

Ralph Chamness
Chief Deputy
Civil Division



Jeffrey William Hall
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DISTRICT ATTORNEY
SALT LAKE COUNTY
SIM GILL

For Immediate Release: December 12, 2013

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Salt Lake City, UT -- Today, the Salt Lake County District Attorney's Office and the Davis County Attorney's Office, in their ongoing investigation pertaining to allegations of wrongdoing related to the Utah Attorney General's Office, filed criminal charges against Timothy Lawson. Mr. Lawson was charged with one count of racketeering, two counts of tax evasion, one count of witness retaliation and two counts of obstruction of justice. The charges in the accompanying Information constitute Second and Third Degree Felonies, each of which are punishable by maximum prison terms of 15 years and five years respectively.

Both the Salt Lake County District Attorney and the Davis County Attorney appreciate and commend the hard work and professionalism of the Utah Department of Public Safety and the Federal Bureau of Investigation in this ongoing investigation.

All persons accused of a crime are presumed innocent unless and until proven guilty in a court of law.

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

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| THE STATE OF UTAH | Screened by: SIM GILL and TROY RAWLINGS Assigned to: CHOU CHOU COLLINS, B. FRED BURMESTER and DARCY GODDARD |
| Plaintiff, | |
| vs. | |
| TIMOTHY WILLIAM LAWSON DOB: 08/25/1964, AKA: 766 East 2950 North Provo, UT 84604 D.L.# 148235917 OTN SO# | INFORMATION |
| Defendant. | DAO # 13026985 ECR Status: NON-ECR Initial Appearance: Bail: \$250,000 Warrant/Release: NOT-BOOKED |
| | Case No. |

The undersigned Scott Nesbitt - UTAH DEPARTMENT OF PUBLIC SAFETY and Jon Isakson, FEDERAL BUREAU INVESTIGATIONS, Agency Case No. 12DPS0570, upon a written declaration states on information and belief that the defendant, TIMOTHY WILLIAM LAWSON, committed the crime(s) of:

COUNT 1

PATTERN OF UNLAWFUL ACTIVITY, 76-10-1603 UCA, Second Degree Felony, as follows:
That on or about January 01, 2008 through September, 2013, in Salt Lake County, State of Utah, the defendant did, (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, 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

TAX VIOLATION, 76-8-1101(1)(d) UCA, Second Degree Felony, as follows: That on or about July 22, 2010 through 2011, in Salt Lake County, State of Utah, the defendant did intentionally or willfully attempt to evade or defeat any tax, fee, or charge as defined in Utah Code 59-1-401 or the payment of a tax, fee, or charge as defined in Section 59-1-401.

COUNT 3

TAX VIOLATION, 76-8-1101(1)(c) UCA, Third Degree Felony, as follows: That on or about July 22, 2010 through 2011, in Salt Lake County, State of Utah, the defendant did , with intent to evade any tax, fee, or charge as defined in Utah Code 59-1-401 or requirement of Utah Code Title 59, or any lawful requirement of the State Tax Commission, fail to make, render, sign, or verify any return or to supply any information within the time required by law, or made, rendered, signed, or verified any false or fraudulent return or statement, or supplied any false or fraudulent information.

COUNT 4

RETALIATION AGAINST A WITNESS, VICTIM, OR INFORMANT, 76-8-508.3 UCA, Third Degree Felony, as follows: That on or about December 16, 2009, in Salt Lake County, State of Utah, the defendant did, believing that an official proceeding or investigation was pending, was about to be instituted, or had been concluded,

(a) (i) make a threat of harm; or

(ii) cause harm; and

(b) directed the threat or action:

(i) against a witness or an informant regarding any official proceeding, a victim of any crime, or any person closely associated with a witness, victim, or informant; and

(ii) as retaliation or retribution against the witness, victim, or informant.

COUNT 5

OBSTRUCTING JUSTICE, 76-8-306(1) UCA, Third Degree Felony, as follows: That on or about March 04, 2013 at 5272 South College Drive Murray, in Salt Lake County, State of Utah, the defendant 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, 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.

COUNT 6

OBSTRUCTING JUSTICE, 76-8-306(1) UCA, Third Degree Felony, as follows: That on or about August 27, 2013 at 5425 West Amelia Earhart Drive, in Salt Lake County, State of Utah, the defendant 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, 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.

