

# Civil RICO Lawsuit And Criminal Referral

## PREAMBLE

This document serves to explain and describe the unjust, unethical and criminal behavior of certain federal employees in their effort to investigate and wrongfully prosecute Benjamin Suarez and Suarez Corporation Industries (SCI). The Obama administration, Obama Justice Department officials and other federal employees from 2010 and on diverse dates thereafter engaged in an unlawful concerted effort to bring false charges and against Benjamin Suarez and SCI; for the simple reason that Suarez lawfully exercised his First Amendment right to speak. Since 2008 Suarez organized the funding of Republican congressional candidates; spoke out against Democratic congressional candidates; spoke out and disagreed with the Democratic Party, and actively criticized the Obama administration and its policies. For this, Suarez and many other innocent parties suffered at the hands of a corrupt and vindictive federal prosecution brought by the Obama Justice Department. Suarez, SCI and the other victims of this conspiracy will seek redress and justice against the many parties who participated in this travesty of justice. The history of this sad tale of a government run amok is set forth below.

## STATEMENT OF FACTS

1. At all times relevant hereto Benjamin Suarez has been active in conservative politics, as a significant contributor to Republican political candidates and as the organizer of two conservative organizations, Empowered Citizens News Network (ECNN) and the U.S. Citizens Association (USCA).

2. Both the Empowered Citizens News Network and USCA, prior to the events complained of herein, engaged in constitutionally protected exercise of freedom of speech which was highly critical of the policies of President Barack Obama and of various Democratic Party candidates.

3. The U.S. Citizens Association placed advertisements criticizing President Obama, George Soros (a major contributor to Democratic Party campaigns and Democratic Party linked

think tanks), Democratic Senator Harry Reid, Democratic Congresswoman Nancy Pelosi, Congressman John Boccieri, and Congressman Barney Frank, among others.

4. The advertisements criticized the Patient Protection and Affordable Care Act and described the policies of the Obama administration as socialist.

5. USCA advertisements also expressed disagreement with “carbon cap and trade” (“The Climate Bill”) and tax budget policies of the Obama administration.

6. The USCA also brought a lawsuit in the United States District Court for the District of Northern Ohio in opposition to the Obama administration for the purpose of declaring the Patient Protection and Affordable Care Act unconstitutional.

7. The Empowered Citizens News Network similarly utilized mass media to oppose the administration of Barack Obama.

8. In 2009, the US Citizens Association ran a newspaper advertising campaign to support Republican congressional challenger Jim Renacci which is credited for helping defeat the Democratic incumbent who was also a friend of U.S. Senator Sherrod Brown, who was in turn a friend of than United States Attorney for the District of Northern Ohio Steven Dettelbach.

9. This single event helped trigger the malicious prosecution and criminal civil rights violation against Benjamin D. Suarez. Another triggering event occurred when 15 of Suarez Corporation Industries (SCI) executives and five of their spouses made campaign donations to Sherrod Brown’s Republican political opponent, Joshua Mandel and to Jim Renacci who had by then been elected to congress.

10. Using the fact that the donors received bonuses from SCI as a pretext for alleging violations of federal elections laws, the United States Attorney Steven Dettelbach by and through his Assistant United States Attorney Carole Rendon launched a massive investigation of Benjamin D. Suarez and SCI which resulted in an unsuccessful election law prosecution which tarnished the reputation of SCI and its founder Suarez, caused massive economic loss to SCI, the loss of jobs, and the wrongful imprisonment of Suarez on a relatively minor obstruction charge. This was done entirely as a Democratic political vendetta against Suarez and SCI.

11. Both Rendon and Dettelbach knew that the charges against the Complainant were baseless. They knew the donors were affluent persons who did not need or require reimbursement for their donations and that SCI's bookkeeping supported their defense that they were entitled to profit sharing distributions.

12. The ECN (a) urged African American voters to reject the Democratic Party,(b) criticized the mortgage lending programs promoted by Democratic politicians, and (c) criticized the "stimulus" program of the administration and the expensive lifestyles of the Obama family, among other things.

13. Dettelbach and Rendon knew they were engaged in a politically motivated reprisal and revenge for the Suarez's exercise of his constitutionally protected rights to criticize public officials and to support other political candidates and causes. They engineered false criminal charges against Suarez and Suarez Corporation Industries for alleged violation of federal election laws in federal court in Cleveland, Ohio; and conducted a baseless IRS audit of the company and its leading witness.

