:

Overt Act	Initials of Corporation Employee	Date(s) of Contributions & Check Amount(s)	Date, Gross Amount, and Net Amount of Payment by Corporation
2a	Attorney P.B. and spouse	03/26/03 - P.B. check for \$2,000 3/28/03 - spouse check for \$2,000 (\$4,000 total)	3/31/03 \$5,529.20 - gross amt. \$4,000 - net amt. to P.B.

Overt Act	Initials of Corporation Employee	Date(s) of Contributions & Check Amount(s)	Date, Gross Amount, and Net Amount of Payment by Corporation
2b	Attorney J.D. and spouse	03/26/03 - spouse check for \$2,000 3/27/03 - J.D. check for \$2,000 (\$4,000 total)	3/31/03 \$5,529.20 - gross amt. \$4,000 - net amt. to J.D.
2c	Attorney R.G. and spouse	3/26/03 - R.G. check and spouse check, each for \$2,000 (\$4,000 total)	3/31/03 \$5,774.29 - gross amt. \$4,000 - net amt. to R.G.
2d	Employee J.H.	3/27/03 - J.H. check for \$2,000	3/31/03 \$3,013.52 - gross amt. \$2,000 - net amt. to J.H.
2e	Employee A.H.	3/31/03 - A.H. check for \$2,000	3/31/03 \$2,708.48 - gross amt. \$2,000 - net amt. to A.H.
2f	Attorney L.J. and spouse	3/26/03 - L.J. check and spouse check, each for \$2,000 (\$4,000 total)	3/31/03 \$5,637.30 - gross amt. \$4,000 - net amt. to L.J.
2g	Attorney A.M. and spouse	3/26/03 - A.M. check and spouse check, each for \$2,000 (\$4,000 total)	3/31/03 \$6,116.67 - gross amt. \$4,000 - net amt. to A.M.
2h	Attorney W.M. and spouse	3/27/03 - W.M. check and spouse check, each for \$2,000 (\$4,000 total)	3/31/03 \$6,048.22 - gross amt. \$4,000 - net amt. to W.M.
2i	Attorney T.R.	3/27/03 - T.R. check for \$2,000	3/31/03 \$2,876.52 - gross amt. \$2,000 - net amt. to T.R.

Overt Act	Initials of Corporation Employee	Date(s) of Contributions & Check Amount(s)	Date, Gross Amount, and Net Amount of Payment by Corporation
2j	Attorney V.V. and spouse	3/27/03 - V.V. check and spouse check, each for \$2,000 (\$4,000 total)	3/31/03 \$6,116.71 - gross amt. \$4,000 - net amt. to V.V.
2k	Attorney T.W. and spouse	3/27/03 - T.W. check and spouse check, each for \$2,000 (\$4,000 total)	3/31/03 \$5,529.20 - gross amt. \$4,000 - net amt. to T.W.

3. On April 15, 2003, defendants FIEGER and JOHNSON caused the Edwards for President committee to file a contribution report with the Federal Election Commission which, unknown to the committee, falsely represented that the 19 straw donors listed above had made contributions to the committee. In truth and fact, the 19 contributions were all made by the defendants and the Corporation.

June 2003: the Second Cycle of Illegal Conduit Contributions

4. In June 2003, defendants FIEGER and JOHNSON selected the second group of straw donors to make contributions to the Edwards for President committee, choosing a group composed largely of non-attorney employees of the Corporation and their spouses, as well as the children of attorneys who had previously been used as straw donors.

