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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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UNITED STATES OF AMERICA,	:	CASE NO. 1:20-CR-0077
	:	
Plaintiff,	:	JURY TRIAL, DAY 9
vs.	:	
	:	9th of February, 2023
LARRY HOUSEHOLDER, et al.	:	
	:	
Defendant.	:	

- - -

**TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE TIMOTHY S. BLACK, JUDGE**

- - -

APPEARANCES:

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1 For the Defendant, Matthew Borges:

2 Karl Herbert Schneider, Esq.
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5 Also present: Larry Householder
6 Matthew Borges
7 Blane Wetzel, FBI Special Agent
Kelly Terry, paralegal
PJ Jensen, trial tech

8 Law Clerk: Cristina V. Frankian, Esq.

9 Courtroom Deputy: Rebecca Santoro

10 Stenographer: Lisa Conley Yungblut, RDR, RMR, CRR, CRC
11 United States District Court
12 100 East Fifth Street
13 Cincinnati, Ohio 45202

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Proceedings recorded in stenotype.

Transcript produced with computer-aided transcription.

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(Proceedings held in open court at 9:29 a.m.)

THE DEPUTY: All rise. This United States District Court for the Southern District of Ohio is now in session, The Honorable Timothy S. Black, District Judge, presiding.

THE COURT: Good morning, please be seated. Here in the open courtroom on the record, awaiting the jury. It's 9:30, I appreciate everybody being timely. All teams are here. Before we get started, I've been advised that there has been some occasional chatter coming from the gallery which has been distracting to others. So if you're seated in the gallery, you need to remain silent while court is in session. As a reminder, there's an overflow room on the third floor.

Are we ready for the jury from the government's perspective?

MS. GLATFELTER: Yes, Your Honor. Thank you.

THE COURT: And from Mr. Householder's?

MR. GLICKMAN: Yes, Judge.

MR. SCHNEIDER: Yes.

THE COURT: Yes, sir. We're ready, let's call for the jurors.

(Pause.)

THE DEPUTY: All rise for the jury.

(Jury entered the courtroom at 9:31 a.m.)

1 THE COURT: Jurors can be seated as they join us.
2 You may all be seated. Thank you. To the 14 jurors who
3 have rejoined us this morning, top of the morning to you.
4 Everybody has tested negative. Thank you for testing.
5 Everybody has got on an N95, and this is an important day,
6 as all days are. So we appreciate your close attention.

7 If the agent would be willing to retake the stand, and,
8 Ms. Glatfelter, you can begin your examination when the
9 agent is seated and you all are ready.

10 (Witness took the stand.)

11 MS. GLATFELTER: Good morning, Agent Wetzel.

12 THE WITNESS: Good morning.

13 **DIRECT EXAMINATION (Continued.)**

14 **BY MS. GLATFELTER:**

15 **Q** I believe where we left off yesterday, we were looking
16 at bank records for a 164 -- 614 Solutions account; do you
17 remember that?

18 **A** Yes, ma'am, I do.

19 MS. GLATFELTER: Okay. Your Honor, if we may
20 continue publishing Exhibit 821?

21 THE COURT: Yes.

22 MS. GLATFELTER: 821. Okay. There we go.

23 **Q** All right. Agent Wetzel, can you remind us who the
24 signatory on the 614 Solutions account is?

25 **A** Juan Cespedes.

1 Q And I believe we left off around page 5 of these
2 records. And we were talking about this check to the 614
3 Solutions account?

4 A Yes, I recall that.

5 Q Okay. And, Agent Wetzel, did you investigate where
6 this -- where the -- who the payor was for this check, where
7 the check came from?

8 A Yes. Listed just behind the block of redaction that
9 you see there is the -- it's digits 4415, and that is the
10 checking account of 17 Consulting Group.

11 MS. GLATFELTER: All right. Ms. Terry, if we can
12 keep these records up on the left side of the screen.

13 And, Your Honor, may we publish what's been admitted as
14 132, which are the 17 C banking records?

15 THE COURT: Yes.

16 MS. GLATFELTER: And, Ms. Terry, if we can advance
17 to page 62.

18 Q Okay. Agent Wetzel, do you see a correlation anywhere
19 between the exhibit on the left from 614 Solutions and the
20 17 C -- or 17 Consulting account?

21 A Yes. It's the same check. Both the sending and
22 receiving bank will keep a copy for the reference.

23 Q Okay. And can you circle the check that you're
24 referring to?

25 A (Witness writing.)

1 Q And what was the date on the check?

2 A The 16th of September 2019.

3 Q And how does that relate to the date when Mr. Fehrman
4 received his check from Borges?

5 A It's a few days after.

6 MS. GLATFELTER: Okay. And if we can advance on
7 the left, Ms. Terry, to page 11. And on the right exhibit,
8 Ms. Terry, if we can go forward to page 67.

9 Q All right. Agent Wetzel, were you able to find
10 additional checks from the 614 consulting account that
11 related to the 17 Consulting account?

12 A Yes. There's another check that you see pictured on
13 the left that also appears on the right. It's the fourth
14 check down.

15 Q Okay. And can you circle that check for us?

16 A (Witness writing.)

17 Q And what was the amount of that check?

18 A \$500,000.

19 MS. GLATFELTER: Your Honor, may I please show the
20 witness what's been marked as Government's Exhibit 822?

21 THE COURT: Yes.

22 Q Agent Wetzel, do you recognize 822?

23 A Yes. This is a chart that depicts the payments that
24 were made to Juan Cespedes.

25 Q And how did you prepare this chart?

1 **A** By looking at the bank records like we just did.

2 **Q** And did you review the chart for accuracy before your
3 testimony?

4 **A** Yes, I did.

5 MS. GLATFELTER: Your Honor, permission to admit
6 and publish 822?

7 THE COURT: Any objections?

8 MR. GLICKMAN: No, Judge.

9 MR. SCHNEIDER: None here.

10 THE COURT: It's admitted. You may publish.

11 **Q** Okay. Agent Wetzels, what is the title of the table?

12 **A** Payments to Juan Cespedes.

13 **Q** All right. And can you walk through the table for us?

14 **A** Certainly, so the left most column is the date. Next
15 to it is the payor or basically who's paying. The
16 recipient, who's receiving the money, the account signatory
17 for the recipient is the next column, which is Juan Cespedes
18 as we just discussed, and then there are the amounts that we
19 just discussed, the two checks, and then the exhibit numbers
20 where that data can be found and then there's a total listed
21 at the bottom.

22 **Q** Okay. And what is the total amount of payments that
23 he received from the 17 Consulting Group account?

24 **A** \$600,000.

25 MS. GLATFELTER: All right. Permission to publish

1 Exhibit 180, which has been admitted?

2 THE COURT: Yes.

3 Q All right. And how does the 17 Consulting account
4 relate to the Generation Now account, Agent Wetzel?

5 A It was funded by the Generation Now account.

6 Q Now, you said the total was \$600,000?

7 A Correct.

8 Q Okay. And that occurred over what period of time?

9 A A few months. The first payment was in September and
10 the second payment was in November.

11 Q Now, did -- did you investigate whether Mr. Cespedes
12 received other compensation during this time period?

13 A I did.

14 Q Okay. And what kind of compensation did he receive?

15 A Well, he was being paid for his work lobbying on
16 behalf of FirstEnergy Solutions at that time as well.

17 Q Okay. And so if we return to Exhibit 822, which we
18 were looking at before this exhibit, is that depicted on
19 this chart?

20 A No, ma'am.

21 Q And why not?

22 A It didn't include salaried payments here. This was an
23 attempt to show money that was received, sort of proceeds
24 from activities related to Generation Now. So we didn't
25 include his salary there.

1 **Q** Because it didn't travel through Generation Now?

2 **A** Indeed.

3 **Q** Okay. Now, these are the direct financial benefits.
4 Did you also look at, I guess what we could categorize as
5 indirect benefits, to Mr. Cespedes?

6 **A** I did.

7 **Q** Okay. And can you describe what you considered in
8 that regard?

9 **A** Yeah. There's a lot. So obviously in direct
10 benefits, there's dollars and cents, but there's also
11 indirect benefits for someone who's a lobbyist. For
12 example, ingratiating yourself to someone who is going to be
13 the Speaker of the House for a period of time is a,
14 certainly a value to a lobbyist. Their business is
15 predicated on that. Things of that sort.

16 Sort of meeting people, building relationships with
17 public officials, those kinds of things are things of value
18 to a lobbyist.

19 **Q** And during your investigation, did you find
20 communications from Mr. Cespedes about these indirect
21 benefits?

22 **A** Yes, I did.

23 MS. GLATFELTER: Your Honor, permission to publish
24 what has been admitted as 605 S?

25 THE COURT: Yes.

1 **Q** All right. Agent Wetzel, do you recognize 605 S?

2 **A** Yes. This is a text conversation between Matthew
3 Borges and Juan Cespedes. It was recovered from Mr. Borges'
4 iPhone.

5 MS. GLATFELTER: And, Ms. Terry, if we can go to
6 page 2, please.

7 **Q** All right. And if we can read these messages as we've
8 read the ones prior with you reading the blue boxes.

9 **A** Yes, ma'am. Juan Cespedes: The truth is the
10 relationship with the Speaker and his inner circle and
11 candidates was the true win. It was like a front of the
12 line pass to team SLH.

13 **Q** Matt Borges: Yeah, he called today as a matter of
14 fact.

15 **A** Juan Cespedes: That relationship is going to pay huge
16 dividends going forward and was one I didn't previously
17 have.

18 **Q** All right. And what are the dates of these messages?

19 **A** This is in January of 2020.

20 **Q** Okay. And how does that relate to the passage of HB 6
21 and the referendum period?

22 **A** So it's a few months after the referendum ends.

23 **Q** And how does that relate to the \$600,000 we were
24 talking about?

25 **A** So this is a little over a month after the second

1 transaction that we looked at that occurred in late
2 November, the one for \$500,000.

3 **Q** Now, Agent Wetzel, did you look at payments received
4 by other individuals we've talked about?

5 **A** Yes.

6 **Q** Okay. Did you look at payments received by Matt
7 Borges?

8 **A** I did.

9 **Q** Where did Matt Borges work during 2018 and 2019?

10 **A** He worked with the Roetzel & Andress law firm.

11 **Q** And did you obtain bank records related to Mr. Borges'
12 personal bank accounts?

13 **A** I did.

14 MS. GLATFELTER: Your Honor, if we may publish what
15 has been admitted as 801 A, please?

16 THE COURT: Yes.

17 **Q** Okay. Agent Wetzel, do you recognize 801 A?

18 **A** Yes. This is a signature card. They kept a copy of
19 it. It's from 1993 opening this bank account for
20 Mr. Borges.

21 **Q** And as you were reviewing these -- the records for
22 Mr. Borges' bank account, were you able to identify income
23 in those statements from the Roetzel law firm?

24 **A** Yes.

25 MS. GLATFELTER: Your Honor, may we please publish

1 801 D, which has been admitted?

2 THE COURT: Yes.

3 Q Agent Wetzel, do you recognize 801 D?

4 A Yes. This is a statement from Huntington Bank where
5 the account was held. You can see the logo on the top
6 right. The name is covered up by the sticker.

7 Q Okay. And is the name -- does the name of the bank
8 appear also at the top left?

9 A It does.

10 MS. GLATFELTER: Ms. Terry, if we may advance to
11 page 362.

12 Q Okay. Agent Wetzel, do you recognize the type of page
13 of 362?

14 A Yes. This is just a monthly statement document.
15 We've looked at a few of them. This one runs from late July
16 until late August of 2019.

17 Q Okay. And do you see anything depicted on this
18 particular statement regarding the Roetzel firm?

19 A Yes. There is a payment on the 15th of the month from
20 Roetzel and 0751 contract MB in the amount of \$49,996.17.

21 Q Now, I want to talk about the -- I want to talk about
22 payments besides those that came from the Roetzel firm.

23 A Okay.

24 Q Okay. So during your investigation, did you have a
25 chance to compare the 17 Consulting Group bank records with

1 Mr. Borges' personal bank records, the ones we're looking at
2 here?

3 **A** I did.

4 MS. GLATFELTER: Okay. Your Honor, may I please
5 show the witness what's been marked as 801 I?

6 THE COURT: Yes.

7 **Q** Agent Wetzel, do you recognize this document?

8 **A** I do.

9 **Q** What is it?

10 **A** This is a chart. It lists payments from the 17
11 Consulting Group to Mr. Borges' personal account, the 5324
12 that we were just looking at.

13 **Q** Okay. And how did you prepare or how was this chart
14 prepared?

15 **A** In the same way as the one we were just looking at for
16 Mr. Cespedes, by looking at both the 17 Consulting Group
17 bank records as well as Mr. Borges' personal bank records.

18 **Q** And did you review it for accuracy prior to your
19 testimony?

20 **A** I did.

21 MS. GLATFELTER: Your Honor, at this time, we would
22 move to admit 801 I and publish?

23 THE COURT: Any objections?

24 MR. GLICKMAN: No, Judge.

25 MR. SCHNEIDER: No, Judge.

1 THE COURT: It's admitted. You may publish.

2 Q All right. Agent Wetzel, can you go through the table
3 that we've been discussing for the jury now that they can
4 see it?

5 A Yes. So at the top the title is, Payments to Matthew
6 Borges. Then starting in the left column, there is the date
7 of the transaction, the account which is from where the
8 money is coming, the recipient is where the money is going,
9 the account signatory for the recipient, and then there is
10 an amount, and then an exhibit where the underlying
11 documents may be found, and then there's a total listed at
12 the bottom.

13 Q Okay. Under the account column, who is listed there?

14 A 17 Consulting Group, LLC.

15 Q And who is the signatory on that account?

16 A It's Mr. Borges.

17 MS. GLATFELTER: Your Honor, if we may publish
18 exhibit -- if we may do a split-screen and publish both
19 Exhibit 132 on the left and 801 B on the right, both of
20 which have been admitted?

21 THE COURT: Yes.

22 MS. GLATFELTER: All right. Ms. Terry, if we can
23 advance on the left side to page 61, and on the right side
24 to page 91.

25 Q Okay. Agent Wetzel, you were describing the

1 comparison that you did to compile the chart?

2 **A** Yes.

3 **Q** Can you walk us through this page as an example to
4 show us?

5 **A** Yeah. So as I mentioned before, both the sending and
6 receiving bank will maintain wire records and check records
7 separately. And so this is just another example of the
8 comparison that we would do. On the left, you see there is
9 a check written to Matthew Borges signed by Mr. Borges in
10 the amount of a \$100,000, and then on the right, you see
11 that same check. And so it's the withdrawal and then the
12 deposit.

13 **Q** Okay. And so the bank records on the left are what
14 bank records?

15 **A** I believe the ones on the left are the 17 Consulting
16 Group.

17 **Q** Okay. And the bank records on the right?

18 **A** Mr. Borges' personal records.

19 MS. GLATFELTER: Okay. If we can advance on the
20 left side of the screen to page 63, and on the right side of
21 the screen to 95.

22 **Q** Okay. Agent Wetzel, can you describe your comparison
23 of the accounts for September?

24 **A** Yes. You see again in the top check on both pages,
25 and it's an image of the same check, it's just found both in

1 the sending and receiving account. It's written from the 17
2 Consulting Group, which you can see in the top left corner
3 of the check, and then it's paying to the order of Matt
4 Borges, signed by Mr. Borges.

5 MS. GLATFELTER: All right. If we can go to
6 page 65 on the left and page 97 on the right.

7 **Q** Okay. Agent Wetzel, are there similar checks in both
8 accounts on these pages?

9 **A** Yes, in the amount of \$5,000.

10 **Q** Where do you see that on the left?

11 **A** On the left, it's the fourth check down.

12 **Q** And on the right?

13 **A** It's the second check down.

14 MS. GLATFELTER: All right. If we can go to
15 page 67 on the left and page 99 on the right.

16 **Q** Okay.

17 **A** Yes. On the left side, you'll see that the 17
18 Consulting Group check is at the top of the page in the
19 amount of \$140,000, and then on the right page, it's the
20 bottom check, and again, it's an identical check.

21 MS. GLATFELTER: And if we can go to the next page
22 on the left and page 103 on the right.

23 **Q** Okay. Are there checks in common between the two
24 accounts on these pages, Agent Wetzel?

25 **A** Yes. On December 12th, 2019, there is a check for

1 \$30,000, and again, you see it in the -- it's the middle
2 check on the left and it's the bottom check on the right.

3 MS. GLATFELTER: Okay. And if we can go to page 69
4 on the left and 107 on the right.

5 **Q** Okay. Agent Wetzel, did you find checks in common on
6 these pages?

7 **A** Yes. On January 24th of 2020, it's the bottom check
8 on the left written from 17 Consulting to Matthew Borges
9 signed by Matthew Borges for \$8,000, and then it's the
10 second check on the right side.

11 MS. GLATFELTER: Okay. And if we may go to page 70
12 on the left and page 108 on the right.

13 **Q** Agent Wetzel, were there checks from the 17 Consulting
14 account that were written and deposited into Mr. Borges'
15 personal account on these pages?

16 **A** Yes. Actually the first and second check on the left
17 are written from 17 Consulting to Mr. Borges' account. And
18 then on the right side, it depicts the \$3,000 check, which
19 is the top check.

20 MS. GLATFELTER: And, Ms. Terry, if you can go to
21 the next page.

22 **Q** On the right, do you see the second check there now on
23 page 109?

24 **A** I do, yes, in the amount of \$7,000.

25 MS. GLATFELTER: Okay. And finally, if we can go

1 to page 71 on the left and page 112 on the right. Maybe
2 back up one page. There we go.

3 **Q** Agent Wetzel, are there checks from the 17 Consulting
4 account in March that are then deposited into Mr. Borges'
5 personal account on the right?

6 **A** Yes. It's the top check on the left and the bottom
7 check on the right.

8 MS. GLATFELTER: All right. So, Your Honor,
9 permission to publish again 801 I, which has been admitted?

10 THE COURT: Yes.

11 **Q** All right. Agent Wetzel, so this table reflects what?

12 **A** Just the comparisons that we just did with the checks
13 between the two accounts, and it just lists the total amount
14 of the checks and then a total at the bottom.

15 **Q** And what was the total amount of money that was
16 transferred from the 17 Consulting account into Mr. Borges'
17 personal account?

18 **A** \$366,000.

19 **Q** Now, the 17 Consulting Group account, you mentioned
20 the signatory was Mr. Borges?

21 **A** Correct.

22 **Q** Was it Mr. Borges alone?

23 **A** Yes.

24 **Q** So what happened to that account after the referendum
25 period ended?

1 **A** It became inactive.

2 **Q** Do -- does the table that we're seeing in front of us
3 depict what happened to that account after the referendum
4 period ended?

5 **A** Yes. There was a series of payments that are after
6 the referendum period. The referendum ends in October and
7 so there's a series of payments that come after that.

8 **Q** Okay. And were there additional charges not to
9 Mr. Borges' account but additional charges on that account
10 after the referendum period?

11 **A** Yes, there were.

12 MS. GLATFELTER: Your Honor, if we may publish 132,
13 which has been admitted?

14 THE COURT: Yes.

15 MS. GLATFELTER: And, Ms. Terry, if we may go to
16 page 39.

17 **Q** Okay. Agent Wetzel, let's start with what the date of
18 this statement is.

19 **A** This is a statement for the month of December 2019.

20 **Q** Okay. And this is a statement of what account?

21 **A** The 17 Consulting Group.

22 **Q** Okay. And is there an account balance at the
23 beginning of this month?

24 **A** \$150,572.48.

25 **Q** Okay. And besides checks that were written from the

1 account, are there a series of electronic debits?

2 **A** Yes. Under "Other Debits" those purchases are listed.

3 MS. GLATFELTER: All right. And if we can see the
4 next page, Ms. Terry.

5 **Q** Okay. For example, can you identify, is there a debit
6 for December 26th?

7 **A** Yes. There's a purchase from the OSU Ticket Office.

8 **Q** All right. And can you circle that on your screen for
9 us?

10 **A** (Witness writing.)

11 MS. GLATFELTER: Now, Your Honor, may we publish
12 801 I on the right side of the screen while we're looking at
13 the statements?

14 THE COURT: Yes.

15 MS. GLATFELTER: Thank you.

16 Yeah, so page 40.

17 **Q** Now, Agent Wetzels, did you include the OSU Ticket
18 Office purchase, the \$3,200 purchase on the left on your
19 chart on the right?

20 **A** I did not.

21 **Q** Okay. So what is the chart on the right depict then?

22 **A** This is just the cash money that flows into
23 Mr. Borges' personal account. It doesn't account for other
24 purchases from the account, like, for example, from the OSU
25 Ticket Office.

1 MS. GLATFELTER: And if we advance, Ms. Terry, on
2 the left to page 43.

3 **Q** All right. And what's the beginning balance for this
4 statement?

5 **A** \$64,817.04.

6 **Q** Okay. And the statement date?

7 **A** This is January 1st of 2020 through January 31st of
8 2020.

9 MS. GLATFELTER: Okay. And, Ms. Terry, if we can
10 go back to page 39 for a moment.

11 **Q** What was the account balance the month prior?

12 **A** \$150,572.48 at the beginning.

13 MS. GLATFELTER: Okay. If we can return to
14 page 43.

15 **Q** And so at the beginning balance a month later is what?

16 **A** \$64,817.04.

17 **Q** All right. And did you see additional debit charges
18 during this month that were not accounted for -- that you
19 did not include in your chart on the right?

20 **A** Yes, that's correct.

21 **Q** Okay. And can you point out one or two of those on
22 this statement?

23 **A** Yes. Under "Other Debits," there is a payment for a
24 Capital One credit card. There's a purchase for a Marriott
25 New York Marquis. There's also an Ohio business filing

1 purchase.

2 **Q** Okay. So if we take the example as the Capital One
3 mobile payment, what was the amount of that purchase or the
4 amount of that charge?

5 **A** \$4,268.61.

6 **Q** And the amount of the Marriott New York Marquis?

7 **A** \$9,249.03.

8 **Q** All right. Now, Agent Wetzel, besides Matt Borges'
9 payments to Matt Borges' personal account, did you look at
10 payments that Longstreth received which originated from the
11 Generation Now account?

12 **A** I did.

13 **Q** All right. Did you try to quantify the benefits or
14 payments that Mr. Longstreth received?

15 **A** I did.

16 **Q** How did this compare in terms of difficulty to your
17 calculations for other individuals?

18 **A** It was a bit more challenging. In the case like we
19 were talking about of Mr. Borges or Mr. Cespedes where they
20 were receiving a regular salary from an employer that we
21 just set aside for the purposes of creating the chart, Jeff
22 Longstreth's business is JPL, and so his full income is
23 coming from JPL, and he has a number of different bank
24 accounts that money is being moved around in.

25 So whereas someone might just be simply receiving a

1 payroll check and it's fairly obvious what the payroll check
2 is for, it was more complicated because I was looking at
3 Mr. Longstreth's own records from inside his own business,
4 so it was tougher to account for certain expenses and
5 things.

6 **Q** Okay. And compared to, let's say, Mr. Borges or
7 Mr. Cespedes, did Mr. Longstreth have outside employment
8 other than JPL during this time frame?

9 **A** No, he did not.

10 MS. GLATFELTER: Your Honor, permission to show the
11 witness what has been marked as Exhibit 823?

12 THE COURT: Yes.

13 **Q** All right. Agent Wetzel, do you recognize this
14 document?

15 **A** I do.

16 **Q** What is it?

17 **A** This is the payments to Jeff Longstreth from JPL 9192,
18 which is the main operating account that we've been looking
19 at.

20 **Q** Okay. And how did you calculate the -- what's
21 depicted on this chart?

22 **A** Looked at a lot of different bank records. As you
23 see, there's Paychex, which is the payroll company we talked
24 about a little bit earlier. There was also a Charles Schwab
25 account that we had to look at. There's actually a couple

1 of them. And then also we had to look at Mr. Longstreth's
2 personal accounts, in addition to his business accounts, and
3 then there was also a U.S. Bank account as well. So
4 basically looking at all of the different bank records and
5 trying to marry up payments like we've been doing.

6 MS. GLATFELTER: Your Honor, move to admit and
7 publish Exhibit 823.

8 THE COURT: Any objections?

9 MR. GLICKMAN: Yes, Judge, but only to the bottom
10 sentence.

11 THE COURT: Any objections from Borges' counsel?

12 MR. SCHNEIDER: No objection.

13 THE COURT: What's the basis for the objection?

14 MR. GLICKMAN: Relevance, Judge, and Evidence
15 Rule 403.

16 MS. GLATFELTER: Your Honor, if I may?

17 THE COURT: Yes.

18 MS. GLATFELTER: The sentence is necessary to
19 clarify the amounts that he received and to clarify that he
20 didn't receive the total amounts of this account and that
21 the account -- the amount listed reflects the amount
22 deducted after the FBI seized money.

23 MR. GLICKMAN: The prosecutor --

24 THE COURT: We're done. I'll make my ruling. It
25 will be on the record. The objection is overruled. Please

1 proceed.

2 MS. GLATFELTER: Your Honor, may we publish 823 to
3 the jury?

4 THE COURT: Yes.

5 MS. GLATFELTER: Thank you.

6 **Q** All right. Agent Wetzel, now that the jury can see
7 the chart, if you can explain the different things that you
8 included on this chart for the jury?

9 **A** Yes. So at the top, you see the title is "Payments to
10 Jeff Longstreth from JPL 9192," and then there's the
11 recipient of the payments in the left column, the amount of
12 the payments in dollars, and then the exhibit that that data
13 was drawn from, and then there's a total at the bottom.

14 **Q** Okay. So let's walk through each line to explain, to
15 explain that payment.

16 **A** Okay.

17 **Q** So the cashier's check to Taurus Building and Concept
18 Design?

19 **A** Yes. This was a payment from the 9192 account and it
20 went to a business that we were able to identify was doing
21 work on a property that Mr. Longstreth owned in the Hocking
22 Hills area, and so that's a, you know, a benefit to him
23 directly.

24 **Q** Okay. And we'll skip Charles Schwab for a moment and
25 go to the next line which says, Jeff Longstreth X-3778.

1 First of all, what does 3778 refer to?

2 **A** Those are the last four digits of his personal
3 Huntington Bank account, so it's basically just his personal
4 bank account.

5 **Q** Okay. So the money on that line, how are you -- how
6 did you come up with that figure?

7 **A** So in examining both the 3778 account and also the
8 9192 account, we could see that there were transfers from
9 account to account and we matched them up the way we have
10 been previously. You know, in the form that they came in, I
11 believe some of them are EFTs and some of them may have been
12 checks as well, but we were able to corroborate that the
13 payments were flowing from one account to the other.

14 **Q** Okay. And the Paychex account, which is the next
15 line.

16 **A** Yes. So Paychex, as we talked about a little before
17 in the context of paying folks that were working for JPL,
18 there was a period of time where Mr. Longstreth was also
19 paying himself using that payment processor. It's basically
20 just a payroll company and they deduct money out. However,
21 when the company is doing the deduction from -- for
22 Mr. Longstreth 's 9192 account, it takes all of the money to
23 pay all of his employees in a block, and so I had to then
24 look at the records from Paychex to see the amount that was
25 going to Mr. Longstreth as opposed to, say, Ms. Lippincott

1 or Ms. Fitzmartin or somebody else just working for him. So
2 this was the money coming from the Paychex account to him
3 that I can identify using these records.

4 **Q** Okay. And there's another reference to the Paychex in
5 the line below it, can you explain that to us?

6 **A** Yes. There were a series of payments -- or some
7 payments, I guess I should say, to Mr. Longstreth's spouse,
8 so we included those as well, here, because those are a
9 direct benefit.