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

Scott Nesbitt, Che Arguello, Timothy Bell, Paul Benson, James Bramlette, Edward Donner, Judee Donner, Tracy Fox, Doloris Furniss, Jon Isakson, Marc Jenson, Stori Jenson, Darl McBride, Heidi Ransdell, Scott Reed, Mark Robbins, Paul Ruffino, Candace Salima, Steve Sperry, Robert Stahura, Michael Staisil, Kirk Torgensen, Peter Torres, Sanitha Ulsh, Richard Valvo, Kenneth Wallentine

DECLARATION OF PROBABLE CAUSE:

Your affiants base probable cause upon the following:

1. From at least 2008 through 2013, Defendant TIMOTHY WILLIAM LAWSON has been employed by or associated with a group of individuals to conduct or participate, directly or indirectly, in a pattern of unlawful activity. The individuals, entities, acts, underlying cases, or proceeds have jurisdictional ties to Salt Lake County, Utah. The activities include allegations of multiple instances of retaliating against witnesses, witness tampering, obstructing justice, bribery, falsifying tax information to conceal income, and failing to pay taxes.
2. On August 10, 2005, the Utah Attorney General's Office in Salt Lake County filed an Information against Marc Sessions Jenson, charging him with, among other things, Securities Fraud and Pattern of Unlawful Activity (Third District Court Case Number 051905391).
3. Defendant LAWSON thereafter represented himself to Marc Jenson as a close friend of then Utah Attorney General, Mark Shurtleff.

4. In February 2008, Defendant LAWSON sent an email to the Utah Attorney General, Mark Shurtleff, outlining the terms of a proposed plea agreement in the Marc Jenson case, without the assigned prosecutor's knowledge.

5. During 2008, then Utah Attorney General Mark Shurtleff himself arranged a plea-in-abeyance agreement in the Marc Jenson case. The terms of the Shurtleff-arranged plea agreement were so lenient that the assigned attorney communicated her concerns to her superiors and was relieved of the case. The plea offer was presented to the Court by another prosecutor and Judge Reese rejected the no contest plea-in-abeyance because it made no provisions for restitution.

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

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

8. From January 30, 2009, to November 20, 2009, while under probation on the above-mentioned criminal case with the Utah Attorney General's Office, Marc Jenson continued to pay LAWSON approximately \$120,000.00 to gain access to then Utah Attorney General Mark Shurtleff and to influence, on Jenson's behalf, potential witnesses and/or victims in Jenson's criminal cases and/or anticipated civil litigation.

9. Marc Jenson paid Defendant LAWSON the \$120,000.00 in at least 18 separate payments, which were deposited into the bank accounts of Apple Dumpling Gang, LLC, and Slipstream, LLC, companies owned by LAWSON. Defendant LAWSON neither (a) disclosed these payments as income for 2009 and/or 2010 tax years on his business or individual returns filed in Salt Lake County with the Utah State Tax Commission; nor (b) paid any taxes on that money as required by Utah law.

10. Marc Jenson failed to pay restitution requested by his May 29, 2008, plea-in-abeyance agreement in his criminal case (Third District Court Case Number 051905391). As a result, on November 3, 2011, Third District Court Judge Reese revoked Jenson's probation and sent him to Prison.

11. In or about October 2007, Dr. Edward Jeffrey Donner of Fort Collins, Colorado, learned – through a business acquaintance, Timothy Bell – that Marc 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 Jensons regarding the potential Mount Holly investment.

12. On December 21, 2007, the Donners decided to purchase a Mount Holly membership and wired \$400,000.00 to the Mount Holly MMA account number 70650749 at American National Bank, in Colorado Springs, Colorado. Subsequently, 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.

13. In or about June 2008, Edward Donner did some checking on Marc 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 that his money be returned.

14. 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, Defendant LAWSON, with the intent to induce or otherwise cause Edward Donner to withhold testimony, information, document(s), or item(s) and believing that an official proceeding or investigation was pending or about to be instituted, and/or to prevent an official proceeding or investigation, began contacting Edward Donner via emails, text messages, and phone calls.

15. 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.

16. Defendant LAWSON sent several aggressive text messages and emails to Edward Donner and tried to deter him from pursuing the recovery of his investment. On or about December 16, 2009, Defendant 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.

17. On or about April 30, 2009, Marc Jenson paid Defendant LAWSON one of the 18 payments, approximately \$6,190.00, to arrange trips for Mark Shurtleff and John Swallow to

Pelican Hill, a high-end resort in California. Defendant LAWSON arranged at least one of the Pelican Hill trips for Mark Shurtleff, using Defendant LAWSON's own name and paying for the airplane tickets with money provided by Marc Jenson and/or his staff.

