

FILED

FEB 18 2021

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH JOHNSON,
GARNELL JAMISON,
JOHN HOPKINS,

Defendants.

) INDICTMENT

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1:21 CP 123

CASE NO.

Title 18, United States Code,
Sections 371, 666(a)(1)(A),
1512(b)(1), 1519, and 2; Title 26,
United States Code, Section
7206(2)

JUDGE ADAMS

General Allegations

At all times relevant to this Indictment:

Defendants and Other Individuals/Entities

1. Defendant KENNETH JOHNSON (“JOHNSON”) was a resident of Cleveland, Ohio, and was elected to serve as a Councilperson for the City of Cleveland (“the City”).
2. Defendant GARNELL JAMISON (“JAMISON”) worked for the City as JOHNSON’s Executive Assistant, a position JAMISON held for over 20 years.
3. Defendant JOHN HOPKINS (“HOPKINS”) was a resident of Cleveland Heights, Ohio.
4. Robert Fitzpatrick (“Fitzpatrick”) (named but not charged herein) worked for the City in the Division of Recreation. Fitzpatrick began his work for the City in or around 1985. Fitzpatrick worked in various positions within the Division of Recreation until being promoted to a regional manager in or around 2010. In this position, Fitzpatrick oversaw operations at seven recreation centers within the City. This included directly supervising the center manager at each recreation center.

5. Person 1 was a resident of Cleveland, Ohio. According to the records of the Cuyahoga County Court of Common Pleas, Probate Division, JOHNSON was Person 1's court-appointed guardian.

6. Person 2 was a resident of Cleveland, Ohio. According to Person 2's Ohio birth certificate, JOHNSON was Person 2's father.

7. Person 3 was a resident of Cleveland, Ohio. According to the records of the Cuyahoga County Court of Common Pleas, Probate Division, JOHNSON was Person 3's maternal uncle and court-appointed guardian.

8. Person 4 was a resident of Cleveland, Ohio. According to the records of the Cuyahoga County Court of Common Pleas, Probate Division, JOHNSON was Person 4's court-appointed guardian.

9. The City was a political subdivision within the state of Ohio and was a government organization as defined by Title 18, United States Code, Section 666(d)(2).

10. The Buckeye Shaker Square Development Corporation ("BSSDC") was an Ohio Community Improvement Corporation (also known as a Community Development Corporation), as defined by Ohio Revised Code, Chapter 1724, and organized under Ohio Revised Code, Chapter 1702.

Federal Community Development Funds

11. During each one-year period from July 2009 to June 2019, the City received benefits in excess of \$10,000 under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other forms of federal assistance. These included funds under Title I of the Housing and Community Development Act of 1974, issued by the United States Department of Housing and Urban Development ("HUD") ("Community Development Funds").

12. The Community Development Funds were distributed in grant years that began on July 1 of one calendar year and ended on June 30 of the following calendar year. In each of the following grant years, the City received Community Development Funds in the following amounts:

Grant Year	Approximate Grant Amount
July 1, 2009 to June 30, 2010	\$23,928,345
July 1, 2010 to June 30, 2011	\$25,908,893
July 1, 2011 to June 30, 2012	\$21,654,582
July 1, 2012 to June 30, 2012	\$20,041,424
July 1, 2013 to June 30, 2014	\$20,265,802
July 1, 2014 to June 30, 2015	\$19,986,578
July 1, 2015 to June 30, 2016	\$19,564,836
July 1, 2016 to June 30, 2017	\$19,382,724
July 1, 2017 to June 30, 2018	\$19,324,970
July 1, 2018 to June 30, 2019	\$21,175,297

13. The Community Development Funds were deposited with the City.

Reimbursements from the City

14. The legislative branch of the City was Cleveland City Council (“Council”). There were seventeen elected members of Council, each representing approximately 25,000 citizens in one of seventeen discrete geographic areas called “wards.”

15. JOHNSON was elected to represent Ward 4, which included the Buckeye-Shaker neighborhood.

16. JAMISON, in his capacity as JOHNSON’s Executive Assistant, was responsible for assisting JOHNSON with administrative tasks, including those required for JOHNSON’s various projects in Ward 4.

17. In the City, each member of the Council had a council member expense account. Each month, Council members could be reimbursed for up to \$1,200 in eligible council-related expenses. Expenses eligible for reimbursement included in-home or rental office expenses,

printing or postage costs, telephone expenses, automobile expenses, or payments made to service providers.

18. Council members had to complete the City's Form M-1 ("Council Member Expense Report") to receive reimbursement each month, documenting how much money the Council member spent on eligible expenses in a given month. Council members were also required to provide supporting documentation to verify the legitimacy of the expenses they submitted for reimbursement.

19. After the Council member submitted the Council Member Expense Report and supporting documentation, an administrative employee for Council reviewed the claim and approved or denied the reimbursement. If approved, the City issued a check to the Council Member for the amount approved for reimbursement.