10 **Q** Then, the last line in the chart says U.S. Bank
11 X-1957, can you explain what that is?

12 **A** Yes. This is just another account that's affiliated
13 with Mr. Longstreth, and so again, they were payments out of
14 the 9192 account that went to that account.

15 MS. GLATFELTER: Okay. And we can go back up to
16 the Charles Schwab line now.

17 **Q** So can you tell us what kind of account the Charles
18 Schwab account was for Mr. Longstreth?

19 **A** Yes. I believe he had a few accounts with Charles
20 Schwab, but in general, these are investment accounts, like
21 a brokerage account.

22 **Q** Okay. And why, why did you categorize these as coming
23 from JPL 9191?

24 **A** Because the JPL 9192 account would make deposits into
25 a Charles Schwab and while that account is an investment

1 account that might buy financial instruments from Schwab and
2 sort of sit the money in the Schwab financial instruments as
3 opposed to like a savings account, it was still in the name
4 of Mr. Longstreth and so it was for his benefit.

5 **Q** Okay. And the amount on that line that you have under
6 "amount for Charles Schwab" is what?

7 **A** \$1,502,945.34.

8 **Q** Okay. And was there additional money in that, that
9 flowed through the account besides the 1.5 million?

10 **A** Yes.

11 **Q** About how much?

12 **A** About \$3 million.

13 **Q** More?

14 **A** Correct.

15 **Q** Okay. And why did you not include that additional
16 \$3 million in your account -- or in your chart here?

17 **A** So as I mentioned, there were a couple of different
18 accounts, and the source of the money we could try to tell
19 based on when it was coming in and where it was coming from.
20 The 3 million, the approximately 3 million, I think it was a
21 tiny little bit less, was seized by the government pursuant
22 to a warrant, and so it was taken out of Mr. Longstreth's
23 possession.

24 **Q** So he didn't keep that money?

25 **A** Correct.

1 **Q** All right. Now, there were payments made to other
2 people from Mr. Longstreth's accounts?

3 **A** Yes.

4 **Q** And did you review those account records to try to
5 identify people who may have received salary or other
6 payments from the JPL account from money that flowed from
7 Generation Now?

8 **A** Yes, I did.

9 **Q** And by doing this, let me ask you, were you
10 questioning whether people actually performed the work?

11 **A** Sometimes.

12 **Q** Well, but your purpose in doing this was to do what?

13 **A** Identify the flow of the money. The big reason why we
14 look at these records is to see both where the money is
15 coming from and where it's going in the end.

16 MS. GLATFELTER: Okay. Now, may I please show the
17 witness what's been admitted -- I'm sorry, not admitted,
18 what's been marked as 835?

19 THE COURT: Show it to the witness and the lawyers.

20 **Q** Agent Wetzel, do you recognize what Exhibit 835 is?

21 **A** I do.

22 **Q** Okay. And can you explain to the Court what it is?

23 **A** Yes. This is a chart that we made payments to
24 associates and it lists the name of the associate along with
25 payments made to them over a period of time, and then

1 there's a total.

2 **Q** Okay. And how did you compile this information?

3 **A** So I had to review the Generation Now bank records as
4 well as a variety of Mr. Longstreth's own records, JPL,
5 Constant Content, actually I think there were a few of them.
6 Also there's a second Generation Now account that we haven't
7 talked about too much, I had to examine that one as well.
8 So really looking at all of the accounts and trying to see
9 where the money was going.

10 **Q** Okay. Now, you recognize -- you mentioned a few
11 different accounts, so I wanted to go through those. The
12 Constant Content accounts, who are the signatories on those
13 accounts?

14 **A** That's Mr. Longstreth again.

15 **Q** All right. And the JPL 9192 accounts?

16 **A** Mr. Longstreth as well.

17 **Q** Right. And the Generation Now accounts?

18 **A** The same.

19 **Q** So, and we see two Generation Now accounts, you
20 mentioned both of them. What's the difference between them?

21 **A** They're just two different bank accounts. You can
22 have multiple bank accounts at the same bank, and so
23 there's -- there are two separate accounts held by
24 Generation Now, same signatory, same operating, just two
25 accounts.

1 **Q** And in terms of the money flow, was there a difference
2 between the two accounts?

3 **A** No. There was money that would flow into an account
4 and then it would be moved to another account, and then it
5 would be moved back, and there was a lot of money moving
6 back-and-forth in different ways throughout the period, so
7 it was just an exercise of kind of tracking again where it
8 ultimately came from and where it ended up in the end.

9 MS. GLATFELTER: Okay. Your Honor, permission to
10 publish and admit -- or permission to admit and then publish
11 Government's Exhibit 835?

12 THE COURT: Any objections?

13 MR. GLICKMAN: No, Judge.

14 MR. SCHNEIDER: None here.

15 THE COURT: It's admitted. You may publish.

16 MS. GLATFELTER: Thank you.

17 **Q** Agent Wetzel, now that the jury can see the exhibit,
18 can you explain who are the staff members or associates that
19 you were able to identify on the left?

20 **A** Yes. On this chart, it listed three associates:
21 Brooke Bodney, Megan Fitzmartin, and Anna Lippincott.

22 **Q** Okay. And what about the time period during which you
23 looked at the bank records?

24 **A** Yeah. So there are four columns to the right of the
25 associate, and that's the amount that they were paid in a

1 given year. We talked about everything beginning towards
2 the end of 2016, excuse me, through 2020, and so we just
3 tracked it by year and then created a total, which is that
4 next column you see.

5 **Q** Okay. And was that the total paid to these
6 individuals through these various accounts that are listed
7 on the right?

8 **A** Yes. So the accounts "receiving funds from" just
9 denotes the places where the payments were made from. It
10 was often different based on time period and which accounts
11 had money and so on and so it varied based upon when, but
12 those are the sources of all of the funds that made the
13 payments to the three individuals.

14 **Q** Okay. And what was the total amount paid to Brooke
15 Bodney from 2017 to -- 2020?

16 **A** \$575,000.

17 **Q** Okay. And what about Megan Fitzmartin for the same
18 period of time?

19 **A** \$461,580.50.

20 **Q** And Anna Lippincott?

21 **A** 3,000 -- or, excuse me, 355 -- \$355,696.86, excuse me.

22 **Q** Okay. And the total for all three of those
23 individuals for those years?

24 **A** \$1,392,277.36.

25 **Q** Now, in addition to payments to associates or staff

1 members, did you try to determine benefits that were or
2 payments that were made for Mr. Householder?

3 **A** Yes, I did.

4 **Q** Okay. And did you examine Mr. Householder's personal
5 bank accounts?

6 **A** I did.

7 **Q** Okay. And did any of the payments that we're going to
8 discuss in a few minutes come from those personal accounts?

9 **A** No.

10 **Q** Where did they come from?

11 **A** Generally speaking, Jeff Longstreth.

12 MS. GLATFELTER: Okay. Now, permission to show the
13 witness what's been marked as Exhibit 819?

14 THE COURT: Show it to the witness and the lawyers.

15 **Q** Okay. Agent Wetzels, do you recognize Exhibit 819?

16 **A** I do.

17 **Q** What is it?

18 **A** These are payments for Larry Householder, and then
19 there's a description of the payments, a date, an amount,
20 and then the exhibit again where we -- that data is sourced.

21 **Q** Did you compile these or this exhibit in the same way
22 that we've -- that you've done the other tables relating to
23 payments?

24 **A** Yes. This one was a little more involved only
25 because, again, I wasn't looking at Mr. Householder's bank

1 records as you were saying. There was a bit more comparing
2 and following the flow. It was slightly more complicated,
3 but yes, generally speaking, I did.

4 **Q** All right. And did you review this exhibit for
5 accuracy prior to your testimony?

6 **A** I did.

7 MS. GLATFELTER: Your Honor, move to admit
8 Exhibit 819 and publish to the jury?

9 THE COURT: Any objection?

10 MR. GLICKMAN: No, Judge.

11 MR. SCHNEIDER: None.

12 THE COURT: It's admitted. You may publish.

13 **Q** All right. Agent Wetzel, let's go through this table.
14 First of all, can we start with the description of payments
15 and tell us the different types of payments that you
16 identified?

17 **A** Yes. There is a payment to a Chase credit card. A
18 payment to a Discover card. There are payments related to a
19 lawsuit. Payments related to a Florida house. And then
20 there is a Speakership item listed at the bottom.

21 **Q** Okay. We'll go through each of these and how you
22 calculated these, but this last item, "Speakership," what
23 does that refer to?

24 **A** That refers to the increase in salary that
25 Mr. Householder received by virtue of being the Speaker of

1 the House.

2 **Q** Okay. And what do you mean, "the salary increase"?

3 **A** So if you take a leadership position in the House or
4 Senate -- and this is laid out in law, it's publicly
5 available, you could look it up on the internet right now.

6 THE COURT: No, they can't, you know that. Go
7 ahead.

8 THE WITNESS: My apologies, poor phrase there. It
9 is publicly available. The increase in salary that someone
10 can receive if they take a leadership position. And
11 specifically the amount listed there is outlined as the
12 additional salary for the Speaker. Sorry, Your Honor.

13 **Q** During your investigation, did you obtain records
14 related to credit cards in the name of Mr. Householder?

15 **A** I did.

16 MS. GLATFELTER: All right. Permission to publish
17 what's been admitted as 805 A?

18 THE COURT: Any objections?

19 MR. GLICKMAN: No, Judge.

20 MR. SCHNEIDER: No objection.

21 THE COURT: You may.

22 **Q** All right. Agent Wetzel, do you recognize 805 A?

23 **A** Yes, I do.

24 **Q** What is it?

25 **A** This is a credit card in the name of Mr. Larry L.

1 Householder. It's a Southwest Rapid Rewards Chase Bank
2 credit card.

3 MS. GLATFELTER: Ms. Terry, if we can enlarge the
4 bottom portion of this page. Thank you.

5 **Q** Okay. Now, you said that this is in the name of Larry
6 Householder. How are you able to determine that?

7 **A** In the bottom left, you can see there, there's an
8 address and a name for the remittance.

9 **Q** Okay. And there's -- is there an account number?

10 **A** Yes. The beginning is blacked out, but it ends in
11 3463. You see it there below the due date and balance.

12 **Q** Okay. What is the date of this particular statement?

13 **A** This one, it lists the payment date here that I can
14 see as January 8th, 2020.

15 **Q** Okay. And is there a balance for the credit card at
16 this time?

17 **A** \$7,724.96.

18 MS. GLATFELTER: Okay. And, Ms. Terry, if we can
19 advance to page 5 of this exhibit.

20 **Q** All right. Agent Wetzel, can you describe page 5 for
21 us, how this differs from page 1?

22 **A** This is just another statement. This is -- this one
23 lists the payment date as February 8th of 2020, and the
24 balance figure is slightly different.

25 MS. GLATFELTER: Okay. And so if we increase,

1 enlarge the bottom portion of this document, Ms. Terry.

2 **Q** All right. And what's the new balance that you can
3 see on this statement?

4 **A** \$7,692.34.

5 **Q** All right. And the payment due date?

6 **A** The 8th of February 2020.

7 MS. GLATFELTER: Ms. Terry, if we can advance to
8 page 9 of this exhibit, and if we can enlarge the bottom,
9 please.

10 **Q** Okay. Agent Wetzel, what's the credit card balance
11 for the next statement? We'll have to increase. Let me ask
12 you that and then we'll go back to the original so you can
13 see the dates.

14 **A** There -- there is no payment requested at that time.
15 There is actually a credit balance, which means there's a
16 surplus in the account.

17 **Q** Okay.

18 MS. GLATFELTER: And, Ms. Terry, if we can go back
19 to the original document and enlarge the top, please.

20 **Q** Okay. Agent Wetzel, can you tell the time of this
21 statement?

22 **A** The payment due date is listed as March 8th, 2020.

23 **Q** Okay. And below that, do you see a box where it says
24 "account summary"?

25 **A** I do.

1 Q All right. And does it list the previous balance and
2 payment credits?

3 A It does. It lists the previous balance as \$7,692.34,
4 and then under "Payments and Credits," it lists \$7,994.18.

5 Q Okay. And during your investigation, did you
6 investigate the source of that \$7,000 payment?

7 A I did.

8 Q And did you obtain records from Chase in regards to
9 that?

10 A I did.

11 MS. GLATFELTER: Your Honor, permission to publish
12 805 B, which is admitted?

13 THE COURT: Yes.

14 Q Okay. Agent Wetzel, do you recognize this document?

15 A I do.

16 Q What is it?

17 A This is a cashier's check from JPL & Associates to
18 Chase credit card services.

19 Q Okay. And what's the total for the cashier's check?

20 A \$7,807.18.

21 Q Okay. And can you tell where this bank -- or where
22 this cashier's check came from?

23 A Yes. Let me see if I can locate it. This, I believe,
24 came from the 9192 account, if my memory serves me.

25 Q And we'll look at some additional bank records in a

1 second. Do you see on the remitter line the source?

2 **A** Yes, JPL & Associates, as I said.

3 **Q** Okay. Now, during your investigation, did you
4 identify other credit cards associated with Larry
5 Householder?

6 **A** Yes, I did.

7 **Q** Okay. Did you obtain bank records or credit card
8 records related to that card?

9 **A** I did.

10 MS. GLATFELTER: Your Honor, permission to publish
11 807, which has been admitted?

12 THE COURT: Yes.

13 **Q** Agent Wetzel, do you recognize Government's
14 Exhibit 807?

15 **A** I do.

16 **Q** What is it?

17 **A** This is a Discover credit card credit card statement.

18 **Q** Okay. And at the bottom, are you able to tell the
19 name on the credit card or who the account is for?

20 **A** Yes. Sorry. It's Larry L. Householder.

21 **Q** Okay. And what is the date range or date of this
22 statement?

23 **A** The open date for this statement is December 19, 2019,
24 and the close date is January 18, 2020.

25 **Q** Okay. And is there an indication or an account

1 summary on this page like the other credit card we saw?

2 **A** There is, in the top left.

3 **Q** All right. And is there a balance listed at this time
4 in January?

5 **A** \$12,215.02.

6 **Q** Okay. So under "Account Summary," that's listed as
7 the previous balance?

8 **A** Correct.

9 **Q** Okay. Can you circle that?

10 **A** (Witness writing.)

11 **Q** All right. And do you see a new balance listed in
12 that account or in that box as well?

13 **A** Yes, to the right.

14 **Q** And circle that for us.

15 **A** (Witness writing.)

16 **Q** Thank you.

17 MS. GLATFELTER: Ms. Terry, if we can advance to
18 page 7 of this exhibit. Thank you.

19 **Q** Agent Wetzl, do you recognize the date period of this
20 particular statement or document?

21 **A** Yes, I do. This one is listed as a payment date of
22 March 13, 2020.

23 **Q** Okay. And do you see an account summary box on this
24 page?

25 **A** I do. It's in the top left.

1 MS. GLATFELTER: All right. Ms. Terry, can we
2 enlarge that, please.

3 Q Okay. And does it list a previous balance on the
4 account?

5 A It does, the \$12,202.60.

6 Q Okay. And does it identify any payments that were
7 made?

8 A Payments and credits it lists as \$12,346.19.

9 Q All right. Now, did you investigate the source of
10 this payment?

11 A I did.

12 MS. GLATFELTER: Your Honor, permission to publish
13 what's been admitted as Exhibit 806?

14 THE COURT: Yes.

15 MS. GLATFELTER: And if we can increase the bottom
16 part of that document or enlarge the bottom part there.

17 Q Okay. Agent Wetzel, did you take a look at the JPL
18 records and examine those records to determine the source of
19 the payment?

20 A Yes, I did.

21 Q Okay. And what did you find?

22 A I found that money was taken out of the account, which
23 you see at the top, from the 9192 account, in the amount of
24 the \$20,009.78 and that was used to purchase the two
25 cashier's check that you see below, one in the amount of

1 \$7,807.18 and then the second is \$12,202.60, one to Chase
2 credit card services and the other to Discover.

3 **Q** Let's walk through this to make sure we can all follow
4 here. So the top, the top document that we're looking at in
5 Government's 806 is what?

6 **A** That's a withdrawal slip. That's essentially monies
7 being taken out of an account.

8 **Q** And can you put a star next to the amount of that
9 withdrawal slip?

10 **A** (Witness writing.)

11 **Q** All right. And is there any indication of what
12 account that that withdrawal slip came out of?

13 **A** Yes. There's an account number listed below, the
14 beginning digits are redacted, but the last four of the 9192
15 account that we've been discussing.

16 **Q** Okay. And based on your investigation, do you know
17 what the 9192 account is?

18 **A** Yes, that's the JPL & Associates bank account.

19 **Q** That we've been looking at?

20 **A** Correct.

21 **Q** And then below it, the first -- the first document
22 below that, can you identify that?

23 **A** Yes. That's a check from JPL -- cashier's check, I
24 should say, from JPL & Associates to Chase credit card
25 services.

1 Q Okay. And do you see Chase credit card services
2 anywhere on that cashier's check?

3 A Yes. It says, "Pay to the order of," and it lists
4 Chase credit card services.

5 Q Can you underline that for us?

6 A (Witness writing.)

7 Q And what is the date of this cashier's check?

8 A February 6th, 2020.

9 Q Okay. And how does that relate to the top withdrawal
10 slip?

11 A It's the same day.

12 Q Okay. And then the third document that is enlarged on
13 the screen?

14 A That is a cashier's check from JPL & Associates to
15 Discover.

16 Q Okay. And can you underline where you see Discover on
17 the cashier's check?

18 A (Witness writing.)

19 Q And then what is the amount of this check?

20 A \$12,202.60.

21 Q Did you find any correspondence between these checks
22 and the credit card statements?

23 A Yes, this is the amount of the payments made to the
24 credit cards on the statements we just looked at.

25 MS. GLATFELTER: Your Honor, if we may go back to

1 the table, which is Exhibit 819 that we've published and
2 admitted?

3 THE COURT: Yes.

4 Q Agent Wetzel, so does that -- does looking at those
5 records clarify the source of the first two rows in this, in
6 this table?

7 A It does.

8 Q Okay. All right. So what else, what other types of
9 records did you look at in making this table?

10 A I also had to examine records related to a lawsuit
11 that involved Mr. Householder.

12 Q Now, based on a search of public records, were you
13 able to identify the origin of the lawsuit?

14 A Yes.

15 MS. GLATFELTER: May I please show the witness what
16 has been admitted as 813 A?

17 THE COURT: Yes.

18 Q Okay. Agent Wetzel, when you're referring to public
19 records, is this one of the ones that you were able to
20 obtain?

21 A Yes.

22 Q Okay. And do you see a reference to Mr. Householder
23 on the document?

24 A Yes, I do. Listed in defendants is Householder LTD
25 and then also Mr. Larry L. Householder.

1 Q Okay. And can you circle where that is in the --
2 where you're looking on the document?

3 A (Witness writing.)

4 Q Okay. And then what state was this lawsuit in?

5 A Alabama.

6 Q Okay. And do you see that on the document as well?

7 A Yes. At the top it lists: In the Circuit Court of
8 Jackson County, Alabama.

9 Q Okay. And as you continued to review public documents
10 related to the lawsuit, were you able to determine who
11 represented Mr. Householder here in Ohio?

12 A Yes.

13 MS. GLATFELTER: Okay. Permission to publish 813
14 C, which has been admitted?

15 THE COURT: Yes.

16 Q And, Agent Wetzel, by reviewing these public records,
17 were you able to identify an attorney or a law firm
18 associated with Mr. Householder?

19 A Yes. At the bottom right, you'll see there's an Allen
20 Kuehnle Stovall & Neuman, LLP, that law firm represented
21 Mr. Householder in this particular matter.

22 Q Now, did you search bank records you had obtained
23 during the investigation for transactions involving the name
24 of that law firm?

25 A I did.

1 **Q** And what did you find?

2 **A** I found that there were payments from JPL & Associates
3 to that law firm.

4 MS. GLATFELTER: Your Honor, may I please show the
5 witness Exhibit 818?

6 THE COURT: Yes.

7 **Q** All right. Agent Wetzel, do you recognize
8 Government's Exhibit 818?

9 **A** I do.

10 **Q** What is it?

11 **A** So this is a chart of payments related to the lawsuit
12 we were just mentioning and then also the settlement that
13 was finally agreed. The chart lists date, amount, source of
14 funds, method of payment, and then also a total.

15 **Q** And how did you compile the data on this chart?

16 **A** By examining a variety of bank records and also the
17 public records that we were just discussing.

18 **Q** And did you review it for accuracy?

19 **A** I did.

20 MS. GLATFELTER: Your Honor, move to admit and
21 publish 818?

22 THE COURT: Any objections?

23 MR. GLICKMAN: No, Judge.

24 MR. SCHNEIDER: No.

25 THE COURT: Admitted. Publish.

1 Q All right. Agent Wetzel, what's the title of this
2 table?

3 A "Payments Related to Alabama Lawsuit and Settlement."

4 Q Okay. And can you walk through the date range of the
5 payments that you were able to identify?

6 A Yes. They begin in -- the first is in May of 2017 and
7 the last is in November of 2018.

8 Q All right. And what was the total amount of payments
9 made to this law firm or related to this lawsuit?

10 A \$300,308.43.

11 Q And where did those payments come from?

12 A These payments all came from Jeff Longstreth, from one
13 of a series of different accounts. You'll see in the source
14 column that there's the 9192, which is the JPL account.
15 There is also the 3778 account, which is Mr. Longstreth's
16 personal account that we previously discussed. And then
17 also there is the Constant Content, which is the other
18 business that we discussed that's owned by Mr. Longstreth,
19 and that's the one that's listed as 4045.

20 MS. GLATFELTER: Your Honor, permission to publish
21 32 J, which has been admitted? And if we can keep 818 on
22 the left side of the screen.

23 THE COURT: Yes. Yes.

24 MS. GLATFELTER: Thank you.

25 All right. If we can publish 32 J, and if we may go to

1 page 2 of 32 J.

2 **Q** All right. Agent Wetzel, I want to walk through what
3 you did to create this chart so we can show where the
4 payments came from. Okay?

5 **A** Yes, ma'am.

6 **Q** On the right side, can you tell us what we're looking
7 at on Exhibit 32 J?

8 **A** Yes. These are checks. As I mentioned, when we get
9 bank records from a bank, they give us statements and also
10 checks. These are checks from the 9192 JPL account that
11 we've been discussing.

12 **Q** Okay. And can you -- do you see any checks that
13 relate to your table on this particular page?

14 **A** Yes. There are two. The top listed on the right is
15 the \$30,000 check from the 1st of May, and then the third
16 check down is also from May, it's from the 5th in the amount
17 of \$30,000.

18 **Q** Okay. And can you draw a line from those checks to
19 where they go on the chart?

20 **A** (Witness writing.)

21 **Q** All right.

22 MS. GLATFELTER: And, Ms. Terry, if we may go to --
23 I need to ask permission, first. Your Honor, may we publish
24 32 E, which has also been admitted?

25 THE COURT: Yes.

1 MS. GLATFELTER: Ms. Terry, if we may go to page 9
2 of that exhibit.

3 Q Okay. Agent Wetzel, do you see any -- well, first of
4 all, let me ask you, do you recognize what Government's
5 Exhibit 32 E is?

6 A Yes. These are more checks from the 9192 account.

7 Q Okay. And do you see any checks that correlate to
8 your table on the left?

9 A I do.

10 Q Can you draw a line from that check to your table
11 where it correlates?

12 A (Witness writing.)

13 Q Okay. Explain that one to us.

14 A So that's a check from June 28th, 2018, in the amount
15 of \$23,945.49 and you can see that the third check down on
16 the right is for that same amount on that same date.

17 MS. GLATFELTER: All right. And, Ms. Terry, if we
18 may advance to page 27, please.

19 Q Okay. Agent Wetzel, were you able to identify any
20 checks from page 27 that correlated to your table?

21 A Yes, I was.

22 Q Okay. And can you draw a line from that check to your
23 table, please?

24 A (Witness writing.)

25 Q Okay. And can you explain the correlation?

1 **A** Yes. This is another 9192 check, so from the JPL 9192
2 account to the law firm we've been discussing.

3 **Q** All right. So have we covered all of the checks on
4 the table -- or on the table on the left except for those
5 three rows designated for July 24th?

6 **A** Yes. Those are wire transfers, so they would be
7 depicted a different way anyhow.

8 **Q** Okay.

9 MS. GLATFELTER: Your Honor, permission to publish
10 815?

11 And if we can leave -- Ms. Terry, if we can leave 818
12 up as well. 815 has been admitted.

13 THE COURT: Yes.

14 **Q** Okay. Agent Wetzel, do you recognize Government's
15 Exhibit 815?

16 **A** Yes, I do.

17 **Q** Okay. And can you explain what 815 is?

18 MS. GLATFELTER: And actually, let's see the second
19 page, Ms. Terry. Okay. We can go back to the first page
20 now.

21 **A** Yes. These are bank records from the law firm, and
22 they show money incoming into the law firm we've been
23 discussing, their bank account.

24 **Q** Okay. So based on your investigation, were the --
25 does the law firm bank at the same bank as Mr. Longstreth?

1 **A** Indeed.

2 **Q** Okay. And so these records relate to some
3 transactions you're going to discuss?

4 **A** Correct.

5 **Q** All right. Can you explain these three checks that we
6 see towards the bottom?

7 MS. GLATFELTER: And, Ms. Terry, if you can enlarge
8 that for us, please?

9 **Q** Okay. Agent Wetzel.

10 **A** So these are actually not checks, ma'am. These are
11 transfers, like electronic funds transfers. And they
12 correspond to the chart on the left. There is the \$40,000
13 transfer that we discussed that is coming from the 9192
14 account, which is the JPL & Associates checking account that
15 we've been looking at. And then below that, you see the
16 \$100,000 account from the 3778 Jeff Longstreth personal
17 account. And then at the bottom, you see the \$75,000
18 transaction from the 4045 Constant Content account.

19 MS. GLATFELTER: Okay. And page 2 of this exhibit,
20 Ms. Terry, if we can go there.

21 **Q** Okay. And can you describe to us what page 2 is or
22 how you obtained it in your investigation?

23 **A** Yes. There is just the transaction journal, and so
24 this is just a list of the transactions, essentially.

25 **Q** Okay. And can you use this to -- or can you describe

1 what this showed to you for your investigation?

2 **A** Yes. So we see here at the top, you can see there is
3 cash in the amount of \$40,000.

4 **Q** Agent Wetzel, let me ask you if you can circle where
5 you're talking about because I don't think we've seen a
6 document like this before.

7 **A** No, we have not. (Witness writing.)

8 **Q** Okay. Continue. I'm sorry about that.

9 **A** No problem. So this is -- so this, as you see here,
10 is a verified by banker transaction. It essentially lists
11 that there is a CSHIN in the amount of \$40,000 coming into
12 the account --

13 **Q** Okay.

14 **A** -- from the 9192 account.

15 **Q** And are the other checks -- or I'm sorry, other
16 withdrawals that we saw on the first page listed below that?

17 **A** Yes, they are.

18 **Q** Okay. And which ones are those?

19 **A** There's the \$100,000 account that you see just below
20 listed from 3778, and then the 75,000 from the 4045. And
21 then there is a total into the checking account of the
22 Richard Stovall account, session is listed as 215,000 at the
23 bottom.

24 **Q** Is that the total of the \$75,000 withdrawal, the
25 \$40,000 withdrawal, and the \$100,000 withdrawal?

1 **A** Correct, yes.

2 **Q** All right. Did you further investigate where that
3 215,000 went to?

4 **A** I did.