14. On or about October 2010 the Barack Obama administration encouraged representatives of the National Treasury Employees Union (mainly IRS employees), to utilize the IRS to:

(a) Audit supporters of ECN and USCA; and

(b) To promote politically motivated prosecutions of conservative activists, including Mr. Suarez.

15. Subsequently, individuals who were involved with ECN were recipients of audit notices from the IRS. The Obama administration knew or should have known of these political audits but did nothing to stop them.

16. Meanwhile, Democratic political operatives began scrutinizing Suarez and Suarez Corporation Industries' political activities, as part of a planned and systematic pattern of illegally using political influence to intimidate and neutralize dissent. On information and belief, Sherrod Brown and Obama administration advisor Valerie Jarett played leading roles in this effort.

17. Julie Haymond, an agent of the Federal Bureau of Investigation, at some point became involved in the investigation of Mr. Suarez. Agent Haymond is terrorism intelligence agent. There has never been any evidence of terror activities or links, or even an allegation of terrorism by Suarez, SCI or his affiliated organizations.

18. On or about August 19, 2011, a newspaper controlled by a Democratic Party activist published a false, malicious and libelous article to the effect that executives of SCI who

made campaign donations were reimbursed by SCI, and that the donors could not have afforded to make those donations on their own.

19. Despite readily available evidence that the donors (a) could have afforded to make the donations and (b) that SCI had a profit sharing program that explained any and all payments from SCI subsequent to the gifts, SCI and Suarez became targets of a criminal investigation by the United States Department of Justice, directed by Eric Holder, Dettlebach, Carole Rendon and the Obama administration.

20. The Obama Administration, Dettelbach, and Rendon conspired to deprive Suarez of his right to equal protection of the law by targeting SCI for supposed violations of election finance laws that were, routine practices of corporations with liberal political orientation.

Employees of companies supporting Democrats and Obama regularly made contributions to the progressive candidates and may have been reimbursed, but were never investigated or prosecuted by the Obama administration.

For example, in the 2012 election Microsoft and Google employees donated nearly \$3 million to the Obama campaign. A total of \$5.4 million was given by the companies' employees to the combined Obama presidential campaigns, yet this was ignored and never investigated; while SCI was investigated and Suarez was incarcerated.

21. Then United States Attorney for the Northern District of Ohio Steven Dettelbach, planned, organized, and controlled a malicious investigation of Suarez and SCI despite the presence of exculpatory information which was called to his attention. Dettelbach did so, endorsed by Sherrod Brown who was enraged at Suarez for his political activism.

22. Dettelbach willfully and knowingly misused his prosecutorial discretion by targeting Suarez and SCI for criminal prosecution solely for the reasons that they were a source of funds that benefitted conservative causes and Republican political campaigns.

23. On or about January of 2013, defendant Dettelbach and others, by a search warrant obtained with a sealed affidavit, furthered their malicious investigation, seized thousands of confidential, privileged legal documents and disregarded the attorney-client privilege involving SCI and its legal counsel.

24. Among the privileged documents seized by the defendants were five attorney-client communications and documents that were obtained in an FBI search pursuant to a warrant in January 2013.

25. The documents were obtained from plaintiff Suarez's assistant Nancy Workman, her predecessor Laura Palka, as well as from Angelina Jones, an assistant to former corporate counsel Michael Puterbaugh.

26. The indictment made reference to two privileged documents, a handwritten note and an attached five-page memorandum. The attorney-client privilege and the work product doctrine should have protected these documents, but they were nonetheless used by the prosecution.

27. Said documents included Puterbaugh's legal advice to his client, Suarez, that SCI employee Barbara Housos was receiving inaccurate legal advice from her attorney and that she may be able to submit an affidavit instead of being required to appear before the grand jury.

28. The memorandum was shared among Suarez, his counsel, other parties and their counsel pursuant to a joint defense agreement (the “JDA”). The memorandum was shared pursuant to the JDA for the sole purpose of (1) seeking and providing legal advice regarding relevant past events and (2) memorializing the mental impressions and work product of attorney Michael Puterbaugh and other counsel for the parties in the JDA.

