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CENTRAL DISTRICT OF CALIF.
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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2007 Grand Jury

UNITED STATES OF AMERICA,)	CR 08 CR08-00872
)	
Plaintiff,)	<u>I N D I C T M E N T</u>
)	
v.)	[18 U.S.C. § 371: Conspiracy;
)	2 U.S.C. §§ 437g(d), 441f:
PIERCE O'DONNELL,)	Illegal Campaign Contributions;
)	18 U.S.C. § 1001: False
Defendant.)	Statement; 18 U.S.C. § 2(b):
)	Causing an Act to be done]
)	
)	

The Grand Jury charges:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

A. Federal Election Laws

1. The Federal Election Campaign Act ("FECA") governed candidates for Federal office and the political committees that received contributions on their behalf.

2. FECA defined "Federal office" as the office of President or Vice President of the United States or Senator or Representative in the United States Congress.

1 3. FECA defined "political committee" as a committee, club,
2 association or other group of persons that receives contributions
3 aggregating in excess of \$1,000 during a calendar year or that
4 makes expenditures aggregating in excess of \$1,000 during a
5 calendar year.

6 4. FECA defined "election" to include a general, special,
7 primary, or runoff election and a convention or caucus of a
8 political party with authority to nominate a candidate.

9 5. FECA defined "principal campaign committee" as a
10 political committee designated and authorized by a candidate for
11 Federal office. FECA required that a candidate for Federal
12 office designate a principal campaign committee.

13 6. Under FECA, a candidate for Federal office who received
14 contributions or made disbursements for his or her campaign was
15 deemed an agent of the candidate's authorized political
16 committee(s).

17 7. FECA required each political committee to have a
18 treasurer who was required to file periodic reports with the
19 Federal Election Commission identifying, among other things,
20 persons whose contributions aggregated in excess of \$200 within
21 the calendar year (or per election cycle in the case of
22 authorized committees of a candidate for Federal office) by name,
23 address, and occupation and the contributions provided by those
24 contributors by date and amount.

25 8. FECA defined a "contribution" as, among other things,
26 any gift, loan, advance, or deposit of money or anything of value
27 made by any person for the purpose of influencing any election
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1 for Federal office.

2 9. FECA defined an "authorized committee" as the principal
3 campaign committee or any other political committee authorized,
4 in writing, by a candidate for a Federal office to receive
5 contributions or make expenditures on behalf of such candidate.

6 10. FECA prohibited the following:

7 a. An individual from making a contribution, or
8 contributions, that in the aggregate exceeded \$2,000, to any
9 candidate and the candidate's authorized political committees
10 with respect to any election for federal office; and

11 b. An individual from making a contribution in the
12 name of another person or knowingly permitting his name to be
13 used to effect such a contribution (the person in whose name such
14 a contribution is made is known as a "conduit contributor").

15 B. Parties and Entities

16 11. EFP was an authorized political committee of a
17 candidate for Federal office.

18 C. Incorporation By Reference

19 12. These General Allegations are incorporated by reference
20 into each and every count of this Indictment.

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COUNT ONE

[18 U.S.C. § 371, 2 U.S.C. §§ 437g(d), 441f]

A. THE OBJECT OF THE CONSPIRACY

Beginning in or after February 2003 and continuing to on or about April 21, 2003, in Los Angeles County, within the Central District of California, defendant PIERCE O'DONNELL ("O'DONNELL"), unindicted co-conspirator D.V., and others known and unknown to the Grand Jury, knowingly and willfully conspired and agreed to make conduit contributions that aggregated more than \$10,000 within a calendar year, that is, contributions in the names of others, in violation of 2 U.S.C. §§ 437g(d) and 441f.

B. MEANS BY WHICH THE OBJECT OF THE CONSPIRACY WAS TO BE ACCOMPLISHED

1. Defendant O'DONNELL would solicit individuals to make contributions to EFP, and would inform such individuals that he would reimburse their contributions.

2. Defendant O'DONNELL would instruct and cause unindicted co-conspirator D.V. to solicit employees of his law firm and other individuals to make contributions to EFP that he would reimburse.

3. Defendant O'DONNELL and unindicted co-conspirator D.V. would inform prospective conduit contributors that they would be reimbursed for their contributions to EFP.

1 4. Defendant O'DONNELL and unindicted co-conspirator D.V.
2 would collect and receive contributions to EFP from the
3 individuals who they solicited (hereafter the "conduit
4 contributors") and cause their contributions to be received by
5 EFP.

6 5. Unindicted co-conspirator D.V. would write out and
7 defendant O'DONNELL would sign bank checks drawn on the account
8 of defendant O'DONNELL reimbursing the conduit contributors for
9 their contributions to EFP.

10 6. Unindicted co-conspirator D.V. would deliver bank checks
11 drawn on defendant O'DONNELL'S account and signed by defendant
12 O'DONNELL in order to reimburse the conduit contributors for
13 their contributions to EFP.