20. Over ten years ago, JOHNSON and JAMISON approached Fitzpatrick and asked him to perform ward services in Ward 4. These tasks included cutting grass, checking on properties, assisting with snow removal, and looking for potential homes that could be renovated and sold for a profit.

21. Fitzpatrick performed ward services for approximately six weeks in or around 2010.

22. Neither JOHNSON nor JAMISON ever paid Fitzpatrick for the ward services he performed. Fitzpatrick continued to receive his salary from the City.

23. Fitzpatrick did not perform any ward services after the initial six weeks in or around 2010.

24. From in or around January 2010, to in or around October 2018, JAMISON regularly delivered time sheets to Fitzpatrick and instructed him to sign them. Fitzpatrick

complied, even though he did not actually perform any ward services beyond the initial six weeks. Each time sheet was a document that purported to reflect the hours that Fitzpatrick performed ward services in Ward 4.

25. From in or around January 2010, to in or around October 2018, JAMISON collected the completed time sheets from Fitzpatrick and delivered them to JOHNSON.

26. From in or around January 2010, to in or around October 2018, JOHNSON submitted false Council Member Expense Reports to the City. JOHNSON attached Fitzpatrick's false time sheets to each of the false Council Member Expense Reports. JOHNSON also attached receipts purporting to reflect that JOHNSON had paid Fitzpatrick in cash for performing ward services. Each receipt purported to bear Fitzpatrick's signature. The false Council Member Expense Reports, false time sheets, and receipts are together referred to herein as the "Council Reimbursement Packet."

27. From in or around January 2010, through in or around October 2018, JOHNSON requested the maximum reimbursement – \$1,200 – every month. JOHNSON made these reimbursement requests for ward services that Fitzpatrick purportedly performed in Ward 4.

28. Based on the Council Reimbursement Packets that JOHNSON submitted, from on or about January 28, 2010, to on or about October 16, 2018, the City issued \$1,200 monthly expense reimbursement checks to JOHNSON, totaling approximately \$127,200. Each expense reimbursement check from the City was deposited into JOHNSON's personal bank account.

The Buckeye Shaker Square Development Corporation

29. In Ohio, Community Improvement Corporations like BSSDC were nonprofit, community-focused entities formed to support their affiliated city neighborhoods with a range of

programs, including affordable housing, economic development, safety, and social services. The BSSDC was the main Community Improvement Corporation in Ward 4.

30. The City administered a program through which it distributed federal Community Development Funds to the BSSDC via community block grants. The City's distribution of these funds was subject to certain federal laws restricting how the funds could be used.

31. Each member of Council had authority to direct the City to allocate and distribute federal community development funds. Members of Council exercised this authority by executing forms, including a form called the Council Authorization for the Use of Neighborhood Development Activity/Community Development Block Grant Funds ("CDBG Funds Authorization Forms"). JOHNSON used his authority as a member of Council to direct the City to allocate, and later distribute, federal Community Development Funds to BSSDC by signing CDBG Funds Authorization Forms.

32. HOPKINS was Executive Director of BSSDC. In that capacity, HOPKINS's responsibilities included authorizing BSSDC to issue checks, reviewing BSSDC expenditures, and submitting appropriate expenditures for reimbursements from grants awarded by the City.

33. Federal law, specifically 24 CFR § 570.611, and the City's conflict of interest prohibitions related to the distribution and receipt of the Community Development Funds, prohibited any person, or family of a person, who was an employee, agent, consultant, officer, or elected official or appointed official of the BSSDC or the City, from personally benefitting from the federal Community Development Funds. The City required recipients of Community Development Funds to sign a contract agreeing to these restrictions.

34. On or about the dates listed below, HOPKINS signed contracts on behalf of BSSDC accepting the federal Community Development Funds and agreeing to abide by the terms of the distribution, including the conflict of interest prohibitions:

Approx. Date of Signature
October 28, 2014
November 9, 2015
November 15, 2016
November 15, 2017

35. BSSDC purported to employ individuals to perform landscaping at, and otherwise maintain, certain properties within Ward 4. These employees documented the time they worked performing these services on forms called Community Development Block Grant Time Sheets (“Block Grant Time Sheet”). Each Block Grant Time Sheet was signed by the employee and included a certification which read “I certify that this is a true record of my time and recognize that any misstatement will subject me to disciplinary action.” BSSDC paid employees based upon the number of hours reported on their Block Grant Time Sheet.

36. From in or around December 2013, to in or around March 2018, HOPKINS signed not less than approximately \$50,000 in BSSDC checks issued to third-parties, including Person 1, Person 2, and Person 3, which were later deposited or transferred into bank accounts held and controlled by JOHNSON.

37. PNC Bank account ending x1346, opened on or about June 5, 2001, (“the PNC account”) was under JOHNSON’s care, custody, and control.

COUNT 1

(Conspiracy to Commit Federal Program Theft, 18 U.S.C. § 371)

The Grand Jury charges:

38. The factual allegations contained in paragraphs 1 through 28 are realleged and incorporated by reference as if fully set forth herein.