5 MS. GLATFELTER: Okay. Your Honor, permission to
6 publish what's been admitted as 816?

7 THE COURT: Yes.

8 MS. GLATFELTER: And, Ms. Terry, I'm sorry, if we
9 could keep 818 up on the left side of the screen. And if we
10 can enlarge the middle section, Ms. Terry, of this document.

11 **Q** Agent Wetzel, do you recognize what Government's 816
12 is?

13 **A** I do. This is a client ledger from the law firm, the
14 Stovall Neuman Fisher & Ashton law firm that we've been
15 talking about.

16 **Q** Okay. And you obtained this in your investigation to
17 verify what?

18 **A** I wanted to see what happened with the money. That
19 was the purpose of the previous document we looked at as
20 well. That Argo transaction record that looked really sort
21 of complicated, we just looked at, I had to go back to the
22 bank to get that. I wanted to verify using like the bank's
23 internal only document, exactly what was happening with the
24 funding and then we verified that against the internal
25 ledger of the law firm, which is what you now see on the

1 right.

2 **Q** Okay. And was there an amount total on this page that
3 matched the Argo transaction journal that we looked at?

4 **A** Yes. It lists Jeff Longstreth's settlement funds in
5 the amount of \$215,000.

6 **Q** Okay. Where do you see that?

7 **A** Would you like me to underline it or circle it?

8 **Q** Either one is fine.

9 **A** (Witness writing.)

10 **Q** Okay. And where is the total?

11 **A** (Witness writing.)

12 **Q** All right. And do you see a reference to
13 Mr. Householder anywhere on the document?

14 **A** Yes. There are references to Larry Householder
15 throughout the document. He is the client.

16 **Q** Okay. Now, did you also work to obtain the settlement
17 agreement that this payment pertained to?

18 **A** I did.

19 MS. GLATFELTER: Your Honor, permission to publish
20 what's been admitted as 814?

21 THE COURT: Yes.

22 MS. GLATFELTER: And if we can keep 818 up as well.

23 THE COURT: Yes. Yes.

24 **Q** Okay. Agent Wetzels, do you recognize Government's
25 Exhibit 814?

1 **A** Yes. This was the settlement agreement. When we
2 looked at that first document, it was the Union Bank versus
3 that group of people that included Mr. Householder. This is
4 a settlement agreement between Union Bank and
5 Mr. Householder.

6 **Q** Okay. And does the first page of this agreement list
7 who the parties are to the agreement?

8 **A** It does.

9 **Q** Okay. And can you just circle that portion of the
10 document for us?

11 **A** (Witness writing.)

12 **Q** All right. And is Mr. Longstreth included as a party
13 to this settlement?

14 **A** No.

15 MS. GLATFELTER: All right. If we can go to page 3
16 of this document, Ms. Terry.

17 **Q** All right. Does page 3 list terms of payments for the
18 settlement?

19 **A** Yes.

20 **Q** Okay. And where do you see that?

21 **A** Under the payment section.

22 **Q** All right. And what is the payment total?

23 **A** Householder parties agree to pay the lender a total
24 sum of \$225,000, the settlement amount in accordance with
25 the following terms, \$10,000 of the settlement shall be

1 remitted to the lender upon execution of the agreement,
2 which shall be before April 27th of 2018, with the balances
3 somewhat being remitted to the lender on or before
4 July 24th, 2018, which is the final payment.

5 **Q** All right. So the final payment day date is what?

6 **A** July 24, 2018.

7 **Q** All right. And did that correspond to the table of
8 the different payments on the left?

9 **A** Yes. That's the day that the balance of the payment,
10 the 215 that's leftover is wired from those various accounts
11 we've been discussing.

12 MS. GLATFELTER: Okay. And, Ms. Terry, if we may
13 go to the last page of the document.

14 **Q** And just to be clear who the parties are who signed
15 these agreements, do you see the parties' signatures on this
16 page?

17 **A** Yes. A gentleman by the name of Ben Wood signed on
18 behalf of the Union Bank, and then Mr. Householder signed on
19 behalf of Householder LTD and himself.

20 **Q** Okay. And what's the date of the signatures?

21 **A** April 27, 2019, -- 2018, excuse me.

22 **Q** And how does that relate to the 2018 election cycle?

23 **A** It is just before the primary.

24 **Q** Now, Agent Wetzel, in addition to the lawsuit payments
25 and the credit card payments, did you investigate payments

1 related to a property in Florida?

2 **A** I did.

3 **Q** All right. And did you -- were you able to identify
4 whether Mr. Householder owned any property in Florida
5 between 2016 and 2020?

6 **A** Yes, I was able to tell and he did.

7 **Q** All right. Were you able to find any public records
8 to confirm that?

9 **A** I was, yes.

10 MS. GLATFELTER: Your Honor, permission to publish
11 808 A, which has been admitted?

12 THE COURT: Yes.

13 MS. GLATFELTER: And, Ms. Terry, if we can enlarge
14 the first half of this document down to where that watermark
15 is. Thank you.

16 **Q** Okay. Agent Wetzel, do you recognize 808 A?

17 **A** I do, yes.

18 **Q** And what is it?

19 **A** This is a warranty deed between the seller and the
20 purchaser of the property.

21 **Q** Okay. And what's the date of this warranty deed?

22 **A** The 2nd of November 2009.

23 **Q** Okay. And can you go ahead and circle that so we can
24 see where you're referring to on the document?

25 **A** (Witness writing.)

1 Q Okay. And who are parties to this transaction?

2 A There is a seller, the second name, unfortunately, I
3 just covered up, and then the purchaser, which is Larry
4 Householder.

5 Q All right. And below that, is there a reference to
6 the location of the property?

7 A Yes. It is in Collier County, Florida, lot 62, block
8 B, and then it lists as Unit 1.

9 Q Okay. And can you circle that description for us so
10 we can see where you're referring?

11 A (Witness writing.)

12 Q All right. So located in what county?

13 A Collier County, Florida.

14 Q Okay. And is there a further description location
15 below Collier County?

16 A Yes, it's lot 64, block B within Berkshire Lakes
17 listed as unit No. 1.

18 Q Okay. Did you get further details from public records
19 regarding -- regarding that location?

20 A I did.

21 MS. GLATFELTER: Your Honor, permission to publish
22 808 B, which has been admitted?

23 THE COURT: Yes.

24 Q Okay. Agent Wetzel, do you recognize --

25 MS. GLATFELTER: No, it's B, I'm sorry. Thank you.

1 Q Do you recognize 808 B?

2 A I do.

3 Q Okay. And what is it?

4 A This is the Berkshire Lakes that we just mentioned.

5 This is the association and this is a certificate of
6 approval.

7 Q Okay. And does it list an address that corresponds to
8 that lot 62, block B, unit 1?

9 A Yes, ma'am, it does. It lists 226 Bellville
10 Boulevard, Naples, Florida as the address.

11 Q Okay. And can you circle where you see that on the
12 document?

13 A (Witness writing.)

14 Q All right. Agent Wetzel, were you able to find
15 documentation about the status of that house now?

16 A Yes, I was.

17 MS. GLATFELTER: Your Honor, permission to publish
18 808 D, which has been admitted?

19 THE COURT: Yes.

20 Q Okay. Agent Wetzel, what do we see on Government's
21 Exhibit 808 D?

22 A This is another warranty deed between a seller and a
23 purchaser of a property.

24 Q Okay. And who is the seller of this property?

25 A Mr. Larry Householder.

1 Q And what's the date of the warranty deed?

2 A The 29th of April 2022.

3 Q Okay. And if we look up towards the caption or the
4 filing part, do you see the consideration paid for the
5 warranty deed?

6 A Yes. It's listed as \$690,000.

7 Q Okay. Can you circle that for us, please?

8 A (Witness writing.)

9 Q All right. All right. Between 2018 and 2020, were
10 any funds from the JPL account used to pay expenses related
11 to the Florida -- to this Florida home?

12 A Yes.

13 MS. GLATFELTER: Your Honor, permission to show the
14 witness what's been marked as Government's Exhibit 812?

15 THE COURT: Yes.

16 Q Agent Wetzel, do you recognize Government's
17 Exhibit 812?

18 A I do.

19 Q What is it?

20 A This is a list or, I guess I should say, it's a chart
21 of payments that I could identify from the 9192 account that
22 went to expenses related to that 226 Bellville Boulevard
23 address that we've been discussing.

24 Q Okay. And how did you compile it?

25 A By reviewing various records from a few different

1 entities. There's also the public records we've been
2 looking at. I looked at the 9192 bank records. I also
3 requested subpoenas for some of the entities such as the --
4 some construction entities that had done work, things like
5 that.

6 **Q** All right. And did you review this for accuracy?

7 **A** I did.

8 MS. GLATFELTER: Your Honor, permission to publish
9 812 -- I'm sorry, admit and publish 812?

10 THE COURT: Any objections?

11 MR. GLICKMAN: No, Judge.

12 MR. SCHNEIDER: No objection.

13 THE COURT: It's admitted. You may publish it.

14 MS. GLATFELTER: Thank you, Your Honor.

15 THE COURT: You're welcome.

16 **Q** Okay. Agent Wetzel, now the jurors are able to see
17 this on their screen. First of all, the top of the
18 document, can you tell us what address this relates to?

19 **A** 226 Bellville Boulevard, Naples, Florida.

20 **Q** Okay. And what is that address associated with?

21 **A** That's the address we were just looking at the deed
22 for, both the purchased by Mr. Householder and then later
23 the sale by Mr. Householder.

24 **Q** And what's the date range of the transactions that you
25 were able to identify?

1 **A** The first one occurred September of 2018 and then the
2 last one in June of 2020.

3 **Q** All right. Now, did you obtain records or
4 communications related to the Florida home during your
5 investigation?

6 **A** I did.

7 MS. GLATFELTER: Your Honor, permission to publish
8 483 A, which has been admitted?

9 THE COURT: Yes.

10 **Q** Okay. Agent Wetzel, do you recognize this document?

11 **A** Yes. This is a text conversation between SLH and Jeff
12 Longstreth. It was recovered from Mr. Longstreth's iCloud
13 back-up.

14 MS. GLATFELTER: All right. Ms. Terry, if we can
15 go to page 32 of this exhibit. Okay. And the -- thank you.

16 **Q** All right. Agent Wetzel, if we can read these
17 messages like we've done previously. If you can start with
18 the blue message at the top.

19 **A** Yes, ma'am. SLH: Hearing from FL that the A/C is not
20 working and the house is 90 degrees. Here are the people
21 I've used in the past, if you could arrange. And then SLH
22 sends a contact card.

23 **Q** Message is blank from Jeff Longstreth.

24 **A** SLH: Filters are prob plugged up.

25 SLH: Did the window get fixed?

1 **Q** Agent Wetzel, what are the dates of these messages?

2 **A** This is June of 2019.

3 **Q** Okay. And how does that relate to the dates of House
4 Bill 6?

5 **A** At this time, the bill is in the Ohio Senate.

6 MS. GLATFELTER: All right. And if we may advance
7 to page 43, Ms. Terry, and if we can enlarge the bottom two
8 messages there.

9 **Q** I'll read these green messages. From Mr. Jeff
10 Longstreth: The guy in Naples confirmed today, you can rent
11 out for one month minimum up to three times per year, which
12 means you'd be looking at a long-term rental which would be
13 about 2,000 to \$2200 -- or 2200/month.

14 Jeff Longstreth: The contractor thinks the renovation
15 would cost \$150 to 175K depending on how much mold they
16 find. Realtor thinks the House would sell for \$350 to 390K
17 post renovations. Thinks he could find an investor to buy
18 it now, quote, as is, quote, in the low \$200s.

19 MS. GLATFELTER: Your Honor, permission to publish
20 812 again, which is the table we just admitted?

21 THE COURT: Yes.

22 MS. GLATFELTER: All right. Ms. Terry, if we can
23 put that on the left side of the screen.

24 **Q** All right. Agent Wetzel, do you see a payment listed
25 for April 8th, 2019?

1 **A** I do.

2 **Q** Okay. And what was that payment for?

3 **A** The payment on April 8th, 2019, is \$14,003.43 to
4 Collier County.

5 **Q** Okay. Is Collier -- what is Collier County?

6 **A** That's the county where the house is located.

7 **Q** Okay. And were you able to find further documentation
8 during your investigation related to this payment?

9 **A** I was.

10 MS. GLATFELTER: Your Honor, permission to publish
11 810, which has been admitted?

12 THE COURT: Yes.

13 **Q** Okay. Agent Wetzel, do you see Government's
14 Exhibit 810?

15 **A** I do.

16 **Q** All right. What is it?

17 **A** This is a tax document from -- excuse me, Larry Ray,
18 who is a tax collector for Collier County.

19 **Q** Okay. And do you see, it looks like a paperclip at
20 the top there?

21 **A** Yes, that's a payment receipt.

22 **Q** Okay. And what's the amount of the payment?

23 **A** So it's from Huntington Bank listed as the Capitol
24 Square branch, and then the purchase is in the amount of
25 \$14,003.43.

1 MS. GLATFELTER: Okay. And if we can advance to
2 the next page, Ms. Terry. Okay. And the next one. Okay.
3 And the next page.

4 **Q** All right. Agent Wetzel, do you recognize page 4?

5 **A** I do.

6 **Q** What is it?

7 MS. GLATFELTER: I'm sorry, the page that we were
8 on with the check. There you go.

9 **A** Yes, I do recognize it. This is a cashier's check
10 from Jeffrey Longstreth, FBO, JPL & Associates, to the
11 Collier County Tax Collector.

12 **Q** Okay. And were you able to -- were you able to
13 correlate these payments, such as this tax payment, with the
14 JPL 9192 bank records?

15 **A** Yes, I was.

16 MS. GLATFELTER: Okay. Your Honor, permission to
17 publish some of those records, if we can publish 32 E, which
18 has been admitted?

19 THE COURT: Yes.

20 MS. GLATFELTER: Thank you. Ms. Terry, if we can
21 go to page 21. All right. And if we can enlarge the bottom
22 half of that document, please.

23 **Q** All right. Agent Wetzel, do you see a check on the
24 right that corresponds to your chart?

25 **A** Yes. This is a check from the 9192 account to Jackson

1 Property Management in the amount of \$525.

2 **Q** Okay. And can you draw a line to that payment?

3 **A** (Witness writing.)

4 **Q** On the chart. Thanks.

5 And on the check, does it list an address for Jackson
6 Property Management?

7 **A** Yes. It's 26766 Stardust Drive, which is in Bonita
8 Springs, Florida.

9 MS. GLATFELTER: Ms. Terry, if we can go to page 33
10 and the bottom half of the document, please.

11 **Q** Agent Wetzel, is there a check on page 33 that relates
12 to your chart?

13 **A** Yes. The second payment in the chart to Hi-Tech
14 Pools, that is listed as the bottom check there in the
15 amount of \$2100.

16 **Q** And how are you able to tell that this check to
17 Hi-Tech Pools relates to the property in Florida?

18 **A** In the memo line, it lists one half payment pool
19 cleaning 226 Bellville Road which is the address of the
20 house we have been talking about.

21 **Q** Okay. And if we go through these checks for the 9192
22 account --

23 MS. GLATFELTER: If you can zoom out, Ms. Terry.

24 **Q** If we review the checks from the 9192 account, will
25 those correspond to the exhibit column on the left?

1 **A** Yes, they will. These are all checks from the 9192
2 account with the exception of the two that are listed as
3 EFTs.

4 **Q** So let's look at those, let's look at an example of
5 the EFT transaction.

6 MS. GLATFELTER: If we can go to Exhibit 32 C,
7 which has been admitted, Your Honor?

8 THE COURT: Yes.

9 MS. GLATFELTER: And page 59. Let's go actually
10 page 58 first.

11 **Q** Agent Wetzel, do you recognize what these are?

12 **A** Yes. This is a JPL & Associates statement. This is
13 listing or this is listed as being from December 1st, 2019,
14 to December 31st, 2019.

15 **Q** Okay. And can you tell what account it's for?

16 **A** Yes. Listed as the account is the 9192, you see it
17 kind of in the center right of the page.

18 MS. GLATFELTER: All right. And if we go to
19 page 2, Ms. Terry.

20 **Q** And why did you select this page to correspond to the
21 Nordic Construction EFT?

22 **A** So under debits, you see about two-thirds of the way
23 down the debits, on 12/23, there is a \$59,050 payment to
24 Nordic Construction, and then it goes on to list it's for
25 the 226 Bellville bill pay.

1 **Q** All right. If you can circle that and draw a line to
2 where it corresponds on the chart?

3 **A** (Witness writing.)

4 **Q** Okay. So when you say "EFT payments," the process is
5 looking and comparing statements?

6 **A** Yes. An EFT is an electronic funds transfer, so it
7 just doesn't have a check for them to take a picture of and
8 store, essentially. It's just stored differently by the
9 bank.

10 **Q** All right. And what is the total amount of payments
11 related to the 226 Bellville Boulevard property that you
12 were able to find in your investigation?

13 **A** \$158,144.11.

14 **Q** And after reviewing the credit card, the lawsuit, and
15 the Florida house records, were you able to come to a total?

16 **A** I was.

17 MS. GLATFELTER: Your Honor, may we please publish
18 819, which has been admitted?

19 THE COURT: Yes.

20 **Q** All right. And what was the total of the Chase credit
21 card, Discover card, payments related to the lawsuit, the
22 payments related to the Florida house, and the increase in
23 salary for the Speakership?

24 **A** \$513,669.32.

25 MS. GLATFELTER: Your Honor, one moment, please.

1 THE COURT: Very well.

2 MS. GLATFELTER: All right. Your Honor, no further
3 questions for the witness.

4 THE COURT: Very well. Government has finished
5 questioning of this witness. The defendants will have an
6 opportunity to cross-examine. We've reached our mid-morning
7 break. During the break, take a break, get this out of your
8 mind. Don't talk about it among yourselves or anyone else.
9 No independent research. Continue to keep an open mind and
10 we'll rise as you leave until --

11 THE DEPUTY: All rise for the jury.

12 THE COURT: -- 11:15.

13 (Jury exited the courtroom at 10:55 a.m.)

14 THE COURT: Jury has left the room, door is
15 closing. As always, we'll simply wait until we know they've
16 cleared the floor. You may remain standing or seated as you
17 choose.

18 THE DEPUTY: All clear.

19 THE COURT: 20-minute break. Witness is not to
20 discuss his testimony. See you then.

21 THE DEPUTY: All rise. This court is in recess for
22 20 minutes.

23 (Recess taken from 10:56 a.m. to 11:19 a.m.).

24 THE DEPUTY: All rise. This court is in session
25 pursuant to the recess.

1 THE COURT: Thank you. Please be seated. Back in
2 the courtroom. Jury is ready. Are we ready for the jury
3 from the government's perspective?

4 MS. GLATFELTER: Yes, Your Honor.

5 THE COURT: From Mr. Householder's?

6 MR. GLICKMAN: Yes, Judge.

7 THE COURT: From Mr. Borges'? Got the thumbs up.
8 Let's call for the jury. We typically break at 12:15 for
9 lunch, at or around.

10 THE DEPUTY: All rise for the jury.

11 (Jury entered the courtroom at 11:20 a.m.)

12 THE COURT: Jurors can be seated as they join us.
13 You may all be seated. Thank you. The defendants will have
14 an opportunity to ask questions now.

15 On behalf of Mr. Householder?

16 MR. GLICKMAN: Thank you, Judge.

17 THE COURT: Yes.

18 **CROSS-EXAMINATION**

19 **BY MR. GLICKMAN:**

20 **Q** Agent Wetzels, I'm Rob Glickman, one of
21 Mr. Householder's counsels. It's been a few days since we
22 spoke.

23 **A** Yes, sir.

24 **Q** So I just have a few points to go over with you before
25 I get into a little more of your background.

1 **A** Okay.

2 **Q** That okay with you, sir?

3 **A** Yes.

4 MR. GLICKMAN: So can we pull Government
5 Exhibit 581 that has already been admitted, Judge?

6 THE COURT: Yes.

7 **Q** Okay. So do you recall this exhibit?

8 THE COURT: It's not quite up yet.

9 MR. GLICKMAN: Oh, I'm sorry.

10 THE COURT REPORTER: Do you wish to publish it?

11 MR. GLICKMAN: I do.

12 THE COURT: It's now up and published.

13 **Q** Do you recall this exhibit, sir?

14 **A** I do.

15 **Q** Okay. So you testified about a state airplane that
16 had been arranged to pick up some of the members of the
17 House that were in Chicago?

18 **A** Yes.

19 **Q** Okay. And there were a number of members of the House
20 in Chicago, yes?

21 **A** I recall a few, yes.

22 **Q** Well, they were there because it was the Council of
23 State Government's convention, true, sir?

24 **A** I recall that it was a conference. I'm not sure if
25 that was the conference, but they were attending an event,

1 yes.

2 **Q** Okay. And it wasn't just -- it wasn't just these
3 three House members that were there, there were others,
4 true?

5 **A** I'm not certain who all attended. I know that these
6 gentlemen were listed as the plane was coming to get them.

7 **Q** Well, during the course of your investigation, you
8 learned that Mr. Greenspan was there, yes?

9 **A** Yes, that's correct.

10 **Q** Okay. And there were Democrats there too, it was a
11 government convention, not a Republican convention, yes?

12 **A** I don't know of any of the Democratic members that
13 were there.

14 **Q** Okay. And you testified about this exhibit, 518,
15 about that -- and the State of Ohio owns an airplane, that
16 it was going to go and pick up members of the House, yes?

17 **A** That's what Mr. Householder explains here.

18 MR. GLICKMAN: Okay. And can we pull up
19 Exhibit 517 A, please, which has already been admitted?

20 THE COURT: Yeah, pull it up, publish it.

21 MR. GLICKMAN: Ask to be published, Judge?

22 THE COURT: Yes.

23 **Q** And you testified about this exhibit, an article about
24 a state airplane being sent to Chicago to pick up Ohio House
25 members for the House Bill 6 vote, yes?

1 **A** Yes.

2 **Q** And it didn't specify just those three members from
3 the earlier text message, did it?

4 **A** I haven't read the full article. It just said it was
5 dispatched to pick up at least one Ohio House member.

6 **Q** Sir, you identified this article as an exhibit in this
7 case. You hadn't read it?

8 **A** I don't know that I've -- I remember this article and
9 other articles on this topic. I just know I don't recall
10 this specific article.

11 **Q** And for the state airplane to be used, Governor
12 DeWine's office had to give consent?

13 **A** That's my understanding.

14 **Q** Okay. Plane never took off, did it?

15 **A** No, I don't believe that it did.

16 **Q** No state airplane flew to Chicago to pick up any House
17 member?

18 **A** I know that this flight was cancelled. I don't know
19 if there were ever any flights to Chicago.

20 **Q** Okay. So you're not aware of any State of Ohio
21 airplane that went to Chicago to transport any House member
22 back to Columbus to vote on House Bill 6, are you?

23 **A** I am not.

24 **Q** In fact, four days later, there was another article
25 written that told everybody that, that the House -- that the

1 plane never took off?

2 **A** Okay.

3 **Q** You were not aware of that article?

4 **A** I recall that there were articles at the time about
5 the -- I remember there were articles at the time about a
6 plane potentially going to pick up the members, yes.

7 **Q** Okay. But in your direct testimony to the jury, you
8 never told them that the plane never flew?

9 **A** We talked about this specific article, which was an
10 e-mail recovered from FirstEnergy, what they were
11 discussing, the plane going to Chicago.

12 **Q** Well, the article that was shown to the jury said,
13 "State airplane sent to Chicago," yes?

14 **A** Yes.

15 **Q** Okay. That implies that an airplane actually left
16 Columbus and arrived in Chicago, doesn't it?

17 **A** I suppose.

18 **Q** But now we know that did not happen, yes?

19 **A** You're saying that it did not happen. I'm not aware
20 that it did happen.

21 **Q** Okay. So you're saying you're not aware whether it
22 did or it didn't happen?

23 **A** I recall reading articles that it did not happen
24 shortly after, but again, this is an e-mail where
25 FirstEnergy is discussing this article.

1 **Q** So you are aware that the plane never took off?

2 **A** I recall reading articles about the plane not going.
3 I did not subpoena records from the State of Ohio, for
4 instance, about the plane.

5 **Q** Okay. Well, since we're talking about that, you
6 wouldn't have to subpoena records from the State of Ohio,
7 would you, you would just need to know the tail number and
8 you could look online whether it took off or not?

9 **A** I did not check into that.

10 **Q** Okay. During your direct testimony, you talked about
11 Jeff Longstreth and specifically his company, JPL &
12 Associates?

13 **A** Yes.

14 **Q** Okay. Is it okay if I just refer to that company as
15 JPL and we'll all know who I'm talking about?

16 **A** Sure.

17 **Q** Great. All right. And you indicated that JPL &
18 Associates made its money through Generation Now, true?

19 **A** Correct.

20 **Q** Okay. JPL & Associates had various sources of income,
21 didn't it?

22 **A** There were other individuals that deposited money into
23 JPL accounts, that's correct.

24 **Q** Well, certainly your investigation showed that JPL &
25 Associates was making money from all 20 candidates supported

1 by Team Householder in the 2018 election?

2 **A** I'm aware that they deposited money.

3 **Q** By "deposited money," you meant sent money from their
4 respective campaign accounts to JPL & Associates, correct?

5 **A** Correct.

6 **Q** And they paid retainers, monthly retainers that they
7 would pay into JPL & Associates?

8 **A** Yes.

9 MR. GLICKMAN: Okay. Can we pull up Government
10 Exhibit 32 B, please?

11 THE COURT: Is it admitted?

12 MR. GLICKMAN: I believe it is admitted, Judge.

13 THE COURT: You want it published?

14 MR. GLICKMAN: I was about to ask that, yes, sir.

15 THE COURT: Yes.

16 **Q** Okay. So you testified about this exhibit earlier,
17 yes?

18 **A** Yes, I believe so, yes. This is the 9192 account, I
19 think.

20 **Q** Okay. So you recognize these checks as being checks
21 written from various accounts to JPL & Associates, right?

22 **A** Yes. On this page it shows Friends of Kris Jordan and
23 Jim Trakas.

24 **Q** Okay. And Friends of Kris Jordan wrote a check for
25 \$72,824?

1 **A** That's what it shows, yes.

2 **Q** And Friends of Jim Trakas, \$47,669?

3 **A** Yes, I think, I was trying to tell if that was a nine
4 or a two, but yes, that looks right.

5 **Q** Well, 47,000 and change, how's that?

6 **A** Sure.

7 MR. GLICKMAN: Okay. All right. Can we page down,
8 please?

9 **Q** Josh Hagan For State Representative wrote a check for
10 \$32,401?

11 **A** Correct.

12 **Q** Republicans to elect Jena Powell, 53,000 and change?

13 **A** Correct.

14 **Q** And kind of goes on and on, yes, sir, we don't need to
15 go over every check?

16 **A** There are checks in that account from members, yes.

17 **Q** Quite a few, is that fair?

18 **A** I don't know the number.

19 **Q** We can just keep doing this if you want.

20 **A** Is that a question? I'm happy to answer whatever
21 questions you have.

22 **Q** Okay. Let's keep going. Can we -- Brian Baldrige
23 was another candidate, yes?

24 **A** Yes, that's another Team Householder member.

25 **Q** \$10,870?

1 **A** I see it.

2 **Q** Okay. Tracy Richardson for Ohio?

3 **A** Yes.

4 **Q** Another candidate?

5 **A** Indeed.

6 **Q** \$2,915?

7 **A** I see it.

8 **Q** Okay. We'll just -- I can't testify, sir. That was a
9 payment from a candidate --

10 THE COURT: Excuse me. What is the question for
11 the witness?

12 **Q** That is a candidate, that is a payment from a
13 candidate to JPL & Associates, yes?