18. According to receipts provided and paid by Marc Jenson, at various times, between May 2009 and July 2009, Mark Shurtleff, John Swallow, Suzanne Swallow, Nicole Lawson, Chelsea Lawson, Defendant LAWSON, and others all stayed at the Pelican Hill resort in California where Marc Jenson was staying at the time. Based on the receipts and witness statements, Marc Jenson paid for lodging and expenses such as massages, golf, food, and clothing items at the luxury resort for all of the above-mentioned individuals while he was on probation for his criminal case with the Utah Attorney General's Office (Third District Court Case Number 051905391).

19. Mark Robbins, an individual who was trying to put together "deals," as well as allegedly including a multi-million dollar development known as Whitewater VII (a development including UTA and FrontRunner Stations in Draper), was also present on at least one of the occasions and had meetings with Mark Shurtleff, John Swallow, and Marc Jenson at Pelican Hill Resort.

20. Darl McBride made two loans of \$100,000.00 each to Mark Robbins, who promised to repay them. Alison Robbins, Mark Robbins' wife, issued a check in the amount of \$105,000.00 to Darl McBride. The check was returned for insufficient funds. In March 2009, Darl McBride filed a civil lawsuit against Alison Robbins regarding the \$105,000.00 bad check. Mark and Alison Robbins had allegedly fled to California and their exact location was unknown at that time to Darl McBride.

21. Feeling defrauded by the Robbinses, McBride created a website at the domain name skylinecowboy.com, for the purpose of offering a reward for information about the Robbinses' whereabouts so he could have his Complaint served. McBride then provided information to KSL News regarding Mark Robbins's involvement in the Whitewater VII development related to UTA. As a result of the information provided by McBride, KSL did a story regarding this incident.

22. Before skylinecowboy.com was published and immediately after the KSL News story broke, Defendant LAWSON called McBride. Defendant LAWSON stated he was speaking on behalf of then Attorney General Mark Shurtleff and that Shurtleff wanted McBride to back off of Robbins. McBride told Defendant LAWSON that he was not going to back off, and McBride

published skylinecowboy.com with a link to the KSL News story in connection with Whitewater VII.

23. Defendant LAWSON then called McBride again and told him to take skylinecowboy.com down. Defendant LAWSON stated that, if McBride would not back off Robbins and take the website down, McBride would be sitting in jail for a long time because Shurtleff had “things” on McBride. Defendant LAWSON further told McBride that Defendant LAWSON was like “Porter Rockwell” and that he took care of things for then Attorney General Mark Shurtleff. Defendant LAWSON also stated that he had guns and “Polynesian friends” who liked to “bust people up.” McBride received those telephone calls from Defendant LAWSON in 2009, in Salt Lake County.

24. After receiving the above threats in 2009, Darl McBride contacted the Utah Attorney General’s Office and complained that he had received threats from Defendant LAWSON, who was using the name of the Attorney General Mark Shurtleff.

25. Shortly thereafter, McBride received a call from Attorney General Mark Shurtleff. Shurtleff requested a meeting with McBride. They met at Mimi’s Café on May 8, 2009, within days of Attorney General Shurtleff’s returning from Pelican Hill. Shurtleff acknowledged that he knew that Defendant LAWSON used his name and told people he represented Shurtleff. Shurtleff explained that Defendant LAWSON had introduced him to people who became contributors to his campaign and opined to McBride that skylinecowboy.com was “pretty harsh”. During their conversation, Shurtleff acknowledged that what Robbins was doing was a “Ponzi” scheme, but he wanted McBride to back off anyway.

26. During the May 8, 2009, meeting at Mimi’s Café, Shurtleff asked McBride “What can I do?” McBride responded that he needed \$2 million. Shurtleff replied that he was going to meet with Marc Jenson and Shurtleff would ask Jenson if he would pay \$2 million on behalf of Robbins.

27. Approximately a month after the Mimi’s Café meeting, Mark Shurtleff and John Swallow together met with Marc Jenson in California at the Pelican Hill Resort. According to Marc Jenson, Shurtleff told Marc Jenson to give \$2 million to Defendant LAWSON so he could pay McBride to back off of Robbins. At the time Shurtleff asked Marc Jenson to pay \$2 million to McBride, Jenson still owed over \$4 million in restitution to victims as part of the Shurtleff-brokered plea-in-abeyance. Jenson eventually went to Prison for not paying his restitution in that

case. In 2009, while Marc Jenson was paying Defendant LAWSON, Jenson also sent approximately \$170,000 in multiple payments to Mark Robbins and Alison Robbins.