5. Between June 27 and July 3, 2003, defendants FIEGER and JOHNSON, and others working at their direction, recruited straw donors to make contributions, caused the straw donors to make contributions in the amounts shown, and caused the Corporation to pay each Corporation employee in the amount of that straw donor's contribution plus the amount of any contribution made by that employee's family members, each separate act of recruiting, causing a contribution, and funding that contribution being a separate overt act:

Overt Act	Initials of Corporation Employee	Date(s) of Contribution(s) & Check Amount(s)	Date, Gross Amount, and Net Amount of Payment by Corporation
5a	Employee T.B. and brother	6/30/03 - T.B. check and brother check, each for \$2,000 (\$4,000 total)	7/3/03 \$5,197.70 - gross amt. \$4,000 - net amt. to T.B.
5b	Attorney J.B. and spouse	6/30/03 - J.B. check and spouse check, each for \$2,000 (\$4,000 total)	7/3/03 \$4,331.34 - gross amt. \$4,000 - net amt. to J.B.
5c	Employee J.B. and mother	6/30/03 - J.B. check and mother check, each for \$2,000 (\$4,000 total)	7/3/03 \$4,850.04 - gross amt. \$4,000 - net amt. to J.B.
5d	Children of attorney P.B.	7/1/03 - both children's checks, each for \$2,000 (\$4,000 total)	7/3/03 \$4,827.68 - gross amt. \$4,000 - net amt. to P.B.

5e	Employee E.D.	6/30/03 - E.D. check for \$2,000	7/3/03 \$2,471.02 - gross amt. \$2,000 - net amt. to E.D.
5f	Employee N.F.	6/30/03 - N.F. check for \$2,000	7/3/03 \$2,471.02 - gross amt. \$2,000 - net amt. to N.F.
5g	Children of attorney L.J.	6/27/03 - both children's checks, each for \$2,000 (\$4,000 total)	7/3/03 \$4,331.34 - gross amt. \$4,000 - net amt. to L.J.
5h	Child of attorney V.J.	6/27/03 - child's check for \$2,000	7/3/03 \$3,005.26 - gross amt. \$2,000 - net amt. to V.J.
5i	Employee A.M.K.	7/1/03 - A.M.K. check for \$2,000	7/3/03 \$2,471.02 - gross amt. \$2,000 - net amt. to A.M.K.
5j	Children of attorney J.K.	6/30/03 - both children's checks, each for \$2,000 (\$4,000 total)	7/3/03 \$4,494.39 - gross amt. \$4,000 - net amt. to J.K.
5k	Employee M.S. and spouse	6/30/03 - M.S. check and spouse check, each for \$2,000 (\$4,000 total)	7/3/03 \$5,197.70 - gross amt. \$4,000 - net amt. to M.S.

6. On July 15, 2003, defendants FIEGER and JOHNSON caused the Edwards for President committee to file a contribution report with the Federal Election Commission which, unknown to the committee, falsely represented that the 18 straw donors listed above had made contributions to the

committee. In truth and fact, the 18 contributions were all made by the defendants and the Corporation.

September, 2003 - The Third Cycle Of Illegal Conduit Contributions

7. In September 2003, defendant FIEGER selected and recruited the third group of straw donors, consisting of his long-time friends B.B. and J.M., their spouses, and their family members.
8. Between September 22 and September 24, 2003, J.M., his wife, his mother, and his minor-aged child contributed a total of \$8,000 to the Edwards for President committee.
9. On September 30, 2003, B.B., his spouse, and his two minor-aged children contributed a total of \$8,000 to the Edwards for President committee.
10. On October 1, 2003, defendant FIEGER wrote \$8,000 checks to B.B. and J.M. from defendant FIEGER's personal checking account.
11. On October 15, 2003, defendant FIEGER caused the Corporation to pay approximately \$20,000 to him. The recorded reason for the check was "repayment Edwards campaign."

12. On October 15, 2003, defendant FIEGER caused the Edwards for President committee to file a contribution report with the Federal Election Commission which, unknown to the committee, falsely represented that the eight straw donors listed above had made contributions to the committee. In truth and fact, the eight contributions were all made by the defendant and the Corporation.