14 **A** Yeah, a candidate's committee to JPL & Associates.

15 **Q** Okay. Those are not checks from Generation Now?

16 **A** No. Those are from the candidate committees for those
17 individuals, not Generation Now.

18 MR. GLICKMAN: Okay. Next, please.

19 **Q** Friends of Kris Jordan \$14,819?

20 **A** Yeah.

21 **Q** Is that a -- Kris Jordan a candidate?

22 **A** Kris Jordan is a candidate.

23 **Q** Okay. All right. Now, JPL did business outside of
24 Team Householder candidates, didn't it?

25 **A** That's not my understanding.

1 **Q** It's not your understanding that JPL was paid \$90,000
2 for lobbying work in the state of West Virginia?

3 **A** My understanding, based upon my conversations with
4 folks, is that the business that JPL did was approved by
5 Mr. Householder.

6 **Q** Okay. My question was: Were you aware that JPL did
7 lobbying work in West Virginia?

8 **A** Yes. I believe they did. They were paid by accounts
9 related to FirstEnergy in West Virginia.

10 **Q** But Larry Householder and Larry Householder's
11 candidates weren't running for office in West Virginia, were
12 they?

13 **A** They were running in Ohio.

14 **Q** Okay. And didn't the Friends of Larry Householder,
15 his campaign account, pay JPL & Associates approximately
16 \$135,000?

17 **A** I'm not sure of the total amount.

18 **Q** Are you aware that the Friends of Larry Householder,
19 his campaign account, made payments to JPL?

20 **A** Oh, yeah, yes.

21 **Q** Can we agree it was in an amount in excess of a
22 \$100,000?

23 **A** I wouldn't know the amount without looking at it.

24 **Q** Well, didn't, during the course of your investigation,
25 you look at the finances of JPL & Associates?

1 **A** I did.

2 **Q** Okay. So you certainly would have seen any check
3 written by the Friends of Larry Householder?

4 **A** I looked at thousands of checks. Yes.

5 **Q** Fair enough.

6 MR. GLICKMAN: Put Government Exhibit 32 H, please.
7 Your Honor, this document has already been admitted. I ask
8 that it be published?

9 THE COURT: Yes.

10 **Q** Okay. This reflects further deposits into the JPL
11 account, doesn't it?

12 **A** Sorry, just came up on my screen. Yes, these are
13 deposits.

14 MR. GLICKMAN: Pull up the first check, pull it up,
15 make it easier for the witness.

16 **A** Yes. This is a payment into JPL & Associates from the
17 Coalition for Growth and Opportunity.

18 **Q** Okay. And it's in the amount of \$55,163?

19 **A** Yes, that's what it says.

20 **Q** Okay. And the Coalition for Growth and Opportunity
21 was a (c) (4) doing work in West Virginia, wasn't it?

22 **A** I believe at this time, yes.

23 **Q** Fair enough. Do you recall testifying about
24 Mr. Householder going to the 2016 Presidential Inauguration
25 on the FirstEnergy plane?

1 **A** Yes.

2 **Q** Okay. And, again, that was for the presidential
3 inauguration, right?

4 **A** Yes, and they attended other events while they were
5 there, yes.

6 **Q** But the events -- it's Washington, DC, for the
7 presidential inauguration, there were a lot of events, yes?

8 **A** Yes, um-hmm.

9 **Q** Politicians from all over the country were there?

10 **A** I assume so.

11 **Q** Okay. And there was prominent elected officials from
12 Ohio who were there other than Mr. Householder?

13 **A** I don't know that.

14 **Q** Well, you know there was a delegation from Ohio that
15 has to vote to certify the President, yes?

16 **A** Yes. It's a part of the process of selection.

17 **Q** Okay. And you're not suggesting that public officials
18 are not allowed to ride on private planes, are you?

19 **A** I'm not making any suggestion. Just noting the fact
20 that Mr. Householder went on FirstEnergy's plane to the
21 event.

22 **Q** Okay. And did you note that Mr. Householder was with
23 his son, Luke?

24 **A** Yes, I believe we discussed that.

25 **Q** Okay. And Rob Frost was on that plane?

1 **A** Yes. There was a document we looked at that had a
2 list of all six, I think.

3 **Q** Fair enough. And Rob Frost is the head of the
4 Republican Party of Cuyahoga County, yes?

5 **A** It was my understanding he was at the time. I don't
6 know if he currently is.

7 **Q** Okay. I'm going to talk about the time, the time
8 frame of the flight.

9 **A** Okay.

10 **Q** Okay. So as of the time of the flight, he was head of
11 the Cuyahoga County Republican Party?

12 **A** That's my understanding.

13 **Q** Okay. And when a public official accepts a ride on a
14 private plane, the public official is to reimburse the owner
15 of the plane what the government says the, quote, cost,
16 unquote, of that flight is, yes?

17 **A** I think they have to do that and there's also a
18 disclosure, I think.

19 **Q** And Mr. Householder, in fact, did pay FirstEnergy for
20 the flight, didn't he?

21 **A** I recall that he paid -- he wrote them a check. I
22 think we looked at a document about that.

23 MR. GLICKMAN: Pull up Government Exhibit 376,
24 please.

25 THE COURT: I'm going to ask you to ask me if you

1 want to publish it before we publish it.

2 MR. GLICKMAN: I'm sorry. Judge, I only meant for
3 the Court, and for counsel, and the witness.

4 THE COURT: Well, it went up.

5 MR. GLICKMAN: Oh, my apologies.

6 THE COURT: So we're going to show this to the
7 witness and the lawyers, right?

8 MR. GLICKMAN: Correct.

9 THE COURT: Very well.

10 **Q** Okay. Do you recognize --

11 MR. GLICKMAN: I'm sorry, Householder Exhibit 376.

12 **A** It appears to be a checking statement.

13 **Q** You didn't review financial records of Mr. Householder
14 throughout your investigation?

15 MS. GLATFELTER: Your Honor, I'm going to object to
16 this as misleading. There are millions of documents, and
17 two, he's showing him a document for the first time and
18 asking this witness if he recognizes it. He needs to direct
19 him or provide some context to it.

20 THE COURT: Very well. You can proceed.

21 MR. GLICKMAN: Thank you.

22 **Q** Okay. Showing, again, Householder Exhibit 376, did
23 you review checking accounts of Mr. Householder?

24 **A** Yes. I reviewed bank records for Mr. Householder.

25 **Q** Okay. And the statement ending in 1574, the account

1 number on the top right, is that one of the accounts that
2 you reviewed?

3 **A** I can't recall the last four of his checking account
4 offhand.

5 MR. GLICKMAN: Just one moment, please, Judge.

6 THE COURT: All right.

7 MR. GLICKMAN: Can you show the witness and counsel
8 page 2, please? And just blow it up a little bit, please.
9 Thank you.

10 **Q** Do you see any payment to FirstEnergy?

11 **A** This lists that there is an automatic debit CHK to
12 FirstEnergy Serv. check payment and then an amount of
13 \$2,642.20.

14 **Q** Does that help refresh your recollection on the amount
15 of the payment Mr. Householder made to FirstEnergy Service
16 Company?

17 **A** That appears to be the payment. It doesn't connect it
18 directly to the flight, but that is a payment to the service
19 company, yes.

20 **Q** And in the course of your investigation, can you think
21 of any other reason that Mr. Householder would have made a
22 payment to Firstenergy Services Company?

23 **A** Not that I can think of.

24 **Q** Thank you.

25 MR. GLICKMAN: Can we pull up Government

1 Exhibit 232 C, please, just for the Court and counsel?

2 THE COURT: And you'll tell me when you want to
3 move to admit, like the last exhibit?

4 MR. GLICKMAN: Yes, Judge.

5 THE COURT: Okay.

6 MR. GLICKMAN: Okay. This exhibit, I believe, has
7 already been admitted, Your Honor. May it be published?

8 THE COURT: Yes.

9 Q Okay. You testified about Government Exhibit 232 C,
10 didn't you?

11 A Yes, I do believe so.

12 Q This is a calendar entry from Charles Jones?

13 A That's correct.

14 Q An executive at FirstEnergy?

15 A He was at the time the CEO.

16 Q And it lists an event, Larry Householder Crop?

17 A Yes, it does, under "Event."

18 Q Okay. Crop is a restaurant in the Cleveland area?

19 A That's my understanding.

20 Q At least at that time it was?

21 A Correct.

22 Q Okay. All right. And the event was scheduled for
23 August 15th, 2017?

24 A That's what it says.

25 Q Okay. That was a fundraiser, wasn't it?

1 **A** I'm not certain.

2 MR. GLICKMAN: Okay. Could you pull up, pull up
3 just for counsel and the Court, Householder Exhibit 470,
4 please?

5 **Q** During the course of your investigation, you received
6 documents from FirstEnergy; is that fair to say?

7 **A** Many of them, yes.

8 **Q** I was about to say, is it more fair to say you
9 received a lot?

10 **A** Correct.

11 **Q** This is --

12 MR. GLICKMAN: Can we see the bottom right of the
13 document, please?

14 **Q** Is this one of those documents that you received from
15 FirstEnergy noting the Bates stamp number on the bottom?

16 **A** It appears to be, yes.

17 **Q** Okay. All right. And during the course of your
18 investigation, didn't you learn that in fact there was a
19 fundraiser at Crop for Mr. Householder where \$500 per couple
20 was being charged or more?

21 **A** That's what it lists here on the page.

22 **Q** Sir, this document was produced to you by FirstEnergy,
23 yes?

24 **A** Correct.

25 **Q** Okay. Jim Tressel, the former coach of Ohio State,

1 was going to appear?

2 **A** Yes, that's right.

3 MR. GLICKMAN: All right. Your Honor, I ask that
4 this be published.

5 THE COURT: Is it in evidence?

6 MR. GLICKMAN: No, no, Your Honor.

7 THE COURT: Do you want to move it into evidence?

8 MR. GLICKMAN: Yes, Your Honor, I would like to
9 move it into evidence.

10 THE COURT: Any objection?

11 MS. GLATFELTER: No, Your Honor.

12 THE COURT: None from the back either? It's
13 admitted. You may publish.

14 MR. SCHNEIDER: No, no objection.

15 THE COURT: Very well.

16 **Q** So this is an e-mail from Tony George?

17 **A** That's what it says, yes.

18 **Q** Tony George, you talked about earlier, is a
19 businessman at Northeastern Ohio?

20 **A** Correct.

21 **Q** Okay. And the subject is: A reception for Larry
22 Householder?

23 **A** Yes, with special guest Jim Tressel.

24 **Q** And Jim Tressel, former coach of Ohio State, current
25 president at that time of Youngstown State University?

1 **A** That's what it says.

2 **Q** Okay. And it's that same day, Tuesday, August 15th,
3 yes?

4 **A** Yes, I see it there.

5 **Q** Okay. And the venue is the Skylight Penthouse at Crop
6 Bistro, the same restaurant, right?

7 **A** It lists the Skylight Penthouse at Crop Bistro, yes.

8 **Q** And the Skylight Penthouse is a private room for
9 entertainment at the top of the old bank building, isn't it?

10 **A** Yes, I believe it is.

11 **Q** It's a large venue?

12 **A** I've never been inside it.

13 **Q** Okay. All right. And tickets are being sold at
14 various levels: \$50,000 per couple; committee level, \$1,000
15 per couple; sponsor level, 2500 per couple?

16 **A** Yes, under "Tickets" that's listed.

17 **Q** And prior to working in the FBI, sir, you worked in
18 the Michigan State Legislature?

19 **A** I did.

20 **Q** You're familiar with state representatives or
21 politicians from various states having fundraisers?

22 **A** Generally speaking, yes.

23 **Q** And, generally, the goal is to get as many people with
24 money as you can so you can raise as much money as you can,
25 right?

1 **A** Certainly, the purpose of a fundraiser is to raise
2 funds.

3 **Q** Fair enough. So this was not some private meeting
4 between Chuck Jones and Larry Householder, was it?

5 **A** I'm not certain of what Mr. Jones was intending when
6 he wrote his calendar entry, but I do see that there was an
7 event at that time.

8 **Q** You don't even know if Chuck Jones attended, do you?

9 **A** I'm pausing only because I recall there's some text
10 conversations around this time about it where he might have
11 indicated that he did, but I'm -- I'm not aware right now of
12 anything specifically.

13 **Q** Fair enough. All right. There was some testimony
14 regarding the offices of -- in Columbus, Ohio and you showed
15 a map showing where various offices were located; do you
16 recall that?

17 **A** I recall that we looked at the 65 East State Street
18 building.

19 **Q** Well, we -- also the offices of the Strategy Group, do
20 you remember testifying about that?

21 **A** I do.

22 **Q** Okay. And in the offices of Strategy Group, you
23 indicated that Generation Now had offices?

24 **A** Yes. There's a rental from the Strategy Group within
25 that 65 East State Street building.

1 Q And you also indicated that Larry Householder had an
2 office?

3 A That's what the contract reflects.

4 Q Okay. So there -- when you say "the contract," you're
5 talking about the subleases, yes?

6 A I think that that's what the title is. If you show it
7 to me, I could remember, but I think that's right.

8 Q Okay. Fair enough.

9 MR. GLICKMAN: Could you pull up Exhibit 201 A and
10 201 A 1, please? Not to be published.

11 Q Okay. So showing you Government Exhibit 201 A, sir,
12 is that the sublease that you were talking about?

13 A It's not on my screen.

14 Q Oh, I'm sorry.

15 A There we go. I'm sorry, you were asking about A or A
16 1?

17 Q Starting with A.

18 A Yes, the title is listed as landlord consent to
19 sublease.

20 Q This is a document you saw during the course of your
21 investigation?

22 A Correct.

23 Q Okay. And is 201 A 1, similarly, a sublease agreement
24 that you saw during your investigation?

25 A Yes. It's very similar.

1 MR. GLICKMAN: Okay. All right. And, Your Honor,
2 I move these documents -- I'd ask that these documents be
3 moved into evidence?

4 THE COURT: Any objection?

5 MS. GLATFELTER: Your Honor, they're already in
6 evidence.

7 THE COURT: I didn't hear you.

8 MR. GLICKMAN: I didn't have them on my list. I'm
9 sorry.

10 THE COURT: I'm sorry, I didn't hear the
11 prosecutor.

12 MS. GLATFELTER: I have these as being admitted
13 already, Your Honor.

14 THE COURT: All right. If they're admitted, you
15 can publish them.

16 MR. GLICKMAN: Please.

17 **Q** Sir, so 201 A, can you tell me who the -- who this
18 agreement is between?

19 **A** It is between Hertz Columbus One, the Strategy Group
20 companies, and Generation Now.

21 MR. GLICKMAN: Okay. And can we go to the -- can
22 we page through that document briefly to the diagram?

23 **Q** Okay. And on page 7 of 7, does the area in pink
24 reflect the office space of Generation Now?

25 **A** The solid pink areas.

1 Q Okay. And going through 201 -- going through 201 A,
2 looking at the first page of that, can you tell me who the
3 subtenant is on that sublease?

4 A I'm sorry, would you repeat that question?

5 Q Sure. 201 A 1.

6 A Oh, that is between Hertz Columbus One, the Strategy
7 Group companies, and Friends of Larry Householder.

8 Q His campaign committee?

9 A Correct.

10 MR. GLICKMAN: Going to page 7 of that, please.

11 Q And does the area in blue reflect the office space
12 rented by the campaign committee of Larry Householder?

13 A That's what the document says.

14 Q And Generation Now's space is larger, fair?

15 A Slightly, I would say. The dark-shaded purple versus
16 the dark shaded blue, so it's a little bigger.

17 Q The lined area of, I think it's pink, but you said
18 purple, so I don't see colors particularly well.

19 A Sure.

20 Q So the lined area, not the -- what you referred to as
21 the completely filled in area, are you indicating that's not
22 space to which Generation Now was leasing?

23 A No. It just lists that Generation Now will utilize
24 the areas of solid pink, and then also, it further goes on
25 to say they'll have access to the other areas, but the

1 Strategy Group is going to actually utilize those areas.

2 **Q** But Generation Now has access to those areas?

3 **A** That's what it says.

4 **Q** And they each paid rent, yes.

5 **A** That's my understanding.

6 **Q** Generation Now paid \$6500 a month?

7 **A** I believe that's right.

8 **Q** Friends of Larry Householder, a thousand dollars a
9 month?

10 **A** Again, without looking at it, that sounds correct to
11 me. I wouldn't want to commit exactly. I don't recall the
12 exact amount.

13 **Q** Okay. And campaign committees are not supposed to use
14 the offices that the elected official is in in the State
15 House, are they?

16 **A** No. I believe that that is actually expressly
17 forbidden.

18 **Q** There is nothing unusual about a campaign committee
19 having an office?

20 **A** No.

21 **Q** And nothing unusual about a campaign committee having
22 an office in shared space with other tenants, yes?

23 **A** I don't know that I would characterize what's usual.
24 You know, I -- I am aware that they have offices and they
25 need office space. I would not want to speculate about what

1 is usual for a representative. I don't know.

2 **Q** Okay. You worked in the Michigan Legislature?

3 **A** Correct.

4 **Q** Many of the representatives with whom -- who worked in
5 that, in that House or in that body had campaign offices,
6 yes?

7 **A** They did. I don't know of any that shared the space
8 with a 501(c)(4). They normally shared it with each other.
9 So a group of representatives might rent a space, that's why
10 I don't know that I want to characterize what's normal or I
11 think the word you used was "usual."

12 **Q** My question, sir, is: It's not unusual for them to
13 share space? I didn't say with whom.

14 **A** Okay. Then, yes, I'm sorry, I would say it's not
15 unusual.

16 **MR. GLICKMAN:** Okay. For counsel, and the Court,
17 and the witness, could we pull up Government Exhibit 406?

18 **THE COURT:** Yes.

19 **MR. GLICKMAN:** I believe this has already been
20 admitted, Your Honor.

21 **THE COURT:** Do you wish to publish it?

22 **MR. GLICKMAN:** Yes, please.

23 **THE COURT:** It may be published.

24 **Q** Do you recall Government Exhibit 406, the e-mail from
25 Mr. Griffing to a large number of people regarding a first

1 draft of potential legislation?

2 **A** Yes, I do recall this.

3 **Q** Okay. And I'm sure everybody recalls, Mr. Griffing
4 was an employee of FirstEnergy Solutions at the time?

5 **A** He transferred over to FirstEnergy Solutions at some
6 point. I can't recall the exact date. This is December of
7 '18, so I believe he's at FES at that time.

8 MR. GLICKMAN: Okay. And can we scroll down,
9 please?

10 **Q** So it says: Attached is the first draft of potential
11 legislation in Ohio based on discussions we've had in the
12 subsequent term sheet we developed; did I read that
13 correctly?

14 **A** Yes, I believe so.

15 **Q** Okay. So it is -- it is the normal, norm, is it not,
16 sir, for certain groups to draft legislation and try to
17 lobby various representatives in both state and federal
18 government to enact that legislation?

19 **A** I don't know if it's normal to have your own draft and
20 then present it to someone versus walking in and talking
21 about issues you might have. I'm not certain.

22 **Q** Well, there's nothing wrong with either, is there?

23 **A** Wrong? I don't believe so, but you asked me what the
24 normal practice is, that's sort of a -- what's more common,
25 I don't know.

1 **Q** At that time nuclear energy accounted for slightly
2 more than 14 percent of Ohio's electricity, yes?

3 **A** I believe that's correct.

4 **Q** FirstEnergy Solutions was the company that owned
5 Ohio's only two nuclear power plants?

6 **A** Yes, that's right.

7 **Q** FirstEnergy Solutions was in bankruptcy?

8 **A** Yes. They filed for bankruptcy earlier in 2018.

9 **Q** You -- during the course of your investigation, you
10 interviewed any number of people, true, sir?

11 **A** Yes. I interviewed a number of people, that's
12 correct.

13 **Q** Okay. Was one of the people you interviewed Pat
14 Tully?

15 **A** Yes, I did speak with Mr. Tully.

16 **Q** During the course of your investigation, did you
17 learn, in fact, that it was not unusual for a lobbyist to
18 submit draft legislation?

19 **A** I don't recall the exact words he used, but he did
20 speak about that he did get draft legislation from folks.

21 **Q** So if you saw -- when you met with Mr. Tully, you
22 memorialized that with a Form 302, yes?

23 **A** Correct.

24 **Q** So if you saw your Form 302, would that refresh your
25 recollection of what Mr. Tully told you?

1 **A** Yeah.

2 MR. GLICKMAN: Don't put anything up. Judge, I ask
3 that I be allowed to show the witness that document, along
4 with counsel, to refresh your recollection?

5 THE COURT: Government wish to be heard?

6 MS. GLATFELTER: Yes. I don't know if this is a
7 discussion more appropriate for sidebar, but I believe
8 improper impeachment and hearsay would be my objections.

9 THE COURT: Well, why don't we have a chat at
10 sidebar. We haven't had a chat at sidebar for quite
11 sometime.

12 **SIDEBAR CONFERENCE.**

13 THE COURT: What was the objection?

14 MS. GLATFELTER: Depending on where we're going, it
15 would be hearsay and improper impeachment. So he is asking
16 him about what Tully -- what another witness told him. The
17 original question was: Is this a normal practice? I'm
18 not -- and personal knowledge. So the witness has already
19 said he's not sure he can -- he can't testify about what's
20 normal. He can certainly ask Pat Tully when Pat Tully takes
21 the stand if that's normal, but this witness says he doesn't
22 know. So trying to impeach him or refresh his memory with
23 someone else's statement and asking about the statement is a
24 combination of all three of those: Lack of personal
25 knowledge, hearsay, and some sort of impeachment, it

1 appears.

2 THE COURT: Just to refresh his recollection?

3 MR. GLICKMAN: That's all. It's just to refresh
4 his recollection, Judge. I'm not asking him to read the
5 statement out loud or enter it into evidence.

6 THE COURT: It's not going to be shown to the jury?

7 MR. GLICKMAN: No.

8 THE COURT: I thought he already answered and
9 fessed up to it?

10 MR. GLICKMAN: He said he thought that's what
11 Mr. Tully said and he can't remember.

12 THE COURT: If there's a document where he says
13 that, I don't see a problem with this. It's not going to
14 the jury.

15 If you would each take six steps back and I'll confer
16 with my law clerk.

17 (Off-the-record discussion.)

18 You can reapproach. I don't find anything wrong with
19 you showing him the document to refresh his recollection.
20 I'm worried about the next question. The question as to
21 whether it's normal is the problematic question.

22 MR. GLICKMAN: Okay.

23 THE COURT: So let's proceed.

24 **SIDEBAR CONCLUDED.**

25 THE COURT: Very well.

1 MR. GLICKMAN: Just for counsel, Court and the
2 witness, if you could pull up the 302.

3 Q Mr. Wetzel, did you prepare this document?

4 A Yes, I did.

5 MR. GLICKMAN: Could you go to page 2?

6 Q Could you just look at the first sentence on page 2,
7 sir, to yourself? Have you had a chance?

8 A Yes, I read it.

9 Q Okay. And in reviewing that, does that help refresh
10 your recollection if, during the course of your
11 investigation, you learned whether or not lobbyists provide
12 draft legislation to legislators?

13 A In the opinion of this individual, yes.

14 MR. GLICKMAN: Okay. You can take that down,
15 please.

16 Q Sir, you testified that during the course of this
17 investigation and certainly during your training as an FBI
18 agent, you learned about Title III wiretaps?

19 A That's correct.

20 Q And Title III wiretaps were in fact utilized, we
21 listened to some recordings here, didn't we?

22 A We did listen to some recordings.

23 Q Okay. And, in fact, the wiretaps in question that we
24 listened to, for example, involving Neil Clark, that
25 involved a different investigation?

1 **A** Correct.

2 **Q** Okay. You did not obtain a warrant for Title III
3 wiretaps generally in this case, did you?

4 **A** No, I did not.

5 **Q** So no warrant for Larry Householder?

6 **A** I did not obtain any Title III warrants in this case.

7 **Q** Okay. And that includes anyone at FirstEnergy?

8 **A** Correct.

9 **Q** Including Chuck Jones and Mike Dowling?

10 **A** No one at FirstEnergy, as I said.

11 **Q** Now, you've presented phone records and summaries of
12 phone records which I'm not going to pull up yet because
13 it's voluminous phone records in this case, yes?

14 **A** That's correct, there are lots of phone records.

15 **Q** Okay. And the phone records show when one person may
16 have called another and how often and maybe how long they
17 spoke, yes?

18 **A** Yes, date, time, duration, that sort of thing.

19 **Q** Okay. But you can't confirm one way or the other what
20 was said on that call, right?

21 **A** No. It only talks about the connection, not the
22 topics discussed or something like that.

23 **Q** Okay. But a Title III warrant, for example, would let
24 you know for certain what was discussed between the
25 individuals on the call being monitored, yes?

1 **A** Yes, you can listen to the call in realtime.

2 **Q** All right. And a number of the -- a number of the
3 calls that were on your summary or on the voluminous
4 telephone records frankly showed that no actual conversation
5 took place because no time elapsed, right?

6 **A** The -- it's a little tricky because sometimes if
7 there's no duration, that can denote like a text message.

8 **Q** Sure.

9 **A** So there may -- sometimes it's a misconnection; other
10 times it just means like an old-fashioned SMS text was sent.

11 **Q** In fairness, sir, in the course of our lives, now that
12 we all carry phones in our pockets, it is not uncommon to
13 call up somebody, get voicemail, hang up immediately and
14 send a text; is that fair?

15 **A** I think that might be more common than leaving a
16 voicemail these days.

17 MR. GLICKMAN: Okay. Can we pull up Exhibit 734,
18 please? I believe Government Exhibit 734 has been admitted,
19 Judge. I ask that it be published?

20 THE COURT: Yes.

21 **Q** Okay. So using Government Exhibit 734 as an
22 example --

23 MR. GLICKMAN: Can we just highlight the calls that
24 have less than 15 seconds of duration? It's pretty --
25 relatively substantial amount, yes.

1 **A** I don't know what you mean by "substantial." There
2 certainly are a number, yes.

3 MR. GLICKMAN: Okay. All right. You can take that
4 down, please.

5 **Q** I'd like to talk to you a little bit about your work
6 before you were an FBI agent, if that's all right?

7 **A** Okay.

8 **Q** You testified that you worked in the Michigan
9 Legislature for a state representative?

10 **A** Yes.

11 **Q** And who was that?

12 **A** His name was Bill LaVoy.

13 **Q** You worked in constituent relations?

14 **A** I started there.

15 **Q** While you were there, one of your responsibilities
16 coincidentally happened to be energy policy?

17 **A** Later, after I left the constituent relations role.

18 **Q** And prior to going to work in the Michigan
19 Legislature, was energy policy of an interest of yours?

20 **A** I don't -- I'm hesitating only because I grew up in a
21 community that's very dominated by energy policy, you might
22 say, so I was certainly aware of the impact that it had on
23 the community I grew up in, but I don't know that I would
24 say that I was versed in it in any meaningful way.

25 **Q** Were you active at all in the promotion of clean

1 energy?

2 **A** Specifically the promotion of clean energy? I don't
3 recall that. I might have been.

4 **Q** I'm sorry, I couldn't hear you, sir.

5 **A** No, sorry. I said I don't recall ever doing anything
6 specifically with clean energy. I know that the -- the
7 representative at one point may have signed on to something.
8 Is there something specific you're referring to?

9 **Q** No. I'm just -- this isn't something that you
10 testified about?