39. From on or about January 28, 2010, through on or about October 16, 2018, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendants KENNETH JOHNSON and GARNELL JAMISON, and Robert Fitzpatrick (named but not charged herein) and others known and unknown to the Grand Jury, did knowingly and intentionally combine, conspire, confederate and agree together and with each other to violate the laws of the United States, to wit: to commit Federal Program Theft, in violation of Title 18, United States Code, Section 666(a)(1)(A).

Objects of the Conspiracy

40. The objects of the conspiracy were to: (1) induce the City to issue expense reimbursement checks to JOHNSON; (2) prevent detection of the conspiracy; and (3) enrich JOHNSON and others.

Manner and Means

41. It was part of the conspiracy that:
- a. Defendants and their co-conspirators created and caused to be created false and fraudulent documents, including Council Reimbursement Packets.
 - b. Defendants and their co-conspirators submitted and caused to be submitted to the City false and fraudulent documents, including time sheets, receipts of cash payments, and Council Member Expense Reports.
 - c. Defendants and their co-conspirators caused the City to issue expense reimbursement checks to JOHNSON to which he was not entitled.

Overt Acts

42. In furtherance of the conspiracy, and to achieve its objectives, one or more members of the conspiracy committed the following overt acts, among others, in the Northern District of Ohio and elsewhere:

a. On or about the dates listed below, JAMISON delivered time sheets to Fitzpatrick for Fitzpatrick to complete and sign, each delivery constituting a separate overt act:

Approx. Date of Delivery	
1	October 2, 2010
2	October 10, 2010
3	October 16, 2010
4	October 24, 2010
5	October 31, 2010
6	October 2, 2011
7	October 9, 2011
8	October 16, 2011
9	October 23, 2011
10	October 30, 2011
11	October 7, 2012
12	October 14, 2012
13	October 21, 2012
14	October 28, 2012
15	October 31, 2012
16	September 8, 2013
17	September 14, 2013
18	September 22, 2013
19	September 29, 2013
20	September 30, 2013
21	September 7, 2014
22	September 21, 2014
23	September 27, 2014
24	September 30, 2014
25	September 5, 2015
26	September 12, 2015
27	September 19, 2015
28	September 26, 2015
29	September 30, 2015
30	September 3, 2016
31	September 10, 2016
32	September 17, 2016

Approx. Date of Delivery	
33	September 24, 2016
34	September 30, 2016
35	September 1, 2017
36	September 8, 2017
37	September 15, 2017
38	September 22, 2017
39	September 29, 2017
40	September 7, 2018
41	September 14, 2018
42	September 21, 2018
43	September 28, 2018

b. On or about the dates listed below, Fitzpatrick signed time sheets, attesting that he had performed ward services, each signature constituting a separate overt act:

Approx. Date of Signature	
1	October 2, 2010
2	October 10, 2010
3	October 16, 2010
4	October 24, 2010
5	October 31, 2010
6	October 2, 2011
7	October 9, 2011
8	October 16, 2011
9	October 23, 2011
10	October 30, 2011
11	October 7, 2012
12	October 14, 2012
13	October 21, 2012
14	October 28, 2012
15	October 31, 2012
16	September 8, 2013
17	September 14, 2013
18	September 22, 2013
19	September 29, 2013
20	September 30, 2013
21	September 7, 2014
22	September 21, 2014
23	September 27, 2014
24	September 30, 2014
25	September 5, 2015
26	September 12, 2015
27	September 19, 2015

Approx. Date of Signature	
28	September 26, 2015
29	September 30, 2015
30	September 3, 2016
31	September 10, 2016
32	September 17, 2016
33	September 24, 2016
34	September 30, 2016
35	September 1, 2017
36	September 8, 2017
37	September 15, 2017
38	September 22, 2017
39	September 29, 2017
40	September 7, 2018
41	September 14, 2018
42	September 21, 2018
43	September 28, 2018

c. On or about the dates listed below, JOHNSON signed Council Member Expense Reports, each signature constituting a separate overt act:

Approx. Date of Signature	
1	October 30, 2010
2	November 1, 2011
3	October 27, 2012
4	October 7, 2013
5	October 1, 2014
6	October 1, 2015
7	October 1, 2016
8	October 1, 2017
9	October 6, 2018

d. On or about the dates listed below, JOHNSON submitted and caused to be submitted Council Reimbursement Packets to the City, seeking reimbursement for the money that JOHNSON had purportedly paid to Fitzpatrick for his purported ward services, each submission constituting a separate overt act:

Approx. Date of Submission	
1	November 1, 2010
2	November 2, 2011
3	October 29, 2012

Approx. Date of Submission	
4	October 7, 2013
5	October 6, 2014
6	October 12, 2015
7	October 5, 2016
8	October 4, 2017
9	October 9, 2018

e. On or about the dates listed below, JOHNSON deposited and caused to be deposited into the PNC account the following City expense reimbursement checks, each in the amount of \$1,200, each deposit constituting a separate overt act:

	Approx. Date of Deposit	Check Number
1	October 20, 2013	1078294
2	October 24, 2014	1106065
3	October 22, 2015	1133960
4	October 13, 2016	1161301
5	October 11, 2017	1189517
6	October 18, 2018	1219851

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

COUNT 2

(Conspiracy to Commit Federal Program Theft, 18 U.S.C. § 371)

The Grand Jury further charges:

43. The factual allegations contained in paragraphs 1 through 13 and 29 through 37 are realleged and incorporated by reference as if fully set forth herein.

