

FILED

AO 106 (REV 4/10) Affidavit for Search Warrant

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
AT SPRINGFIELD

MAY 13 2019

CLERK OF THE COURT
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

UNDER SEAL

In the Matter of the Search of:

Case Number: 19-mj-3077

The cellular telephone, as further described
in Attachment A

APPLICATION AND AFFIDAVIT FOR A SEARCH WARRANT

I, Edward W. McNamara, a Special Agent of the Federal Bureau of Investigation, request a search warrant and state under penalty of perjury that I have reason to believe that on the following property or premises:

See Attachment A

located in the Central District of Illinois, there is now concealed:

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is evidence and instrumentalities.

The search is related to a violation of:

Code Section

Offense Description

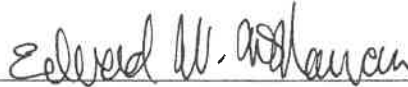
Title 18, United States Code, Section 371
Title 18, United States Code, Section 666
Title 18, United States Code, Section 1343
Title 18, United States Code, Section 1349
Title 18, United States Code, Section 1951
Title 18, United States Code, Section 1952

Conspiracy
Federal program bribery
Wire fraud
Conspiracy and attempt to commit wire fraud
Conspiracy and attempt to commit extortion
Use of interstate facility to promote unlawful activity

The application is based on these facts:

See Attached Affidavit,

Continued on the attached sheet.



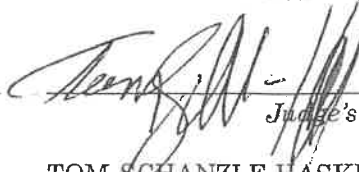
Applicant's Signature

EDWARD W. McNAMARA, Special Agent, Federal Bureau of Investigation

Printed name and title

Sworn to before me and signed in my presence.

Date: May 13, 2019



Judge's signature

City and State: Springfield, Illinois

TOM SCHANZLE-HASKINS, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

DESCRIPTION OF PREMISES TO BE SEARCHED

The item to be searched consists of an Apple iPhone cellular telephone bearing International Mobile Subscriber Identity ("IMSI") [REDACTED] and telephone number [REDACTED] (the "Subject Phone").

ATTACHMENT B

LIST OF ITEMS TO BE SEIZED

Evidence and instrumentalities concerning violations of Title 18, United States Code, Sections 371, 666, 1343, 1349, 1951 and 1952, but excluding any privileged materials, as follows:

For the period of February 2012 to the present, all of the following:

1. Any and all information and communications with or concerning Michael Madigan and/or any individuals who act on his behalf or at his direction.
2. Any and all information and communications with members of the Board of Directors, officers, employees, consultants, contractors, lobbyists, and agents or representatives of Exelon Corporation ("Exelon") and/or Commonwealth Edison Company ("ComEd"), as well as their subsidiaries and affiliated business entities, including, but not limited to, [REDACTED], Anne Pramaggiore, John T. Hooker, [REDACTED], [REDACTED] Fidel Marquez, Jr., and [REDACTED].
3. Any and all information and communications related to the provision by Michael F. McClain of consulting, lobbying or other services to Exelon or ComEd, including, but not limited to, information and communications related to financial compensation for any such services.
4. Any and all information and communications related to Exelon's and ComEd's strategy, intent or position with respect to proposed or pending legislation in the State of Illinois.
5. Any and all information relating to, and communications with, members of the Illinois General Assembly, past or current, concerning the business or affairs of Exelon and ComEd, as well as their subsidiaries and affiliated business entities.
6. Any and all information and communications related to the appointment of [REDACTED] to the ComEd Board of Directors, including, but not limited to, information and communications related to options to the appointment of [REDACTED] as well as any impact (e.g., financial,

legislative, political or otherwise) that might result from a failure to appoint [REDACTED] to the ComEd Board of Directors.