11 THE COURT: You get to ask the questions.

12 MR. GLICKMAN: Fair enough.

13 THE COURT: He gets to make the answers.

14 MR. GLICKMAN: Okay.

15 THE COURT: Please proceed.

16 MR. GLICKMAN: All right.

17 **Q** Well, while you were in the legislature, you worked on
18 a comprehensive review of the State of Michigan's energy
19 standards, didn't you?

20 **A** Yes. My employer, the representative, was on the
21 Energy Committee in Michigan.

22 **Q** Okay. And did you work on Renewable Portfolio
23 Standards in Michigan?

24 **A** Yes. The State of Michigan, like Ohio, for a period
25 of time had Renewable Portfolio Standards or short, RPS.

1 Q I'm sorry, RPS?

2 A Renewable Portfolio Standards. It was an acronym.

3 Q Fair enough. And did you -- the representative for
4 whom you worked, did he, did he -- well, did he lose an
5 election?

6 A He did.

7 Q Okay. And was the election that he lost, was his
8 opponent funded by a (c) (4), funded by a public utility
9 company?

10 A I actually don't know that. I left his employment
11 before he lost.

12 Q Fair enough. And just like in Ohio, in Michigan, the
13 representative you worked for was elected, yes?

14 A Correct.

15 Q He was elected by the constituents of his community?

16 A Yes, our community.

17 Q And in order to be elected, he raised money?

18 A Yes.

19 Q Okay. In Michigan and in Ohio, in the course of your
20 work in the FBI, you know that politicians routinely meet
21 with major donors, don't they?

22 A Yes. Fundraising is a big part of running an
23 election.

24 Q And those major donors can include wealthy
25 individuals, yes?

1 **A** Yes.

2 **Q** They can include political action committees?

3 **A** Yes.

4 **Q** Labor unions who are politically active?

5 **A** That's another group. I mean, it would be the PAC for
6 a union, but yes.

7 **Q** Okay. And essentially, anyone who the elected
8 representative thinks might be interested in making a
9 donation to their campaign to help them in their election or
10 reelection campaign; is that fair?

11 **A** Yeah. They host fundraisers to try to raise money to
12 help on their campaign.

13 **Q** And it's relatively routine that politicians express
14 support for policies and/or legislation that certain donors
15 may want?

16 **A** I don't think I would phrase it that way. I think
17 that they try to usually keep that separate.

18 **Q** Okay. Well, we just went through an election cycle
19 last year. Didn't you see an awful lot of ads with
20 politicians expressing support?

21 MS. GLATFELTER: Your Honor, objection, pretrial
22 orders.

23 THE COURT: Sustained.

24 **Q** You left -- I just want to make sure I have the date
25 correct. You left the legislature and started in the FBI

1 academy in 2016?

2 **A** Yes. I began in August of 2016. I was accepted, I
3 think, two months before that, is when I found out I was
4 going and I started at the academy in August. So I don't
5 know, it would have been June of that year that I found out
6 I was going.

7 **Q** So the process is: You apply, you get accepted, but
8 then there could be a slight delay before a class starts at
9 the FBI academy?

10 **A** There's actually a lot of delays. The application
11 process took me about a year-and-a-half before I went to the
12 academy and then there's obviously the six months after. So
13 I had applied and I let the representative know I was
14 applying a year-and-a-half before. He even commented
15 that -- when he was interviewed by the FBI for my
16 background, he thought I just hadn't gotten the job because
17 so much time had gone by.

18 **Q** Okay. But eventually, you were accepted and there was
19 a couple of months -- and then there was a couple of months
20 before you went to the academy?

21 **A** Correct. It was, I think, probably about six weeks.

22 **Q** Okay. And that was in 2016?

23 **A** Correct.

24 **Q** And just coincidentally, the same year that
25 Mr. Householder ran for and won election back to the State

1 House?

2 **A** It was the same year, yes.

3 **Q** Yeah. All right. And sir, prior to joining the FBI,
4 did you know any of the witnesses that are on the
5 government's witness list?

6 **A** I don't believe so.

7 **Q** Fair enough. Okay. When you attended the FBI
8 academy, that was in Quantico, Virginia?

9 **A** Correct, yes.

10 MR. GLICKMAN: All right. And could we pull up
11 Government Exhibit 211 A, please, for counsel, the Court,
12 and the witness?

13 THE COURT: Yes.

14 MR. GLICKMAN: Your Honor, I believe this document
15 has been admitted. I ask that it be published?

16 THE COURT: Yes.

17 **Q** Okay. If you could just take a look at the e-mail,
18 sir. So this is an e-mail from Ty Pine, a FirstEnergy,
19 FirstEnergy Solutions employee; is that correct?

20 **A** It's to Ty Pine.

21 **Q** Oh, I'm sorry, to Ty Pine from Mike Dowling?

22 **A** Correct.

23 **Q** Okay. And Ty Pine was somebody involved in government
24 relations?

25 **A** Yes. He worked in government relations for the

1 FirstEnergy Corporation.

2 **Q** For Mike Dowling?

3 **A** I think he worked in his department.

4 **Q** Okay. All right. And government relations is -- it's
5 a term the corporation used to really imply lobbying, isn't
6 it?

7 **A** Yes, it's mostly lobbying. I think there might be
8 some charitable giving involved, too, but it's essentially
9 the relations with the -- with government, and so on, from
10 the company.

11 **Q** Okay. And this was -- this was drafted in August of
12 2016?

13 **A** Correct.

14 **Q** Right about -- right about the time you went to the
15 FBI academy, right?

16 **A** Within a couple of days, yes.

17 **Q** Yeah. Okay. So as of August of 2016, looking at the
18 e-mail from Ty Pine at 7:15 p.m. where he indicates "meeting
19 with Chuck," is that Chuck Jones?

20 **A** That's my understanding.

21 **Q** Okay. We may likely still need to be sensitive about
22 Rosenberger, is that Cliff Rosenberger?

23 **A** I believe so.

24 **Q** He was the then-Speaker of the House?

25 **A** Correct.

1 **Q** Of the Ohio House, yes?

2 **A** Yes, indeed.

3 **Q** Okay.

4 And perhaps we can give more to a (c) (4) where I
5 understand he is helping a number of candidates, so perhaps
6 we can help them; did I read that correctly?

7 **A** Yes.

8 **Q** Okay. So in order to not upset Mr. Rosenberger,
9 because Mr. Rosenberger was not a supporter of
10 Mr. Householder, was he?

11 **A** No, I don't believe he was.

12 **Q** Okay. They are going to give money to Mr. Householder
13 through a different means, fair?

14 **A** Yeah. They had to keep it a secret.

15 **Q** Okay. Well, Rosenberger, in fact, had run a primary
16 opponent against Larry Householder, hadn't he, in 2016?

17 **A** That is what I was told, yes.

18 **Q** Okay. And during your time in the Michigan
19 Legislature, you certainly saw donors, for lack of a better
20 word, support both sides somehow just to cover their bases,
21 hadn't you?

22 THE COURT: Excuse me.

23 MS. GLATFELTER: Your Honor, I'm going to object to
24 these lines. Pretrial order.

25 THE COURT: I'm going to sustain the order.

1 Q You're familiar with --

2 MR. GLICKMAN: Strike that, please, Judge.

3 Q You're aware that Mr. Householder attempted to become
4 the Speaker of the House of Ohio, yes?

5 A Yes.

6 Q Okay. And, in fact, he did?

7 A Yes.

8 Q Fair to say? Okay. And to be Speaker of the House,
9 to become Speaker of the House is significantly different
10 than just trying to run for state representative, isn't it?

11 A Yes.

12 Q Okay. You have to raise money just like a
13 representative, yes?

14 A Yes.

15 Q But more of it; is that fair?

16 A Correct.

17 Q Okay. Far more than just running for state
18 representative?

19 A I'd say that's fair to say.

20 Q Often millions of dollars?

21 A Yeah, yes, I'd imagine it needs to be in the millions.

22 Q Okay. And that's for various reasons, isn't it,
23 including you need to show your caucus, whether it's a
24 Republican -- or in Ohio, let's use that, Mr. Householder
25 needed to show the Republican Caucus he had the ability to

1 raise money because Speakers depend on -- I'm sorry,
2 representatives depend on the Speaker for fundraising?

3 **A** Yes, that's my understanding.

4 **Q** And in a state like Ohio, a state with term limits,
5 every two years you're going to have some people who are
6 running for an open seat, fair enough?

7 **A** Oh, yes. There's people terming out every election.

8 **Q** Those are the -- those people generally will need more
9 fundraising help than people who are incumbents who are
10 already established; is that fair?

11 **A** I would not agree with that.

12 **Q** Okay. And you reviewed, in the course of your
13 investigation, Larry Householder's campaign documents?

14 **A** I did.

15 **Q** Okay. From his 2016 election?

16 **A** Yes. I reviewed the documents that were available on
17 the Secretary of State's website for his campaign for that
18 year.

19 **Q** And certainly his 2018 election?

20 **A** Indeed.

21 **Q** And historically when he was in the House in the early
22 2000s?

23 **A** I believe that I looked through them, although
24 certainly not looking for anything specific. It was kind of
25 outside the purpose of reviewing them.

1 **Q** I'm not going to ask you anything, I'm not going to
2 ask that you memorize them or ask anything specific about
3 them, but the one thing that you saw is generally,
4 Mr. Householder was always able to raise money?

5 **A** Yes, he certainly raised money.

6 MR. GLICKMAN: Okay. Your Honor, you said 12:15,
7 but it's 12:11 and I'm about to start a new topic. Would
8 now be a good time?

9 THE COURT: Yes, if you're comfortable with it.
10 12:11 is close. I think it's a natural break point, and I
11 appreciate you keeping an eye on the clock. Ladies and
12 gentlemen of the jury, we're going to take our lunch break.
13 During the break, take a break. No discussion among
14 yourselves or with anyone else. Continue to keep an open
15 mind and certainly no independent research. We will seek to
16 get you at about 1:30. We'll rise as you leave.

17 THE DEPUTY: All rise for the jury.

18 (Jury exited the courtroom at 12:12 p.m.)

19 THE COURT: Jury has left the room. We'll pause
20 while they clear the floor and then we'll take a lunch break
21 until 1:30.

22 (Pause.)

23 THE DEPUTY: All clear.

24 THE COURT: Okay. Lunch break. Witness is not to
25 discuss his testimony. 1:30ish.

1 THE DEPUTY: All rise. Court is in recess until
2 1:30ish.

3 (Recess taken from 12:14 p.m. to 1:30 p.m.)

4 THE DEPUTY: All rise. This court is in session
5 pursuant to the recess.

6 THE COURT: Please be seated. Back in the open
7 courtroom on the record. We have all of the participants
8 present. Getting tired of apologizing to the jury, but
9 their lunch did not arrive. It's been reordered and when
10 lunch arrives, we'll have to break. Given that they have
11 empty stomachs, proceed accordingly. Are we ready for the
12 jury from the government's perspective?

13 MS. GLATFELTER: Yes, Your Honor.

14 THE COURT: Mr. Householder?

15 MR. GLICKMAN: Yes.

16 THE COURT: Mr. Borges?

17 MR. SCHNEIDER: Yes.

18 THE COURT: Let's call for the jury.

19 (Pause.)

20 MR. GLICKMAN: Judge, may I confer with counsel for
21 just a sec?

22 THE COURT: Sure.

23 THE DEPUTY: All rise for the jury.

24 (Jury entered the courtroom at 1:34 p.m.)

25 THE COURT: Jurors can be seated as they as join

1 us. You may all be seated. Thank you. Members of the
2 Jury, I am getting tired of having to apologize to you.
3 (Laughter.) That vendor will not be working for us again.
4 We have ordered lunch. When it arrives, I'll send you
5 upstairs for lunch, but we want to keep going. When I don't
6 have lunch, sometimes I get grouchy, that may surprise you.
7 I hope you can avoid that and I will too. You're doing
8 great work. The witness is on the stand under oath, and,
9 Mr. Glickman, you may proceed.

10 MR. GLICKMAN: Thank you, Judge.

11 **Q** Agent Wetzel, when we broke, we were towards the end
12 of discussing, you know, running for Speaker of the House
13 and what that entails. To be Speaker of the House in Ohio,
14 one needs to win a majority of the vote of the entire House,
15 correct?

16 **A** Yes, that's right.

17 **Q** So it's both, both minority and majority party?

18 **A** Yes, it's whoever gets the most of the 99.

19 **Q** Okay. So, and so to be Speaker -- to be Speaker of
20 the House, you need at least -- trying to do math in my
21 head, I'm sorry. You need at least 49 of your fellow House
22 members to support you?

23 **A** I'm not actually certain if you have to just be -- you
24 have to get the most of the candidates or if you have to get
25 a majority of the whole. I'm not certain.

1 Q Okay. Well, if there are 49 of your fellow delegates
2 and you would make it 50, that would be a majority of 99,
3 yes?

4 A That would make you Speaker, yes. I was more
5 addressing if there were, say, three people running. I'm
6 not certain how that works.

7 Q Okay. Fair enough. I'd like to talk to you a little
8 bit about just some of your training in the FBI and your
9 procedures, okay?

10 A Okay.

11 Q Okay. So you discussed in your direct examination
12 that you received training at the FBI and you have
13 experience with things like search warrants, yes?

14 A I do, yes.

15 Q Okay. And we talked about Title III wiretaps, but
16 also dealing with confidential informants?

17 A Correct.

18 Q Civilian witnesses, yes?

19 A Yes.

20 Q Okay. And interviewing individuals who might be
21 subjects or targets of investigations?

22 A Yes, that's right.

23 Q Okay. And those interviews, that process for those
24 interviews is often known as a proffer, yes?

25 A Sometimes. I would say that's a minority of the

1 interviews that I do.

2 **Q** But you've engaged in proffers during your time as an
3 FBI agent?

4 **A** Yes. I have been involved with those, although, those
5 are brokered by the United States Attorney's Office, that
6 isn't really an FBI thing.

7 **Q** I'm not asking if you brokered it, sir. You've been
8 involved in it, you've been present?

9 **A** Yes, sir.

10 **Q** And you memorialize the proffers, yes?

11 **A** I do.

12 **Q** Okay. For example, in this case, proffers were taken
13 from Jeff Longstreth, yes?

14 **A** Yes.

15 **Q** Okay. And when a -- and we talked about confidential
16 informants. If a confidential informant is going to meet
17 with the target of an investigation, it's best practices
18 that you can record that meeting, isn't it?

19 **A** Would you restate that again for me?

20 **Q** Sure. A confidential informant meets with a witness,
21 it is best practices to, if you can, record that meeting?

22 **A** I would say we tend -- we do that usually if they're
23 meeting with a subject. There are other occasions where
24 maybe we would not coach that, but I would say that
25 generally, yes, we record those meetings.

1 Q And you've played some recordings in this case, yes?

2 A Correct.

3 Q Okay. But proffer sessions are not recorded, meaning
4 audio recorded or video recorded, are they?

5 A They are not.

6 Q They're memorialized by the FBI agent or agents that
7 attend, yes?

8 A Correct.

9 Q And that's true, they're not audio or video recorded,
10 even if that proffer session is taking place in an FBI field
11 office?

12 A We did not memorialize any -- using video or audio.

13 Q And that's FBI policy, not just your policy, to be
14 fair to you, yes?

15 A I'm not certain if that's an FBI policy. I have never
16 recorded one, so I think that's the general practice.

17 Q Okay. Okay. Moving to organizations that are formed
18 under Section 501(c)(4) of the Internal Revenue Code, you
19 testified regarding specifically Generation Now, a
20 501(c)(4), correct?

21 A I did.

22 Q All right. And a 501(c)(4), for example, is an
23 organization that could spend money on advertising
24 attempting to pass changes to various laws, yes?

25 A I will say upfront that I'm not an expert, but yes, I

1 understand that they, as a social wealth organization, can
2 do things like run advertisements.

3 **Q** Certainly, since the beginning of this investigation
4 now, you're more of an expert than you were at the
5 beginning; is that fair?

6 **A** I've done a great deal of learning, yes.

7 **Q** Okay. All right. So what I was just saying, so a
8 501(c)(4) who is interested in issues involving guns, either
9 pro or con, could raise money and spend that money
10 advertising in support of whichever side of that -- of those
11 laws that they were on?

12 THE COURT: Excuse me. Ms. Glatfelter?

13 MS. GLATFELTER: Your Honor, I'm going to object
14 pursuant to the pretrial order. It's about the 501(c)(4) in
15 this case.

16 THE COURT: I'm going to sustain the objection.

17 MR. GLICKMAN: Okay.

18 **Q** Generation Now, the 501(c)(4) in this case --

19 **A** Yes.

20 **Q** -- okay, spent money to try to -- spent money to try
21 to change the law regarding energy policy, yes?

22 **A** It advocated for the passage of House Bill 6.

23 **Q** Well, wasn't House Bill 6 about energy policy?

24 **A** Yes.

25 **Q** Okay. And Generation Now was permitted to spend up to

1 49 percent of its money in support of candidates that
2 supported its cause?

3 **A** I have heard that before. I believe that's correct.
4 I know there's also some private inurement and other things
5 that go into, but again, I've just kind of read the language
6 online and that's my understanding.

7 **Q** Okay. And Generation Now was permitted to spend money
8 to run ads to support candidates that supported their cause?

9 **A** They are permitted to advocate I believe within the
10 49 percent, and again, pursuant to the inurement thing.

11 **Q** And against candidates that opposed its cause, true?

12 **A** Yes, I think that's a part of it.

13 **Q** Okay. Now, you've -- we heard a lot about Team
14 Householder and I'd like to talk to you about the
15 2000 and -- 2018 campaign cycle, if I could.

16 **A** Okay.

17 **Q** Okay. So to be fair, in the 2018 primary, wasn't it
18 really Team Householder versus Team Smith?

19 **A** That's how people relayed it to me. You know, I
20 talked to a lot of folks and it was, there was a slate of
21 Team Householder candidates and then there was another group
22 that was backing another individual, Representative Smith.

23 **Q** The other group, Representative Smith, Ryan Smith,
24 yes?

25 **A** Yes, that's correct.

1 Q And Ryan Smith was the -- was the supported Republican
2 candidate by the caucus to become the next Speaker, yes?

3 A Could you clarify what you mean by "supported"?

4 Q Sure. He was supported by the -- supported by the
5 Republican leadership to be the next Speaker succeeding
6 Cliff Rosenberger?

7 A He -- my understanding is he was supported by Cliff
8 Rosenberger to be the next Speaker.

9 Q Okay. And Representative Smith fielded his own slate
10 of candidates?

11 A That's what was reported, yes.

12 Q Okay. Well, you spent a lot of time talking about the
13 open seats in the 2018 election, that included the primary
14 election, right?

15 A Correct.

16 Q And you looked into those candidates supported by Team
17 Householder, correct?

18 A I did.

19 Q And there were other candidates that ran against
20 candidates supported by Larry Householder, right?

21 A Yes, there were contested primaries.

22 Q And you didn't just pay attention to one side of the
23 primary, did you; you followed the entire election, yes?

24 A I followed the -- it's challenging because I was
25 looking backwards. The case didn't begin until June of

1 2019, so I was sort of looking backwards at that election
2 and then trying to figure out who supported and how. I
3 wasn't watching it as it was proceeding.

4 **Q** Sure. But in looking backwards, you saw that there
5 was another slate of candidates supported by Ryan Smith,
6 yes?

7 **A** Yes.

8 **Q** Okay.

9 MR. GLICKMAN: Okay. All right. And could we see
10 just for counsel, and the Judge, and the witness,
11 Exhibit 241 D, please, Government Exhibit 241 D?

12 THE COURT: Yes.

13 MR. GLICKMAN: Sorry, I have to move this. Okay.
14 Judge, I believe this has been admitted, if we could publish
15 it, please?

16 THE COURT: Yes.

17 **Q** This is an e-mail from Jeff Longstreth, yes?

18 **A** It is.

19 **Q** To a lot of people?

20 **A** Yes.

21 **Q** Okay. And we're not going to go through all of them.

22 **A** Okay.

23 **Q** But if you just take a look, some of them are
24 candidates in the -- for state representative?

25 **A** Yes.

1 Q Okay. All right. And it is dated May 8th of 2018.
2 Where is that in the election cycle in the '18 race?

3 A That's the -- at the primary.

4 MR. GLICKMAN: Okay. Could we see the attachment,
5 please?

6 Q Okay. So you see here, sir, did you create this?

7 A No.

8 Q Okay. So it was created by somebody else, right?

9 A Yes.

10 Q Presumably somebody, either Jeff Longstreth or at his
11 direction, since it's his e-mail?

12 A It was certainly in his possession, that's where we
13 recovered it.

14 Q Okay. At the top it says, "Householder," right?

15 A Indeed.

16 Q And then next to that it says "Smith"?

17 A Correct.

18 Q And it lists those candidates supported by
19 Mr. Householder?

20 A Um-hmm.

21 Q And those candidates supported by Mr. Smith, right?

22 A That's what it appears, yes.

23 Q Okay. So going back to the question, it really is
24 fair to say that there was a Team Householder and a Team
25 Smith, isn't there?

1 **A** Yeah. I mean, as I indicated, there were certainly
2 folks that Representative Smith supported, absolutely.

3 **Q** Okay. And you indicated that in this, in this
4 instance, you came across obviously the (c)(4) Generation
5 Now, right?

6 **A** Correct.

7 **Q** Okay. In the 2018 election cycle, you came -- during
8 your investigation, you encountered other (c)(4)s, didn't
9 you?

10 **A** I --

11 THE COURT: Excuse me?

12 MS. GLATFELTER: Your Honor, objection, pretrial
13 order.

14 MR. GLICKMAN: Judge, may I respond?

15 THE COURT: Yes.

16 MR. GLICKMAN: Judge, this is about --

17 THE COURT: I tell you what, I'll see you guys at
18 sidebar.

19 **SIDEBAR CONFERENCE.**

20 THE COURT: What is the nature of your objection?

21 MS. GLATFELTER: My objection, defense exhibits are
22 full of other (c)(4)s, and since the cross-examination
23 started, we have been trying to -- defense has been trying
24 to obtain information about what's common, what's routine,
25 what happens with other 501(c)(4)s, which this Court has

1 already ruled on. This is or seems to be another --

2 THE COURT: What do you think the Court ruled?

3 MS. GLATFELTER: The Court, it is my understanding,
4 ruled that what is routine, what is common, is not
5 admissible, and this case is about this particular
6 501(c)(4), not others.

7 THE COURT: I agree. Now, talk to me from your
8 perspective.

9 MR. GLICKMAN: Yes, Judge. If I'm not loud enough,
10 please let me know. My perspective is, I'm talking about
11 this particular election cycle, those candidates supported
12 on the -- in the Republican primary by Larry Householder and
13 those supported by Ryan Smith. There was a (c)(4) that was
14 funding the Smith candidates, just as there was a (c)(4)
15 that was funding the Householder candidates. I'm not trying
16 to say that this was business as usual because there was a
17 race in Virginia where a (c)(4) may have supported a
18 candidate -- or a race for Senate. I'm talking about the
19 election cycle presented to this jury, and it's been
20 presented that a Generation Now 501(c)(4) supporting a
21 candidate is somehow inappropriate. This is just one
22 election, and in this one election, you had a different
23 (c)(4). In fact, on some exhibits, you have the PAC
24 supported by that (c)(4) listed as giving money. So this is
25 not generalities or usual. It's specifically about what

1 we've heard about in this case.

2 MS. GLATFELTER: I want to be really clear about
3 the government's evidence. It's about FirstEnergy's funding
4 of this particular 501(c)(4). We didn't charge Generation
5 Now as being an illegal 501(c)(4); that's a different
6 charge. We charged that as being a racketeering conspiracy
7 involving bribe payments into Generation Now. So what other
8 501(c)(4)s are doing, the fact that other candidates in the
9 election had 501(c)(4)s doesn't matter. It matters the
10 funding. Trying to show that this 501(c)(4) was operating,
11 you know, whatever way or similar to other ones is
12 irrelevant.

13 THE COURT: All right. You guys give me some
14 space.

15 (Off-the-record discussion.)

16 THE COURT: You can reapproach. This is not about
17 whether using the (c)(4) is lawful or unlawful. This is
18 about whether Householder and Borges engaged in bribery.
19 What other (c)(4)s did or what they would involve is not
20 relevant to the question at hand. I do think you can -- I
21 think you can establish through one question that use of the
22 (c)(4) lawfully is appropriate. And I'm going to give you a
23 little latitude to ask one question: There were (c)(4)s on
24 the other side of Smith versus Larry Householder. And then
25 I want you to move on and get to what's at issue here, it's

1 whether or not the conduct of the defendants was unlawful.
2 What other people did or what common practice is has nothing
3 to do with the question presented. Understood?

4 MR. GLICKMAN: Yes, Your Honor. May I have just a
5 moment to consult with my co-counsel before I start again?

6 THE COURT: Yes.

7 MR. GLICKMAN: Thank you

8 **SIDEBAR CONCLUDED.**

9 THE COURT: Just so we're clear, I did have lunch.
10 When you're ready, you may proceed.

11 MR. GLICKMAN: Thank you, Judge. Okay.

12 **Q** So, sir, to be clear, there's nothing, there's nothing
13 improper about a (c)(4) operating legally in the context of
14 a political campaign, true?

15 **A** Yes, that's my understanding.

16 **Q** Okay. And in this instance, as we were talking about
17 the 2018 cycle during the course of your investigation, you
18 became aware that there were (c)(4)s operating against Larry
19 Householder's candidates, didn't you?

20 **A** Yes, I believe that there was.

21 MR. GLICKMAN: Okay. Could just for the Court, the
22 witness, and counsel, could we see Government Exhibit 306 D,
23 please?

24 Counsel, I am correct that that's not been admitted,
25 aren't I?

1 MS. GLATFELTER: No, it's admitted.

2 MR. GLICKMAN: It is? Okay. So, Your Honor, this
3 exhibit has been admitted. I ask that it be published?

4 THE COURT: Yes.

5 MR. GLICKMAN: Thank you.

6 THE COURT: And when you see the big screen in the
7 gallery, that's when you know everybody has got it.

8 MR. GLICKMAN: Thank you, Judge.

9 Q Okay. So Government Exhibit 306 D is an e-mail from
10 Scott Schweitzer and he works for the Strategy Group, yes?

11 A That's correct.

12 Q Okay. And it's to Jeff Longstreth dated April 23rd of
13 2018, so that would be before the primary?

14 A Correct.

15 Q Okay. And this has -- this first page lists some
16 House districts?

17 A It does.

18 MR. GLICKMAN: Sorry, I'm having trouble seeing.

19 Q All right. And --

20 MR. GLICKMAN: Sorry, Judge, I just can't -- thank
21 you.

22 Q And so for example, Dexter Vaughn is a Republican who
23 purchased cable in House District 37?

24 A That's what it indicates at the top, yes.

25 Q All right. And spent \$12,636?

1 **A** That's what it says.

2 **Q** Okay. All right. And then Ohio House District 50,
3 there's a Growth and Opportunity PAC spending \$30,550?

4 **A** Yes, that's right.

5 MR. GLICKMAN: Can we go to the House District 61,
6 please?

7 **Q** Okay. So House District 61, that's a candidate
8 named -- is it "Ples-nick" [as pronounced] or Plecnik,
9 P-L-E-C-N-I-K?

10 **A** I'm not certain.

11 **Q** Okay. And that was a candidate supported by
12 Mr. Smith?

13 **A** I'm not certain. That sounds correct.

14 MR. GLICKMAN: Judge, can I just have a moment? I
15 think I'm on the wrong page.

16 THE COURT: Yeah.

17 MR. GLICKMAN: Do you have page 12? Okay. This is
18 better.

19 **Q** So House District 61, you can see the candidate, John
20 Plecnik?

21 **A** Yes, I do.

