

8741  
m. mclwee

IN THE DISTRICT COURT, IN AND FOR OKLAHOMA COUNTY, STATE OF OKLAHOMA

State of Oklahoma )  
 )  
 VS. )  
 )  
 JOY HOFMEISTER )  
 )  
 STEPHANIE DAWN MILLIGAN )  
 )  
 STEVEN CRAWFORD )  
 )  
 LELA ODOM )  
 )  
 ROBERT FOUNT HOLLAND )  
 )  
 DEFENDANTS. )

PLAINTIFF,

INFORMATION

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

CF - 2016 - 8741

NOV 03 2016

RICK WARREN  
COURT CLERK

12

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA, COMES NOW  
DAVID W. PRATER THE DULY ELECTED, QUALIFIED AND ACTING DISTRICT ATTORNEY IN  
AND FOR OKLAHOMA COUNTY, DISTRICT NO. 7, STATE OF OKLAHOMA, AND ON HIS OFFICIAL OATH INFORMS THE  
DISTRICT COURT THAT

COUNT 1 : BETWEEN APRIL, 2013 AND NOVEMBER, 2014 THE CRIME OF KNOWINGLY ACCEPTING CONTRIBUTIONS IN EXCESS OF THE MAXIMUM AMOUNTS PROVIDED BY LAW WAS COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA BY JOY LYNN HOFMEISTER, A CANDIDATE FOR SUPERINTENDENT OF PUBLIC INSTRUCTION, WHO THROUGH COORDINATION WITH OKLAHOMANS FOR PUBLIC SCHOOL EXCELLENCE, KNOWINGLY ACCEPTED MONETARY OR IN-KIND CONTRIBUTIONS IN ACCESS OF THE MAXIMUM AMOUNTS PROVIDED BY LAW, IN VIOLATION OF TITLE 21 § 187.1 OF THE OKLAHOMA STATUTES;

COUNT 2 : BETWEEN APRIL, 2013 AND NOVEMBER, 2014 THE CRIME OF KNOWINGLY ACCEPTING CORPORATE CONTRIBUTIONS WAS COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA BY JOY LYNN HOFMEISTER, A CANDIDATE FOR SUPERINTENDENT OF PUBLIC INSTRUCTION, WHO THROUGH COORDINATION WITH OKLAHOMANS FOR PUBLIC SCHOOL EXCELLENCE, KNOWINGLY ACCEPTED CORPORATE MONETARY OR IN-KIND CONTRIBUTIONS, SPECIFICALLY MONETARY OR IN KIND CONTRIBUTIONS FROM AMERICAN FIDELITY ASSURANCE COMPANY, IN VIOLATION OF TITLE 21 § 187.2 OF THE OKLAHOMA STATUTES;

COUNT 3 : BETWEEN APRIL, 2013 AND NOVEMBER, 2014 THE CRIME OF CONSPIRACY TO COMMIT A FELONY IN VIOLATION OF TITLE 21 SECTION 421 OF THE OKLAHOMA STATUTES WAS KNOWINGLY AND WILLFULLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA BY JOY LYNN HOFMEISTER, ROBERT FOUNT HOLLAND, STEPHANIE DAWN MILLIGAN, STEVEN CRAWFORD AND LELA ODOM WHO, ACTING CONJOINTLY AND IN CONCERT WITH ONE ANOTHER, ENTERED INTO AN AGREEMENT AMONG THEMSELVES OR BECAME PARTIES TO SAID AGREEMENT AT SOME TIME AFTER IT WAS MADE, TO KNOWINGLY SOLICIT AND ACCEPT MONETARY OR IN-KIND CONTRIBUTIONS TO JOY HOFMEISTER, A CANDIDATE FOR SUPERINTENDENT OF PUBLIC INSTRUCTION, IN EXCESS OF THE MAXIMUM AMOUNTS PROVIDED BY LAW, SPECIFICALLY BY COORDINATING ACTIVITIES BETWEEN THE CANDIDATE COMMITTEE OF FRIENDS OF JOY HOFMEISTER 2014 AND THE OKLAHOMANS FOR PUBLIC SCHOOL EXCELLENCE COMMITTEE AND CHANNELLING SAID EXCESS CONTRIBUTIONS TO OKLAHOMANS FOR PUBLIC SCHOOL EXCELLENCE TO BE USED TO DIRECTLY BENEFIT FRIENDS OF JOY HOFMEISTER 2014, IN VIOLATION OF TITLE 21§ 187.1 OF THE OKLAHOMA STATUTES AND IN FURTHERANCE OF SAID CONSPIRACY HOFMEISTER

COMMUNICATED BY TEXT MESSAGE ON OR ABOUT JANUARY 15, 2014 WITH RYAN OWENS AND FOUNT HOLLAND TO ARRANGE COMMUNICATIONS BETWEEN THE HOFMEISTER CAMPAIGN AND OKLAHOMA EDUCATION ASSOCIATION EXECUTIVE DIRECTOR LELA ODOM FOR THE PURPOSE OF DISCUSSING HOW HOFMEISTER COULD DEFEAT THE INCUMBANT STATE SUPERINTENDENT OF PUBLIC INSTRUCTION IN THE ELECTION;

COUNT

4 : BETWEEN APRIL, 2013 AND NOVEMBER, 2014 THE CRIME OF CONSPIRACY TO COMMIT A FELONY IN VIOLATION OF TITLE 21 SECTION 421 OF THE OKLAHOMA STATUTES WAS KNOWINGLY AND WILLFULLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA BY JOY LYNN HOFMEISTER, ROBERT FOUNT HOLLAND, STEPHANIE DAWN MILLIGAN, STEVEN CRAWFORD AND LELA ODOM WHO, ACTING CONJOINTLY AND IN CONCERT WITH ONE ANOTHER, ENTERED INTO AN AGREEMENT AMONG THEMSELVES OR BECAME PARTIES TO SAID AGREEMENT AT SOME TIME AFTER IT WAS MADE, TO KNOWINGLY SOLICIT AND ACCEPT MONETARY OR IN-KIND CONTRIBUTIONS TO FRIENDS OF JOY HOFMEISTER 2014 FROM CORPORATIONS IN VIOLATION OF TITLE 21 SECTION 187.2 OF THE OKLAHOMA STATUTES, AND IN FURTHERANCE OF SAID CONSPIRACY LELA ODOM MET SOMETIME IN MARCH OF 2014 WITH EXECUTIVES OF AMERICAN FIDELITY ASSURANCE COMPANY AND ARRANGED FOR THE PAYMENT OF \$50,000 EACH TO THE OKLAHOMA EDUCATION ASSOCIATION AND THE COOPERATIVE COUNCIL FOR OKLAHOMA SCHOOL ADMINISTRATION, WHICH FUNDS WERE THEN USED BY OKLAHOMAN FOR PUBLIC SCHOOL EXCELLENCE IN COORDINATION WITH AND FOR THE BENEFIT OF FRIENDS OF JOY HOFMEISTER 2014;

DAVID W. PRATER

DISTRICT ATTORNEY, DISTRICT NO. 7  
OKLAHOMA COUNTY, OKLAHOMA

BY



ASSISTANT DISTRICT ATTORNEY

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I HAVE EXAMINED THE FACTS IN THIS CASE AND RECOMMEND THAT A WARRANT DO ISSUE, (22 O.S.: 231).

**DAVID W. PRATER**

DISTRICT ATTORNEY, DISTRICT NO. 7  
OKLAHOMA COUNTY, OKLAHOMA

BY 

~~ASSISTANT~~ DISTRICT ATTORNEY

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NAME OF WITNESSES

CHAD ALEXANDER  
2525 SCARLET OAK DR  
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MARY GRACE BRANCH  
1816 WINDING RIDGE RD  
NORMAN, OK 73072

DAVID CARPENTER  
9000 CAMERON PRK  
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GLEN COFFEE  
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YUKON, OK 73099

GARY EASTRIDGE  
OKLAHOMA COUNTY DISTRICT ATTORNEY  
505 COUNTY OFFICE BLDG.  
OKLAHOMA CITY OK, 73102

PHYLLIS HUDECKI  
2621 GREEN CANYON DR  
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ROBERT MCCAMPBELL  
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OKLAHOMA CITY, OK 73102

RYAN OWENS  
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OKLAHOMA CITY, OK 73116

GARY TREADWAY  
9000 CAMERON PRK  
OKLAHOMA CITY, OK 73114

TREBOR WORTHEN

GLEN BOLGER  
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ALEXANDRIA, VA 22314

BILL CAMERON  
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JENNIFER CARTER

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LINDA HAMPTON

BOB KISH  
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GEOFFREY LONG  
OKLAHOMA ETHICS COMMISSION  
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JOY NEILSON  
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MILLER WADE SMITH  
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8201 N LAURA LAN  
OKLAHOMA CITY, OK 73151

IN THE DISTRICT COURT )  
OF OKLAHOMA COUNTY )  
STATE OF OKLAHOMA )  
)  
)

AFFIDAVIT OF  
PROBABLE CAUSE

VS.