January 2004 - The Fourth Cycle Of Illegal Conduit Contributions

13. In January 2004, defendant FIEGER selected the fourth group of straw donors to make contributions to the Edwards for President committee, choosing a group composed largely of third-party vendors of services to defendant FIEGER and the Corporation, as well as Corporation employees who had not previously been used as straw donors.
14. Between January 15 and January 23, 2004, defendant FIEGER, and others working at his direction, recruited straw donors to make contributions, caused the straw donors to make contributions in the amounts shown, and caused the Corporation to pay each straw donor in the amount of that donor's contribution plus the amount of any contribution made by that straw donor's family members, each separate act of recruiting, causing a contribution, and funding that contribution being a separate overt act:

Overt Act	Initials of Corporation Employee or Third-Party Vendor	Date(s) of Contribution(s) & Check Amount(s)	Date, Gross Amount, and Net Amount of Payment by Corporation
14a	Vendor J.B. and spouse	1/20/04 - J.B. check for \$2,000 1/21/04 - spouse check for \$2,000 (\$4,000 total)	1/20/04 \$4,175 - net amt. to J.B.
14b	Employee J.C.	1/20/04 - J.C. check for \$2,000	1/20/04 \$2,471.02 - gross amt. \$2,000 - net amt. to J.C.
14c	Vendor R.F. and spouse	1/20/04 - R.F. check and spouse check, each for \$2,000 (\$4,000 total)	1/21/04 \$4,300 - net amt. to R.F.
14d	Vendor S.G. and sister	1/21/04 - S.G. check and sister check, each for \$2,000 (\$4,000 total)	1/20/04 \$4,260 - net amt. to S.G.
14e	Vendor D.G. and spouse	1/16/04 - D.G. check and spouse check, each for \$2,000 (\$4,000 total)	1/16/04 \$4,250 - net amt. to D.G.
14f	Vendor G.G.	1/21/04 - G.G. check for \$2,000	1/18/04 \$2,250 - net amt. to G.G.
14g	Employee S.H. and child	1/20/04 - S.H. check for \$2,000 1/21/04 - child's check for \$2,000 (\$4,000 total)	1/22/04 \$4,400 - gross amt. \$4,000 - net amt. to S.H.

14h	Vendor S.O. and spouse	1/20/04 - S.O. check for \$2,000 1/20/04 - spouse check for \$2,000 (\$4,000 total)	1/23/04 \$3,900 - net amt. to S.O.
14i	Employee S.S. and spouse	1/20/04 - S.S. check and spouse check, each for \$2,000 (\$4,000 total)	1/22/04 \$4,850 - gross amt. \$4,000 - net amt. to S.S.
14j	Attorney R.W. and spouse	1/19/04 - R.W. check for \$1,500 1/20/04 - spouse check for \$1,500 (\$3,000 total)	1/22/04 \$3,300 - gross amt. \$3,000 - net amt. to R.W.
14k	Vendor W.W.	1/15/04 - W.W. check for \$2,000	1/15/04 \$2,200 - net amt. to W.W.

15. On February 20, 2004, defendant FIEGER caused the Edwards for President committee to file a contribution report with the Federal Election Commission which, unknown to the committee, falsely represented that the 19 persons listed above had made contributions to the committee. In truth and fact, the 19 contributions were all made by the defendant and the Corporation.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

(2 U.S.C. §§ 441f & 437g(d)(1)(A)(i); 18 U.S.C. § 2 - Making & Causing Conduit Campaign Contributions)

1. The General Allegations are incorporated in this count.
2. Overt Acts 1 through 12 are incorporated in this count.
3. During the calendar year 2003, in the Eastern District of Michigan and elsewhere, defendants GEOFFREY FIEGER and VERNON JOHNSON knowingly and willfully made contributions, and caused contributions to be made, in the names of others to a candidate seeking the nomination for election to federal office, which contributions aggregated \$25,000 or more during the 2003 calendar year, when in fact the contributions were made by defendants FIEGER and JOHNSON and the Corporation.
4. All in violation of Title 2, United States Code, Sections 441f and 437g(d)(1)(A)(i), and Title 18, United States Code, Section 2.