14 C. OVERT ACTS

15 From on or about March 1, 2003 through on or about April 21,
16 2003, in furtherance of the conspiracy and to accomplish the
17 object of the conspiracy, defendant O'DONNELL, unindicted co-
18 conspirator D.V., and others known and unknown to the Grand Jury,
19 committed and caused to be committed various overt acts in Los
20 Angeles County and elsewhere, within the Central District of
21 California, including, but not limited to, the following:

22 1. Unindicted co-conspirator D.V. solicited M.S. to make a
23 contribution to EFP.

24 2. Unindicted co-conspirator D.V. solicited H.S. to make a
25 contribution to EFP.

26 3. Defendant O'DONNELL and unindicted co-conspirator D.V.
27 caused H.E. to make a \$2,000 contribution to EFP.

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1 4. Defendant O'DONNELL and unindicted co-conspirator D.V.
2 caused B.R. to make a \$2,000 contribution to EFP.

3 5. Defendant O'DONNELL and unindicted co-conspirator D.V.
4 caused E.L. to make a \$2,000 contribution to EFP.

5 6. Defendant O'DONNELL caused M.O. to make a \$2,000
6 contribution to EFP.

7 7. Defendant O'DONNELL caused H.W. to make a \$2,000
8 contribution to EFP.

9 8. Unindicted co-conspirator D.V. wrote out a bank check
10 bearing number 2444 in the amount of \$8,000 drawn on defendant
11 O'DONNELL'S bank account in order to reimburse conduit
12 contributions to EFP.

13 9. Defendant O'DONNELL signed a bank check bearing number
14 2445 in the amount of \$4,000 drawn on defendant O'DONNELL'S bank
15 account in order to reimburse conduit contributions to EFP.

16 10. Defendant O'DONNELL caused a bank check bearing
17 number 2446 to be issued in the amount of \$4,000 drawn on
18 defendant O'DONNELL'S bank account in order to reimburse conduit
19 contributions to EFP.

20 11. Unindicted co-conspirator D.V. wrote out a bank check
21 bearing number 2448 in the amount of \$4,000 drawn on defendant
22 O'DONNELL'S bank account in order to reimburse conduit
23 contributions to EFP.

24 12. Defendant O'DONNELL signed a bank check bearing number
25 2450 in the amount of \$2,000 drawn on defendant O'DONNELL'S bank
26 account in order to reimburse a conduit contribution to EFP.

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COUNT TWO

[2 U.S.C. §§ 441f, 437g(d); 18 U.S.C. § 2(b)]

On or about the dates listed below, in Los Angeles County, within the Central District of California, defendant PIERCE O'DONNELL, through his agents and employees, knowingly and willfully made, and caused to be made, contributions in the names of other persons that aggregated more than \$10,000 during the 2003 calendar year. More specifically, defendant O'DONNELL knowingly and willfully caused other persons to contribute to EFP, an authorized political committee supporting the election of a candidate for President of the United States, and advanced to those persons and reimbursed those persons a total of more than \$10,000 for their contributions:

<u>Date</u>	<u>Contribution Amount</u>	<u>Conduit Contributor</u>
3/27/03	\$2,000	B.R.
3/27/03	\$2,000	R.V.
3/31/03	\$2,000	E.L.
3/31/03	\$2,000	A.L.
3/31/03	\$2,000	J.F.
3/31/03	\$2,000	R.F.
3/31/03	\$2,000	J.R.
3/31/03	\$2,000	C.A.
3/31/03	\$2,000	H.E.
3/31/03	\$2,000	E.O.
3/31/03	\$2,000	M.O.
3/31/03	\$2,000	H.W.
3/31/03	\$2,000	G.W.

COUNT THREE

[18 U.S.C. § 1001; 18 U.S.C. § 2(b)]

In or about April 2003, in Los Angeles County, within the Central District of California, in a matter within the jurisdiction of the executive branch of the Government of the United States, namely, the Federal Election Commission, defendant PIERCE O'DONNELL knowingly and willfully caused the treasurer of EFP, an authorized political committee supporting the election of a candidate for President of the United States, to make a materially false statement, namely, that certain individuals, including B.R., H.E., and E.L., had each made a \$2,000 contribution to EFP, when, in fact, as defendant O'DONNELL well knew, defendant O'DONNELL had made those contributions by providing his money to those individuals, including B.R., H.E., and E.L., to make those contributions.

A TRUE BILL

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Foreperson

THOMAS P. O'BRIEN
United States Attorney

David J. ... Asst U.S. Atty
Deputy Chief, Criminal Division, FOR:
CHRISTINE C. EWELL
Assistant United States Attorney
Chief, Criminal Division

JOSEPH O. JOHNS
Assistant United States Attorney
Chief, Environmental Crimes Section

DENNIS MITCHELL
Assistant United States Attorney
Environmental Crimes Section