DEFENDANT:

Hofmeister, Joy  
W/F XX-XX-1964

Milligan, Stephanie Dawn  
W/F, XX-XX-1979,

Crawford, Steven  
W/M XX-XX-1949

Odom, Lela  
W/F XX-XX-1948

Holland, Robert Fount  
W/M XX-XX-1963

STATE OF OKLAHOMA )  
)  
COUNTY OF OKLAHOMA )

**Defendant Hofmeister:**

Count 1:

**21.187.1 Limits on Contributions to Candidates**

Count 2:

**21.187.2 Contributions by Corporation Prohibited**

Count 3:

**21.421 Conspiracy to Commit Felony to violate 21.187.1**

Count 4:

**21.421 Conspiracy to Commit Felony to violate 21.187.2**

Count 5:

**21-1958 Violation of Computer Crimes act**

**Defendants Milligan, Crawford, Odom, and Holland:**

**Count 1:**

**21.421 Conspiracy to Commit Felony to violate 21.187.1**

**Count 2:**

**21.421 Conspiracy to Commit Felony to violate 21.187.2**

**Count 3:**

**21-1958 Violation of Computer Crimes act**

I, Gary Eastridge, Chief Investigator for the Oklahoma County District Attorney's Office, your affiant herein and being duly sworn and upon my oath, do depose and state the following:

Your Affiant is a Peace Officer of the State of Oklahoma as defined in Title 21 Section 99 of the Oklahoma Statutes and I am currently employed by the Oklahoma County District Attorney's Office as Chief Investigator. I served with the Oklahoma City Police Department from 1979 until 2000 and have been with the Oklahoma County District Attorney's Office from January 2007 to present.

**STATUTORY AUTHORITY**

This investigation concerns alleged violations of **Title 21 Oklahoma Statutes, Section 187.1 (Limits on Contributions to Candidates) Section 187.2 (Contributions by Corporation Prohibited and Section 421 (Conspiracy)**

Title 21-187 defines a contribution as following:

7. a. "Contribution" means and includes:

(1) a gift, subscription, loan, guarantee or forgiveness of a loan, conveyance, advance, payment, distribution, or deposit of money or anything of value made to and with the knowledge and for the benefit of a committee for use in a campaign, or for reducing the debt of a committee,

(2) an expenditure made by a person or committee, other than a candidate committee, with the cooperation of, or in consultation with, a committee, a candidate, candidate committee, or candidate's agent or that is made in concert with, or at the request or suggestion of, a candidate, candidate committee, or candidate's agent,  
(emphasis added)

Title 21-187.1 prohibits contributions in excess of \$5,000 from any contributor.

A. No person or family may contribute more than:

2. Five Thousand Dollars (\$5,000.00) to a candidate for state office...

B. No candidate, candidate committee, or other committee shall knowingly accept contributions in excess of the amounts provided herein.

Title 21-187.2 prohibits a candidate from accepting contributions from Corporations.

A. No corporation shall contribute to any campaign fund of any party committee of this state or to any other person for the benefit of such party committee or its candidates, nor shall it, through any agent, officer, representative, employee, attorney, or any other person or persons, so contribute. Nor shall any such corporation, directly or through such other person, make any loan of money or anything of value, or give or furnish any privilege, favor or other thing of value to any party committee, or to any representative of a party committee, or to any other person for it, or to any candidate upon the ticket of any political party.

B. A corporation shall not make a contribution or expenditure to, or for the benefit of, a candidate or committee in connection with an election.....

***B. No Candidate, candidate committee, or other committee shall knowingly accept contributions given in violation of the provisions of subsection A or B of this section.***

Title 21-421 Conspiracy

A. If two or more persons conspire, either:

1. To commit any crime

These statutes criminalize, in part, improper coordination of "Independent Expenditures" and "Electioneering Communications." Expenditures by a corporation engaged in political advertising are typically "Independent Expenditures" or "Electioneering Communications." These expenditures advocate the election or defeat of a clearly identified candidate or make reference to a clearly identified candidate. Such expenditures are required to be made independently and without coordination with a candidate committee to avoid becoming illegal corporate and/or excessive contributions to the candidate committee. This investigation shows the defendants conspired to use a corporation organized under section 501c4 of the Internal Revenue Code, and entitled OKLAHOMANS FOR PUBLIC SCHOOL EXCELLENCE (OPSE), to exceed campaign donation limits and accept corporate donations in violation of Oklahoma law. The evidence shows that the defendants knowingly operated OPSE outside the guidelines

of a 501c4 and coordinated with the Friends of Joy Hofmeister 2014 campaign while hiding their actions under the guise of an Independent Expenditure.

### **BACKGROUND OF THE INVESTIGATION**

In 2014 the Oklahoma County District Attorney's Office opened an investigation into campaign violations by candidate for Oklahoma State Superintendent of Public Instruction, Joy Hofmeister. The investigation reveals a conspiracy to commit campaign contribution violations and illegal coordination by members of OKLAHOMANS FOR PUBLIC SCHOOL EXCELLENCE, INC.(OPSE), Cooperative Council for Oklahoma School Administration (CCOSA) and Oklahoma Education Association (OEA) with political candidate Joy Hofmeister. All three of these groups are registered with the Secretary of State as corporations. As a result of this coordination a scheme was put in to place to fund an Independent Expenditure (IE) by funneling money from a donor corporation, American Fidelity (AF), to OPSE via OEA and CCOSA. American Fidelity wrote checks to both OEA and CCOSA for \$50,000.00 each. OEA and CCOSA each added \$100,000.00 of their own funds and donated the whole amount to OPSE. The conspirators used these funds to finance a negative campaign ad focused on Hofmeister's opponent, Janet Barresi. The advertisement relevant to this investigation is more accurately defined as an "Electioneering Communication"; however, the individuals responsible for the advertisement refer to it as an "Independent Expenditure. (IE)" Regardless, neither Electioneering Communications nor Independent Expenditures can be coordinated with a candidate committee. Therefore, the advertisement will be referred to as an "Independent Expenditure" to remain consistent with the statements by the individuals named in this affidavit.

The idea for an Independent Expenditure was conceived by OEA Executive Director Lela Odom, CCOSA Executive Director Steven Crawford, and CCOSA General Counsel Ryan Owens. By pooling OEA and CCOSA resources the group would be able to advance their desired candidate for the office of State Superintendent of Public Instruction by attacking her opponent, incumbent Janet Barresi. OPSE was formed with input and cooperation from Odom, Crawford, Candidate Hofmeister, CCOSA General Counsel Ryan Owens, and campaign consultants Stephanie Milligan and Chad Alexander. Executives of American Fidelity were asked to donate to the group and offered a position as board members of the IE. The executives of American Fidelity declined to be involved, however they agreed to provide funding for the group to do with as they saw fit. Records indicate that OEA and CCOSA each agreed to provide OPSE with \$100,000.00 plus the \$50,000.00 they each received from American Fidelity. Banking records confirm that a check from American Fidelity for \$50,000.00 was



deposited into OEA's account and a check from American Fidelity for \$50,000.00 was deposited into CCOSA's account within days of each other. A review of bank records and statements from Owens, Crawford, and Odom confirm that \$150,000.00 from OEA and \$150,000.00 from CCOSA were deposited in OPSE's bank account.

Investigators reviewed numerous email and text communications and conducted numerous witness interviews. The reviewed emails and texts show frequent communications between candidate Hofmeister and Owens. Owens was instrumental in Hofmeister's campaign assisting with strategy, guidance, and speech writing. Owens was also instrumental in the formation and operation of OPSE. Owens met with Alexander seeking guidance on forming an IE (OPSE) and helped pick the board of directors. In fact Owens was the legally registered agent for OPSE until the conspirators realized this exposed the illegal coordination between the Hofmeister campaign and OPSE at which time his name was hastily removed as the service agent.