COUNT THREE

(2 U.S.C. §§ 441f & 437g(d)(1)(A)(i); 18 U.S.C. § 2 - Making & Causing
Conduit Campaign Contributions)

1. The General Allegations are incorporated in this count.
2. Overt Acts 13 through 15 are incorporated in this count.
3. During the calendar year 2004, in the Eastern District of Michigan and elsewhere, defendant GEOFFREY FIEGER knowingly and willfully made contributions, and caused contributions to be made, in the names of others, to a candidate seeking the nomination for election to federal office, which

contributions aggregated \$25,000 or more during the 2004 calendar year, when in fact the contributions were made by defendant FIEGER and the Corporation.

4. All in violation of Title 2, United States Code, Sections 441f and 437g(d)(1)(A)(i), and Title 18, United States Code, Section 2.

COUNT FOUR

(2 U.S.C. §§441b(a) & 437g(d)(1)(A)(i), 18 U.S.C. § 2 - Making & Causing Campaign Contributions by a Corporation)

1. The General Allegations are incorporated in this count.
2. Overt Acts 1 through 12 are incorporated in this count.
3. During the calendar year 2003, in the Eastern District of Michigan and elsewhere, defendants GEOFFREY FIEGER and VERNON JOHNSON knowingly and willfully caused Fieger, Fieger, Kenney & Johnson, P.C., being a corporation as defined by Title 2, U.S.C. § 441b(a), to make contributions to a candidate seeking the nomination for election to federal office, which contributions aggregated \$25,000 or more during the 2003 calendar year.
4. All in violation of Title 18, United States Code, Section 2 and Title 2, United States Code, Sections 441b(a) and 437g(d)(1)(A)(i).

COUNT FIVE

(2 U.S.C. §§441b(a) & 437g(d)(1)(A)(i), 18 U.S.C. § 2 - Making & Causing Campaign Contributions by a Corporation)

1. The General Allegations are incorporated in this count.
2. Overt Acts 13 through 15 are incorporated in this count.
3. During the calendar year 2004, in the Eastern District of Michigan and elsewhere, defendant GEOFFREY FIEGER knowingly and willfully caused Fieger, Fieger, Kenney & Johnson, P.C., being a corporation as defined by Title 2, U.S.C. § 441b(a), to make contributions to a candidate seeking the nomination for election to federal office, which contributions aggregated \$25,000 or more during the 2004 calendar year.
4. All in violation of Title 18, United States Code, Section 2 and Title 2, United States Code, Sections 441b(a) and 437g(d)(1)(A)(i).

COUNT SIX

(18 U.S.C. §§ 2, 1001 - Causing False Statement)

1. The General Allegations are incorporated in this count.
2. Overt Acts 1 through 3 are incorporated in this count.
3. On April 15, 2003, in the Eastern District of Michigan, in a matter within the jurisdiction of the executive branch of the government of the United States, defendants GEOFFREY FIEGER and VERNON JOHNSON

knowingly and willfully caused the submission of a materially false, fictitious, and fraudulent statement and representation, in that the defendants caused the Edwards for President committee unwittingly to file a materially false quarterly report with the Federal Election Commission, which falsely showed that individuals, including Corporation attorneys and their family members, had contributed \$2,000 each to the Edwards for President committee, when in fact the contributions were made by the Corporation and by the defendants.

4. All in violation of Title 18, United States Code, sections 2 and 1001.

COUNT SEVEN

(18 U.S.C. §§ 2, 1001 - Causing False Statement)

1. The General Allegations are incorporated in this count.
2. Overt Acts 4 through 6 are incorporated in this count.
3. On July 15, 2003, in the Eastern District of Michigan, in a matter within the jurisdiction of the executive branch of the government of the United States, defendants GEOFFREY FIEGER and VERNON JOHNSON knowingly and willfully caused the submission of a materially false, fictitious, and fraudulent statement and representation, in that the defendants caused the Edwards for President campaign committee unwittingly to file a materially

false quarterly report with the Federal Election Commission, which falsely showed that individuals, including non-attorney employees of the Corporation and their spouses as well as children of attorneys, had contributed \$2,000 each to the Edwards for President committee, when in fact the contributions were made by the Corporation and by the defendants.

