

UNITED STATES DISTRICT COURT

Northern

DISTRICT OF

Ohio

TO:

Cuyahoga County Board of Elections
2925 Euclid Avenue
Cleveland OH, 44115-2497

**SUBPOENA TO TESTIFY
BEFORE GRAND JURY**

SUBPOENA FOR:

☐ PERSON☒ DOCUMENT(S) OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE

Carl B. Stokes U.S. Courthouse
801 W. Superior Avenue
Cleveland, Ohio 44113

COURTROOM


Grand Jury Suite, Lower Level 1

DATE AND TIME

11/06/2019 at 9:00 a.m.

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):*

Please see the attachment.

YOU MAY SEND THE REQUESTED RECORDS, PREFERABLY IN ELECTRONIC FORMAT ON CD, VIA EXPRESS MAIL, OR OVERNIGHT DELIVERY SERVICE DIRECTLY TO SPECIAL AGENT MICHAEL JEWELL, FBI CLEVELAND, 1501 LAKESIDE AVE, CLEVELAND, OHIO 44114 OR IN ELECTRONIC FORMAT VIA E-MAIL TO MJEWELL@FBI.GOV, AND THEREBY AUTHORIZE THE SPECIAL AGENT TO PRESENT THE DOCUMENTS TO THE GRAND JURY ON YOUR BEHALF. 

☒ Please see additional information on reverse.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK

SANDY OPACICH, CLERK

DATE

10/07/2019

(By) Deputy Clerk
/s/ Robert T. Pitts



This subpoena is issued on application
of the United States of America

NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY

Carmen E. Henderson, Assistant U.S. Attorney
400 United States Courthouse, 801 West Superior Avenue
Cleveland, Ohio 44113 Telephone: 216-622-3967
Special Agent Michael Jewell; Telephone: 216-903-1930

* If not applicable, enter "none".

USAO# 2019R00805

RETURN OF SERVICE ⁽¹⁾			
RECEIVED BY SERVER	DATE	PLACE	
SERVED	DATE	PLACE	
SERVED ON (PRINT NAME)			
SERVED BY (PRINT NAME)		TITLE	
STATEMENT OF SERVICE FEES			
TRAVEL	SERVICES	TOTAL	0.00
DECLARATION OF SERVER ⁽²⁾			
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.</p>			
Executed on _____ <div style="text-align: center;">DATE</div>		_____ <div style="text-align: center;">SIGNATURE OF SERVER</div>	
		_____ <div style="text-align: center;">ADDRESS OF SERVER</div>	

ADDITIONAL INFORMATION			

(1) As to who may serve a subpoena and the manner of its service see Rule 17(d), Federal Rules of Criminal Procedure, or Rule 45(b), Federal Rules of Civil Procedure.

(2) "Fees and mileage need not be tendered to the witness upon service of a subpoena issued on behalf of the United States or an officer or agency thereof (Rule 45(b), Federal Rules of Civil Procedure; Rule 17(d), Federal Rules of Criminal Procedure) or on behalf of certain indigent parties and criminal defendants who are unable to pay such costs (28 USC 1825, Rule 17(b) Federal Rules of Criminal Procedure)".

WARNING THAT CIVIL AND CRIMINAL PENALTIES EXIST FOR CERTAIN DISCLOSURES REGARDING GRAND JURY SUBPOENA

As a recipient of a grand jury subpoena for financial institution records, you should be aware that civil and criminal penalties exist for making certain disclosures regarding this subpoena. The prohibited notifications and applicable penalties are stated in Sections 943 and 962 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 [12 U.S.C. §3420(b) and 18 U.S.C. §1510(b), respectively].

The criminal penalties include fines and a maximum prison term of five years if an officer of a financial institution (as defined in 18 U.S.C. §1510(b)) notifies, directly or indirectly, any person regarding the existence or contents of this subpoena with the intent to obstruct a judicial proceeding. In addition, fines and a maximum prison term of one year may be imposed if the notification is made, directly or indirectly, to a customer of the financial institution whose records are sought by the subpoena or to any other person named in the subpoena. Civil money penalties may also be imposed.