28. In 2009, Mark Shurtleff was running for U.S. Senate. John Swallow was a primary fundraiser for Mark Shurtleff. Later Shurtleff withdrew from the U.S. Senate race and hired Swallow as the Chief Deputy over the Civil Division of the Utah Attorney General's Office.

29. On March 2, 2010, Kirk Torgenson, Chief Deputy of the Criminal Division of the Utah Attorney General's Office, sent an email to John Swallow, then Chief Civil Deputy, communicating his concerns about Defendant LAWSON, who was a longtime associate of both Attorney General Mark Shurtleff and John Swallow. Torgenson wrote: "Lawson is the guy that is going to bring the house of cards down."

30. Defendant LAWSON has maintained his relationship with Swallow since they both went to Pelican Hill in 2009. From April 2009 to March 2013, there were approximately 680 calls or text messages between Swallow and Defendant LAWSON. In addition to the 680 calls or text messages initially discovered up to March 2013, more recent evidence shows text messages continued until at least September 2013 between LAWSON and Swallow. Those text messages discussed various matters including the holidays, the 2012 election, the FBI investigation, and possible wire-tapping of Defendant LAWSON's phone.

31. Starting in 2011, the Utah Attorney General's Office was investigating Defendant LAWSON in connection with LAWSON's dealings with Edward Donner. LAWSON initially declined the request for an interview from attorneys with the Attorney General's Office. In May 2012, the Attorney General's Office conflicted out only the LAWSON investigation to the Utah Department of Public Safety.

32. In January 2013, John Swallow was sworn in as Utah Attorney General.

33. In February 2013, Chief Deputy Attorney General Kirk Torgenson contacted the Davis County Attorney's Office expressing concerns about the involvement of Defendant LAWSON with witnesses and victims. Shortly after, Torgenson received a phone message from Defendant LAWSON.

34. On March 4, 2013, Torgenson returned Defendant LAWSON's call. The call was made from 5272 South College Drive #200 in Murray, Salt Lake County, Utah. During the call,

Defendant LAWSON gave Torgensen false information concerning multiple material aspects of the investigation, including relationships, facts, witnesses, and suspect activities.

35. On August 27, 2013, Defendant LAWSON was interviewed by FBI agents at 5425 South Amelia Earhart Drive in Salt Lake County, Utah. Defendant LAWSON gave the agents false information regarding multiple material aspects of the investigation

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.

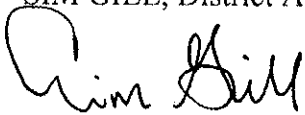
Executed on: _____

Scott Nesbitt
Declarant

Jon Isakson
Declarant

Authorized for presentment and filing

SIM GILL, District Attorney





Deputy District Attorney
12th day of December, 2013
MAH / / DAO # 13026985

SO # OTN
DAO # 13026985

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

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| <p>THE STATE OF UTAH, Plaintiff, vs. TIMOTHY WILLIAM LAWSON DOB: 08/25/1964, 766 East 2950 North Provo, UT 84604 AKA: SS# 345687744 Defendant.</p> | <p>Before: _____ Magistrate WARRANT OF ARREST Case No. _____</p> |
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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 Scott Nesbitt - UTAH DEPARTMENT OF PUBLIC SAFETY, and Jon Isakson - FEDERAL BUREAU INVESTIGATIONS, Agency Case No. 12DPS0570, 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, Second Degree Felony, TAX VIOLATION, Second Degree Felony, TAX VIOLATION, Third Degree Felony, RETALIATION AGAINST A WITNESS, VICTIM, OR INFORMANT, Third Degree Felony, OBSTRUCTING JUSTICE, Third Degree Felony, OBSTRUCTING JUSTICE, Third Degree Felony, has been committed, and that TIMOTHY WILLIAM LAWSON has committed them.

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 _____ day of __December__ A.D. _2013_.

This Warrant may be served day or night.

MAGISTRATE

SERVED DATE: _____ BY _____

STATE vs TIMOTHY WILLIAM LAWSON
DAO # 13026985
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OTHER PENDING CASES FOR THE DEFENDANT

| <u>Court</u> | <u>Court Case #</u> | <u>Trial Judge</u> | <u>DAO#</u> | <u>Charge</u> |
|--------------|---------------------|--------------------|-------------|---------------|
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