### THE INVESTIGATION

During the 2014 election year, the Oklahoma County District Attorney's Office received numerous calls of election improprieties by candidates and various groups supporting those candidates. During this same time period but unrelated to these events local political consultant **Chad Alexander** was arrested for possessing cocaine resulting in the seizure of his cellular phones and computer. These devices were forensically examined pursuant to search warrants. Around the same time, a representative from the **Janet Barresi** campaign for State Superintendent of Public Instruction contacted the District Attorney's Office. This person provided an e-mail obtained via an Open Records Act request, dated April 22, 2013 and sent by **Joy Hofmeister** to Jenks Public Schools Superintendent **Kirby Lehman**. This e-mail reads as follows:

*"Just wanted to update you. I am meeting this morning in OKC with Fount Holland (AH Strategies) at 11 am, and Chad Alexander (probably better fit for the independent campaign) at 1 pm.*

The following communication and information obtained from interviews lay out clear coordination between Hofmeister, Owens and others involved in the conspiracy. Note: these are but a small sampling of the documented communications.

### COMMUNICATIONS AND KEY EVENTS

During my investigation I reviewed many email and text messages obtained via subpoena by the Oklahoma Ethics Commission. There are many typos in these communications. The typos are found in the original communications and are left unchanged.

Text messages reveal Hofmeister had made her decision to run in early April of 2013. The communications show Owens was a trusted confidant and integral advisor from the outset.

4-3-2013

**Hofmeister texts Owens:** "I am ready to make this commitment, but need guidance and strategy. Would like to meet with you too. Still have list of logistical questions. Timing of announcing candidacy seems key. My gut says needs to occur while legislature in session. Really need to talk."

4-7-2013

**Hofmeister texts Owens:** "I know I couldn't ask for better advisors than you, Phyllis, Crawford, and the rest."

The investigation has revealed that "Phyllis" is Oklahoma Secretary of Education Phyllis Hudecki.

In mid-April Hofmeister lays out the scheme to use corporations to fund an Independent Expenditure to Kirby Lehman.

On 4-17/18-2013

**Hofmeister emails Kirby Lehman (Superintendent of Jenks Public Schools):** "Had very, very good meeting 1hour 40 mins with Glenn today. Then strategy with Crawford, Mills and Ryan for couple more hours. Coffee thinks I should look at AH Strategies, Neva Hill or Chad Alexander for campaign management. He likes Chad Alexander for the independent campaign which would be where he would put CCOSA, OSSBA, OEA money, plus amounts from corporations as it would all be anonymous. This independent campaign would do be negative ads and allow me to take the high road with my own campaign."; "Coffee is willing to consider being retained as campaigns political strategist. Ryan thinks its better to retain him as legal council formally, which would ensure attorney client privilege." (emphasis added)

The investigation has revealed that "Glenn" and "Coffee" refer to Oklahoma City attorney and political strategist Glenn Coffee. "Mills" refers to the late Dr. Jeff Mills, Executive Director Oklahoma State School Boards Association (OSSBA).

This communication shows that Hofmeister was aware an IE would be formed and that the IE would be anonymous. Hofmeister even detailed the corporations involved in forming and funding OPSE. I learned that OSSBA ultimately was unable to donate. This communication also shows that Hofmeister was engaged in talks about who should run the IE, and that she envisioned the IE running negative ads while she took the "high road."

Common Core is a set of academic standards embraced by Hofmeister's opponent Janet Barresi which became one of the central issues in the race for Superintendent of Public Instruction. In the following communications Owens is providing guidance and campaign strategy on Common Core and other issues.

4-19-2013

**Owens texts Hofmeister:** "We do need to talk budget and common core before our dinner on Wednesday"

4-22-2013

**Hofmeister texts Owens:** "Sent you a couple emails about legal or ethics question for supers and me as a potential candidate."

According to Ryan Owens on 4-22-2013 at 11am. he and Hofmeister met with Fount Holland of AH strategies as recommended by Glenn Coffee. According to Hofmeister's interview this was followed at 1pm by Owens and Hofmeister meeting with Chad Alexander, also at Coffee's suggestion. As shown in the below text Holland and Alexander discuss funding an IE using OEA and Kaiser Foundation. Holland was acting on behalf of the campaign. While Alexander had been approached by the campaign to run the IE, he had not been formally retained.

4-24-2013

Text string recovered from Chad Alexanders Iphone.

Fount Holland: "Will boren get pissed if you do an IE against Baressi"

Chad Alexander: "I will use a different 527."

Fount Holland: "Money in it"

Fount Holland: "I hear the oea and the Kaisers might put mega m"

Fount Holland: "k"

Chad Alexander: "I know the oea will"

Fount Holland: "Kaiser might play both sides"

4-26-2013

Joy Hofmeister signs contract with AH Strategies. AH Strategies is owned by Trebor Worthen and Fount Holland.

5-1-2013

Fount Holland signs contract on behalf of AH Strategies with Joy Hofmeister

5-3-2013

Joy Hofmeister files candidate Statement of Organization with Ethics Commission.

6-11-2013

**Hofmeister texts Damaris Pierce** "Both organizations are preparing PAC's to endorse me as their candidate. Owens and Crawford are both giving \$5000 contributions. Dr. Jeff Mills donated \$1,000 on Friday. They recruited me to run about 9 months ago.

6-28-2013

**Hofmeister texts Owens** to thank him for his contribution at an event. **Owens responds:** "You are welcome!!! I'm all in - and so is Crawford. We just have to pace our checks with our pay. Lol"; In the same conversation, **Hofmeister asks Owens for help writing an introduction for her and continues with:** "And we need to get together soon and spend some time prepping on speeches, issue statements..."

Tis text shows that after Hofmeister files her Candidates Statement of Organization to formally become a candidate, Owens is providing strategy, speech writing, and assisting with issue statements for Hofmeister. This shows Owens remains a key member of the campaign team.

7-3-2013

**Hofmeister texts Owens** regarding Holland: "He really needs your input. It will help him process how to vilify Janet. He sees everything thru a different lens. He said tonight that he's going to run two distinct campaigns...the educator's campaign and the Fox News watcher primary voter campaign." **Owens responds:** "Lets get together soon. *We need to form a cabinet and be able to generate press releases, respond to breaking news, form platform statements, etc...I'm very excited to be a part of your team!*" (emphasis added)

Janet refers to incumbent State Superintendent of Public Instruction Janet Barresi.

7-4-2013

Owens texts Holland: "Fount, Ryan Owens here, hope you're having a great holiday weekend! When would you like to get together and talk about Joy's campaign, position statements, website, etc.?"

7-?-2013 texts span 7-29-2013 thru 7-31-2013

**Damaris Pierce (Hofmeister campaign manager at time) and Hofmeister exchange several texts** regarding an Ethics filing due. **Hofmeister:** "I am concerned about some of these inkind numbers that are even round numbers. I believe they will audit us (Barresi)...Such as Kirby's and Darren's?"; **Pierce responds:** "It looks like they estimated and Barresi would love to come after Kirby."; **Hofmeister:** "Change Kirby's in kind to \$1799.53"

An in-kind contribution is anything of value donated to the campaign that has a cash value. This communication is important as it demonstrates Hofmeister's willingness to alter the reported amount of these contributions on official documents to avoid scrutiny. The investigation has revealed that Kirby is Kirby Lehman, Superintendent of Jenks School, who was a strong supporter of Hofmeister.

8-7-2013

**Owens texts Alexander:** "when might you have time to talk about running an independent expenditure campaign for the 2014 cycle?" ... "I assume you know who we seek to disparage" - They later schedule the meeting. **Owens immediately texts Crawford:** "U up?" and appears to call him.

Emphasis added.

8-?-2013 (possibly the 8<sup>th</sup>)

According to Ryan Owens interview a meeting was held between Owens, Alexander and Glenn Coffee. Amounts of donations to get started were discussed. During this meeting it was discussed that political activity of a 501c4 must not be the primary purpose of the organization. Their understanding was no more than 40% should be spent on political activity. This is important as 100% of OPSE expenditures during this election cycle were for political activity.