4. All in violation of Title 18, United States Code, sections 2 and 1001.

COUNT EIGHT

(18 U.S.C. §§ 2, 1001 - Causing False Statement)

1. The General Allegations are incorporated in this count.
2. Overt Acts 7 through 12 are incorporated in this count.
3. On October 15, 2003, in the Eastern District of Michigan, in a matter within the jurisdiction of the executive branch of the government of the United States, defendant GEOFFREY FIEGER knowingly and willfully caused the submission of a materially false, fictitious, and fraudulent statement and representation, in that the defendant caused the Edwards for President campaign committee unwittingly to file a materially false quarterly report with the Federal Election Commission, which falsely showed that individuals, including long-time friends of defendant Fieger and the spouses and family members of those friends, had contributed

\$2,000 each to the Edwards for President committee, when in fact the contributions were made by the Corporation and by defendant FIEGER.

4. All in violation of Title 18, United States Code, sections 2 and 1001.

COUNT NINE

(18 U.S.C. §§ 2, 1001 - Causing False Statement)

1. The General Allegations are incorporated in this count.
2. Overt Acts 13 through 15 are incorporated in this count.
3. On February 20, 2004, in the Eastern District of Michigan, in a matter within the jurisdiction of the executive branch of the government of the United States, defendant GEOFFREY FIEGER knowingly and willfully caused the submission of a materially false, fictitious, and fraudulent statement and representation, in that the defendant caused the Edwards for President campaign committee unwittingly to file a materially false quarterly report with the Federal Election Commission, which falsely showed that individuals, including third-party vendors of services to defendant Fieger and the Corporation, had contributed \$2,000 each and two individuals had contributed \$1,500 each to the Edwards for President committee, when in fact the contributions were made by the Corporation and by defendant FIEGER.

4. All in violation of Title 18, United States Code, sections 2 and 1001.

COUNT TEN

(18 U.S.C. §1503 - Obstruction of Justice)

1. The General Allegations are incorporated in this count.
2. On May 18, 2005, a federal grand jury in the Eastern District of Michigan began an investigation into violations of federal criminal law by defendant GEOFFREY FIEGER and others, including whether defendant FIEGER and others had made illegal campaign contributions to the Edwards for President committee.
3. At all times relevant to this count, it was material to the grand jury investigation whether Corporation money had been used to provide funds for contributions to the Edwards for President committee, whether defendant FIEGER had caused certain contributions to the Edwards for President committee, and whether defendant FIEGER acted willfully.
4. On November 29, 2005, the federal grand jury issued approximately 40 grand jury subpoenas to individuals, most of whom had been used by defendant FIEGER and others as straw donors, commanding them to testify before the grand jury and to produce documents relating to any political contributions.

5. On November 30, 2005, the federal grand jury issued a grand jury subpoena commanding the Corporation to produce certain documents to the grand jury (the "First Subpoena"). Among other things, the subpoena required production of "documents relating to any political candidates, whether for federal, state or local office." The subpoena defined documents to include "writings or records of every kind or character," and the subpoena specifically mentioned e-mail, memoranda, summaries, and accounting and financial records such as checks. The subpoena required the Corporation to produce any documents in the Corporation's possession, custody, or control.
6. On November 30, 2005, Special Agents of the Federal Bureau of Investigation and the Internal Revenue Service Criminal Investigation Division executed a search warrant in the accounting department of the Corporation searching for, among other things, evidence of whether defendant FIEGER and others had used Corporation money to make illegal campaign contributions to the Edwards for President committee. The searching agents left at the Corporation a copy of the search warrant, which identified making false statements and illegal campaign contributions as among the offenses under investigation.
7. On January 26, 2006, the federal grand jury issued a grand jury subpoena

commanding the Corporation to produce certain documents to the grand jury (the "Second Subpoena"). The Second Subpoena sought the same documents as the First Subpoena.