29. The handwritten note and the memorandum should have been returned to Mr. Suarez; and never used in the prosecution against Suarez because the documents were privileged.

30. FBI agents, (Hayden, Cronin, Sirohman and McMurtry), working under the direction and supervision of Carole Rendon also seized a confidential, privileged email from Mr. Puterbaugh to Ms. Palka, Mr. Suarez’s assistant at the time. Said document included written communications between an attorney and client.

31. Said communications remained confidential until the chain of confidentiality was destroyed when the agents (Hayden, Cronin, Sirohman and McMurtry) executed an overbroad search warrant upon Complainant’s assistant and Mr. Puterbaugh’s assistant. The documents at issue contained the legal impression of counsel and should have been subject to the attorney-client and work product privileges. The use of these documents interfered with rights protected by the Fourth, Fifth, Sixth and Fourteenth Amendments to the U.S. Constitution.

32. The final two of the privileged documents which the government seized were directed toward “Mike” – Mr. Puterbaugh’s first name. The alleged handwritten note from Suarez referred to herein requested legal advice from Mr. Puterbaugh regarding how to lawfully

arrange contributions to a political candidate. The alleged handwritten note from the Complainant that is cited below appears to seek legal advice from Mr. Puterbaugh about how an unidentified person or persons (or perhaps a political action committee) can contribute a certain amount of money to a political candidate.

33. The attorney-client privilege should have prevented the use of said notes.

34. Dettelbach and others working under his control and supervision also utilized an employee (Barbara Housos) to purloin documents from SCI, without obtaining a probable cause warrant, which was a violation of the Suarez's Fourth amendment right.

35. The obvious issue in any criminal action against Suarez was whether he had any intent to engage in the unlawful acts he was accused of. The evidence gathered in the massive investigation showed clearly that Suarez had no intent to engage in any unlawful acts whatsoever. Rendon knew that such lack of knowledge would prevent the return of any proper indictment against Suarez. Notwithstanding the above, Rendon deliberately, systematically, and without regard to Suarez's constitutional right to a fair investigation and fair consideration by the grand jury, conspired to proffer, and did proffer, false and misleading information to the grand jury.

36. Dettelbach, Rendon and others engaged in unusual, unlawful, and unconstitutional investigative techniques, including driving a witness to suicide while intimidating and coercing witnesses to try to implicate Suarez and to mislead the grand jury to return an indictment when none was warranted. These activities were done in clear disregard of their obligations as employees of the United States. These activities were done with malice and

in clear violation of Suarez's rights to a fair investigation; these activities were done by Rendon in an attempt to obtain publicity for herself and to seek career advancement, and these unlawful activities were done by others in an attempt to punish Suarez for exercising his right to support conservative causes and Republican campaigns.

37. Exculpatory evidence was suppressed by incompetent lawyers, corrupt prosecutions and a bullied lawyer-witness Mike Puterbaugh.

38. Suarez was accused of sending a letter to a witness, Barbara Housos, to not take any action in admitting to an offense pending SCI hiring a new lawyer for her. Housos was a friend of Suarez. The letter was not illegal and not obstruction and Puterbaugh knew that a new lawyer was being hired for Housos as it was learned that her present lawyer was not acting in her best interest.

39. Suarez never conducted a single act to subvert or obstruct the administration of justice.

40. Intense pressure was placed on Barbara Housos and Michelle Ditty (Benjamin Suarez's daughter) by Carole Rendon to commit perjury.

41. On November 7, 2012, Barbara Housos testified before a grand jury convened by defendant Carole Rendon.

42. On information and belief, after November 7, 2012, Rendon directed Ms. Housos to illegally purloin certain documents from Suarez's business and have her attorney give copies of the documents to the defendants.

43. On information and belief, defendant Rendon directed Ms. Housos to seize the documents from SCI without asking anyone at SCI for permission to do so or informing anyone at SCI that she was so doing.

44. On November 9, 2012, Ms. Housos gave those documents to certain government officials, acting as a *de facto* government agent, without benefit of a proper warrant, and in violation of the Fourth Amendment rights of Suarez Corporation Industries, a company controlled by the Suarez.

45. As a result of this malicious investigation and deceitful conduct by the federal prosecutors and law enforcement officials, indictments were fraudulently obtained against Suarez and Suarez Corporation Industries (SCI).