44. From on or about September 3, 2013, through on or about June 30, 2019, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendants KENNETH JOHNSON and JOHN HOPKINS, and Person 1, Person 2, Person 3 (known to the Grand Jury but not charged herein), and others known and unknown to the Grand Jury, did knowingly and intentionally combine, conspire, confederate and agree together and with each other to violate

the laws of the United States, to wit: to commit Federal Program Theft, in violation of Title 18, United States Code, Section 666(a)(1)(A).

Objects of the Conspiracy

45. The objects of the conspiracy were to: (1) cause the City to issue Community Development Funds to BSSDC; (2) induce BSSDC to issue checks to Person 1, Person 2, and Person 3 to which they were not entitled; (3) prevent detection of the conspiracy; and (4) enrich JOHNSON and others.

Manner and Means

46. It was part of the conspiracy that:

- a. Defendants and their co-conspirators signed documents, including CDBG Funds Authorization Forms, directing the City to issue Community Development Funds to BSSDC.
- b. Defendants and their co-conspirators signed contracts with the City accepting the Community Development Funds under terms that prohibited conflicts of interest or personally benefitting from the Community Development Funds.
- c. Defendants and their co-conspirators created and caused to be created false and fraudulent documents, including time sheets.
- d. Defendants and their co-conspirators caused BSSDC to issue checks to Person 1, Person 2, and Person 3 to which they were not entitled.
- e. Defendants and their co-conspirators deposited and caused to be deposited BSSDC checks issued to and purported to be endorsed by Person 1, Person 2, and Person 3 into the PNC account.

Overt Acts

47. In furtherance of the conspiracy, and to achieve its objectives, one or more members of the conspiracy committed the following overt acts, among others, in the Northern District of Ohio and elsewhere:

a. On or about the dates listed below, JOHNSON signed CDBG Funds Authorization Forms directing the City to allocate a portion of the federal Community Development Funds to BSSDC, each signature constituting a separate over act:

Approx. Date of Signature	
1	July 16, 2014
2	October 1, 2015
3	June 2, 2016
4	October 26, 2017

b. On or about the dates listed below, HOPKINS signed contracts on behalf of BSSDC, accepting the federal Community Development Funds and agreeing to abide by the terms of the distribution, each signature constituting a separate overt act:

Approx. Date of Signature	
1	October 28, 2014
2	November 9, 2015
3	November 15, 2016
4	November 15, 2017

c. On or about the dates listed below, JOHNSON, HOPKINS, and Person 1 signed and caused to be signed Block Grant Time Sheets, each signature constituting a separate overt act:

Approx. Date of Signature	
1	January 31, 2014
2	February 28, 2014
3	March 31, 2014
4	April 30, 2014
5	May 31, 2014
6	June 22, 2014
7	July 31, 2014

Approx. Date of Signature	
8	August 28, 2014
9	September 30, 2014
10	November 29, 2014
11	December 31, 2014
12	January 31, 2015
13	February 26, 2015
14	March 31, 2015
15	April 30, 2015
16	May 30, 2015
17	March 27, 2016
18	June 29, 2018

d. On or about the dates listed below, JOHNSON, HOPKINS, and Person 1 caused BSSDC to issue checks to Person 1, each check constituting a separate overt act:

	Approx. Date of Issuance	Check Number
1	April 15, 2014	18103
2	September 15, 2014	18578
3	October 31, 2014	18661
4	March 30, 2015	18896
5	April 15, 2015	18938
6	April 15, 2015	15577
7	April 30, 2015	18987
8	February 29, 2016	839
9	March 15, 2016	881
10	March 31, 2016	931
11	April 15, 2016	977
12	May 13, 2016	1063
13	May 27, 2016	1102
14	August 15, 2016	1438
15	August 31, 2016	1512
16	September 15, 2016	1569
17	September 30, 2016	1618
18	October 14, 2016	1701
19	October 31, 2016	1747
20	November 15, 2016	1793
21	November 30, 2016	1846
22	December 15, 2016	1881
23	December 22, 2016	16052
24	December 30, 2016	1963
25	January 13, 2017	1995
26	January 31, 2017	2037
27	February 15, 2017	2152