9-4-2013

**Owens texts Crawford:** "Met with Coffee and Alexander - we are ready to go just you and Jeff to say yes. I can discuss when you are ready."

Referring to Glenn Coffee, Dr. Jeff Mills and Chad Alexander.

9-19-2013

**Owens texts Crawford:** "We have to talk about the anti Barresi campaign in the morning" - "Chad is ready for a decision" - "I am trying to not let him push me"; **Crawford:** "We r working on it. Lela next week. What's the rush now"; **Owens:** "He is worried we won't follow thru"

Chad refers to Chad Alexander.

11-14-2013

**Hofmeister received an email from Erin Madden** (OEA) concerning her participation in a candidate interview panel OEA was planning. She forwards it to Holland, Worthen, and Owens: "FYI - Please advise."; **Worthen responds:** "Let's discuss this. The last thing we need is an OEA endorsement in a Republican primary."; **Owens responds:** "Both Steven me I can visit with Lela Odom to discuss this request. It seems that OEA may want to play in the primary during this election. Maybe we can encourage them do it in a different way..."; **Holland responds:** "We will lose if they endorse us. I can give them some ideas about how to be savvy and truly helpful. A little savvy would make OEA unstoppable. The question is are they for us, and can they be quiet and stomach our

right wing rhetoric long enough to get what they really want; a pro education environment for our state ."

1-15-2014

**Hofmeister texts Owens and Holland** about a text from Lela Odom who wants Hofmeister to call as soon as possible. **Hofmeister to Holland:** "She didn't email, so I think she's trying to be discrete."; **Holland, after being reminded that Odom was OEA Executive Director, replied:** "Ah. Have her call me if she would like to discuss how to defeat Janet Baressi "; **Hofmeister:** "So I should call her and say that? Or ask Ryan to deliver that message? ...Sorry for being overly cautious, I just don't want to mess this up"

This shows coordination between the candidate Hofmeister, Fount Holland of the campaign, Owens who was working with the campaign and helping form the IE and Lela Odom who was funding and assisting the IE.

1-24-2014

**Robert "Bob" Kish (Third Wave Communications) emails Holland and Trebor Worthen** with subject "Oklahoma Supt of Education". Kish references an earlier email and responds to criticism of previous ads. He discusses ideas for the State Superintendent race. He specifically discusses the idea of an apple rotting in time lapse on a teacher's desk under heading of "Viral Video". He states "The first to film an apple (symbolic of education) on green screen over a 30 day period in time-lapse. If you've never seen an apple rot in time lapse, It's pretty cool. We'd then digital insert the rotting apple into a classroom where it would sit on the corner of the teacher's desk. The voice-over would talk about the deterioration of education under Barresi as the apple symbolically rots." Holland and Worthen decided on behalf of the campaign not to use Kish's ad idea, however the idea he presented to them is identical in content with the ad used by OPSE. An interview with Kish revealed that Fount Holland steered Kish to Chad Alexander of the IE.

1-27-2014

Hofmeister announces her candidacy for Superintendent of Public Instruction during an "announcement tour in multiple Oklahoma towns. Investigators learned this from her Facebook page.

2-2-2014

**Hofmeister to Owens:** "Thank you for always being honest, frank, and telling me what I need to know...even if it's not good news or easy. I am counting on you for that... always. I hope you won't ever hold back. I am really going to need to lean on you to give me the kind of advice, knowledge of protocol, best way to deal with legislators, the perspectives of school leaders and school board members, and SDE folks, too. I am grateful that I can just be myself and don't have to filter my words or worry about making a mistake or appearing somehow incompetent around you. I want to surround myself with the top talent in the state -and that means you. I know I have a lot to learn! I'm counting on you and Crawford and others to guide me. I trust you 100%. Jerry and I appreciate your fierce loyalty, your expertise, talent,

intellect, integrity and broad experience. I never would worry about how you might represent me, treat people or how you might lead. I am so grateful to have called you that day as a board member to ask if you or school people had been apart of writing the A-F rules from the beginning. That started this whole thing, you know. So, I know this has been long...but, just know that I will work my heart out to successfully and effectively lead, but will need great people, like you to build the team. I can't wait!!"

Hofmeister emphasizes Owen's importance to her team.

2-23/2-24 2014

**Hofmeister texts Owens:** "Fount is going to make a \$280,000 media buy very soon. To keep the price as low as possible, he has to buy now for later use. March 31 is critical, gotta raise the money to even be able to pay that back to him in April. I'll be wiped out."

Hofmesiter coordinates with Owen's who is in the process of setting up OPSE concerning media buys and her campaign financial state. This is followed days later by Odom seeking funding from American Fidelity and Owens push to get the IE set up.

3-?-2014 (unknown exact date)

Lela Odom advised in her interview that OEA and American Fidelity have had a 50 year relationship. OEA has helped AF build their business by endorsing their "salary income protection policy". Odom met with American Fidelity Chairman and CEO, Bill Cameron by herself and asked for \$100,000.00 for the 501c4. She offered American Fidelity a position on the board of the 501c4. According to Odom, Cameron advised he would have to talk to his team. Around this same time period Odom met with Dave Carpenter, who is an executive with American Fidelity, to ask for donations to the 501c4. Later in March Odom received a call from another AF executive, Gary Treadway, who advised "their team" had talked about it and decided against participating in the 501c4. Treadway advised Odom they were willing to give CCOSA and OEA \$50,000.00 each to do with as they saw fit.

3-3-2014

**Owens texts Alexander** about setting up a conference call between Alexander, Crawford, and OEA. "They want to talk to you about the formation of the independent expenditure campaign, structure, decision making, viability, etc."

3-8-2014

**Hofmeister texts Ellen Dollarhide (Hofmeister Campaign Manager after Damaris Pierce):** "I want to see what this apple thing is that fount said he started today. Said there's 341 likes or shares...Or take screen shot so I can see what he's talking about".

3-19-2014

Bob Kish meets with Fount Holland concerning an unrelated campaign. During conversations the subject of an IE in the Superintendent race comes up. Kish expresses a desire to do the media work and is told by Holland that he will need to talk to Chad

Alexander. Holland tells Kish that he will tell Alexander that Kish would be a good fit for the IE and for Alexander to contact Kish. Holland tells Kish they can no longer discuss the campaign if he is working for the IE.

3-28-2014

16:02 **Dollarhide texts Hofmeister asking** "How did the interview go?"  
**Hofmeister responds** "\$5,000 check in hand, plus he will likely give to Ryan's too."

16:14:58

**Hofmeister texts Worthen and Holland.** "Bud Vance just have me \$5000 check, plus Margaret Ann Morris said he will want to give more to IE, too

16:17:38

**Worthen / Holland responds to Hofmeister:** "Fantastic"

18:15:12

**Holland responds to Hofmeister:** "Fabulous!!!!!!! I'm jumping for Joy!!!!!"

Notably absent from this communication is any question of what IE is being referenced. Hofmesiter even refers to it as "Ryan's". This indicates to your affiant that all parties were aware of the IE. At this point in time there is no way for Hofmeister to know of Ryan's IE if they were not coordinating.

4/7/2014

**Crawford emails large group of people that appear to be CCOSA members** with subject "Independent Expenditure Account": "Attached is a description of a 501c4 independent expenditure account program. We have discussed this in the past as a possibility. It appears that we can make this happen now with the help of the OEA and a private donor. This means that the OEA, CCOSA and a private donor would need to invest \$100,000 each to advance this idea. I originally thought CCOSA and OSSBA could do this for \$50,000 each. As you know OSSBA is under new leadership and has not had enough time to approve participation. OASA has approved \$25,000 from their sub-account to help lower CCOSA's cost to \$75,000. This may have to be approved electronically before our special meeting later this month. I will let you know."; Email contains an attachment titled "Forming an Independent Expenditure Campaign to Support Public Education"

4/9/2014

**Holland emails media consultants and Kaleb Bennett:** "I think there's a good chance there will be an independent expenditure."



4/10/2014

Owens has a calendar entry for "Meeting with Chad Alexander" at "CCOSA Bldg" on 4/10/14 from 11:00am to 12:00pm.

**Kish emails Alexander:** "Chad, Wanted to follow up on our conversation. Let's talk after Easter."; Alexander says: "Hey bob. Met with them today. Let's touch base the first of next week."