22 **Q** Okay. And Mr. Plecnik spent a total of \$10,107 from
23 his campaign?

24 **A** Correct.

25 **Q** Okay. And Growth and Opportunity PAC spent \$40,620?

1 **A** In that House District, yes.

2 **Q** Okay. And Conservative Alliance PAC spent \$205,000?

3 **A** And some change, yes.

4 **Q** Okay. Conservative Alliance PAC was in support of the
5 Smith candidates, yes?

6 **A** I believe that's correct.

7 **Q** Okay. All right. Let's go to House District 72,
8 which we remember is Mr. Householder's district, yes?

9 **A** Yes, that's Mr. Householder's district.

10 **Q** Okay. So there, the Honor and Principles PAC spent
11 \$143,895?

12 **A** Correct.

13 **Q** Opposed to Mr. Householder?

14 **A** I believe that's correct. These lists list all of the
15 spend, not just for or against.

16 **Q** Sure. But during the course of your investigation and
17 looking at this election cycle, you gleaned an understanding
18 of who was supporting whom?

19 **A** Certainly.

20 **Q** When it says "Larry Householder," that really means
21 the Friends of Larry Householder, his campaign committee,
22 right?

23 **A** I believe that's right.

24 **Q** And just his campaign committee spent \$388,991?

25 **A** That's what it says.

1 **Q** If you recall, when we spoke, I asked you a question
2 earlier, isn't it true that Mr. Householder was always able,
3 was always good at raising money?

4 **A** Certainly a lot of people have told me that.

5 **Q** Okay. But that's not money from any outside
6 organization, that's donations he brought into his own
7 campaign account, yes?

8 **A** Some of those donations can come from PACs or other
9 outside organizations.

10 **Q** But there are limits?

11 **A** Yes, and disclosures.

12 **Q** And they have to be disclosed?

13 **A** Correct.

14 **Q** So the most money spent, at least in this district,
15 which was by Friends of Larry Householder, was spent by an
16 organization and campaign committee that had to disclose its
17 donors, yes?

18 **A** Correct.

19 **Q** And whose donors had limits?

20 **A** That's true for -- I'm not certain the time period for
21 this printout, but yes, that's right.

22 MR. GLICKMAN: Okay. Can we go to -- sorry, page
23 up. House District, 6, please?

24 THE COURT: Counsel, I'm concerned that you're not
25 living up to the Court's order at sidebar.

1 MR. GLICKMAN: Just with one sentence, Judge. None
2 of the organizations I'm talking about are (c) (4)s.

3 THE COURT: What matters here is what went on here,
4 not what went on at other places. Please proceed.

5 MR. GLICKMAN: Yes, Judge.

6 Government Exhibit 6 has already been admitted, Judge.
7 I ask that it be shown and published?

8 THE COURT: Yes.

9 MR. GLICKMAN: Okay. Government Exhibit -- I'll
10 wait until it's up. Okay. Just so we can see the top of
11 the document.

12 Q So this is a timeline that the government created?

13 A Yes, this is a timeline, um-hmm.

14 Q You had a hand in creating this?

15 A Correct.

16 Q Okay. And it lists -- and to be clear, it was
17 yourself and government representatives that created this
18 timeline, you didn't have any help from third parties, did
19 you?

20 A Not that I recall.

21 Q Certainly, neither the Householder defense team or the
22 Borges defense team took part in creating this timeline
23 along with you?

24 A No.

25 Q So it was the government that decided what to put on

1 this document?

2 **A** Yeah. We were the ones that talked about it and
3 created the document.

4 **Q** Okay. So for example, you included on January 26th of
5 2017, that Partners For Progress was incorporated in
6 Delaware?

7 **A** Yes, that's right.

8 **Q** Third from the top?

9 **A** Yes, I see it.

10 **Q** Okay. All right. And now, you testified that shortly
11 after its creation, it opened a bank account, yes?

12 **A** Correct.

13 **Q** Okay. All right. Nowhere on this timeline does it
14 indicate when, for example, Partners in Progress made any
15 donation to Generation Now, does it?

16 **A** Could I see the rest of it? I don't believe it does.

17 **Q** Go ahead and take a look.

18 **A** (Reviews.) No, it doesn't.

19 **Q** Okay. All right. And in fact, it wasn't until more
20 than a year after its creation and formation of a bank
21 account that Partners in Progress made a donation to
22 Generation Now; isn't that correct?

23 **A** Yes. I believe the first donation occurred in 2018.

24 **Q** Okay. But that's -- that's not -- that's not included
25 on this timeline?

1 **A** Correct.

2 **Q** And we heard earlier on direct examination about an
3 individual named Mike Van Buren?

4 **A** Yes, that's right.

5 **Q** And I believe you testified, Mike Van Buren is the
6 treasurer for Partners in Progress?

7 **A** Yes, their bank account shows that.

8 **Q** Okay. And Mike Van Buren is also a partner at the law
9 firm of Calfee, Halter & Griswold, isn't he?

10 **A** Yes, that's right.

11 MR. GLICKMAN: Can we go to Government Exhibit 73?
12 Not -- just for counsel and the Judge, please. Actually,
13 Judge, that's been admitted into evidence.

14 THE COURT: Would you like it published?

15 MR. GLICKMAN: I would, please.

16 THE COURT: You may publish it.

17 MR. GLICKMAN: Go to page --

18 **Q** First of all, sir, these are bank records for Partners
19 in Progress, right?

20 **A** Yes. This is the signature card for Partners For
21 Progress.

22 **Q** I couldn't hear you, I'm sorry.

23 **A** I'm sorry, I'll try to speak into the microphone, that
24 is the signature card for Partners in Progress, yes.

25 MR. GLICKMAN: Okay. Can we go to page 151?

1 Q Okay. This is a cashier's check, correct?

2 A Yes.

3 Q Okay. And can you see the date?

4 A June 5, 2017.

5 Q Okay. And this is a check to Generation Atomic?

6 A Yes.

7 Q So in 2017, Partners in Progress had begun to write
8 checks and make donations?

9 A It sent money to Generation Atomic, yes.

10 Q A \$100,000?

11 A Correct.

12 MR. GLICKMAN: Okay. And could we go to page 154?

13 Q Okay. And, sir, this is from July 5th of 2017,
14 another check to Generation Atomic?

15 A Yes, that's right.

16 Q Okay. And that's for \$156,000 and change?

17 A Correct.

18 MR. GLICKMAN: Okay. Could we go to --

19 Q So during 2017, Partners in Progress was making
20 donations, but just not to Generation Now?

21 A Yeah. I think the two we looked at are about
22 \$250,000.

23 Q Well, isn't it true that on August 24th of 2017, they
24 made a \$317,000 donation to Generation Atomic?

25 A I'd have to reexamine the bank records.

1 Q Okay. All right. But you're not -- you're not
2 suggesting that Generation Atomic is in any way related to
3 Generation Now, right?

4 A Not that I'm aware of.

5 Q Nor are you suggesting it's in any way related to
6 Mr. Householder?

7 A Again, not that I'm aware of.

8 Q Fair enough. Okay. And in reviewing these records,
9 Partners in Progress donated money to a lot of
10 organizations?

11 A I'm not certain the number.

12 Q Well, I mean, we have over a hundred pages of bank
13 records admitted into evidence. You went through them, yes?

14 A I did.

15 Q Okay.

16 MR. GLICKMAN: Okay. Going back to the timeline,
17 Exhibit 6, please?

18 THE COURT: Yes.

19 Q Okay. So you include the January 17th, 2019, date
20 where Larry Householder was elected Speaker of the House,
21 right?

22 A Yes, the first in 2019.

23 Q Okay. And then you jump to April 12th where House
24 Bill 6 is introduced to the Ohio House, correct?

25 A Correct.

1 **Q** You do not, do not include a date where the Republican
2 Caucus of the Ohio House had a retreat, do you?

3 **A** No, it's not depicted here.

4 **Q** But you're aware, through your investigation, that
5 such retreat happened where the caucus planned its strategy
6 for the coming year?

7 **A** Yes, among other things that they discussed.

8 **Q** Okay. And it's not uncommon for a caucus, either
9 Republican or Democrat, to get together at the beginning of
10 the year and attempt to work out where they want legislation
11 to go in the coming months, is it?

12 **A** They also discuss fundraising and other things, yes.

13 **Q** Okay. And House Bill 6, by its name, means it's the
14 sixth bill introduced, yes?

15 **A** With my -- my caveat is that there are a certain
16 subset of priority bills that the Speaker reserves and that
17 can be up to the Speaker. And so the bills are generally
18 introduced in numerical order, so the first one would be
19 one, two, three, but with the caveat that the Speaker can
20 actually hold a bundle of them and then allocate them as
21 desired. So for example, this --

22 **Q** Sorry, I'm sorry, I didn't mean to interrupt you.

23 **A** Oh, no. So for example, this one was not the sixth
24 bill introduced of the year. It was introduced in April.
25 It was one that was held back and then the Speaker gave the,

1 you know, that bill number to it.

2 **Q** Other bills were introduced before House Bill 6?

3 **A** Correct.

4 **Q** Okay. And I see nowhere on this, on this timeline
5 where House Bill 6 was introduced -- where the bill was
6 introduced in the Senate.

7 **A** That's correct. It was in the Senate following the
8 passage in the House on the 29th.

9 **Q** Okay. And it took about -- and I'm not asking you to
10 count the days, nor am I going to, about six weeks for House
11 Bill to work through the House, right?

12 **A** Roughly.

13 **Q** Okay. And roughly it took about six weeks for House
14 Bill 6 to work through the Senate and be returned to the
15 House, right?

16 **A** Yeah, approximately.

17 **Q** Okay. Well, nowhere on this timeline does it indicate
18 when it hit the Senate or when it came out, does it?

19 **A** No. There's no listing of the Senate on here,
20 although, the final vote does show that it had to have come
21 out of the Senate.

22 **Q** Certainly. But it's just not part of your timeline?

23 **A** It's not listed specifically there.

24 **Q** And both the House and the Senate took testimony about
25 House Bill 6, yes?

1 **A** That's correct.

2 **Q** And in fact, the testimony in the House was all
3 recorded and preserved?

4 **A** That's my understanding.

5 **Q** And anybody who wants to --

6 MR. GLICKMAN: -- who's not on the jury, Judge --

7 **Q** -- can go to the -- can go to the House of
8 Representatives and watch all of that testimony, if they
9 would be so inclined?

10 **A** Yes, it's the Ohio channel, I believe is the entity
11 that does that.

12 **Q** Okay. Senate does not do that, does it?

13 **A** My understanding is that they didn't at this time.
14 I'm not sure if they've changed since then.

15 **Q** All right. And on the timeline, you show where House
16 Bill 6 passes and the final vote is July 23rd, and it's then
17 signed into law, right?

18 **A** That's correct.

19 **Q** And that's on here?

20 **A** It is.

21 **Q** Signed into law by Governor DeWine, right?

22 **A** Correct.

23 **Q** On the very same day that it passed the House for the
24 second -- very same day that it passed the House in the
25 Senate?

1 **A** Yes, after the concurrence vote, it was signed into
2 law by the governor, that's right.

3 **Q** When you -- in speaking about the election cycles,
4 either the 2016 or 2018 election cycle, Mr. Householder had
5 numerous avenues for financing his campaign and the
6 campaigns of those he supported, didn't he?

7 **A** You mean he -- I'm not -- could you please rephrase?
8 I'm not sure what you mean.

9 **Q** Sure. He had different sources of political money to
10 spend on campaigns; it wasn't limited to one particular
11 donor?

12 **A** There was no restriction on the donors that could give
13 to him, although certainly there's one much larger than the
14 rest.

15 MR. GLICKMAN: So if we could pull up Government
16 Exhibit 201 C, Your Honor, which I believe has been
17 admitted?

18 THE COURT: If it's admitted, you can publish it if
19 you wish.

20 MR. GLICKMAN: I do. Thank you, Judge.

21 THE COURT: Very well.

22 MR. GLICKMAN: If you go to page 8.

23 **Q** You've seen this list of company entities before,
24 haven't you, sir?

25 **A** Yes.

1 Q Okay. So this was a list of frankly potential donors
2 created by Mr. Longstreth, right?

3 A Yeah, that's what it appears to be.

4 Q Okay. And we've talked about the Boich --

5 THE COURT: Excuse me. I'm not sure that this is
6 admitted. Does the government object?

7 MS. GLATFELTER: Your Honor, according to our list,
8 it's admitted. We're okay with it.

9 MR. GLICKMAN: Yeah, I've got the list.

10 THE COURT: I've got my own list.

11 MR. GLICKMAN: I thought I had yours. I've got
12 Rebecca's.

13 THE COURT: We'll clarify. Give us just a minute.

14 MR. GLICKMAN: Okay.

15 THE COURT: There's no objection from the
16 government?

17 MS. GLATFELTER: No. I believe we presented this
18 exhibit as well.

19 THE COURT: All right. Let's publish it. No, hang
20 on. What are you shaking your head at?

21 MR. SCHNEIDER: I was just concurring. No
22 objection.

23 THE COURT: Thank you, sir. You may publish it.

24 MR. GLICKMAN: Okay.

25 Q So the FirstEnergy --

1 THE COURT: It's admitted.

2 MR. GLICKMAN: Thank you, Judge.

3 Q First entry, and I may not be pronouncing it
4 correctly, Boich Companies?

5 A Those are both listed, yes.

6 Q Well, I only see it once, but Boich Company is the
7 first entry and the ask is going to be a quarter of a
8 million dollars?

9 A Oh, I'm sorry. I didn't -- I misheard you. I thought
10 you said -- you didn't -- you said "first entry," I thought
11 you said FirstEnergy, I'm sorry, I apologize, yes. The
12 first entry is the Boich Companies.

13 Q And the second is Murray Energy?

14 A Correct.

15 Q Also 250,000?

16 A Yes, that's what it says.

17 Q And it does list FirstEnergy?

18 A It does.

19 Q Okay. And if you go to the line -- to the top to the
20 column listed "LH Relationship."

21 A Yes.

22 Q LH is Larry Householder?

23 A That's my understanding.

24 Q So at least as of the time of this document, it's
25 listing that he knew or he knows somebody, it says, "know,

1 know," so he knows somebody in the organization?

2 **A** That's what it says, yes.

3 **Q** Okay. And then after FirstEnergy, there's Castellini
4 Management, care of the Cincinnati Reds?

5 **A** Yes.

6 **Q** \$100,000?

7 **A** It says that.

8 **Q** Cintas, a \$100,000?

9 **A** Yes.

10 **Q** Okay. OOGA, a \$100,000?

11 **A** Yes.

12 **Q** Timken Company, a \$100,000?

13 **A** Correct.

14 **Q** Okay. And so this is a list of entities from whom the
15 Householder campaign hoped it could raise money, fair?

16 **A** That's what it appears.

17 **Q** Okay. And, again, as we saw from the 2018 race,
18 Mr. Householder and his campaign committee, Friends of Larry
19 Householder, were able to raise a significant amount of
20 money?

21 **A** Yes. I'm not sure of the exact amount. I'd have to
22 look at the records again.

23 **Q** Okay. Ask you some questions about the period between
24 2017 and 2018. That's the period, again, where Larry
25 Householder was fielding a slate of candidates to run for

1 the House, yes?

2 **A** Correct.

3 **Q** Okay. And required primary and eventually hopefully
4 general election funding to support those candidates, right?

5 **A** That's correct.

6 **Q** Okay. Generation Now raised money and donated money
7 in support of those candidates?

8 **A** Yes.

9 **Q** Okay. All right. And in fact, over, over 4 and a
10 half million dollars was raised in total for that election
11 cycle, right?

12 **A** I'd have to check the figure. That sounds right.

13 **Q** Okay. And a significant portion of that money simply
14 didn't come from Generation Now, FirstEnergy, or any of its
15 affiliates, correct?

16 MR. GLICKMAN: Bless you.

17 THE WITNESS: Sorry?

18 MR. GLICKMAN: I said "bless you."

19 THE WITNESS: I'm not sure of the exact percentage
20 or amount, but there were certainly other donors in 2018,
21 that's right.

22 **Q** \$2.2 million or such?

23 **A** Without looking at it, I can't recall the exact
24 amount.

25 MR. GLICKMAN: Okay. Could I just have a moment to

1 confer with counsel?

2 THE COURT: Yes.

3 MR. GLICKMAN: Judge, I would like to present a
4 Householder exhibit that is a demonstrative as we go through
5 some other exhibits. Obviously won't be publishing that.

6 THE COURT: Okay.

7 MR. GLICKMAN: So if you could pull up Defendant's
8 Exhibit 390?

9 THE COURT: Yes, you can pull it up.

10 MR. GLICKMAN: Yes, Judge.

11 THE COURT: It's up for the lawyers and the witness
12 and the Judge.

13 MR. GLICKMAN: Okay.

14 **Q** All right. Sir, I represent to you this is a
15 demonstrative we put together gleaned on -- from Government
16 Exhibit 314 all of the donations. And if you have a
17 recollection, that's great; if you don't, that's okay, too,
18 and I'll pull up the check and show it to you, fair enough?

19 **A** All right.

20 **Q** Great. So in February 2017, was \$25,000 contributed
21 to Generation Now by the -- by Wayne and Cynthia Boich?

22 **A** I do recall that transaction.

23 **Q** Okay. And that's -- are those -- is that Boich from
24 the Boich Companies that we looked at earlier?

25 **A** Yes, that's right.

1 Q Okay. All right. And in August of 2017, was \$4,000
2 contributed by Douglas Dwight Pruitt?

3 A That, I don't recall.

4 Q Okay.

5 MR. GLICKMAN: Can we pull up Government Exhibit 14
6 B, please? Judge, this has been admitted. I ask that it be
7 published.

8 THE COURT: Yes.

9 MR. GLICKMAN: Page 1. The second check, if you
10 could blow that up, please.

11 Q Is that check to Generation Now from Douglas Dwight
12 Pruitt for \$4,000?

13 A It is.

14 Q August 3rd of 2017, do you recall a donation of \$4,000
15 from Keith Orr?

16 A I don't recall that one either.

17 MR. GLICKMAN: Okay. Can you pull up the Keith Orr
18 check, please, from 14 B? It's the first check.

19 Q You see the 4,000 donation from Mr. Orr?

20 A I do.

21 Q All right. August 16th of 2017, do you recall a
22 \$10,000 donation from the Shore Group, Inc.?

23 A I don't.

24 MR. GLICKMAN: Could you pull up --

25 THE COURT: I'm going to interrupt to try to help

1 the jury. The government objects to this demonstrative
2 exhibit?

3 MS. GLATFELTER: We haven't been able to verify the
4 accuracy of it versus the bank records. I think the witness
5 has already testified there were other moneys into
6 Generation Now aside from the FirstEnergy. We have no
7 objection to that concept.

8 THE COURT: I would like to show it to the jury.
9 Is there an objection from the government? Well, let me
10 rethink that. Let's proceed with the jury in the dark on
11 your demonstrative exhibit.

12 MR. GLICKMAN: Okay.

13 Q August 29th, 2017, do you recall \$2500 check from
14 Joseph PA Jarabek?

15 A I don't.

16 MR. GLICKMAN: Could you pull up page 20, please?

17 Q Do you see the check from Mr. Jarabek?

18 A Yes, for \$2500.

19 Q Okay. What about September 8th of 2017, a \$100,000
20 check from Empower Ohio, Inc.?

21 A I do recall that transaction.

22 Q Okay. October 12th of 2017, 2500 from Credit Corp. of
23 Ohio, LLC?

24 A That one I don't recall.

25 MR. GLICKMAN: Okay. Could you pull up page 32,

1 please?

2 **Q** Do you see that check, sir?

3 **A** Yes, I see a Credit Corp. check to Generation Now.

4 **Q** And it's for \$2500?

5 **A** Correct.

6 **Q** Okay. October 18th, 2017, \$25,000 for an NCPFinance
7 Ohio, LLC?

8 **A** I do recall that transaction.

9 **Q** October 19th, 2017, 30,000 from 55 Green Meadows?

10 **A** I do recall that transaction.

11 **Q** October 26th, 2017, 25,000 for PENN National Gaming,
12 Inc.?

13 **A** I don't specifically recall that one. I do recall
14 that they gave money, though.

15 MR. GLICKMAN: Okay. Let's pull up page 34,
16 please.

17 THE COURT: Counsel, this witness has acknowledged
18 there were other donations. Why is this relevant?

19 MR. GLICKMAN: Well, I asked him the amount, Judge,
20 and he said he couldn't remember without reviewing the
21 records.

22 THE COURT: Why does the amount matter?

23 MR. GLICKMAN: It's significant. People made much
24 of significant amounts of money and it's a significant
25 amount of money.

1 THE COURT: Why don't you ask him that question?

2 MR. GLICKMAN: Okay.

3 Q Of the somewhere around \$4-and-a-half-million raised
4 or just over \$4-and-a-half-million raised by Generation Now
5 during these election cycles, did somewhere around
6 \$2.2 million of it come from other, from other sources?

7 A That sounds correct.

8 Q Okay. Thank you.

9 MR. GLICKMAN: Not for the, not for the jury, but
10 for counsel and the Judge, please, could you pull up
11 Government Exhibit 16, which I believe has not been
12 admitted?

13 MS. GLATFELTER: That's right. This will come in
14 through another witness.

15 Q Okay. But there's -- well, you've seen Government
16 Exhibit 16 before?

17 A Yes, I have.

18 Q It was created by the government?

19 A Yes, yes, it was.

20 Q And this actually shows all of the money that went
21 into Generation Now from February 23rd, 2017, all the way to
22 June 15th of 2020, right?

23 A Yes, that's right.

24 Q Okay.

25 THE COURT: I hate to do this to you, but lunch has

1 arrived. Are you in a position where you can pause?

2 MR. GLICKMAN: Yeah, Judge, I can pause.

3 THE COURT: All right. We're going to break for
4 you to go have lunch. I'm going to put a stopwatch on you.
5 When you finish lunch, we'll bring you down. No discussion
6 among yourselves about the case. No discussion with anyone.
7 No independent research. Continue to keep an open mind.
8 Chew appropriately. We'll rise for you as you leave for a
9 late lunch.

10 THE DEPUTY: All rise for the jury.

11 (Jury exited the courtroom at 2:22 p.m.)

12 THE COURT: The jury has left the room. We'll wait
13 until they've cleared the floor and then I will break for a
14 half hour, come back at 3.

15 (Pause.)

16 THE DEPUTY: All clear, Judge.

17 THE COURT: All clear. See you at 3, recess.

18 THE DEPUTY: Court is now in recess.

19 (Recess taken from 2:23 p.m. to 3:01 p.m.)

20 THE DEPUTY: All rise. This court is in session
21 pursuant to the recess.

22 THE COURT: Thank you. Please be seated. The jury
23 is on its way down. Are we ready from the government's
24 perspective?

25 MS. GLATFELTER: Yes, Your Honor.

1 THE COURT: Mr. Householder's perspective?

2 MR. GLICKMAN: Yes, Judge.

3 THE COURT: Mr. Borges' perspective?

4 MR. SCHNEIDER: Yes.

5 THE COURT: Very well.

6 MS. GLATFELTER: Your Honor, we have a -- we have
7 an exhibit we planned to introduce with another witness
8 later on, but if defense counsel wants to admit it through
9 this witness, which is a list of all of the Generation
10 deposits that this witness can attest to -- I think they
11 went through that before the break -- but we can use that as
12 a demonstrative if defense counsel would like, we're fine
13 with that.

14 MR. GLICKMAN: Thanks.

15 THE DEPUTY: All rise for the jury.

16 (Jury entered the courtroom at 3:02 p.m.)

17 THE COURT: Jurors can be seated as they join us.
18 You may all be seated. To the 14 jurors who have rejoined
19 us, thank you. We will continue to hear the taking of
20 testimony. You may proceed, sir.

21 MR. GLICKMAN: Thank you, Judge.

22 THE COURT: Yes.

23 MR. GLICKMAN: Okay. So when we broke, we were
24 looking at Government's Exhibit 16, Judge, which has not
25 been admitted, but the -- I believe the parties are in

1 agreement regarding its admission. I ask that it be
2 admitted and published.

3 THE COURT: Is that right?

4 MS. GLATFELTER: That's correct, Your Honor.

5 MR. SCHNEIDER: Correct.

6 THE COURT: Very well. The exhibit is admitted.
7 We'll publish it.

8 MR. GLICKMAN: Thank you, Judge.

9 THE COURT: Give us just a moment if you want us to
10 see it.

11 MR. GLICKMAN: Okay.

12 THE COURT: Thank you.

13 **Q** Agent Wetzel, this is a demonstrative that was created
14 by the government, yes?

15 **A** Correct.

16 **Q** Okay. And it just lists the deposits going into
17 Generation Now?

18 **A** Yes, the 3310 and the 6847 account, that's correct.

19 **Q** And we were talking earlier about the election cycle
20 period of 2017, 2018, this goes significantly past that,
21 yes?

22 **A** Yes. This runs until June of 2020.

23 **Q** Okay. And so that included the period of the
24 referendum?

25 **A** Yes, and then also after, um-hmm.

1 Q And the vast majority of the money that went -- that
2 Generation -- excuse me, Generation Now received was after
3 the election and during the referendum period, yes?

4 A The majority of the funds are during 2019.

5 Q Okay. I'm just going to have couple of questions, I'm
6 not going to have you go through this whole thing.

7 And, again, this isn't something that you got via
8 subpoena; this is something the government created?

9 A That's correct, using the bank records that were
10 received from subpoenas.

11 Q Okay. So looking at the deposit on October 16th,
12 2018 --

13 MR. GLICKMAN: If we can blow that up to help the
14 witness a little bit.

15 Q Well, I know that has 29 on it as well, but if you
16 just look at 216, that says the \$400,000 and FirstEnergy,
17 yes?

18 A 10/16, yes.

19 Q You made that determination and put this down with a
20 review of FirstEnergy documents, right?

21 A I believe this was created primarily using the bank
22 records.

23 Q I'm sorry, bank records linked to FirstEnergy?

24 A I think this mostly came from the Generation Now bank
25 records from Fifth Third Bank.

1 Q Fair enough.

2 MR. GLICKMAN: All right. And can we look at --
3 sorry, my issue again. October 29th, 2018.

4 Q Again, FirstEnergy and a \$100,000, right?

5 A That's correct.

6 Q Okay. Thank you.

7 MR. GLICKMAN: And can we publish -- not publish,
8 can we show for the Court and the counsel and the witness,
9 Householder Exhibit 222?

10 THE COURT: Yes.

11 Q Sir, do you recognize this document?

12 A I think this may have come from FirstEnergy, but I'm
13 not certain.

14 Q You don't know that -- if this was a document received
15 in the course of your investigation?

16 A I believe so. I don't have an independent
17 recollection of this one. I apologize. We received
18 millions of documents related to FirstEnergy.

19 Q We've talked about the volume of documents?

20 A Sure.

21 Q And I understand. Okay. Well, will you go to -- on
22 this document, look at the October -- sorry, one second.
23 Look at the very first line -- no, I'm sorry, the first.
24 See the October 9th, \$400,000 from Generation Now,
25 Incorporated?

1 **A** Yes, I see it there. It's highlighted.

2 **Q** Okay. And does that correlate with the \$400,000
3 deposit that we just looked at for Generation Now?

4 **A** Yes, it's the same date and amount.

5 **Q** Okay. But the requesting approving entry says
6 "FirstEnergy Solutions Corp.," not "FirstEnergy" as the
7 government document did?

8 **A** It says the requesting agency here is listed as
9 FirstEnergy Solutions Corporation.

10 **Q** Okay.