7. Any and all information and communications with Jay D. Doherty, [REDACTED], as well as the employees, officers or agents of Jay D. Doherty & Associates, Incorporated ("JDDA"), [REDACTED].
8. Any and all information and communications related to the provision of payments made by Exelon or ComEd to individuals or businesses (including, but not limited to, [REDACTED] by or through any third party serving as an intermediary, including, but not limited to, Michael F. McClain; [REDACTED]; Jay D. Doherty; JDDA; [REDACTED]).
9. Any and all information and communications with [REDACTED].
10. Any and all information and communications related to payments made to [REDACTED] by the following individuals and entities: [REDACTED].
11. Any and all information and communications with [REDACTED] related to, or concerning, the hiring or payment of individuals at the direction of Michael McClain or Michael Madigan.
12. Any and all information and communications with members of the Board of Directors, officers, employees, consultants, contractors, lobbyists, and agents or representatives of [REDACTED] as well as their subsidiaries and affiliated business entities.
13. Any and all information and communications related to the provision of payments made by [REDACTED] to individuals or businesses, either directly or through a third party serving as an intermediary.
14. Any and all information and communications relating to work history, work location, planning and scheduling.

15. Any and all information and communications concerning the names, addresses, telephone numbers, including any number directory or log stored in the memory of the phone, email addresses, and other contact or identification information of participants involved in the activities described in the above paragraphs.
16. Images, photographs, video recordings, or audio recordings relating to the activities described in the above paragraphs, or depicting the user of the Subject Phone and any other person involved in or knowledgeable about the activities described in the above paragraphs, or depicting locations at which the above activities occurred or were committed.
17. Location information for the Subject Phone, including GPS coordinates, location information embedded in images and videos, map searches, and requests for directions.
18. Passwords, encryption keys, and other access devices that may be necessary to access the Subject Phone.

Law enforcement personnel are authorized to depress the fingerprints and/or thumbprints of Michael F. McClain onto the Touch ID sensor of the Subject Phone in order to gain access to the contents of that device.

ATTACHMENT A

DESCRIPTION OF PREMISES TO BE SEARCHED

The item to be searched consists of an Apple iPhone cellular telephone bearing International Mobile Subscriber Identity ("IMSI") [REDACTED] and telephone number [REDACTED] (the "Subject Phone").

ATTACHMENT B

LIST OF ITEMS TO BE SEIZED

Evidence and instrumentalities concerning violations of Title 18, United States Code, Sections 371, 666, 1343, 1349, 1951 and 1952, but excluding any privileged materials, as follows:

For the period of February 2012 to the present, all of the following:

1. Any and all information and communications with or concerning Michael Madigan and/or any individuals who act on his behalf or at his direction.
2. Any and all information and communications with members of the Board of Directors, officers, employees, consultants, contractors, lobbyists, and agents or representatives of Exelon Corporation ("Exelon") and/or Commonwealth Edison Company ("ComEd"), as well as their subsidiaries and affiliated business entities, including, but not limited to, [REDACTED], Anne Pramaggiore, John T. Hooker, [REDACTED], [REDACTED], Fidel Marquez, Jr., and [REDACTED]
3. Any and all information and communications related to the provision by Michael F. McClain of consulting, lobbying or other services to Exelon or ComEd, including, but not limited to, information and communications related to financial compensation for any such services.
4. Any and all information and communications related to Exelon's and ComEd's strategy, intent or position with respect to proposed or pending legislation in the State of Illinois.
5. Any and all information relating to, and communications with, members of the Illinois General Assembly, past or current, concerning the business or affairs of Exelon and ComEd, as well as their subsidiaries and affiliated business entities.
6. Any and all information and communications related to the appointment of [REDACTED] to the ComEd Board of Directors, including, but not limited to, information and communications related to options to the appointment of [REDACTED] as well as any impact (e.g., financial,

legislative, political or otherwise) that might result from a failure to appoint [REDACTED] to the ComEd Board of Directors.

7. Any and all information and communications with Jay D. Doherty, [REDACTED] as well as the employees, officers or agents of Jay D. Doherty & Associates, Incorporated ("JDDA"), [REDACTED]
8. Any and all information and communications related to the provision of payments made by Exelon or ComEd to individuals or businesses (including, but not limited to, [REDACTED] by or through any third party serving as an intermediary, including, but not limited to, Michael F. McClain; [REDACTED]; Jay D. Doherty; JDDA; [REDACTED]
9. Any and all information and communications with [REDACTED]
10. Any and all information and communications related to payments made to [REDACTED] by the following individuals and entities: [REDACTED]
11. Any and all information and communications with [REDACTED] related to, or concerning, the hiring or payment of individuals at the direction of Michael McClain or Michael Madigan.
12. Any and all information and communications with members of the Board of Directors, officers, employees, consultants, contractors, lobbyists, and agents or representatives of [REDACTED] as well as their subsidiaries and affiliated business entities.
13. Any and all information and communications related to the provision of payments made by [REDACTED] to individuals or businesses, either directly or through a third party serving as an intermediary.
14. Any and all information and communications relating to work history, work location, planning and scheduling.

