

TERRY GODDARD
Attorney General
Firm Bar No. 14000

TODD C. LAWSON
State Bar No. 020216
Assistant Attorney General
1275 West Washington Street
Phoenix, Arizona 85007-2926
Telephone 602-542-3881
crmfraud@azag.gov

Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

THE STATE OF ARIZONA,

Plaintiff,

v.

ROBERT MARK GREEN,

Defendant.

Case No:

67 SGJ 69

INDICTMENT

CHARGING VIOLATIONS OF:

COUNT 1: ATTEMPTED THEFT, a Class 4 Felony, in violation of A.R.S. §§ 13-1001 and 13-1802(A)(3)

COUNT 2: FRAUDULENT SCHEMES AND PRACTICES, a Class 5 Felony, in violation of A.R.S. § 13-2311

COUNT 3: FORGERY, a Class 4 Felony, in violation of A.R.S. § 13-2002(A)(3)

~~**COUNTS 4-5 TAKING IDENTITY OF ANOTHER PERSON**, Class 4 Felonies, in violation of A.R.S. § 13-2008(A)~~ *JPL*

COUNTS 6-9, PROHIBITED CONTRIBUTIONS, Class 6 Felonies, in violation of A.R.S. § 16-907(A)

COUNTS 10-15 PERJURY, Class 4 Felonies, in violation of A.R.S. § 13-2702

The 67th Arizona State Grand Jury accuses **ROBERT MARK GREEN**, charging on this 20th day of October, 2010 that in or from MARICOPA County, Arizona:

COUNT 1

During a time period beginning on or about November 9, 2009, and ending July 28, 2010, **ROBERT MARK GREEN** attempted to, without lawful authority, knowingly obtain by means of a material misrepresentation, funds of the Arizona Clean Elections Fund of a value of \$4,000 or more but less than \$25,000, with the intent to deprive the Arizona Clean Elections Fund of such property or services, in violation of A.R.S. §§ 13-1802(A)(3), 13-1801, 13-1001, 13-701, 13-702 and 13-801.

Said conduct occurred when the Defendant **ROBERT MARK GREEN** submitted documents which he knew to contain material misrepresentations in order to obtain funds from the Arizona Clean Elections Fund for his campaign, said funds having the value of \$21,479.00.

COUNT 2

During a time period beginning on or about January 11, 2010, and ending on or about June 30, 2010, **ROBERT MARK GREEN**, in a matter related to the business conducted by the Arizona Clean Elections Commission, pursuant to a scheme or artifice to defraud or deceive, knowingly falsified, concealed, or covered up a material fact by trick, scheme, or device, in violation of A.R.S. §§ 13-2311, 13-701, 13-702 and 13-801.

Said conduct occurred when **ROBERT MARK GREEN** knowingly concealed that he or other individuals associated with his campaign had not collected \$5 Qualifying Contributions from the individuals as indicated in the documents submitted to support his "Participating Candidate's Application to Receive Funds and Qualifying Contribution Report" and a

supplement thereto, and that the funds identified as Qualifying Contributions had in fact come from other sources.

COUNT 3

On or about March 8, 2010, **ROBERT MARK GREEN**, with intent to defraud, offered or presented a forged instrument or one which contained false information, in violation of A.R.S. §§ 13-2002(A)(3), 13-2001, 13-701, 13-702 and 13-801.

Said conduct occurred when **ROBERT MARK GREEN** completed a "Participating Candidate's Application to Receive Funds and Qualifying Contribution Report" knowing that the document indicated that it was a "true and complete to the best of [GREEN's] knowledge and belief" when it was not.

COUNT 4

On or about March 8, 2010, **ROBERT MARK GREEN**, with the intent to obtain or use another person's or entity's identity for any unlawful purpose or to cause loss to a person or entity whether or not the person or entity actually suffers any economic loss as a result of the offense, knowingly took, purchased, manufactured, recorded, possessed or used any personal identifying information of another person without that person's consent, in violation of A.R.S. §§ 13-2008(A), 13-2001, 13-701, 13-702 and 13-801.

Said conduct occurred when **ROBERT MARK GREEN** used the personal identifying information of Michelle Fragala without her consent to support his application for Arizona Clean Elections funds.

COUNT 5

On or about March 8, 2010, **ROBERT MARK GREEN**, with the intent to obtain or use another person's or entity's identity for any unlawful purpose or to cause loss to a person or

8

entity whether or not the person or entity actually suffers any economic loss as a result of the offense, knowingly took, purchased, manufactured, recorded, possessed or used any personal identifying information of another person without that person's consent, in violation of A.R.S. §§ 13-2008(A), 13-2001, 13-701, 13-702 and 13-801.

Said conduct occurred when **ROBERT MARK GREEN** used the personal identifying information of Stephanie Del Housaye without her consent to support his application for Arizona Clean Elections funds.