11 MR. GLICKMAN: All right, thank you. Well, going
12 back to what FirstEnergy and FirstEnergy Solutions and
13 FirstEnergy Service Corporation, can we pull up Government
14 Exhibit 64, please, which I believe has already been
15 admitted and I ask that it be published?

16 THE COURT: Yes. Yes.

17 **Q** So do you remember this account schematic that was
18 used during the examination of one of the government's
19 witnesses, the FirstEnergy witness?

20 **A** Yes, I recall this.

21 **Q** Okay. So if FirstEnergy Solutions wanted to make a
22 payment, it would make that request through FirstEnergy
23 Services Corporation, which controlled the bank accounts,
24 yes?

25 **A** I think it depends on the period. I think early on,

1 the companies were -- well, the companies were obviously
2 together through February of 2020, and then I think
3 throughout the period, there, at one point, was a new
4 account that was created. I'm not certain exactly at what
5 point, but as they're becoming disconnected, the process
6 changes.

7 **Q** Well, you know -- you know from the -- at least from
8 your investigation that FirstEnergy Solutions had its own
9 corporate form, yes?

10 **A** Yes. It was owned by the holding corporation,
11 FirstEnergy Corp.

12 **Q** Okay. And FirstEnergy Service Corporation was just
13 that, had its own corporate form, but serviced both
14 FirstEnergy Solutions and FirstEnergy?

15 **A** Along with their other subsidiaries, correct.

16 **Q** Okay. All right. And the record that you just
17 reviewed regarding the \$400,000, the other check, attributed
18 that check to FirstEnergy Solutions, didn't it?

19 **A** It said that was the authorizer, I think, is the word
20 it used.

21 **Q** Okay.

22 MR. GLICKMAN: We can go -- go to Government
23 Exhibit 212, please, and just for counsel and the Judge. I
24 want to make sure it's admitted. It is. Judge, I ask that
25 it be published, please?

1 THE COURT: Yes.

2 Q All right. Sir, you recognize this as an e-mail from
3 Thomas George to Thomas George, I'm sorry?

4 A Yes, to Thomas George.

5 Q All right. And it is from -- do you recognize that
6 e-mail?

7 A Yes. We talked about that previously, the MyMail
8 account, and it belongs to Mr. Householder.

9 MR. GLICKMAN: Okay. Can you -- the e-mail from
10 Larry Householder dated November 10th, 2016, at 10:23 p.m.,
11 can we blow that up?

12 Q Okay. So Thomas George is Tony George, right?

13 A That's my understanding, yeah, he goes by Tony.

14 Q All right. Same businessman from Cleveland we
15 discussed earlier?

16 A Correct.

17 Q Okay. I discussed a game plan for utility relief
18 yesterday with Bill Seitz.

19 And Bill Seitz was a state representative at the time?

20 A Yes, that's correct.

21 Q Okay. All right. And Bill Seitz actually was --
22 strike that.

23 We are more than ready to sit down and craft something
24 with utilities that will make sense.

25 And then L, which, I presume, "L" for Larry?

1 **A** I presume.

2 **Q** Okay. All right. So utilities, at that time, the
3 time of this e-mail, which is 2016, which is November 10th,
4 2016, they're talking about crafting -- sitting down with
5 utilities and crafting something, presumably legislation,
6 that makes sense?

7 **A** Utility relief is what they described it as.

8 **Q** Yeah. And, obviously, there's nothing wrong with
9 Mr. Householder helping draft legislation that makes sense
10 for Ohio, is there?

11 **A** No. That's part of his prerogative as a
12 representative, to draft legislation.

13 **Q** Prior to that date, you're aware that FirstEnergy and
14 prior to in fact Mr. Householder's election to the House,
15 FirstEnergy had lobbied other members of the legislature to
16 pass legislation known as ZEN legislation?

17 **A** Yes, I'm aware of that.

18 **Q** All right. And wasn't the ZEN legislation that was
19 proposed far more supportive of utilities in general, and
20 the nuclear energy in particular, than what was actually
21 passed in House Bill 6?

22 MS. GLATFELTER: Objection, Your Honor.

23 THE COURT: As to the pretrial orders?

24 MS. GLATFELTER: Yes, Your Honor.

25 THE COURT: Okay. It's sustained.

1 Q Moving to inauguration week again, January 2017?

2 A Yes, sir, correct.

3 Q Okay. On direct, you were asked about a dinner at the
4 Charlie Palmer steakhouse in Washington, DC?

5 A That's right. I believe we looked at like a calendar
6 invite.

7 Q And that dinner, I believe you testified it occurred
8 on January 18th, 2017?

9 A I'd have to look at the document.

10 Q Okay.

11 A It was while they were in DC.

12 Q Okay. Well, that's the trip that you told us about
13 Mr. Householder and his son, Luke, traveling on the private
14 jet, right?

15 A Correct.

16 Q Okay. And others were at that dinner, too, weren't
17 they?

18 A That's my understanding, the reservation was for six,
19 I think.

20 Q Well, they got there on -- they arrived on the 18th,
21 correct?

22 A Yes.

23 Q And that's the night of the dinner?

24 A Again, I believe that's right. I'd want to look at it
25 to confirm that, but I believe it's that first night. There

1 were several dinners that we looked at when we were talking
2 about it -- and there's an itinerary that we looked at for
3 FirstEnergy.

4 **Q** Well, did -- from your investigation, did you know
5 that the following day of the private jet flight, that
6 Mr. Householder's wife and other of his children arrived
7 that day?

8 **A** I don't know that I've reviewed any records to that
9 effect.

10 **Q** Okay. Well, you interviewed witnesses who were at the
11 inauguration with Mr. Householder, didn't you?

12 **A** Yes, I interviewed several people that were there.

13 **Q** And you learned that his wife joined him, yes.

14 **A** I don't -- I don't, like I said, I don't recall that.
15 That may have been the case.

16 **MR. GLICKMAN:** Okay. Well, just one moment,
17 please, Judge.

18 **THE COURT:** Yes.

19 **Q** And you heard in -- I can't remember when the -- the
20 description that Charlie Palmer's is a fancy steakhouse,
21 right?

22 **A** I don't know if that's how I described it. It is a
23 steakhouse. It's listed in the name.

24 **Q** Okay. Well, that's not the first time that
25 FirstEnergy executives hosted legislators at a fancy

1 steakhouse, is it?

2 **A** I don't -- I don't know when they first started
3 hosting legislators at fancy steakhouses.

4 MR. GLICKMAN: Can I have one moment, please,
5 Judge?

6 THE COURT: Yes.

7 (Pause.)

8 MR. GLICKMAN: Can you pull up Exhibit 216 B,
9 please, just for counsel and the Court?

10 Okay. Judge, I believe 216 B has already been
11 admitted, so I'd ask that it be published?

12 THE COURT: Yes.

13 **Q** Okay. This is an e-mail from Jeff Longstreth to
14 Larry, yes?

15 **A** And Bryan Gray, yes.

16 **Q** And Bryan Gray was affiliated with the Householder
17 campaign?

18 **A** Correct, that's my understanding.

19 **Q** Okay. All right. And it talks about DC event info,
20 date of the e-mail is Monday, January 16th, 2017, yes?

21 **A** Correct.

22 **Q** Two days before the trip on the 18th?

23 **A** Yes, that's right.

24 **Q** And it lists Wednesday, January 18th, the second item
25 being dinner reservations, Charlie Palmer steakhouse, 7:30

1 p.m.?

2 **A** Correct, yes.

3 **Q** Does this refresh your recollection that Charlie
4 Palmer dinner was on the 18th?

5 **A** Yes, that's what's written there. Thank you.

6 **Q** No problem. All right. And who else, who else did
7 your investigation show was at that dinner?

8 **A** I recall from chatting with folks that Michael
9 Dowling, Chuck Jones were in attendance.

10 **Q** So you were -- it's -- your investigation showed that
11 Chuck Jones was in attendance?

12 **A** I believe that's correct. I -- you know, if I could
13 refresh my recollection with the 302, I would know for
14 certain. But again, I had to chat with folks and ask who
15 was there. I wasn't looking at this until a couple of years
16 later.

17 **Q** Which 302 would you like to use to refresh your
18 recollection?

19 **A** I believe that Mr. Longstreth told us about folks that
20 were in attendance and what was discussed and that sort of
21 thing.

22 MR. GLICKMAN: Judge, permission to allow the
23 witness to use his 302 from Mr. Longstreth to refresh his
24 recollection?

25 THE COURT: Any objection?

1 MS. GLATFELTER: We don't have any objection,
2 obviously, we're not doing that, but this calls for hearsay.

3 THE COURT: But what?

4 MS. GLATFELTER: These questions call for hearsay.

5 THE COURT: You can refresh his recollection and
6 we'll look at it. Sounds like it is hearsay, but let's just
7 get this done.

8 MR. GLICKMAN: Show him Mr. Longstreth's 302.

9 (Pause.)

10 MR. GLICKMAN: Sorry for the delay, Judge.

11 THE COURT: I remember the practice.

12 MR. GLICKMAN: You know what, I have a better idea.

13 MR. MAREIN: Judge, may I go up to Rob and give him
14 this?

15 THE COURT: Yes.

16 MR. GLICKMAN: No, I have it.

17 MR. MAREIN: You have it?

18 MR. GLICKMAN: Yes.

19 MS. GLATFELTER: While the witness reviews it, may
20 we have a brief sidebar? I apologize, but I do need to
21 raise an issue.

22 THE COURT: Now?

23 MS. GLATFELTER: I'm sorry?

24 THE COURT: Now?

25 MS. GLATFELTER: Yes, Your Honor, while the witness

1 reviews whatever document they're showing him.

2 THE COURT: It's the -- chronologically the first
3 of the 302s of Jeff Longstreth. I'm going to see counsel at
4 sidebar at the appropriate moment. Why don't you come over
5 now and we'll have our chat?

6 MR. GLICKMAN: Can I give him the document so he
7 can review it?

8 THE COURT: Yes, you may. Is that right, Madam
9 Prosecutor?

10 MS. GLATFELTER: Yes, Your Honor, I do want to
11 speak to the Court before we ask any further questions.

12 THE COURT: Very well. Do you object to his
13 looking at the document now?

14 MS. GLATFELTER: No, that's fine.

15 THE COURT: All right. Come on down.

16 **SIDEBAR CONFERENCE.**

17 THE COURT: Ms. Glatfelter.

18 MS. GLATFELTER: Thank you, Your Honor. I wasn't
19 sure where they were going at first, but I believe this is
20 going to be improper impeachment and hearsay. So they would
21 like to show that Mr. Longstreth's recollection of the
22 inauguration dinner occurred on a different date, and
23 they're trying to illicit that information and impeach
24 Mr. Longstreth ahead of his testimony by asking this witness
25 what Mr. Longstreth said in his 302. So it's hearsay and

1 improper impeachment. They can ask Mr. Longstreth about it,
2 but not this witness. This witness is inappropriate.

3 THE COURT: I wasn't aware of that.

4 MR. GLICKMAN: I don't plan on asking him --

5 THE COURT: What are you doing?

6 MR. GLICKMAN: I asked him who was at the dinner,
7 and he said he believed Chuck Jones was at the dinner. I
8 know Chuck Jones wasn't at the dinner, and I asked why he
9 felt that way. And he said he would need to refresh his
10 recollection with this document, so I gave him the document.

11 THE COURT: So that's where we are and that's all
12 we are?

13 MR. GLICKMAN: Yeah.

14 THE COURT: Well, forgive me, I'm required to ask.

15 MR. GLICKMAN: I'm sorry, Judge.

16 THE COURT: Forgive me, I'm required to ask.

17 MR. GLICKMAN: I wasn't -- I didn't mean to appear
18 that I was upset, Judge.

19 THE COURT: That would distinguish you from me.

20 **SIDEBAR CONCLUDED.**

21 MR. GLICKMAN: I know it's a relatively long
22 document, sir, so just tell us whenever you're ready.

23 THE WITNESS: I think I found the part I was
24 recalling. I'm just going to scroll quickly to make sure.

25 MR. GLICKMAN: Okay.

1 (Pause.)

2 THE WITNESS: Okay. I think I found the part in
3 this 302 that pertains.

4 MR. GLICKMAN: Thank you. Okay. So we were
5 talking about the Charlie Palmer dinner. Can we have the
6 exhibit that we just had up in front, that was published to
7 the jury, please?

8 THE COURT: Yes.

9 **Q** So the dinner, that dinner on Wednesday, January 18th,
10 yes?

11 **A** Correct.

12 **Q** And you indicated that you believed Charlie -- sorry,
13 Charlie, sorry.

14 THE COURT: The question is: Does this refresh his
15 recollection as to who you believe was at the dinner? Is
16 that the question?

17 MR. GLICKMAN: Yes.

18 THE COURT: Is there an objection?

19 MS. GLATFELTER: Yes, it calls for hearsay.

20 THE COURT: The question, does that refresh your
21 recollection as to who you believe was at the dinner is
22 acceptable? Does it?

23 THE WITNESS: It was -- it refreshes my
24 recollection what I was told, yes.

25 THE COURT: All right. So there we are.

1 **Q** Okay. Well, did you subpoena records from the Charlie
2 Palmer steakhouse to see who paid for the dinner?

3 **A** I don't recall doing that.

4 **Q** Did your investigation show you who paid for the
5 dinner in any way?

6 **A** Yes. I believe in a separate conversation with
7 Mr. Longstreth that was addressed. I believe that might be
8 the fourth proffer.

9 **Q** Okay. Well, who do you believe paid for the dinner?

10 **A** My understanding is FirstEnergy paid for it.

11 **Q** Well, I understand, but FirstEnergy is a company.
12 What individual paid for it?

13 **A** I don't recall without looking at it. I -- I'm not
14 certain if he was specific.

15 **Q** Okay. Fair enough. Did you --

16 MR. GLICKMAN: Give me one second, Judge. Sorry,
17 Judge, my computer -- I lost my place.

18 THE COURT: It's no problem.

19 **Q** Well, did you -- the people who were at the
20 inauguration, there was, I believe you testified, Tony
21 George, yes?

22 **A** Yes, that's correct.

23 **Q** Michael Dowling?

24 **A** Yes.

25 **Q** Chuck Jones?

1 **A** Yes. He flew on a separate private jet, so it was a
2 separate flight from the one that we looked at, but he was
3 present.

4 **Q** Larry Householder?

5 **A** Correct.

6 **Q** Jeff Longstreth?

7 **A** He flew commercial. Yes.

8 **Q** Did you subpoena -- and if I've already asked this, I
9 apologize, Mr. Dowling's credit card information to see
10 whether or not he paid for the dinner?

11 **A** I don't believe I reviewed Mr. Dowling's credit card
12 records.

13 **Q** Well, what about Mr. Jones?

14 **A** No.

15 **Q** Mr. George?

16 **A** No.

17 **Q** Okay. Well, one thing, if one of them had paid a bill
18 at the Charlie Palmer steakhouse on January 18th using a
19 credit card, that would have confirmed at least their
20 presence or at least the presence of their credit card, yes?

21 **A** That's true, if they paid using a personal card
22 versus, say, a FirstEnergy card or something like that.

23 **Q** Okay. Well, obviously, if they used a FirstEnergy
24 card that was with their name on it, that would do it,
25 wouldn't it?

1 **A** Certainly.

2 **Q** And if -- did you subpoena FirstEnergy expense
3 reports?

4 **A** I believe that they provided some as a part of the
5 subpoena production.

6 **Q** As in the course of your investigation, did you look
7 at FirstEnergy expense reports from January 18th, 2017, to
8 see if any FirstEnergy executive put in a receipt from
9 Charlie Palmer steakhouse?

10 **A** I recall examining that time period closely. I don't
11 recall. There may be one. I'm not certain.

12 **Q** Okay. All right.

13 MR. GLICKMAN: Can we look at exhibit -- I'm sorry,
14 give me one minute -- Householder Exhibit 496, please, not
15 for the jury, just for the Judge, counsel, and witness?

16 Okay. Go to page --

17 **Q** Actually, first of all, sir, have you ever seen this
18 document before?

19 MR. GLICKMAN: And scroll to page 2. There's --

20 **A** This is a -- it indicates that it's a Chase card
21 belonging to Mr. Longstreth and JPL & Associates.

22 **Q** Okay. Had you reviewed JPL & Associates or Jeff
23 Longstreth's credit card records in the course of your
24 investigation?

25 **A** Yes. We looked at bank records and credit card

1 records.

2 **Q** Okay.

3 MR. GLICKMAN: Go to page 4, please. Could you
4 highlight the January 18th Charlie Palmer steakhouse?

5 **Q** So it appears on January 18th, Mr. Longstreth paid a
6 bill with Charlie Palmer steakhouse, yes?

7 **A** I see it there, yes.

8 **Q** For \$256.15?

9 **A** That's what it says, yes.

10 **Q** Okay. And it was your belief, on January 18th, there
11 was a dinner for six people?

12 **A** It says in the invitation, without looking at the
13 invitation, I can't recall it. My general memory is six,
14 but I'm not certain why.

15 **Q** Okay. Fair enough. The -- did you review the travel
16 information for Chuck Jones going to the inauguration?

17 **A** I recall seeing other documentation from FirstEnergy
18 related to his travel. I believe he flew from Florida.

19 MR. GLICKMAN: Pull up Householder Exhibit 468, but
20 please do not publish.

21 **Q** Sir, showing you Householder Exhibit 468, is this a
22 document that was presented to you by FirstEnergy pursuant
23 to a Grand Jury subpoena?

24 **A** It was.

25 **Q** Okay. And is this the travel information that you

1 believed you had reviewed that you've testified to just a
2 few moments ago?

3 **A** Yes. This is a flight itinerary from FirstEnergy.

4 **Q** Okay. And it's a flight itinerary for whom?

5 **A** It lists the passenger as Charles Jones and Ken Jones.

6 **Q** Okay.

7 MR. GLICKMAN: Judge, move to admit Householder
8 Exhibit 468?

9 THE COURT: Any objection?

10 MS. GLATFELTER: No, Your Honor.

11 MR. SCHNEIDER: No.

12 THE COURT: It's admitted.

13 MR. GLICKMAN: Move to ask the Court to publish to
14 the jury, please?

15 THE COURT: Yes.

16 **Q** Okay. And so this flight itinerary, it says, "To
17 Christine Rosenberger," who's that again?

18 **A** I believe it's Mr. Jones' administrative assistant.

19 **Q** All right. And do you see the departure date?

20 **A** It lists the date as the 19th of January 2017.

21 **Q** Okay. And the departure airport?

22 **A** In Florida, Naples.

23 **Q** And the arrival airport?

24 **A** Dulles International in Washington, DC.

25 **Q** And the passengers are Chuck Jones and his wife?

1 **A** That's what it says.

2 **Q** Okay. From review of this document, sir, can we agree
3 that Mr. Jones was not at the January 18th dinner at the
4 Charlie Palmer steakhouse in Washington, DC?

5 **A** According to this itinerary, he flew to Washington on
6 the 19th.

7 **Q** Okay. Okay. Thanks.

8 MR. GLICKMAN: Can we pull up Government
9 Exhibit 240 C, please, just for counsel, the Court and the
10 witness? Judge, this document has been admitted. I ask
11 that it be published?

12 THE COURT: Yes.

13 **Q** Okay. This is a text message between Megan Fitzmartin
14 and Jeff Longstreth?

15 **A** That's what it indicates.

16 **Q** Well, this is a text message that you recovered in
17 your investigation, didn't you?

18 **A** Correct. It's between Ms. Fitzmartin and
19 Mr. Longstreth. It came from her device.

20 **Q** All right. Well, it came from her device, but it came
21 because the government took it off her device, yes?

22 **A** Yes. We received a search warrant and we searched her
23 device.

24 **Q** Okay. All right.

25 MR. GLICKMAN: Sorry. Can we go to page 7?

1 Q This is the -- an ad that we looked at earlier, yes?

2 A Yes, that's right.

3 Q All right. It might be a little hard to read, but
4 this is a mailer for Larry Householder?

5 A Yes, that's what it appears to be or like a stock
6 image of one they're working on, yeah.

7 Q Noting the preferred standard US postage, it's a
8 depiction of a mailer, yes.

9 A Oh, yes, it appears to be the front and back.

10 Q Okay. And I know it's hard to read, but in the upper
11 left-hand corner, who paid for it?

12 A It bears the disclaimer, "Paid for by Friends of Larry
13 Householder."

14 MR. GLICKMAN: Again, without publishing,
15 Householder Exhibit 158, please.

16 Q Sir, showing you what's been marked as Householder
17 Exhibit 158, sir, is this a document you received pursuant
18 to a Grand Jury subpoena from FirstEnergy? And if helpful,
19 we'll shrink it down, you can see the Bates stamp at the
20 bottom right.

21 A It has the Bates stamp on it, yes.

22 Q So this is a document that you received from
23 FirstEnergy?

24 A Yes, that's right.

25 Q Okay. In the course of your investigation?

1 **A** Correct.

2 MR. GLICKMAN: Okay. Your Honor, I move to move to
3 admit this document?

4 THE COURT: Any objection?

5 MS. GLATFELTER: No, Your Honor.

6 MR. SCHNEIDER: None here.

7 THE COURT: It's admitted. You may --

8 MR. GLICKMAN: Ask to publish, please?

9 THE COURT: Yes.

10 **Q** Okay. So looking at the e-mail from Ty Pine dated
11 September 25th, 2017, do you see that?

12 **A** Yes, the -- well, there's two. One is -- oh, you mean
13 the one from Mr. Pine? Yes, the bottom one.

14 **Q** Correct.

15 **A** Got it, yeah.

16 **Q** All right. And that is to Joel Bailey, Michael
17 Dowling regarding 0-ZEN cosponsor request draft plan?

18 **A** That's the subject, yes.

19 **Q** Okay. So as of September 25th, 2017, FirstEnergy was
20 still hoping to get ZEN legislation passed in some way,
21 shape or form?

22 **A** I'm not sure I could say what they were hoping or not
23 hoping.

24 **Q** Okay. Fair to say they were communicating about it?

25 **A** Yes. They're writing about ZEN legislation here.

1 **Q** Okay. And there's a -- they talk about Larry
2 Householder in the third paragraph, yes?

3 **A** Yes, his name is listed there, um-hmm.

4 **Q** And as of September 25th, 2017, they needed to -- they
5 wanted to meet with the Larry Householder team to determine
6 how they could be helpful, right?

7 **A** That's what it says.

8 **Q** Okay. And the paragraph next, they indicate -- they
9 talk about Ryan Smith, right?

10 **A** Yes. He's listed below.

11 **Q** Okay. And they needed to determine how he can be
12 helpful? End of the sentence?

13 **A** Yes, I see it there.

14 **Q** Okay. All right. And in looking, this is
15 September 25th, approximately nine months after the
16 presidential inauguration, yes?

17 **A** It is that amount of time, yes, that's about that
18 long.

19 **Q** So nine months after FirstEnergy officials met with
20 Larry Householder in Washington, they're still discussing
21 how Larry Householder can be helpful, how Ryan Smith can be
22 helpful, and ZEN legislation; is that fair?

23 **A** They're still discussing the ZEN legislation and their
24 draft plan for cosponsors.

25 **Q** And how Larry Householder could be helpful?

1 **A** It says: To develop a plan or to develop -- need to
2 meet with him to determine how he can be helpful or they can
3 be helpful.

4 **Q** Okay. And same with Ryan Smith, right?

5 **A** If he agrees to be a cosponsor.

6 MR. GLICKMAN: Okay. Pull up Householder
7 Exhibit 169, but please don't publish.

8 **Q** Okay. So, sir, have you seen this document before in
9 the course of your investigation?

10 **A** I may have. I don't recognize it as I have it in
11 front of me.

12 **Q** Okay. You don't recognize this as a FirstEnergy
13 document documenting donations in 2017?

14 **A** It may be. I'm not saying that it isn't. I just
15 don't recall this specific one. Again, there were millions
16 of them. Sorry.

17 MR. GLICKMAN: Just one moment, please, Judge.

18 THE COURT: Yes.

19 MR. GLICKMAN: Householder Exhibit 287, please, not
20 published, please.

21 **Q** Okay. Sir, is this e-mail, is this an e-mail that you
22 received in the course of your investigation?

23 **A** Yes.

24 **Q** Okay. And it's an e-mail regarding from Matt --
25 excuse me, Matthew Smith to Jeff Longstreth?

1 **A** Yes, I believe there's some back-and-forth.

2 **Q** Correct. And do you know who Matthew Smith is?

3 **A** Yes. He works for the Ohio AFL-CIO.

4 **Q** Okay. And in the body of this e-mail, he asks at the
5 top e-mail for a list of Team Householder candidates?

6 **A** Yes, once the filing deadline is over.

7 **Q** Okay. And the e-mail is dated February 5th, 2018?

8 **A** Correct.

9 **Q** Okay. Okay. So that's -- is that what -- where in
10 the -- where in the election cycle is this?

11 **A** It's before the primary.

12 MR. GLICKMAN: Okay. Judge, I ask that this
13 document be admitted?

14 THE COURT: Any objections?

15 MS. GLATFELTER: No, Your Honor.

16 MR. SCHNEIDER: No.

17 MR. GLICKMAN: Ask that it be published, please?

18 THE COURT: Yes, admitted and published.

19 **Q** Okay. All right. So the AFL-CIO is asking for the
20 identities of Team Householder candidates, yes?

21 **A** Yes, it asks Jeff to send a list after the filing
22 deadline is over.

23 **Q** Okay. And I asked you earlier about some donations to
24 Generation Now. Did the AFL-CIO donate \$175,000 to
25 Generation Now?

1 **A** I recall they donated. I don't recall the amount. We
2 looked at it before, I just don't remember the exact amount.

3 **Q** And we've talked about, you know, your review of Larry
4 Householder's political campaigns, yes?

5 **A** My review of them?

6 **Q** Well, the course of your investigation, we talked
7 about the 2016 campaign, 2018 campaign. You're aware, are
8 you not, that Mr. Householder has always been very
9 supportive of labor unions?

10 **A** People have told me that is his reputation, yes.

11 **Q** Okay. Thank you.

12 MR. GLICKMAN: Government Exhibit 206 A, please,
13 which I believe has already been admitted.

14 **Q** And Government Exhibit 206 A relates to a call that
15 was recorded involving Neil Clark, right?

16 **A** Yes, that's right.

17 **Q** In the course of your investigation, did you, did you
18 learn any -- did you learn about the history of any
19 relationship between Mr. Clark and Mr. Householder?

20 **A** Yes.

21 **Q** Okay. You knew prior to Mr. Householder becoming a
22 representative again in 2016, Mr. Clark and Mr. Householder
23 were not allies, were they?

24 **A** I believe that they had had some sort of bad history.
25 I think Mr. Clark is the one that described it to a number

1 of people.

2 **Q** Well, didn't Mr. Clark run the organization that
3 funded the 2016 primary opponent of Mr. Householder?

4 **A** I believe that he helped with that, yes.

5 MR. GLICKMAN: Okay. Government Exhibit 272 A.

6 **Q** Sir, this exhibit --

7 MR. GLICKMAN: I'm sorry, Judge, may it be
8 published? It's already been admitted.

9 THE COURT: Yes.

10 **Q** Is this a document that relates to another call that
11 was played regarding Neil Clark, yes?

12 **A** That's correct, with Mr. Householder.

13 MR. GLICKMAN: Okay. A portion of that call was
14 played, was played for the jury. It cut off at 1 minute and
15 56 seconds. It's reflected in the transcript that is listed
16 as 272 B. Judge, I'd ask to play the rest.

17 THE COURT: Any objection?

18 MS. GLATFELTER: We would just ask that they play
19 the whole call, not the second portion for the rule of
20 completeness.