	Approx. Date of Issuance	Check Number
28	February 28, 2017	2200
29	March 15, 2017	2243
30	March 31, 2017	2283
31	April 14, 2017	2321
32	April 28, 2017	2361
33	May 15, 2017	2401
34	May 31, 2017	2442
35	June 15, 2017	2493
36	June 30, 2017	2552
37	July 14, 2017	2622
38	July 21, 2017	16625
39	July 31, 2017	2693
40	August 15, 2017	2761
41	August 31, 2017	2832
42	September 15, 2017	2893
43	September 29, 2017	2945
44	October 13, 2017	2992
45	October 31, 2017	3035
46	November 15, 2017	3080
47	November 30, 2017	3128
48	December 15, 2017	3175
49	December 29, 2017	3220
50	January 12, 2018	3283
51	January 12, 2018	3284
52	January 31, 2018	3334
53	February 15, 2018	3373
54	February 28, 2018	3415
55	March 15, 2018	3455
56	March 30, 2018	3495
57	April 13, 2018	3536
58	April 30, 2018	3579
59	May 15, 2018	3620
60	May 31, 2018	3663
61	June 29, 2018	3769
62	July 13, 2018	3839
63	July 31, 2018	3907
64	August 15, 2018	3976
65	August 31, 2018	4039
66	September 14, 2018	4079
67	September 28, 2018	4091
68	November 14, 2018	28537610
69	November 15, 2018	4123
70	January 15, 2019	19132
71	January 31, 2019	19144

	Approx. Date of Issuance	Check Number
72	February 15, 2019	19165
73	February 28, 2019	19173
74	March 15, 2019	19179
75	March 29, 2019	19185

e. On or about the dates listed below, JOHNSON and Person 1 deposited and caused to be deposited the following BSSDC checks issued to, and purported to be endorsed by Person 1, into the PNC account, each deposit constituting a separate overt act:

	Approx. Date of Deposit	Check Number
1	April 28, 2014	18103
2	September 22, 2014	18578
3	November 3, 2014	18661
4	April 1, 2015	18896
5	April 20, 2015	18938
6	April 24, 2015	15577
7	June 15, 2015	18987
8	March 3, 2016	839
9	March 18, 2016	881
10	April 8, 2016	931
11	April 20, 2016	977
12	May 16, 2016	1063
13	June 3, 2016	1102
14	September 2, 2016	1438
15	September 2, 2016	1512
16	September 22, 2016	1569
17	October 13, 2016	1618
18	October 24, 2016	1701
19	November 4, 2016	1747
20	November 16, 2016	1793
21	December 8, 2016	1846
22	December 19, 2016	1881
23	December 29, 2016	16052
24	January 3, 2017	1963
25	January 17, 2017	1995
26	February 2, 2017	2037
27	February 23, 2017	2152
28	March 2, 2017	2200
29	March 17, 2017	2243
30	April 11, 2017	2283
31	April 19, 2017	2321
32	May 8, 2017	2361

	Approx. Date of Deposit	Check Number
33	May 16, 2017	2401
34	June 8, 2017	2442
35	June 19, 2017	2493
36	July 12, 2017	2552
37	July 13, 2017	2622
38	July 31, 2017	16625
39	August 11, 2017	2693
40	August 17, 2017	2761
41	September 1, 2017	2832
42	September 18, 2017	2893
43	October 2, 2017	2945
44	October 13, 2017	2992
45	November 16, 2017	3035
46	November 17, 2017	3080
47	November 30, 2017	3128
48	December 14, 2017	3175
49	January 10, 2018	3220
50	January 11, 2018	3283
51	January 11, 2018	3284
52	February 8, 2018	3334
53	February 15, 2018	3373
54	March 13, 2018	3415
55	March 16, 2018	3455
56	March 30, 2018	3495
57	April 20, 2018	3536
58	May 1, 2018	3579
59	May 15, 2018	3620
60	June 5, 2018	3663
61	June 29, 2018	3769
62	July 31, 2018	3839
63	August 16, 2018	3907
64	September 14, 2018	3976
65	September 10, 2018	4039
66	September 18, 2018	4079
67	October 12, 2018	4091
68	November 19, 2018	28537610
69	December 3, 2018	4123
70	February 11, 2019	19132
71	February 11, 2019	19144
72	March 8, 2019	19165
73	March 8, 2019	19173
74	April 22, 2019	19179
75	April 22, 2019	19185

f. On or about the dates listed below, JOHNSON, HOPKINS, and Person 2 signed and caused to be signed Block Grant Time Sheets, each signature constituting a separate overt act:

Approx. Date of Signature	
1	January 31, 2015
2	October 31, 2015
3	February 29, 2016
4	June 30, 2018

g. On or about the dates listed below, JOHNSON, HOPKINS, and Person 2 caused BSSDC to issue checks to Person 2, each check constituting a separate overt act:

Approx. Date of Issuance		Check Number
1	August 30, 2013	17612
2	September 30, 2013	17695
3	October 15, 2013	17695
4	October 31, 2013	17762
5	November 15, 2013	17795
6	December 31, 2013	17893
7	January 15, 2014	17921
8	February 14, 2014	18054
9	May 30, 2014	18208
10	August 15, 2014	18466
11	March 13, 2015	18878
12	April 15, 2015	15578
13	April 30, 2015	18986
14	May 29, 2015	18945
15	August 19, 2015	15701
16	August 31, 2015	326
17	February 29, 2016	838
18	May 27, 2016	1101
19	November 30, 2016	1844
20	December 22, 2016	16051
21	December 30, 2016	1961
22	January 31, 2017	2035
23	September 29, 2017	2943
24	March 30, 2018	3493
25	April 30, 2018	3577
26	July 13, 2018	3837

h. On or about the dates listed below, JOHNSON and Person 2 deposited and caused to be deposited the following BSSDC checks issued to, and purported to be endorsed by Person 2, into the PNC account, each deposit constituting a separate overt act:

	Approx. Date of Deposit	Check Number
1	September 3, 2013	17612
2	October 21, 2013	17695
3	October 21, 2013	17695
4	November 4, 2013	17762
5	November 20, 2013	17795
6	January 21, 2014	17893
7	January 21, 2014	17921
8	April 7, 2014	18054
9	June 2, 2014	18208
10	August 18, 2014	18466
11	March 26, 2015	18878
12	April 24, 2015	15578
13	May 7, 2015	18986
14	June 1, 2015	18945
15	August 21, 2015	15701
16	September 3, 2015	326
17	March 3, 2016	838
18	June 3, 2016	1101
19	December 8, 2016	1844
20	December 29, 2016	16051
21	January 3, 2017	1961
22	February 14, 2017	2035
23	October 2, 2017	2943
24	March 30, 2018	3493
25	May 1, 2018	3577
26	July 31, 2018	3837

i. On or about the dates listed below, JOHNSON, HOPKINS, and Person 3 signed and caused to be signed Block Grant Time Sheets, each signature constituting a separate overt act:

	Approx. Date of Signature
1	June 30, 2014
2	July 30, 2014
3	August 12, 2014
4	December 31, 2014

Approx. Date of Signature	
5	January 31, 2015
6	February 28, 2015
7	March 31, 2015
8	April 30, 2015
9	May 30, 2015
10	September 30, 2015
11	October 31, 2015
12	February 29, 2016
13	April 30, 2016
14	February 28, 2017
15	May 25, 2017

j. On or about the dates listed below, JOHNSON, HOPKINS, and Person 3 caused BSSDC to issue checks to Person 3, each check constituting a separate overt act:

Approx. Date of Issuance		Check Number
1	February 27, 2015	18859
2	March 13, 2015	18885
3	April 15, 2015	15579
4	June 30, 2015	19085
5	August 31, 2015	339
6	September 15, 2015	387

k. On or about the dates listed below, JOHNSON and Person 3 deposited and caused to be deposited the following BSSDC checks issued to, and purported to be endorsed by Person 3, into the PNC account, each deposit constituting a separate overt act:

Approx. Date of Deposit		Check Number
1	March 6, 2015	18859
2	March 26, 2015	18885
3	April 24, 2015	15579
4	July 6, 2015	19085
5	September 4, 2015	339
6	October 5, 2015	387

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

COUNT 3

(Federal Program Theft, 18 U.S.C. §§ 666(a)(1)(A) and 2)

The Grand Jury further charges:

48. The factual allegations contained in paragraphs 1 through 13 and 29 through 37 are realleged and incorporated by reference as if fully set forth herein.

49. From on or about July 1, 2016, to on or about June 30, 2017, in the Northern District of Ohio, Eastern Division, Defendants KENNETH JOHNSON and JOHN HOPKINS, being agents of the City and the BSSDC, said government and organization each receiving in said twelve month period benefits in excess of \$10,000 under a federal community development grant, aided and abetted one another to knowingly embezzle, steal, obtain by fraud, and otherwise without authority convert to the use of a person other than the rightful owner and intentionally misapply property worth at least \$5,000 and owned by and under the care, custody, and control of the City and the BSSDC, that is, approximately \$7285.59 issued from federal Community Development Funds.

In violation of Title 18, United States Code, Sections 666(a)(1)(A) and 2.

COUNT 4

(Federal Program Theft, 18 U.S.C. §§ 666(a)(1)(A) and 2)

The Grand Jury further charges:

50. The factual allegations contained in paragraphs 1 through 13 and 29 through 37 are realleged and incorporated by reference as if fully set forth herein.

51. From on or about July 1, 2017, to on or about June 30, 2018, in the Northern District of Ohio, Eastern Division, Defendants KENNETH JOHNSON and JOHN HOPKINS, being agents of the City and the BSSDC, said government and organization each receiving in said twelve month period benefits in excess of \$10,000 under a federal community development

grant, aided and abetted one another to knowingly embezzle, steal, obtain by fraud, and otherwise without authority convert to the use of a person other than the rightful owner and intentionally misapply property worth at least \$5,000 and owned by and under the care, custody, and control of the City and the BSSDC, that is, approximately \$15,046.23 issued from federal Community Development Funds.