**Hofmeister texts Dollarhide:** "Hey....some scoop but keep it very confidential. I'll forward on email"; Dollarhide: "Oooh, interesting "

4-14-2013

11:11:29

**Holland texts Hofmeister:** "I need bud Vance phone number and what is his background"

11:13:57

**Hofmeister responds to Holland:** "Big donor with OCPA. Margaret Ann Morris connected me with him. Said he would want to give to IE."

Again the lack of questioning about Hofmeister's reference of "IE" shows all parties have knowledge of the IE.

4-16-2014 Text exchange between **Hofmeister and Holland**

**Hofmeister to Holland** "Boren gave me 57 names"

**Holland to Hofmeister** "5000 each?"

**Hofmeister to Holland** "I'm asking that"

After more texts **Holland responds to Hofmeister.** Wonderful. And some of those can give to us and super pac....."

This time Holland brings up donations to the super pac (IE). This is after discussing maximum donations by the contributors.

4-17-2014 **Owens emails Holland, Hofmeister, and Dollarhide** with subject "Janet Costello Barresi NO CONFIDENCE": "We are ready to send out the attached press release. Any last changes or concerns before we hit send?"; **Holland responds:** "Also ask your superintendents to make certain that every teacher on their district has signed and also hit the share button in the too right hand corner"

This shows Owens working directly with the campaign while organizing the IE.

On this same date American Fidelity check number 0001504719 written to OEA Accounting in amount \$50,000.00.

4-21-2014

American Fidelity check number 0001504808 written to Cooperative Council For Oklahoma School Administrators in amount \$50,000.00

4-23-2014

**Fount Holland emails Joy Hofmeister and CC Phyllis Hudecki and Ryan Owens.**

Subject: Fwd: OK School Super Benchmark—Draft #1

“I want your input on this survey instrument...the data will only be as good as the questions asked. I think it is a very good start on a solid instrument. This is literally the best pollster in the country in my opinion.”

4-24-2014

**Owens emails Alexander:** subject “Re: 501 C4” during discussion of setting up OPSE

Owens responds to Alexander

“I will be the registered agent.

Ryan Owens Esq.

3400 NW 65<sup>th</sup> St.

Oklahoma City, OK 73116”

4-25-2014

CCOSA Executive Committee conducts a business meeting where the board discusses participating in an “Independent Expenditure Account.” The minutes for the meeting state:

Discussion and possible action on participating in an Independent Expenditure Account program promoting public education.

The account established would be a 501(c)(4) with the proposed name “Oklahomans for Public School Excellence”. This would be a joint endeavor along with OEA with the purpose of having more political influence for public education in the State of Oklahoma. A 501(c)(4) allows donors to remain anonymous. An anonymous donor has already offered \$50,000 to CCOSA and \$50,000 to OEA to begin the process of establishing the account.

4-28-2014

**Ryan Owens responds to Holland’s email dated 4-23-2014 and CC’s Hofmeister, and Hudecki**

Subject RE: OK School Super Benchmark—Draft # 1 Owens states “ I have highlighted the changes I would make. Thanks!” Owens then makes suggested changes to the draft of poll questions.

4-29-2014 **Worthen texts Hofmeister, Dollarhide, Holland, Hudecki, Owens, Jenna Worthen, and Ashley Stuart** complaining about the lack of support from the superintendents.

Holland responds "I concur. The superintendents as a whole need to do more. There seem to be a handful who have stepped to the plate, but there are many more who need to be targeted for a donation.

This shows Owens still active in the campaign strategy.

5-2-2014

Certificate of Incorporation of OKLAHOMANS FOR PUBLIC SCHOOL EXCELLENCE INC filed with Oklahoma Secretary of State listing Ryan Owens as registered agent

Owens becomes the registered agent of the IE at the same time he is an integral member of the campaign team.

**Hofmeister texts Holland and Worthen:** "Lt. Gov, John Doak, Joe Dorman, me and others here. Head of Texas Co republicans is doing a lift letter for me. Wind turbine lobbyist interested in *my IE*. :)." (Emphasis added)

Hofmeister refers to "my IE" followed by a smiley face emoticon without any question or expression of concern from her campaign advisors Holland and Worthen. During interviews of Hofmeister, Holland, and Worthen, none recall this communication.

5-4-2014

**Holland emails Hofmeister, Owens, and Phyllis Hudecki** with subject "next draft": "I spent some time rewriting the negatives on Janet plus incorporating your changes. We need to get this completed and finalized so we can go into the field. Please make certain this is all accurate?"

Two days after Owens becomes the registered agent of the IE he is involved in strategy decisions with Hofmeister and Holland.

5-5-2014

**Milligan emails Owens:** concerning setting up OPSE "... see below on what Bill needs to finalize the paperwork. Please let me know what we can do to assist in expediting this."; Owens responds with name and position of directors.; Milligan emails again with an attached document for Owens to get signed by directors.; Owens sends to directors and states: "I have also created a letter authorizing you to open a bank account in our name that is being signed as well."

Bill refers to Bill Whitehill of Fellers Snider law firm. Whitehill assisted OPSE with paperwork concerning their formation.

5-6-2014

**Owens emails Odom and Crawford** with subject "Oklahomans for Public School Excellence": "Attached to this email are the documents we discussed that need to be signed by our officers (board members of the Oklahomans for Public School Excellence) so that we can open a bank account and start depositing money. We can have folks sign the documents and then electronically merge those signatures together on one document."; Crawford forwards to Terry Davidson: "Attached are forms that constitute the formation of the 501c4. Please sign as chairman in the two places requiring the chairman's signature, scan, and return to Ryan and me. Call if you have questions."

Terry Davidson is the Superintendent of Comanche Schools and becomes a member of the board of OPSE.

**Milligan emails Owens:** "The attached need to be completed ASAP. We will also need a letter signed by the board giving me permission to open necessary bank accounts and conduct any and all necessary financial transactions."; Owens responds: "They have been sent out to the board members for signature. I have also created a letter authorizing you to open a bank account in our name that is being signed as well."

OPSE board document signed authorizing Stephanie Milligan to open a banking account in the corporate name.

Possibly same date.

According to Ryan Owens interview he received a frantic phone call from Phyllis Hudecki saying Holland was upset because he had seen Owens name associated with the IE and wanted it taken care of. Owens relayed this to Alexander.

**Owens emails Alexander and Milligan:** "Chad, If it isn't too late can we change the registered agent info for the IE? Please respond ASAP - Joy and crew are freaking out! Thanks!"

**Owens emails Milligan, Attny Robert McCampbell, and Attny Bill Whitehill:** "My apologies for the confusion. Our registered agent will be Cynda Kolar."  
(Cynda Kolar -CCOSA employee  
Robert McCambell & Bill Whitehill -Attorneys at firm Fellers Snider)

**Owens texts Hofmeister:** "No longer registered agent"; **Hofmeister:** "Alleluia. I was going to go thru Ryan withdrawal. I hope that doesn't slow things down that was *Fount's concern*"; **Owens:** "Lol well I certainly didn't want to cause any concern just wanted to expedite the process"; **Hofmeister:** Seriously didn't know

if I could handle 'no emails, no texts' directive from Fount..thru Nov!"; **Owens:** "Haha me either".

This series of communication shows that Hofmeister and Holland are aware of Owen's position with the IE while in an active role with the campaign. They appear to be more concerned that his role with the IE has become public. Later communications reveal that his role with the campaign did not change.

**Hofmeister emails Phyllis Hudecki, Owens, and Melissa Abdo (Hofmeister Campaign):** "I talked to fount about this. He thinks it's a little unexpected that Janet still hasn't made her media buy? That said, Fount said it's not that uncommon to purchase on a Thursday and be running spots on Monday. He expected her to run ads in mid-May. Still could start as he thought. Freda already spent \$150,000 for last 10 days. Just thinking it through. Wishing for some truth to the rumor from last week."

5-7-2014

**Owens emails Odom and Crawford** with subject "Please 501c4 Board Members Sign only the attached documents": "Please disregard my email a few minutes earlier and only have the board members sign the two documents attached to this email. Thanks!!!"

**Owens emails Odom and Crawford:** "I need these attachments signed by our board members as well." The attachments are the amendments to the Certificate of Incorporation, removing Owens as agent. The agent in the attachment is listed as Cynda Kolar, who appears to be listed as "Financial Services" staff for CCOSA.