46. Count I of the indictment alleged that between March and September 2011, Suarez, SCI, Michael Giorgio, and unnamed others conspired to commit two offences against the United States, in violation of 18 U.S.C. § 371. The first offense was knowingly and willfully “mak[ing] contributions to a candidate for federal office in the names of other persons,” in violation of 18 U.S.C. §437g(d)(1) and 441f. (S.I., ¶ 8(a).) The second offence was knowingly and willfully “mak[ing] a contribution from a corporation” and “consent[ing] to any contribution by a corporation,” in violation of U.S.C. §437 g(d)(1) and 441b.

47. Count 2 charged a substantive violation of making a contribution in the name of another, in violation of 2 U.S.C. 441f and 437 g(d)1 and 18 U.S.C. § 2.

48. Count 3 charged a substantive violation of causing a corporation to make a contribution and consenting to a prohibited contribution by a corporation, in violation of 2 U.S.C. 441b and 437g(d)(1)(A)(i) and 18 U.S.C. § 2.

49. In each of these counts, the contributions at issue were made to the authorized campaign committees of a 2012 candidate for the United States Senate from the state of Ohio and a 2012 candidate for the United States House of Representatives from the state of Ohio. Contributions to the House candidate totaled approximately \$90,000. Contributions to the Senate candidate by Mr. Giorgio and his wife totaled approximately \$100,000.

50. A superseding indictment further alleged that Suarez – the founder, sole owner and president of SCI – and Michael Giorgio – the CFO of SCI – “recruited” persons who worked for, or were associated with, SCI “to act as conduits; that is to make contributions in their own names and those of their spouses (‘conduit contributors’) to the 2012 House campaign and the 2012 Senate campaign.” Thereafter, Suarez and Mr. Giorgio “directly and indirectly caused SCI to use its funds to reimburse the conduit contributors...for the campaign contributions that they made.”

51. Counts 4, 5 and 6 alleged that Mr. Giorgio, Suarez, and SCI caused the authorized campaign committees of these candidates to submit false reports to the Federal Election Commission, thereby violating 18 U.S.C. § 1001. The superseding indictment alleged that reports were “materially false in reporting the source and amount of contributions to the campaign[s].” It was the government’s erroneous allegation that these contributions should have shown SCI, not the individual contributors, as their source. There are no allegations that any of the contributors used a false name when making these contributions.

52. Count 7 alleged that between March 2011 and September 2014, Mr. Giorgio, Suarez, SCI, and unnamed others conspired to commit three offenses against the United States, in violation of 18 U.S.C. § 371. The offences in question were: destruction, alteration, or falsification of records in federal investigations, in violation of 18 U.S.C. § 1519; obstruction, influencing, or impeding any official proceeding, in violation of 18 U.S.C. § 1512 (c)(2); and witness tampering, in violation of 18 U.S.C. § 1512 (b)(1).

53. Finally, Count 9 alleged that Giorgio and Suarez obstructed justice by creating and then concealing the existence of a document. The document is described as “a one-page note in Suarez’s handwriting and a five-page typewritten document containing Giorgio’s handwriting.”

54. The jury acquitted Suarez and SCI of all but one relatively minor count, obstruction of justice, the subject of post-conviction relief.

55. Subsequent to the acquittals, on July 15, 2014, special FBI agent Mark McMurtry telephoned David Dearth, a personal trainer who had worked with Suarez, at approximately 8:15 AM in the morning.

56. McMurtry told Dearth that it was urgent that they meet and the two agreed to meet at Fisher Foods Supermarket.

57. McMurtry requested that Dearth get into his truck where he saw agent Mike Sirohman. Both agents were actively involved in the prosecution of the Benjamin Suarez.

58. Sirohman looked at Dearth's family and said to Dearth, "you have a nice family, it would be tragic if anything were to happen to them."

59. They then drove around the supermarket and took Dearth into the woods where he could not be seen.

60. McMurtry stated that Sirohman was upset about the acquittals.

61. Sirohman offered a job to Dearth if he would testify that Benjamin Suarez confessed to him that he tampered with the jury to obtain the acquittals.