12 U.S.C. §3420(b), as amended by Section 943 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. No. 101-73

"(b)(1) No officer, director, partner, employee, or shareholder of, or agent or attorney for, a financial institution shall, directly or indirectly, notify any person named in a grand jury subpoena served on such institution in connection with an investigation relating to a possible

"(A) crime against any financial institution or supervisory agency, or crime involving a violation of the Controlled Substance Act, the Controlled Substances Import and Export Act, Section 1956 or 1957 of Title 18, Sections 5313, 5316 and 5324 of Title 31, or Section 60501 of Title 26; or

"(B) conspiracy to commit such a crime, about the existence or contents of such subpoena, or information that has been furnished to the grand jury in response to such subpoena.

"(2) Section 8 of the Federal Deposit Insurance Act and Section 206(k)(2) for the Federal Credit Union Act shall apply to any violation of this subsection".

18 U.S.C. §1510(b), as amended by Section 962 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. No. 101-73

"(b)(1) Whoever, being an officer of a financial institution, with the intent to obstruct a judicial proceeding, directly or indirectly notifies any other person about the existence or contents of a subpoena for records of that financial institution, or information that has been furnished to the grand jury in response to that subpoena, shall be fined under this title or imprisoned not more than 5 years, or both.

"(2) Whoever, being an officer of a financial institution directly or indirectly notifies

"(A) a customer of that financial institution whose records are sought by a grand jury subpoena; or

"(B) any other person named in that subpoena; about the existence or contents of that subpoena or information that has been furnished to the grand jury in response to that subpoena, shall be fined under this title or imprisoned not more than one year, or both.

"(3) As used in this subsection

"(A) the term 'an officer of a financial institution' means an officer, director, partner, employee, agent, or attorney of or for a financial institution; and

"(B) the term 'subpoena for records' means a Federal grand jury subpoena for customer records that has been served relating to a violation of or a conspiracy to violate

"(i) sections 215, 656, 657, 1005, 1006, 1007, 1014, or 1344, or

"(ii) sections 1341 or 1343 affecting a financial institution".

**CERTIFICATE OF AUTHENTICITY
OF
BUSINESS RECORDS**

I, _____, declare, pursuant to Title 28, U.S.C. § 1746,
(Name)

that I am employed by _____ and that
(Name of Business)

my official title or position is _____. I further
(Official Title or Position)

declare that I am a custodian of records of said business and that each of the records attached
hereto is the original or a duplicate (exact photocopy) of an original record in the custody
of _____.
(Name of Business)

I further state that:

- A) such records were made, at or near the time of the occurrence of the matters set forth, by (or from information transmitted by) a person with knowledge of those matters;
- B) such records were kept in the course of a regularly conducted business activity;
- C) the business activity made such records as a regular practice; and
- D) if such record is not the original, such record is a duplicate of the original.

I declare under penalty of perjury that the foregoing is true and correct.

(Signature)

(Date of Execution)

(Place of Execution)

To: Cuyahoga County Board of Elections

2925 Euclid Avenue

Cleveland OH, 44115-2497

Attachment:

Unless otherwise indicated, the time period is from January 1, 2016 until present.

1. All documents relating to TREVOR ELKINS or the ELKINS COMMITTEE. Including but not limited to campaign finance reports, financial statements, ethics reports, etc.
2. All documents relating to the 2017-2018 Cuyahoga County Board of Elections forensic audit of TREVOR ELKINS and the ELKINS COMMITTEE account. Including but not limited to documentation provided by ELKINS, calculations and underlying support for the Cuyahoga County Board of Elections audit of ELKINS, etc.
3. All communications (written or electronic) between TREVOR ELKINS and any ELKINS COMMITTEE related business. Including but not limited to telephone records, text messages, emails, etc.