Various emails on the "registered agent" email chain. Milligan: "Ryan, ... Could you meet me on Friday afternoon or Friday early evening so I can obtain copies of everything I need for the bank accounts?"; **Owens:** "Our registered agent will be Terry Davidson."; **Alexander** "We need to move with lightening speed on this steph"; **Alexander** "Tell him to drive up to sign we need to roll".

**Hofmeister texts Melissa Abdo, Phyllis Hudecki, and Owens** regarding an ad that was run that morning by "Oklahomans 4 Prosperous Future." They then exchange messages trying to figure out who that group is and what organizations might be funding it (discussed the possibility of NEA). While this conversation is occurring, Hofmeister also texts Fount to tell him about the ad and asks who he thinks is behind it. After more discussion, Hofmeister then asks Fount: "Do you think this is chad's IE?"; Holland responds: "No. Not at all."; Hofmeister then relays this information to Abdo, Hudecki and Owens: "Fount doesn't think this is Chad's IE."

5-8-2014 There is a series of **emails from Holland to Hofmeister, Worthen, Alex Tornero, and Phil Weldele** discussing a conference call for the following day.

The investigation has revealed that the Hofmeister campaign used "The Strategy Group" for their media consultant. According to the website for "The Strategy Group" Alex Tornero is Creative Director. Phil Weldele is Senior Producer.

5-9-2014

**Chad Alexander emails McCampbell, Owens, Whitehill, Milligan:** "See below. Anything else we can do? Bill and Stephanie please Dot the I's and cross the t's so we can start taking checks and polling."

**Owens emails Alexander:** "I.E. papers signed by Terry Davidson".

1:54pm

**Holland emails Hofmeister, Owens, Kalb Bennett, and Worthen** "CALL IN 7 MINUTES" attached to the call is a document OK SW GOP Primary Benchmark.pdf

2:02pm

**Holland emails Hofmeister, Caitlin Reed, Glen Bolger, Worthen, Bennett, and CC Owens.** "Let's do this conference number.. 1-218-862-6420 code .. 729860

The investigation has revealed that Glen Bolger is a partner in the polling firm "Public Opinion Strategies". According to their website <https://pos.org> "Glen Bolger is one of the Republican Party's leading political strategists and pollsters." There is no information on Caitlan Reed however her email is from the domain of "Public Opinion Strategies" (pos.org).

A printed copy of the PDF titled "Oklahoma Statewide GOP Benchmark" indicates it is "key findings from a statewide telephone survey of 300 likely GOP primary voters in Oklahoma with 60 cell phone-only interviews, conducted May 6-8, 2014." The poll addresses political environment, name ID, and common core. It includes ballot and message testing sections.

Ryan Owens confirms he and Holland were part of this power point presentation conference call. Owens shared this information with Crawford. This shows Owens coordinating with Holland of the campaign while still the registered agent of the IE (while there was discussion of removing Owens as registered agent, the Restated Certificate Of Incorporation listing Terry Davidson as registered agent were not filed until 5-13-2014). He then shares the information with Steven

Crawford who helped set up the funding and recruiting of the board for the IE. Importantly Crawford is later involved in the approval process for the negative ad against Hofmeister's opponent Janet Barresi. This occurs 3 days after Holland has expressed concern over Owens being the registered agent of the IE.

**9:52pm Holland emails Hofmeister and Owens** with Subject "Trusting": "That we understand how important confidentiality is on the survey"; Hofmeister and Owens both respond: "Yes"; Owens then forwards this email to Crawford: "FYI". (Of the many participants of the conference call poll presentation, this email concerning trusting and confidentiality is sent by Holland to the candidate and the registered agent of the IE and no one else.)

**Owens emails Alexander:** "I.E. papers signed by Terry Davidson".

5-13-2014

**Owens emails Milligan & Alexander** signatures of Smith and White for 501c4 documentation Odom also emails copies of Wade Smith's signatures to Whitehill, Owens, and Alexander.

Restated Certificate of Incorporation Filed for OPSE, Inc. with Secretary of State. Lists Terry Davidson as Registered Agent. Calls themselves non-profit 501c4.

On this same date Chad Alexander is arrested for possession of Cocaine.

5-20-2014

**Holland emails Hofmeister and CC's Owens.** Subject of the email is "this is the ad" "First ad that I would love to put up late next week after Memorial Day. Really depends on how your fundraising goes. Once you approve the script, I will send to production." Attached is the campaigns ad copy.

Note: This is two weeks after communications show Holland has knowledge that Owens is the registered agent of the IE.

5-22-2014

**Owens emails Milligan** says: "My boss, Steven Crawford, will now be your point of contact with this endeavor. ..." (Emphasis in original)

5/23/2014 After a series of emails where Owens offers suggesting on wording for an ad Holland responds to Owen's; thank you, Ryan! You're truly a God send in this campaign.

6-3-2014

**Owens emails Hofmeister** asking "Do you have a copy of the ad you can send me so I can see it?"

It is unclear which ad Owens is referencing. However this communication shows that Owens, who is heavily involved with the IE, is coordinating with the candidate.

6-9-2014

Contract signed for Stephanie Milligan's services as "Consultant" in document titled "Oklahomans for Public School Excellence, Inc. Agreement". It is listed as effective from June 1, 2014 to June 1, 2015. Says she is providing fundraising, media strategy, and consulting services. It is signed by Stephanie Milligan and Steven Crawford on behalf of OPSE on 6/9/14.

During her interview on 9-1-2015 Lela Odom advised of a 6-9-14 meeting with Milligan, Owens, Crawford and herself to discuss the IE. Owens introduced Milligan to the others then stepped out of the room "because he thought he was too close to the campaign". Some date after this meeting Odom received a script of the ad from Milligan via email. A day or two later Odom received another email with the ad video. During the interview Odom admitted to approving the ad.

1:06pm

**Milligan emails Bob Kish:** "Things came from meeting this morning, could we drop a few points in Tulsa and buy some air time in Lawton? That is an area where Baressi is still up." Milligan then makes suggestions on the ad content.

OPSE filings with the Oklahoma Ethics Commission show no expenditure for polling. Milligan had just met with Odom and Crawford. Crawford was privy to the poll data discussed on the 5-9-2014 conference call. This communication shows that Milligan was relying on polling conducted by the campaign to focus the OPSE ad in cities where the polls indicated Baressi was up.

6-10-2014

**Dollarhide texts Hofmeister** about a report News6 wants to do about Hofmeister ads and State Dept. of Education voting. Hofmeister tells Dollarhide to get advice from Owens. Later, Hofmeister tells Dollarhide to contact Lehman to help find some of the State Department of Education information the news reporter was requesting.

This shows that Hofmeister is using Owens to provide advice and guidance to the campaign. She refers her campaign manager, Dollarhide, to Owens for advice on media relations.



6-10-2014

OEA check number 081504 written to OKLAHOMANS FOR PUBLIC SCHOOL EXCELLENCE in amount \$150,000.00

6-11-2014

CCOSA Inc check number 36580 written to Oklahomans for Public School Excellence in amount \$150,000.00

6-11-2014

**Stephanie Milligan forwards an email from Bob Kish to Steven Crawford** where Kish states: "Attached is the ad I would like to edit tomorrow if you are OK with it. The visuals will be writing on a chalkboard and timelapse footage of an apple rotting on the corner of a school desk. Let me know if I can proceed." **Milligan tells Crawford:** "Please see below for your approval. I think it is great, but defer to you." **Crawford responds with** a change to the ad: "Instead of using 'fixing' what about using improving." **Milligan responds:** "I agree. With that change, do you approve? We will have a full visual to view, hopefully tomorrow." Crawford states: "Yes".

Crawford, who denies direct involvement with the IE, suggests language changes and ultimately approves the ad.

6-12-2014

**Odom emails Milligan:** "I Love It!!!! Only thing that would make it better is if the picture of Janet was worse than this one. Lela" **Milligan responds to Odom and CC's Crawford** "Great! I agree.☺" Odom responds "Do you know when we can expect them to start running?"; Milligan responds: "15th or 16th, running through Election Day."

Odom, who denies direct involvement with the IE, by her own admission, approved the ad.

6-13-2014

The Baressi campaign releases television advertisement.