62. This request was illegal, a solicitation to commit perjury and also constituted intimidation of a witness.

63. Sirohman offered Dearth to be a confidential informant if he would lie as requested, a violation of several laws.

64. Subsequently, McMurtry kept telephoning and harassing Dearth to commit perjury.

65. As a consequence of the illegal, unconstitutional and criminal conduct of many people involved in the investigation and prosecution of Suarez and SCI; David Dearth and Benjamin Suarez suffered great pain of mind and SCI suffered significant financial loss.

66. Suarez's company, as a result of the wrongful acts of the defendants, suffered damages of \$1 billion in lost revenue, lost opportunities and lost opportunities for financing.

67. Carole Rendon acting as a federal prosecutor during the course of the investigations had no objectivity and violated her duty to fairly uphold the laws of the United States.

68. Both Dettelbach and Rendon continually provided inaccurate and misleading information to the FBI agents investigating the case in violation of laws, sought to obtain a wrongful conviction of Suarez, and on information and belief intimidated Michael Puterbaugh to withhold exculpatory testimony from the court.

69. Further evidence of the malicious and biased prosecution of Mr. Suarez was the sentencing position taken by the Assistant United States Attorney Carole Rendon. Suarez in 2015 was a 73 year old self-made successful businessman, loyal and devoted husband and father to two children; and he had no criminal record. Exonerated of 9 of the most serious charges; he was wrongfully found responsible for the least serious charge of witness tampering. He was eligible for a probation type sentence and clearly should not have faced incarceration. Rendon had been stunned at the jury's acquittal of almost her entire case against Suarez and SCI. She embarked on an uncalled for and vindictive effort to get the maximum sentence of incarceration. Rendon requested enhancements in Suarez's sentence for things that had absolutely nothing to do with the charges or the evidence at the trial. With over the top and vengeful sentencing requests to the Court and the probation department, Rendon sought to incarcerate Mr. Suarez for over 5 years in prison. The record of her unreasonable and unethical misconduct is crystal clear from the Court records, presentence report and transcripts.

69. These federal employees betrayed their oath of office and acted in furtherance of others in the Democratic Party to intimidate and silence dissent.

70. These people controlled, planned, organized and managed a systematic and methodical campaign of influence peddling to: (a) instigate tax audits of individuals associated with USCA and ECN, (b) instigate an audit of SCI, (c) promote an unrestrained, fraudulent, and malicious investigation prosecution of SCI and Complainant.

71. To further the fraudulent investigation instigated by political operatives in the Democratic party, Assistant United States Attorneys attempted to coax witnesses to lie, and suppress information, intimidated and harassed David Dearth, encouraged Barbara Housos to purloin property and documents from SCI; and interfered in the legal representation of Suarez and SCI,. This was all a pattern of multiple acts of civil rights violations for furthering the Democratic Party program to suppress and punish dissent.

72. Michael Puterbaugh engaged in a misprision of a felony of Ohio state law. Mr. Puterbaugh, during the criminal proceedings against the Suarez, had full knowledge that Carole Rendon was (a) influencing witnesses to fabricate testimony, (b) suborning perjury and (c) intimidating witnesses.

73. Nonetheless, he neglected and failed to report any of this to any law officials in violation of Ohio state law.

### Conclusion

Suarez and SCI survived the ordeal of this targeted, vindictive and illegal investigation and prosecution. More and more facts about the illegal conduct of the parties above is being revealed to this day. And recently, more and more evidence has been revealed of the corruption

of the Obama administration and the F.B.I., as it relates to how political dissent is treated. It is nothing less than breathtakingly and stunningly illegal.

Part of the effort of the Justice Association will be to determine the culpability of the following people:

Sherrod Brown	Addresses to be supplied
Steven Dettelbach	“ ”
Carole Rendon	“ ”
Barack Obama	“ ”
Valerie Jarrett	“ ”
Eric Holder	“ ”
John Koskinen	“ ”
Democratic National Committee	“ ”
Michael Puterbaugh	“ ”
Other unnamed federal officials	“ ”

The Justice Association as described in other correspondence recently published, is seeking redress for the unjust and unlawful attack on Suarez and SCI; and the many employees and suppliers of SCI. Over 2,800 employees and business associates of SCI and their families suffered great financial damage and hardship over the past several years. For them, the Justice Association will pursue every avenue of legal redress to right the injustices that have been perpetrated against them.