In violation of Title 18, United States Code, Sections 666(a)(1)(A) and 2.

COUNT 5

(Federal Program Theft, 18 U.S.C. §§ 666(a)(1)(A) and 2)

The Grand Jury further charges:

52. The factual allegations contained in paragraphs 1 through 13 and 29 through 37 are realleged and incorporated by reference as if fully set forth herein.

53. From on or about July 1, 2018, to on or about June 30, 2019, in the Northern District of Ohio, Eastern Division, Defendants KENNETH JOHNSON and JOHN HOPKINS, being agents of the City and the BSSDC, said government and organization each receiving in said twelve month period benefits in excess of \$10,000 under a federal community development grant, aided and abetted one another to knowingly embezzle, steal, obtain by fraud, and otherwise without authority convert to the use of a person other than the rightful owner and intentionally misapply property worth at least \$5,000 and owned by and under the care, custody, and control of the City and the BSSDC, that is, approximately \$5,576.68 issued from federal Community Development Funds.

In violation of Title 18, United States Code, Sections 666(a)(1)(A) and 2.

COUNT 6

(Federal Program Theft, 18 U.S.C. §§ 666(a)(1)(A) and 2)

The Grand Jury further charges:

54. The factual allegations contained in paragraphs 1 through 28 are realleged and incorporated by reference as if fully set forth herein.

55. From on or about July 1, 2015, to on or about June 30, 2016, in the Northern District of Ohio, Eastern Division, Defendants KENNETH JOHNSON and GARNELL JAMISON, being agents of the City, said government receiving in said twelve month period benefits in excess of \$10,000 under a federal community development grant, and Robert Fitzpatrick, aided and abetted one another to knowingly embezzle, steal, obtain by fraud, and otherwise without authority convert to the use of a person other than the rightful owner and intentionally misapply property worth at least \$5,000 and owned by and under the care, custody, and control of the City, that is, approximately \$14,400 in falsely claimed reimbursements from JOHNSON's council member expense account.

In violation of Title 18, United States Code, Sections 666(a)(1)(A) and 2.

COUNT 7

(Federal Program Theft, 18 U.S.C. §§ 666(a)(1)(A) and 2)

The Grand Jury further charges:

56. The factual allegations contained in paragraphs 1 through 28 are realleged and incorporated by reference as if fully set forth herein.

57. From on or about July 1, 2016, to on or about June 30, 2017, in the Northern District of Ohio, Eastern Division, Defendants KENNETH JOHNSON and GARNELL JAMISON, being agents of the City, said government receiving in said twelve month period benefits in excess of \$10,000 under a federal community development grant, and Robert

Fitzpatrick, aided and abetted one another to knowingly embezzle, steal, obtain by fraud, and otherwise without authority convert to the use of a person other than the rightful owner and intentionally misapply property worth at least \$5,000 and owned by and under the care, custody, and control of the City, that is, approximately \$14,400 in falsely claimed reimbursements from JOHNSON's council member expense account.

In violation of Title 18, United States Code, Sections 666(a)(1)(A) and 2.

COUNT 8

(Federal Program Theft, 18 U.S.C. §§ 666(a)(1)(A) and 2)

The Grand Jury further charges:

58. The factual allegations contained in paragraphs 1 through 28 are realleged and incorporated by reference as if fully set forth herein.

59. From on or about July 1, 2017, to on or about June 30, 2018, in the Northern District of Ohio, Eastern Division, Defendants KENNETH JOHNSON and GARNELL JAMISON, being agents of the City, said government receiving in said twelve month period benefits in excess of \$10,000 under a federal community development grant, and Robert Fitzpatrick, aided and abetted one another to knowingly embezzle, steal, obtain by fraud, and otherwise without authority convert to the use of a person other than the rightful owner and intentionally misapply property worth at least \$5,000 and owned by and under the care, custody, and control of the City, that is, approximately \$14,400 in falsely claimed reimbursements from JOHNSON's council member expense account.

In violation of Title 18, United States Code, Sections 666(a)(1)(A) and 2.

COUNT 9

(Aiding and Assisting in the Preparation of False Returns, 26 U.S.C. § 7206(2))

The Grand Jury further charges:

60. On or about April 10, 2015, in the Northern District of Ohio, Eastern Division, Defendants KENNETH JOHNSON and GARNELL JAMISON, both residents of Cleveland, Ohio, did willfully aid and assist in, and procure, counsel and advise the preparation and presentation to the Internal Revenue Service, of JOHNSON's United States Individual Income Tax Return, Form 1040, for the calendar year 2014, which was false and fraudulent as to a material matter in that, as JOHNSON and JAMISON well knew and believed, the return understated JOHNSON's total income on line 22 by failing to report additional income and by inflating the value of JOHNSON's itemized deductions.