**Holland emails Owens and Hofmeister:** "I AM GLAD WE GOT A JUMP ON THEM. THIS IS A HARD AD AND WHAT THEY SHOULD HAVE RUN IMMEDIATELY AGAINST US WHEN WE WENT ON THE AIR. WE GOT LUCKY.. THE HUGE PROBLEM WE HAVE IS THAT BARRESI HAS 2600 GRPS ... AND WE ONLY HAVE 1300. WE GOT TO RAISE MONEY SINCE WE DONT HAVE ANY OUTSIDE SUPPORT."

**Hofmeister texts Dollarhide:** "Next attack ad"; Dollarhide: "I'll meet you at Starbucks in 20 min"; Hofmeister: "Yes"

This communication shows Hofmeisters knowledge of an upcoming attack ad days before it was scheduled to start.

6-16-2014 10:57

Wire transfer of \$195,500 from OPSE to Third Wave Communications.

**1:29pm**

**Hofmeister, Holland, and Owens text.** Hofmeister: "Also, if there's a negative ad push by 'dark money' by a 'dark money group' at this point....could it backfire now? I'm a little bit worried that we are handing Barresi a golden opportunity to look like the education establishment is fighting her..."; Holland: "Yes it concerns me too."; Hofmeister: "As long as we don't add to it with the supts no confidence press conference. Obviously, we can't do anything about the IE. :D"; Owens: "I agree on the no confidence. However, we are NOT stopping what the IE does. We have NO control over that and it is too late, I'm sorry that we are all victims of bad circumstances on the IE but it is what it is at this point. The positive side is that Barresi likely doesn't see this coming."; Hofmeister: "Grateful for support of those eager for change. Regardless."

Note Hofmeisters use of an emoticon smiley face after "we cant do anything about IE". This communication shows Hofmeister and the campaign had knowledge of the ad and its contents the day it was paid for but before it was scheduled to air.

**5:29pm**

**Crawford emails Terry Davidson and Lela Odom:** "Our ad is up tomorrow. Here is a statement for you to use if contacted. Refer them to Stephanie Milligan." The attached statement reads: "Oklahomans for Public School Excellence is a group of citizens and educators alike who have united to insure Oklahoma's public education system has the right lealders in palce and stays on the right track. For additional information contact Stephanie Milligan ."

**6:26pm**

**Holland emails Hofmeister and Owens** with subject "well I stand corrected": "the excellence in public education group has spent 195k... And Barresi has literally 350k spent for the last week... so I guess I'm now HAPPY that we're going to be even with that bitch... Because we only have like 130k... So thanks GOD for the excellence in education group... I'm assuming this is FOR us, not against us. If it's against us.. then WERE screwed.. Based on the media group making the purchase I'm assuming that it is FOR us.."

**6:44pm**

**Owens responds to Holland and CC's Hofmeister** subject re: well I stand corrected..

"Yes I think we will all be happy"

This communication shows not only knowledge but specific knowledge concerning the amount the IE has spent. This is sent 6 weeks after Holland has learned that Owens is the registered agent of OPSE. He knows the "excellence in education group" is for Hofmeister because he referred Bob Kish "the media buyer" to Chad when OPSE was being formed.

6-17-2014 10:11:54 Media buy for Oklahomans for Public School Excellence is logged. The buyer is listed as Bob Clegg of Midwest Communications & Media. During the interview of Bob Kish he advised Clegg is the media buyer he contracted with on the OPSE ad.

6-19-2014

**Shelly Hickman (with Stand For Children) emails Hofmeister** with subject "Be ready" and a screenshot showing Owens as registered agent for OPSE: "If it was this easy for me to put in the search terms for the organization within quotes to see what I could find, I have to think that Barresi's campaign has already done that. Supposedly, the Oklahoman is OK with running 'controversy' stories until Sunday. Hearing they will honor a black zone on Monday and Election Day, but we'll see. Just be ready in case they are planning to use this for Sat. or Sun."

**Texts between Crawford, Shawn Hime (Executive Director OSSBA), and Owens.** Not clear but appears to be Hime "FYI. When you google the Oklahomas for public school excellence Ryan's name comes up. I'm guessing since you set it up you knew that. It is by far the best commercial"

11:01 am

**Hofmeister forwards "be ready" email to Fount Holland and Trebor Worthen**

What is this? Ryan?

11:24 am

**Trebor Worthen responds to Hofmeister and Holland**

This is unbelievably stupid of him. Fount told me last night that he was on the paperwork. Obviously we need to remove Ryan from any conversations involving the campaign immediately.

Campaign consultant Trebor Worthen is aware of the significance of Owens involvement with the IE and campaign and states that Owens should be isolated from the campaign conversations. However communications after this date show Owens as a participant in campaign communications and copied on others.

7-7-2014

**Communication exchange between Holland, Worthen, Hofmeister, and Dollarhide** about Clifton Adcock's request for an interview related to Chad Alexander and the IE under subject "Clifton Adcock Oklahoma Watch": Hofmeister at one point says: "Maybe

my response got lost with Trebor's response in the shuffle. I said to answer no to both questions and the Trebor's reply. Would you show me that before sending as this could all be in potential criminal litigation."; She also says: "No. I'm going to need to deal with this myself and not thru Ellen. It's really frustrating because it's a non-story, manufactured by Barresi but it IS an actual criminal complaint that has been lodged--which no attorney in their right mind would want their client commenting under such threat of criminal indictment. I'm completely confident that nothing wrong was done and I have learned that it requires an intentional act, which there was none. It's Barresi's bullying and Jennifer Carter had the whole thing calculated. So, where do we go from here politically?"

7/14/2014

11:20AM **Holland emails Hofmeister (from a personal email account), and CC's Worthen, Himself (to his AH Strategies account), and Dollarhide.**

Maybe you should add. Plus it was confusing because Alexander used to be a partner with Barresi's consultants. You have to understand I had no earthy idea anything about political consultants, but there are only a handful in Oklahoma and they all have connections with each other.

2:44PM

**Holland emails Worthen and Hofmeister:**

"The only single time Joy was in a meeting with Chad Alexander was after he had been recommended as an available consultant even before she had decided to run for office. Joy interviewed him, but went a different direction."

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### SUMMARY

The communications and subsequent interviews of Lela Odom, Ryan Owens and Steven Crawford show that they set up the board of OPSE. Lela Odom selected M. Wade Smith and her nephew Josh White. Steven Crawford recruited Terry Davidson. According to interviews of Crawford, Odom, Owens, and Davidson, the board rarely met and exercised virtually no control over OPSE. The communication indicates Stephanie Milligan made decisions based upon input of Odom, Owens and Crawford.

During Ryan Owens interview he advised that Hofmeister campaign consultant, Fount Holland pressured him monthly for details about what the IE was doing. He wanted to know how much money the IE had, when the IE was going to run and ad and who was producing the ad. Owens advised he knew the ad was going to target the primary election. Owens admitted that he shared this information with Holland. Owens learned from Milligan that the ad was going to run by the 16<sup>th</sup> of June but thinks it actually ran on June 18<sup>th</sup>. Owens admitted he shared this with Holland. Owens advised investigators that after being pressured by Holland and Hofmeister he shared with them that OPSE had \$300,000.00.

The evidence is clear that in late April 2014 Owens and the campaign coordinated on the poll done by Public Opinion Strategies. The communications show Fount Holland of the campaign asked Hofmeister for input on the poll questions. Hofmeister forwarded this communication to Owens. Owens, in his email response, provided suggested changes in the survey directly to Holland while copying Hofmeister on the email. The poll was done for the campaign and shared directly with the IE via Ryan Owens during a conference call on May 9, 2014. The candidate, Joy Hofmeister, is included in the communications arranging the conference call. Ryan Owens shares the information from the conference call with Steven Crawford. The same evening Fount Holland emails Owens and Hofmeister reminding them of the importance of confidentiality concerning the survey.

On June 9<sup>th</sup> 2014 Milligan emails Bob Kish of Third Wave communications about a media buy. On the same day Milligan emails Owens and Crawford. The subject line of email reflects "OPSE". Milligan discusses media buys, fund raising and operation of OPSE.