21 THE COURT: Well, if you play it -- no, you can
22 play what portion you wish.

23 MR. GLICKMAN: Thank you.

24 THE COURT: Has this been played, part of it?

25 MR. GLICKMAN: Part of it has been played.

1 THE COURT: Okay.

2 MR. GLICKMAN: So for the Court and the jury --

3 THE COURT: Is there a problem with just playing
4 the whole thing?

5 MR. GLICKMAN: Not to me.

6 THE COURT: Is that what the government wishes?

7 MS. GLATFELTER: Yes, for context. It's a very
8 short call.

9 THE COURT: All right.

10 MR. SCHNEIDER: My only comment is that the
11 government didn't play all of it in its case-in-chief, but
12 that's fine.

13 THE COURT: Let's play the whole thing.

14 MR. GLICKMAN: Okay. Again, the transcript is 272
15 B.

16 THE COURT: All right. We can look at our books.
17 Somebody told me it was short. Ms. Frankian, white noise.

18 (Pause.)

19 THE COURT: You can play the recording.

20 (Recording playing.)

21 MR. GLICKMAN: Thank you, Judge. Your Honor, can
22 we have a brief sidebar? I don't want to run afoul of the
23 Court's order.

24 **SIDEBAR CONFERENCE.**

25 MR. GLICKMAN: Judge, this recording was already

1 entered into evidence in the government's case, not just the
2 portion that was played, the entire recording was entered
3 into evidence, and it references a number of (c) (4)s and the
4 politicians to whom they are related. This recording
5 involved the payday lender's investigation, that's how it
6 was made. There's references to (c) (4), the names of the
7 (c) (4)s are referenced, I want to be allowed to ask about
8 them. I didn't introduce this exhibit. I also am hesitant,
9 because of the Court's prior instruction that I shouldn't
10 talk about (c) (4)s. Maybe I can just tell my intent as to
11 what I'm going to ask, if that might help, or not.

12 THE COURT: I'm going to give the government an
13 opportunity to be heard.

14 MS. GLATFELTER: Your Honor, the recording was
15 introduced because Householder was talking about his own
16 (c) (4) and we have to prove his knowledge of the activities
17 and his association and knowledge of the money. We didn't
18 play the rest of the recording because it's not relevant.
19 They're talking about other (c) (4)s. We did include the
20 entire recording and transcript so we wouldn't be accused
21 of, you know, cherry-picking or putting only portions of a
22 communication in there. But I don't think the questions
23 about other (c) (4)s are relevant just because they're
24 mentioned in a part of the transcript for a different
25 purpose.

1 THE COURT: I don't think other (c) (4)s are
2 relevant.

3 MR. GLICKMAN: Well, but they're now in evidence.
4 The entire recording was entered into evidence. The jury
5 has heard about. For example, Freedom Frontier, they don't
6 know what Freedom Frontier is. The jury is going to be free
7 to listen to this recording as much as they want in the jury
8 room. Again, we didn't introduce the exhibit, Judge. If
9 nothing else, this opens the door to the issue that was
10 brought and formerly closed.

11 THE COURT: I thought you only played a portion of
12 it.

13 MS. GLATFELTER: We did only play a portion; we
14 played the first portion.

15 MR. GLICKMAN: However, the entire recording was
16 entered into evidence.

17 THE COURT: Well, they haven't heard it yet,
18 correct?

19 MR. GLICKMAN: No, they just did.

20 THE COURT: They heard the whole thing?

21 MR. GLICKMAN: The whole thing. The (c) (4)
22 reference was in the first part of the recording too.

23 THE COURT: I'll talk to my law clerk. Give me a
24 moment.

25 (Off-the-record discussion.)

1 THE COURT: I'll see everybody when you're ready.
2 I'll see you back when you're ready. Did you work anything
3 out?

4 MS. GLATFELTER: We weren't talking about this.

5 THE COURT: All right. I think you need to look at
6 my pretrial orders. What other (c)(4)s did is not relevant
7 to this. There's talk on this tape of football, that's not
8 relevant, and you shouldn't be able to cross-examine as to
9 it. What am I missing other than they admitted the whole
10 tape?

11 MR. GLICKMAN: Judge, if they admitted the whole
12 tape, I believe I should be allowed to ask anything I want
13 about it. They were free to ask to redact it and didn't.

14 THE COURT: No, then you'd be violating my order.

15 MR. GLICKMAN: Well, that's why I'm here, frankly,
16 Judge.

17 THE COURT: Well, I've ruled.

18 **SIDEBAR CONCLUDED.**

19 **Q** Agent Wetzels, without having to go through all of the
20 exhibits again, you were shown and testified about a number
21 of exhibits and highlighted that sometimes Larry Householder
22 was referred to in e-mail or otherwise as SLH?

23 **A** Correct.

24 **Q** Okay. Speaker Larry Householder?

25 **A** Indeed.

1 **Q** Okay. And, sir, isn't it common for people to be
2 referred to using their former title even when they are no
3 longer holding office due to retirement or otherwise?

4 **A** Yeah, honorific titles normally stay with people.

5 **Q** Retired judges, et cetera?

6 **A** Certainly.

7 **Q** Larry Householder prior to his -- prior to his
8 reelection to the House and election as Speaker had been
9 Speaker of the House in the early 2000s, yes?

10 **A** Correct.

11 MR. GLICKMAN: Okay. Pull up Government
12 Exhibit 243 A, please.

13 Judge, this exhibit has been admitted. I ask that it
14 be published?

15 THE COURT: Yes.

16 **Q** Sir, do you remember this exhibit involving Jon Cross
17 and his campaign for state representative?

18 **A** I do remember it.

19 **Q** Okay. And this type of timeline beginning
20 September 2016 running through May of 2018 is -- you've seen
21 in other -- in other political campaigns?

22 **A** Yes. The timeline depends on obviously when the
23 candidate is, you know, recruited or starts running, but
24 it's not, I wouldn't say, uncommon for someone to be on a
25 timeline of this length.

1 **Q** Okay. And these types of timelines talk about a
2 launch of a campaign, yes?

3 **A** I'm not familiar with that. I know that some people
4 do campaign launches, but in my experience, that wasn't
5 super common.

6 **Q** And campaigns involve fundraising?

7 **A** Yes.

8 **Q** And campaigns routinely set fundraising goals?

9 **A** Yes.

10 **Q** And those goals could be for the primary, yes?

11 **A** Yes.

12 **Q** And then for the general?

13 **A** Correct.

14 **Q** Is that fair?

15 All right. And this, this campaign, timeline starting
16 with the launch of the campaign going through an election
17 cycle setting forth goals is not uncommon in political
18 campaigns, is it?

19 **A** Would you restate that for me again?

20 **Q** I'll strike that, it was a bad question.

21 Let's talk about the 2018 state representative races
22 in Ohio. Okay. As we talked about earlier, in '18, there
23 were essentially two factions on the Republican side, Ryan
24 Smith and Larry Householder, right?

25 **A** We discussed the two groups, yes.

1 Q Okay. They each had a slate of candidates?

2 A Each of them were supporting candidates, yes.

3 Q In fact, the Republican Caucus refused to provide
4 funding for any of the Larry Householder supporting
5 candidates, didn't it? The Householder candidates who won
6 and then made it to the general election?

7 A I'm sorry, would you mind repeating that?

8 Q Sure. Regarding the Householder candidates that won
9 their primary, isn't it true that the Republican Caucus
10 refused to provide any funding for those candidates against
11 their Democratic opponents?

12 A I'm not certain of that. That could be the case.

13 Q Okay. And Ryan Smith was the heir apparent of the
14 Speaker to Cliff Rosenberger, wasn't he?

15 A I don't know that I would categorize him as the heir
16 apparent. He certainly was the other candidate running.

17 Q Would you characterize him as the candidate that
18 Speaker Rosenberger most supported?

19 A Yes.

20 Q In fact, in the election for Speaker, Ryan Smith got
21 more Republican votes than Larry Householder, didn't he?

22 A Yes, that's right.

23 Q But Larry Householder carried more Democrats than Ryan
24 Smith, correct?

25 A Yes.

1 **Q** And won a majority of the total vote to become
2 Speaker?

3 **A** Correct.

4 MR. GLICKMAN: Would you pull up Government
5 Exhibit 252, please? Your Honor, this exhibit has been
6 admitted. I ask it be published.

7 THE COURT: Yes.

8 **Q** All right. And, sir, you see this is an e-mail from
9 Ty Pine from FirstEnergy -- from FirstEnergy Solutions, yes?

10 **A** I don't believe -- Ty Pine works for the FirstEnergy
11 Corporation.

12 **Q** Okay. To Jeff Longstreth?

13 **A** Correct.

14 **Q** And he's in government affairs, right?

15 **A** Yes, as we discussed, the director of state affairs,
16 it says.

17 **Q** Okay. Please have the attached PowerPoint loaded in
18 the computer and put it on the screen when we meet with the
19 candidates. Is this regarding essentially utilities day?

20 **A** We examined some things about the day the utilities
21 came in. Yes, there's some text messages that we looked at.

22 **Q** Okay. And so they were meeting with candidates
23 regarding public utilities, yes?

24 **A** Regarding their clients essentially, in Mr. Pine's
25 case, FirstEnergy.

1 **Q** Okay. And there were also people from Murray Energy?

2 **A** I don't recall who all of the others were. I think
3 there were some that were listed in what we looked at. I do
4 recall that -- I think that AEP was present. I don't recall
5 whether Murray was. I think it was, Mr. Carey was there.

6 MR. GLICKMAN: Okay. Can we scroll down, please?

7 **Q** Okay. Is this the PowerPoint that was attached?

8 **A** Yes.

9 MR. GLICKMAN: Okay. Next page, please. Next.
10 Next, please. And just scroll, scroll just through the
11 document, please.

12 **Q** Okay. Without getting too -- you're aware that there
13 were other energy executives other than FirstEnergy that
14 attended the meeting, you're just not sure from which
15 companies?

16 **A** I remember we looked at some of them. I don't recall
17 where all of them were from. Yes, there was a group that
18 attended and then I recall they looked at some messages
19 discussing how it went.

20 **Q** Okay. So this wasn't just a FirstEnergy meeting with
21 candidates, it was other companies as well?

22 **A** Correct.

23 **Q** You testified some on direct examination about a
24 person named Brooke Bodney?

25 **A** Correct.

1 Q Okay. And you testified on direct that she worked for
2 Larry Householder?

3 A Fundraiser, yes.

4 Q Okay. But not an employee?

5 A I don't -- I don't know explicitly if she was an
6 independent contractor or 1099, W-2. I know she worked and
7 raised funds for Mr. Householder and she was paid for that.

8 Q I don't mean to quibble with you, sir, but you did, in
9 learning about Ms. Bodney, you did some investigation into
10 her background, did you not?

11 A Correct.

12 Q Okay. Brooke Bodney is a -- has been a fundraiser for
13 political campaigns for decades, hasn't she?

14 A Yes. She had other clients other than
15 Mr. Householder.

16 Q All right. And in fact, she had a contract, right?

17 A I believe so.

18 Q With the Friends of Larry Householder?

19 A I believe she raised funds for both Generation Now and
20 Friends of Larry Householder.

21 Q I was getting there, that was my next question.

22 A Oh, sure.

23 Q My next question was: She had a contract for Friends
24 of Larry Householder, correct?

25 A I believe so.

1 Q And with Generation Now?

2 A Correct.

3 Q Okay. And Ms. Bodney has raised funds for campaigns,
4 as we discussed, for years, yes?

5 A Yes. She's been a campaign fundraiser for a period of
6 time. I don't know exactly when she started.

7 Q And she's worked on many large campaigns statewide,
8 hasn't she?

9 A Correct.

10 Q Okay. She's worked on gubernatorial campaigns?

11 A Yes.

12 Q Campaigns for the United States Senate?

13 A I'm not certain of that one. She may have.

14 Q Okay. All right. But and she had other candidates
15 other than the Friends of Larry Householder candidates, I
16 apologize, customers?

17 A Correct.

18 Q Other than Friends of Larry Householder and Generation
19 Now?

20 A Yes.

21 Q Okay. On direct, you indicated that Generation Now
22 paid for polling for Larry Householder's supported
23 candidates?

24 A Polling in general. I think they also checked on some
25 other races as well.

1 MR. GLICKMAN: Okay. Let's take a look at
2 Government Exhibit 264, please, which if you could just put
3 that up for counsel, the Court, and the witness.

4 So, Judge, this has been admitted into evidence. I ask
5 that it be published?

6 THE COURT: Yes.

7 Q Okay. So if we can just look at the body of the
8 e-mail, it's Cheyenne Haines works for the Strategy Group,
9 yes?

10 A That's what her signature block indicates, yeah.
11 She's the operations manager.

12 Q Okay. This is going to Jeff Longstreth and Megan
13 Fitzmartin at Jeff Longstreth's office, right?

14 A I'm sorry, you mean she works in his office?

15 Q For JPL & Associates?

16 A Correct, um-hmm.

17 Q Brian Osborne from the Strategy Group is copied?

18 A Correct.

19 Q Okay. And it's an Invoice No. 3660; "Generation Now"
20 is the title with the attachment?

21 A Correct.

22 Q Okay. So when she writes: "I wasn't sure how you'd
23 like these surveys from last week to be invoiced, we've
24 price-matched your other surveys and invoice to Generation
25 Now, if this needs to be changed and invoiced elsewhere,

1 please let me know and I can get that updated for you.

2 Thank you."

3 Okay. Did I read that correctly?

4 **A** Yes.

5 MR. GLICKMAN: Okay. And this was admitted, this
6 was admitted into evidence.

7 **Q** But, sir, in fact, it was updated and the bill wasn't
8 paid by Generation Now, was it?

9 **A** I don't recall that for this specific item.

10 MR. GLICKMAN: Okay. Can we go to page 2 of the
11 exhibit, please?

12 **Q** You note that this is the invoice that was attached,
13 yes?

14 **A** I believe that's correct.

15 **Q** Okay. And the total is \$9,900?

16 **A** That's what it says.

17 **Q** Okay.

18 MR. GLICKMAN: Can we go to Government Exhibit 32
19 E, please? Please don't publish yet. This has been
20 admitted, Judge. I'd ask that it be published?

21 THE COURT: Yes.

22 MR. GLICKMAN: Go to page 21. And could you blow
23 up the payment to the Strategy Group, please?

24 **Q** See the check there, sir?

25 **A** I do.

1 Q \$9,900 to the Strategy Group?

2 A Yes, I see it.

3 Q Okay. Dated 9/19/2018?

4 A It is.

5 Q Paying for the invoice attached to the e-mail we just
6 looked at?

7 A That, I don't know. I know that it is in that amount.

8 MR. GLICKMAN: Okay. Can we go back to the
9 previous exhibit?

10 Q Look at the date on the exhibit.

11 A The 14th --

12 Q The invoice, please.

13 A Yes, as I was saying, the 14th of September 2018.

14 Q Certainly appears that the check from JPL & Associates
15 is paying that bill, doesn't it?

16 A It could be. Again, without the communication, I
17 don't know.

18 Q Well, first of all, polling is pretty normal in
19 politics, isn't it?

20 A Yes. Politicians will poll races, absolutely.

21 Q And political organizations will as well, issues?

22 A Sure.

23 Q As well as races?

24 A Poll issues and races, is that what the question was?

25 Q Yeah.

1 **A** Yes, they will.

2 MR. GLICKMAN: Okay. Exhibit 209, Householder
3 Exhibit 209, please. Please do not publish. Okay.

4 **Q** You've seen this e-mail before, sir?

5 **A** Yes, I have.

6 **Q** Okay. And it's a document that was produced by
7 FirstEnergy pursuant to a Grand Jury subpoena?

8 **A** Yes. It's Bates numbered at the bottom.

9 **Q** Okay. And it's -- it is from Dave, David Griffing?

10 **A** Correct.

11 **Q** To a lot of people?

12 **A** Yes.

13 **Q** Okay. All right. And there's an attachment that says
14 "Term sheet for state policy initiative," yes?

15 **A** Yes. That's what it says.

16 **Q** All right. And then it discusses: Here's the agenda
17 of our meeting on Wednesday afternoon, yes?

18 **A** That's the first line of the body, yes.

19 **Q** Okay. FES external affairs strategy meeting
20 November 7th, 2018. Does "FES" stand for FirstEnergy
21 Solutions?

22 **A** Yes, it does.

23 **Q** Okay. So preliminary election update has three bullet
24 points, yes?

25 **A** Yes, an A, B and C.

1 Q All right. One is federal?

2 A Correct.

3 Q The other Ohio?

4 A Correct.

5 Q And the last Pennsylvania?

6 A Also correct.

7 Q And then it has another topic, it says,
8 "Legislative/regulatory activities," right?

9 A That's No. 2, yes.

10 Q And, again, two bullet points, one for Ohio, right?

11 A Yes.

12 Q That includes a whip count?

13 A It does.

14 Q Okay. A whip count is a, essentially a poll or a
15 study in how they hope or they think certain politicians
16 will vote on a certain issue?

17 A I wouldn't call it a poll. I mean, the polling that
18 we were looking at before is like polling the general
19 public. This is like an account of how they believe people
20 will vote on an issue based on talking with them.

21 Q Substitute poll for the word prognostication, how's
22 that?

23 A I'm not sure. It's a, sort of a, you ask people how
24 they're going to vote. Sometimes you "whip them into shape"
25 a bit, hence, the name, and then you see how their vote is

1 going to be legislatively on an issue.

2 **Q** So the history of the word "whip counting" includes
3 whipping people into shape or whipping them in a way that
4 will get them to vote the way you want them to?

5 **A** I believe that's the case. That's how it was
6 explained to me when I was learning sort of the legislative
7 parlance.

8 **Q** Okay. And then lastly it talks about a legislative
9 rollout, right?

10 **A** Correct.

11 **Q** For Ohio, right?

12 **A** Yes.

13 **Q** And for Pennsylvania, it talks about a legislative
14 review?

15 **A** It does.

16 **Q** And a reviewed joint plan rollout?

17 **A** Correct.

18 **Q** Okay.

19 MR. GLICKMAN: Judge, move to admit the document.

20 THE COURT: Any objection?

21 MS. GLATFELTER: No, Your Honor.

22 MR. SCHNEIDER: No.

23 MR. GLICKMAN: And publish for the jury, please?

24 THE COURT: It's admitted and you may publish.

25 **Q** So certainly as of November 7th, 2018, FirstEnergy

1 Solutions or FirstEnergy and FirstEnergy's affiliates were
2 lobbying as we can tell here in both Pennsylvania and Ohio?

3 **A** They talk about their legislative activities in those
4 two places, yes.

5 MR. GLICKMAN: Householder Exhibit 209, please.

6 Sorry, Householder Exhibit 210.

7 **Q** And this Householder Exhibit 210 is the attachment
8 from the e-mail that we just looked at, right?

9 **A** I believe that's correct.

10 **Q** Okay. And it -- it's a term sheet for nuclear support
11 legislation in Ohio?

12 **A** It lists that it's a term sheet for nuclear support
13 legislation in Ohio.

14 **Q** Okay. Sir, if you note the Bates stamp, this was a
15 document that was produced by FirstEnergy pursuant to your
16 Grand Jury subpoena?

17 **A** It bears the Bates stamp, yes.

18 MR. GLICKMAN: Judge, move to admit the document?

19 THE COURT: Any objection?

20 MS. GLATFELTER: Yes, we do have an objection
21 regarding advice of counsel.

22 MR. GLICKMAN: Your Honor, this was produced to --
23 by FirstEnergy to the government and by the government to
24 us.

25 THE COURT: Whose attorney's work product

1 privileged and confidential is it?

2 MS. GLATFELTER: Your Honor, I'm not quibbling with
3 whether or not the document is privileged or not. I'm
4 saying it will be used for an improper basis later to an
5 argument regarding a defense that doesn't exist.

6 THE COURT: I'll see you at sidebar.

7 **SIDEBAR CONFERENCE.**

8 THE COURT: What's going on?

9 MR. GLICKMAN: Judge, it's a document that was
10 produced, it was created by a representative of FirstEnergy
11 Solutions, and I believe it was created by their lobbying
12 arm, not their bankruptcy attorneys, and it discusses
13 their -- it discusses needs and goals for legislation
14 regarding the nuclear energy industry.

15 THE COURT: What causes me pause is the fact that
16 it was merely produced, does not -- that's not in and of
17 itself a basis for this. I'm trying to be careful. What's
18 the government's perspective?

19 MS. GLATFELTER: Your Honor, the defense exhibits
20 from both defendants include a lot of documents where it
21 looks like there's going to be sort of a pseudo advice of
22 counsel where it looks like there's going to be argument.
23 And this is an objection we have categorically where it will
24 be used later to say, hey, look, these attorneys approved
25 this, there are attorneys on this, so this must be okay.

1 That's not an argument. It's not a defense to RICO. It's
2 not a defense to bribery. And I think this is a back-door
3 attempt to argue that to the jury, and we would seek to
4 exclude these types of documents.

5 MR. SCHNEIDER: Could I be heard?

6 THE COURT: Yes.

7 MR. SCHNEIDER: The government has, through
8 Mr. Wetzel, has introduced a lot of testimony and exhibits
9 that bear the name "Eric Lycan" who created certain (c)(4)s,
10 he's a lawyer. They elicit the -- that testimony as well as
11 Don Ryan and Don McTigue, and they've got an exhibit in
12 record right now that talks about the two Dons. If they
13 didn't want lawyers to come into this case -- we're not
14 using it for advice of counsel, other than I think the jury
15 can get a picture that there's Calfee, they brought Calfee
16 up, there's Akin Gump, there's Roetzel & Andress that looms
17 big here, and those are just facts, not necessarily -- I
18 defer to you on what you're going to use them for, but I
19 think we're being shut down.

20 THE COURT: I'm going to get something on the
21 record: The grandfather has spoken.

22 MR. GLICKMAN: I don't --

23 THE COURT: I am inclined at some point in time,
24 perhaps this very minute, to instruct the jury that advice
25 of counsel is not a defense, if you want that instruction.

1 MR. GLICKMAN: Judge, I don't plan on making any
2 type of advice of counsel argument. As I indicated, while
3 the name of a law firm is on this document, the people from
4 the law firm, I don't even know that they're lawyers because
5 in Washington, you can be a part of a law firm and be a
6 lobbyist, and I think that's the people who are on this
7 document. This is not being admitted for any type of advice
8 of counsel.

9 THE COURT: If it were argued as such, I would
10 instruct the jury.

11 MR. GLICKMAN: Understood.

12 THE COURT: Interrupting you.

13 MR. GLICKMAN: Understood.

14 THE COURT: Okay. Let me talk to my law clerk.

15 MS. GLATFELTER: Your Honor, before --

16 THE COURT: Stay here.

17 MS. GLATFELTER: Your Honor, if they really feel
18 strongly about this document, they could redact the
19 attorney-client stuff at the top. I do have the concerns
20 based on Mr. Schneider's representation that it is important
21 for the jury to know that lawyers were involved and for them
22 to draw, you know, inferences from that. Those documents
23 that the government introduced were not for that purpose at
24 all. They were introduced for other purposes because people
25 were on the documents, was irrelevant to those documents,

1 but the fact that they want to add the color that there were
2 all of these other people involved and so, therefore, it
3 must be okay, everyone knows about this, is not a proper
4 defense, is not a proper basis for these documents.

5 THE COURT: And you're anticipating that that's
6 where they're headed?

7 MS. GLATFELTER: I anticipate that they can't meet
8 the burden for an advice of counsel because it isn't a
9 defense. So this is like a pseudo entrapment defense where
10 they want to be able to argue these facts, that the jury
11 should draw something from these facts, but they have no
12 instruction as to whether or not what the permissible
13 inference would be.

14 THE COURT: All right. I'm going to confer with my
15 law clerk.

16 (Off-the-record discussion.)

17 THE COURT: I'll see you all back at sidebar. If
18 you're simply trying to establish that they looked at other
19 legislative possibilities, I'm not sure that's relevant, but
20 I would permit you to ask questions. If you were interested
21 in a more learned statement of my position, it will cause us
22 to break for the day.

23 MR. GLICKMAN: Judge, my issue is getting the
24 document into evidence. I plan on attempting to use it with
25 another witness. Its mere admission and I'm moving on.

1 THE COURT: Well, then, we'll have the fight later.

2 MR. GLICKMAN: That would be fine with me, but this
3 is the only witness who could -- who I can use to get this
4 particular document in.

5 THE COURT: I'm going to break for the day.

6 MR. GLICKMAN: Can I just make a suggestion?

7 THE COURT: Um-hmm.

8 MR. GLICKMAN: If you can conditionally admit the
9 document, I won't use it without notifying you and counsel,
10 and if we need to, you know, we can fight about it then, if
11 we need to.

12 THE COURT: Why don't we just break?

13 MR. GLICKMAN: Okay, that's fine with me.

14 THE COURT: Do you want to be heard further?

15 MS. GLATFELTER: On this particular document, if
16 it's redacted in terms of the header about attorney-client
17 privilege and Akin Gump, then, I would agree to admit this
18 particular document.

19 THE COURT: Are you amenable to that approach, just
20 do it right now?

21 MR. GLICKMAN: Yeah, we could. If we break, I can
22 do it and -- but if -- Judge, just so -- I want to make
23 everybody aware because I don't want people to think I'm
24 doing something wrong. The name "Akin Gump" was all over
25 the e-mail to which this is the attachment and the e-mail is

1 admitted.

2 THE COURT: I propose that you redact it and we
3 proceed. Can you just redact it now and get into evidence
4 and be done? I've got a pencil. Can you redact it?

5 MS. FRANKIAN: Essentially, there are other copies
6 and electronic copies, so, you know, Sharpie one document
7 now and we can do it at the break this afternoon or you can
8 take care of it.

9 THE COURT: Redact it this afternoon?

10 MS. FRANKIAN: Right, and then that way it will be
11 ready for when we want it.

12 THE COURT: Admit it tomorrow?

13 MS. FRANKIAN: Yeah.

14 MR. GLICKMAN: I'm fine with that, Judge.

15 **SIDEBAR CONCLUDED.**

16 THE COURT: When we have sidebars, the lawyers are
17 doing what they're supposed to do. We've had a chat. I was
18 kind of hoping to have a long enough chat to get to the
19 day's break and we've gotten there. We're going to break
20 for the day. I'm going to send you home. While you're at
21 home, I want you to take a break. I want you to not discuss
22 it, order you not to discuss it among yourselves or with
23 anyone. Order you not to do any independent research. And
24 I order you to keep an open mind. I'm using the word
25 "order" just to remind you, this is really important.

1 You're doing great work and we'll expect you back at
2 your spot at 9:15 having tested or testing there or whatever
3 is going on. I want you to be happy and healthy. Out of
4 respect for you, we'll rise as you leave for the day.

5 THE DEPUTY: All rise for the jury.

6 (Jury exited the courtroom at 4:23 p.m.)

7 THE COURT: Jury has left the room. We're going to
8 pause until they clear the floor. Then we're going to break
9 until tomorrow, hoping to get the jury here at 9:30 with the
10 lawyers here by 9:15. You can be seated, if you want, or
11 you can remain standing. Jurors have left the floor. Are
12 they in the elevator?

13 THE DEPUTY: They are in the elevator going up.

14 THE COURT: God speed. We're in recess.

15 THE DEPUTY: All rise. This court is in recess.

16 (Proceedings continued in progress at 4:25 p.m.)

17 **C E R T I F I C A T E**

18 I certify that the foregoing is a correct transcript of
19 the record of proceedings in the above-entitled matter
20 prepared from my stenotype notes.

20 *Lisa Conley Jungblut* 02/11/2023
21 LISA CONLEY YUNGBLUT, RMR, CRR, CRC DATE

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I N D E X

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