In violation of Title 26, United States Code, Section 7206(2).

COUNT 10

(Aiding and Assisting in the Preparation of False Returns, 26 U.S.C. § 7206(2))

The Grand Jury further charges:

61. On or about March 24, 2016, in the Northern District of Ohio, Eastern Division, Defendants KENNETH JOHNSON and GARNELL JAMISON, both residents of Cleveland, Ohio, did willfully aid and assist in, and procure, counsel and advise the preparation and presentation to the Internal Revenue Service, of JOHNSON's United States Individual Income Tax Return, Form 1040, for the calendar year 2015, which was false and fraudulent as to a material matter in that, as JOHNSON and JAMISON well knew and believed, the return understated JOHNSON's total income on line 22 by failing to report additional income and by inflating the value of JOHNSON's itemized deductions.

In violation of Title 26, United States Code, Section 7206(2).

COUNT 11

(Aiding and Assisting in the Preparation of False Returns, 26 U.S.C. § 7206(2))

The Grand Jury further charges:

62. On or about April 8, 2017, in the Northern District of Ohio, Eastern Division, Defendants KENNETH JOHNSON and GARNELL JAMISON, both residents of Cleveland, Ohio, did willfully aid and assist in, and procure, counsel and advise the preparation and presentation to the Internal Revenue Service, of JOHNSON's United States Individual Income Tax Return, Form 1040, for the calendar year 2016, which was false and fraudulent as to a material matter in that, as JOHNSON and JAMISON well knew and believed, the return understated JOHNSON's total income on line 22 by failing to report additional income and by inflating the value of JOHNSON's itemized deductions.

In violation of Title 26, United States Code, Section 7206(2).

COUNT 12

(Aiding and Assisting in the Preparation of False Returns, 26 U.S.C. § 7206(2))

The Grand Jury further charges:

63. On or about May 30, 2018, in the Northern District of Ohio, Eastern Division, Defendants KENNETH JOHNSON and GARNELL JAMISON, both residents of Cleveland, Ohio, did willfully aid and assist in, and procure, counsel and advise the preparation and presentation to the Internal Revenue Service, of JOHNSON's United States Individual Income Tax Return, Form 1040, for the calendar year 2017, which was false and fraudulent as to a material matter in that, as JOHNSON and JAMISON well knew and believed, the return understated JOHNSON's total income on line 22 by failing to report additional income and by inflating the value of JOHNSON's itemized deductions.

In violation of Title 26, United States Code, Section 7206(2).

COUNT 13

(Aiding and Assisting in the Preparation of False Returns, 26 U.S.C. § 7206(2))

The Grand Jury further charges:

64. On or about October 10, 2019, in the Northern District of Ohio, Eastern Division, Defendants KENNETH JOHNSON and GARNELL JAMISON, both residents of Cleveland, Ohio, did willfully aid and assist in, and procure, counsel and advise the preparation and presentation to the Internal Revenue Service, of JOHNSON's United States Individual Income Tax Return, Form 1040, for the calendar year 2018, which was false and fraudulent as to a material matter in that, as JOHNSON and JAMISON well knew and believed, the return understated JOHNSON's total income on line 6 by failing to report additional income and by inflating the value of JOHNSON's itemized deductions.

In violation of Title 26, United States Code, Section 7206(2).

COUNT 14

(Tampering with a Witness, 18 U.S.C. §§ 1512(b)(1) and 2)

65. On or about October 2, 2020, in the Northern District of Ohio, Eastern Division, Defendants KENNETH JOHNSON and GARNELL JAMISON, aided and abetted one another to knowingly corruptly persuade and attempt to corruptly persuade, and engage and attempt to engage in misleading conduct toward Person 4 by providing Person 4 with false and fraudulent information and records purporting to document charitable donations made by JOHNSON, and other material information, with the intent to influence the testimony of Person 4 in an official proceeding, to wit: the investigation of Grand Jury 19-2-G, a Grand Jury of the United States sitting in the Northern District of Ohio, held on November 9, 2020.

In violation of Title 18, United States Code, Sections 1512(b)(1) and 2.

COUNT 15

(Falsification of Records in Federal Investigations, 18 U.S.C. §§ 1519 and 2)

66. On or about October 2, 2020, in the Northern District of Ohio, Eastern Division, Defendants KENNETH JOHNSON and GARNELL JAMISON, did knowingly alter, falsify, conceal, cover up, and make a false entry in a record and document, to wit: a donation receipt, with the intent to impede, obstruct, and influence the investigation and proper administration of a federal grand jury proceeding, a matter that JOHNSON and JAMISON knew and contemplated was within the jurisdiction of the United States Department of Justice and Federal Bureau of Investigation, departments and agencies of the United States.

In violation of Title 18, United States Code, Sections 1519 and 2.

A TRUE BILL.

Original Document—Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.