On June 11 2014 Kish emails Milligan concerning the proposed anti-Barresi ad stating "Attached is the ad I would like to edit tomorrow if you are OK with it. The visuals will be writing on chalkboard and time-lapse footage of an apple rotting on the corner of a school desk. Let me know if I can proceed." Milligan forwards this email to Odom and Crawford with the ad attached saying "Please see below for your approval. I think it is great, but defer to you."; Odom says: "I'm ok with this if the polling indicates these are her biggest negatives." At the time of this communication OPSE had not done polling. During an interview with Jennifer Carter of the Barresi campaign she emphasized the importance of polling before advertisements were purchased. As disclosed above, Ryan Owens stated in his interview, and communications confirm, he was part of the 5-9-2014 conference call with Hofmeister, Worthen, and Holland concerning polling conducted for the campaign. Owens shared this information with Crawford. Odom's response shows she was aware of the polling. This would indicate that the advertisement was based on polling by the campaign and clearly shows coordination with the IE. On the same day \$150,000.00 check from CCOSA is deposited in the OPSE account.

June 12 2014 Lela Odom emails Milligan saying "Do you know when we can expect them to start running?"; Milligan responds "15th or 16th, running through Election Day."

June 13<sup>th</sup> 2014 Kish emails Milligan saying "Wanted to make sure you got the proposed Barresi ad. As we are getting that approved, we also need to begin moving the \$200k for the media buy. We need to wire or overnight it today so that we can buy on Monday. It's getting extremely difficult to secure time in the final week. This needs to happen soon." Milligan then emails Crawford saying: "Are you good with the ad? If so, I am about to process the wire."; Crawford responds. "I'm good". On same day \$150,000.00 from OEA is deposited in OPSE account.

Interviews were attempted with the board members. Numerous voice mails were left for Josh White and M. Wade Smith without response. Terry Davidson was interviewed at the Oklahoma Ethics Commission. Davidson advised that Steven Crawford had expressed an

interest in a pro public education organization. Crawford had asked Davidson if he was willing to help and Davidson agreed. During a later conversation Crawford discussed a 501c4. Davidson advised he had experience with 501c3 but agreed to help Crawford with his 501c4. Davidson knew CCOSA and OEA would be supportive of the group and were going to put money into it.

On 6-2-2016 I contacted Stephanie Milligan by telephone. Milligan agreed to an interview and it was scheduled for Tuesday 6-7-2016. The following day Milligan left a voicemail stating that after giving it thought "she would decline to participate in the interview process". Milligan offered to answer questions if submitted by email.

The US Internal Revenue Service (IRS) defines a 501c4 as a Social Welfare Organization. From the IRS website on Social Welfare Organizations: *To be tax-exempt as a social welfare organization described in Internal Revenue Code (IRC) section 501(c)(4), an organization must not be organized for profit and must be operated exclusively to promote social welfare. .... The promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office. However, a section 501(c)(4) social welfare organization may engage in some political activities, so long as that is not its primary activity.* Further the IRS gives the following guidelines on political activities:

#### *Political Activity and Social Welfare*

*Promoting social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office. However, if an organization is organized exclusively to promote social welfare, it may still obtain exemption even if it participates legally in some political activity on behalf of or in opposition to candidates for public office. Political activities may not be the organization's primary activities, however.*

In addition, a brief filed with Oklahoma Ethics Commission on September 11, 2014, by Robert McCampbell, the attorney for OPSE at the time, who provided legal services in forming the organization, states in the leading sentence, "OPSE is an independent expenditure organization ('IEO') which paid for a television advertisement concerning Janet Barresi, a candidate for Superintendent of Public Instruction."

Interviews with four of the conspirators show that they were aware of those rules. Evidence indicates that 100% of the expenditures were for political purposes. While there has been a concerted effort to re-fund OPSE and bring the expenditure's in line with IRS rules, these actions took place long after the election. Steven Crawford advised that he learned from Chad Alexander that moneys spent by a 501c4 had to be 60/40 split with only 40% political activities. Crawford advised that Milligan had overspent the percentages. Additionally the communications show coordination and collusion by Candidate Joy Hofmeister and the IE. Hofmeister and Ryan Owens communicated several times a week. While Hofmeister and Owens deny that Owens had a role on Hofmeister's campaign team the communications show otherwise. Hofmeister knew that

Owens was the registered agent on the IE as evidenced by the emails. Even after Hofmeister and the campaign realized that it was public knowledge that Ryan Owens was integral to the campaign and the independent expenditure, Owens role with the campaign was left intact.

Hofmeister, accompanied by attorney Gary Wood and Richard Mildren, met with investigators on 6-17-2016. Hofmeister stated that she had no specific knowledge of the Independent Expenditure. She advised she knew there would be an IE only because Glenn Coffee told her there would be. Also starting in April of 2013 Hofmeister discussed an IE with Kirby Lehman. Hofmeister advised Lehman that Chad Alexander would be a better fit to run the IE. On 5-2-2014, the same day Articles of Incorporation for OPSE are filed with the Oklahoma Secretary of State, Hofmeister refers to a lobbyist's interest in donating to "my IE." The subject matter and content of emails indicate Hofmeister had knowledge of events that should have been unknown if the IE were truly independent. On June 16, 2014, the very day payment was wired to Third Wave media for the ad, Hofmeister emails Holland and Owens expressing concern over a negative ad campaign by "dark money" group. She follows it up with "Obviously, we can't do anything about the IE. :D" using the emoticon for a smiley face. When pressed to explain the communications where she referred to her IE and the communications that appeared to show knowledge of its operation, Hofmeisters attorney Wood halted the interview.

According to Ryan Owens he felt then that Hofmeister was asking him to have Milligan stop the ad as it might backfire on her campaign. Owens felt he was being asked to do something that was clearly illegal. Owens told investigators that Holland and Hofmeister were concerned that he had turned over all of his communication to the Oklahoma Ethics Commission pursuant to their subpoena. They expressed to Owens that he should have had his attorney go thru each item he was turning over.

The evidence clearly indicates Hofmeister realized that her communication and coordination with Ryan Owens, CCOSA, and OPSE was improper. This is evidenced by the frantic effort to come up with a response to Oklahoma Watch's inquiry into her knowledge into the Independent Expenditure. On July 10<sup>th</sup> 2014 Oklahoma Watch reporter Clifton Adcock sent a follow-up email to the Hofmeister campaign stating

"Thanks, Ellen! Hope your travels are going well and safe. I imagine there's a million things swirling at once on your end, so I'll be brief. Since we last spoke, I've been able to do a little more research and fact checking. If you don't mind, I have three follow up questions that shouldn't take too much time, and that should be it:

1. Did Mrs. Hofmeister know about the group Oklahomans for Public School Excellence that participated in the primary election, and if so would she or you be able to tell me, to the best of your knowledge, who was running it, who helped organize it, and who might have been funding it?"

2. Did anyone from CCOSA ever approach or discuss Oklahomans for Public School Excellence or making independent expenditures with Mrs. Hofmeister's campaign?
3. Did Mrs. Hofmesiter, or anyone involved with Mrs. Hofmeister's campaign, ever discuss the group, making independent expenditures, or campaign strategy with an individual named Stephanie Milligan.

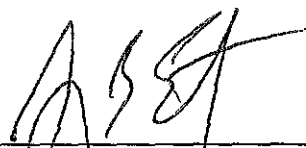
Several emails between Hofmeister, Trebor Worthen and Fount Holland later with long and short answers debated the answer that was sent to Mr. Adcock was:

Mr. Adcock,  
The answer to your questions is no.  
Thanks,  
Ellen.

The evidence shows this was not truthful. The evidence shows that the campaign coordinated with the independent expenditure/electioneering communication resulting in the expenditures being in-kind contributions from corporations and in excess of campaign donation limits.

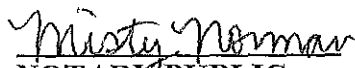
**The above described facts show there is probable cause to believe that defendants conspired to use the 501c4 OKLAHOMANS FOR PUBLIC SCHOOL EXCELLENCE (OPSE) to exceed campaign donation limits and accept corporate donations in violation of Oklahoma law. The evidence shows that the defendants knowingly operated OPSE outside the guidelines of a 501c4 and coordinated with the Hofmeister campaign while hiding their actions under the guise of an Independent Expenditure.**

**THIS INCIDENT OCCURRED IN OKLAHOMA CITY, OKLAHOMA COUNTY, STATE OF OKLAHOMA.**

  
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AFFIANT Gary B. EASTLEDGE

Subscribed and sworn before me this 3rd day of Nov. 2016.

My Commission Expires: 12-11-18  
My Commission #: 02019837

  
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NOTARY PUBLIC