COUNT 6

On or about January 23, 2010, **ROBERT MARK GREEN** knowingly accepted a contribution made by one person in the name of another person, in violation of A.R.S. §§ 16-907, 16-901, 16-961, 13-701, 13-702 and 13-801.

Said conduct occurred when **ROBERT MARK GREEN** accepted a contribution from himself in the name of John Butcher.

COUNT 7

On or about January 9, 2010, **ROBERT MARK GREEN** knowingly accepted a contribution made by one person in the name of another person, in violation of A.R.S. §§ 16-907, 16-901, 16-961, 13-701, 13-702 and 13-801.

Said conduct occurred when **ROBERT MARK GREEN** accepted a contribution from himself in the name of Eric White.

COUNT 8

On or about February 13, 2010, **ROBERT MARK GREEN** knowingly accepted a contribution made by one person in the name of another person, in violation of A.R.S. §§ 16-907, 16-901, 16-961, 13-701, 13-702 and 13-801.

Said conduct occurred when **ROBERT MARK GREEN** accepted a contribution from himself in the name of Joshua Wallerstein.

COUNT 9

On or about February 6, 2010, **ROBERT MARK GREEN** knowingly accepted a contribution made by one person in the name of another person, in violation of A.R.S. §§ 16-907, 16-901, 16-961, 13-701, 13-702 and 13-801.

Said conduct occurred when **ROBERT MARK GREEN** accepted a contribution from himself in the name of Dale Wanek.

COUNT 10

On or about March 8, 2010, **ROBERT MARK GREEN** made a false sworn statement in regard to a material issue, believing it to be false, or made a false unsworn declaration, certificate, or statement in regard to a material issue that the person subscribes as true under penalty of perjury, believing it to be false, in violation of ARS §§ 13-2702, 13-2701, 13-701, 13-702 and 13-801.

Said conduct occurred when **ROBERT MARK GREEN** made a certification on a Qualifying Contribution Form that he received a \$5.00 contribution from Michelle Fragala when he had not.

COUNT 11

On or about March 8, 2010, **ROBERT MARK GREEN** made a false sworn statement in regard to a material issue, believing it to be false, or made a false unsworn declaration, certificate, or statement in regard to a material issue that the person subscribes as true under penalty of perjury, believing it to be false, in violation of ARS §§ 13-2702, 13-2701, 13-701, 13-702 and 13-801.

Said conduct occurred when **ROBERT MARK GREEN** made a certification on a Qualifying Contribution Form that he received a \$5.00 contribution from Stephanie Del Housaye when he had not.

COUNT 12

On or about March 8, 2010, **ROBERT MARK GREEN** made a false sworn statement in regard to a material issue, believing it to be false, or made a false unsworn declaration, certificate, or statement in regard to a material issue that the person subscribes as true under penalty of perjury, believing it to be false, in violation of ARS §§ 13-2702, 13-2701, 13-701, 13-702 and 13-801.

Said conduct occurred when **ROBERT MARK GREEN** made a certification on a Qualifying Contribution Form that he received a \$5.00 contribution from John Butcher when he had not.

COUNT 13

On or about March 8, 2010, **ROBERT MARK GREEN** made a false sworn statement in regard to a material issue, believing it to be false, or made a false unsworn declaration, certificate, or statement in regard to a material issue that the person subscribes as true under penalty of perjury, believing it to be false, in violation of ARS §§ 13-2702, 13-2701, 13-701, 13-702 and 13-801.

Said conduct occurred when **ROBERT MARK GREEN** made a certification on a Qualifying Contribution Form that he received a \$5.00 contribution from Eric White when he had not.

COUNT 14

On or about March 8, 2010, **ROBERT MARK GREEN** made a false sworn statement in regard to a material issue, believing it to be false, or made a false unsworn declaration, certificate, or statement in regard to a material issue that the person subscribes as true under penalty of perjury, believing it to be false, in violation of ARS §§ 13-2702, 13-2701, 13-701, 13-702 and 13-801.

Said conduct occurred when **ROBERT MARK GREEN** made a certification on a Qualifying Contribution Form that he received a \$5.00 contribution from Joshua Wallerstein when he had not.

COUNT 15

On or about March 8, 2010, **ROBERT MARK GREEN** made a false sworn statement in regard to a material issue, believing it to be false, or made a false unsworn declaration, certificate, or statement in regard to a material issue that the person subscribes as true under penalty of perjury, believing it to be false, in violation of ARS §§ 13-2702, 13-2701, 13-701, 13-702 and 13-801.

Said conduct occurred when **ROBERT MARK GREEN** made a certification on a Qualifying Contribution Form that he received a \$5.00 contribution from Dale Wanek when he had not.

Pursuant to A.R.S. § 21-425, the State Grand Jurors find that the offenses described above were committed in Maricopa County, Arizona.

A True Bill
(A "True Bill")

TERRY GODDARD
ATTORNEY GENERAL
STATE OF ARIZONA



TODD C. LAWSON
Assistant Attorney General

Dated: 10/20/10


Foreperson of the State Grand Jury

PHX-#1177186v3