8. From November 30, 2005, through the present, in the Eastern District of Michigan and elsewhere, defendant GEOFFREY FIEGER knowingly and corruptly influenced, obstructed and impeded, and endeavored to influence, obstruct and impede, the due administration of justice, in that, being aware that a grand jury in the Eastern District of Michigan was investigating illegal campaign contributions caused by defendant FIEGER and others to the Edwards for President committee, defendant FIEGER engaged in a course of conduct to conceal incriminating information and provide false exculpatory information to the grand jury.

a. The course of conduct included defendant FIEGER's attempt to shift responsibility for the conduit and corporate contributions to a deceased officer of the Corporation, J.K. To wit:

i. On November 30, 2005, defendant FIEGER was interviewed by an agent of the Federal Bureau of Investigation. During the interview, defendant FIEGER was asked questions about contributions his employees had made to the Edwards for

President committee and whether those contributions had been reimbursed. Defendant FIEGER falsely stated to the agent that the person who could provide information about the contributions to the Edwards for President committee was J.K., whom defendant FIEGER knew was then deceased.

- ii. In December 2005, defendant FIEGER led a meeting of various employees of the Corporation whom he knew and believed had been subpoenaed or would be subpoenaed to testify before the grand jury, during which meeting defendant FIEGER made false statements implying that the person responsible for the contributions to the Edwards for President committee was J.K.
- b. The course of conduct further included defendant FIEGER's attempt to provide false exculpatory information to the grand jury that the contributions of at least two straw donors had been made by those straw donors of their own accord rather than because of a solicitation and assurance by FIEGER that he or the Corporation would fund the contributions, to wit:
 - i. In December 2005, defendant FIEGER corruptly made statements to third-party vendor S.G. falsely suggesting that

S.G. had contributed to the Edwards for President committee without solicitation or assurance of payment from defendant FIEGER. Defendant FIEGER made those statements with the intent that S.G. would provide that same information to law enforcement authorities and in all official proceedings concerning this matter, when as defendant FIEGER well knew, he had caused S.G. to contribute to the Edwards for President committee and had convinced S.G. to contribute by promising to fund his contribution.

- ii. In March 2006, defendant FIEGER corruptly made statements to third-party vendor W.W. falsely suggesting that W.W. had contributed to the Edwards for President committee without solicitation or assurance of payment from defendant FIEGER. Defendant FIEGER made those statements with the intent that W.W. would provide that same information to law enforcement authorities and in all official proceedings concerning this matter, when, as defendant FIEGER well knew, he had caused W.W. to contribute to the Edwards for President committee and had obtained W.W.'s willingness to contribute by promising

to fund her contribution.

- c. The course of conduct further included defendant FIEGER's attempt to conceal an incriminating document from the grand jury. To wit, in January 2006, defendant GEOFFREY FIEGER corruptly attempted to persuade T.W. to withhold an incriminating document from the grand jury which was investigating the conduct of defendant FIEGER. On October 30, 2000, T.W. had written a memorandum to defendant FIEGER, which memorandum had informed defendant FIEGER that certain fund-raising practices in which he had engaged were likely a violation of law. In January 2006, while discussing with defendant FIEGER the subpoenas which had been served on the Corporation and on T.W. and which demanded that the Corporation and T.W. produce all records in their custody pertaining to political contributions, T.W. reminded defendant FIEGER about the existence of the October 30, 2000, memorandum. Defendant FIEGER corruptly instructed T.W. that T.W. need not disclose the memorandum in response to the subpoenas, even though this memorandum was clearly required to be produced by the subpoena to the Corporation. Defendant FIEGER also directed T.W. to "let me know if this sees the light of day."

9. All in violation of Title 18, United States Code, Section 1503(a).

THIS IS A TRUE BILL

s/GRAND JURY FOREPERSON

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Chief, Public Integrity Section

ALAN GERSHEL
Acting U.S. Attorney

s/M. KENDALL DAY
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