15. Any and all information and communications concerning the names, addresses, telephone numbers, including any number directory or log stored in the memory of the phone, email addresses, and other contact or identification information of participants involved in the activities described in the above paragraphs.
16. Images, photographs, video recordings, or audio recordings relating to the activities described in the above paragraphs, or depicting the user of the Subject Phone and any other person involved in or knowledgeable about the activities described in the above paragraphs, or depicting locations at which the above activities occurred or were committed.
17. Location information for the Subject Phone, including GPS coordinates, location information embedded in images and videos, map searches, and requests for directions.
18. Passwords, encryption keys, and other access devices that may be necessary to access the Subject Phone.

Law enforcement personnel are authorized to depress the fingerprints and/or thumbprints of Michael F. McClain onto the Touch ID sensor of the Subject Phone in order to gain access to the contents of that device.

UNITED STATES DISTRICT COURT)
)
 CENTRAL DISTRICT OF ILLINOIS)

AFFIDAVIT

I, Edward W. McNamara, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so employed since approximately 1992. I am currently assigned to the Chicago Field Office.

2. As part of my duties as an FBI Special Agent, I investigate various types of federal criminal offenses, including public corruption offenses. During the course of these investigations, I have used, and am familiar with, numerous investigative techniques, including, but not limited to, the following: (a) the collection and review of relevant records (including financial records); (b) physical surveillance; (c) various forms of electronic surveillance (including the court-authorized Title III interception of wire communications); (d) the debriefing of individuals with relevant information (including informants, witnesses, defendants and others); and (e) the execution of search warrants. I have further been involved in the preparation of affidavits for search warrants and applications for court orders authorizing the interception of wire communications. I have participated in the execution of numerous search warrants and the court-authorized interception of wire communications.

3. This affidavit is made in support of an application for a warrant to search the Apple iPhone cellular telephone bearing International Mobile Subscriber Identity ("IMSI") [REDACTED] and telephone number [REDACTED] as

described further in Attachment A (referred to herein as the “**Subject Phone**” or the “**McClain Phone**”), for evidence and instrumentalities, as described further in Attachment B, concerning offenses that include, but are not necessarily limited to, conspiracy, in violation of 18 U.S.C. § 371, bribery and gratuities concerning programs receiving federal funds, in violation of 18 U.S.C. § 666, wire fraud, in violation of 18 U.S.C. § 1343, attempted wire fraud and conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349, attempted extortion and conspiracy to commit extortion, in violation of 18 U.S.C. § 1951, and the use of interstate facilities to promote and carry on unlawful activity, in violation of 18 U.S.C. § 1952 (collectively, the “**Subject Offenses**”).

4. The statements in this affidavit are based on my personal knowledge, and on information I have received from other law enforcement personnel and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purpose of securing search warrants, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to believe that evidence and instrumentalities of violations of the **Subject Offenses** are located within the **Subject Phone**.

5. At various points in the affidavit, I summarize conversations between various individuals, particularly with respect to [REDACTED]. These summaries do not include references to all the topics discussed during the

course of the conversations, and do not necessarily include references to all statements made by the speakers about the topics that are mentioned. Quoted statements in these summaries are based upon draft (and not final) transcriptions of recorded statements. In some of these summaries, I offer interpretations of certain statements made by persons in these conversations. Those interpretations are set forth in brackets or otherwise indicated as such. The interpretations of the statements made during these conversations and/or meetings are based on my knowledge of the investigation to date, the content and context of the conversations, my review of prior and subsequent conversations, and information provided by cooperating individuals, as well as my conversations with other law enforcement officers and agents. In these summaries, I identify the individuals speaking during the conversations. Some of those voice identifications are preliminary.

I. SUMMARY

6. The FBI's Chicago Field Office has been conducting a wide-ranging public corruption investigation involving multiple subjects. Two of the present subjects of the investigation are Michael J. Madigan ("Madigan"), who is Speaker of the House of Representatives in the Illinois General Assembly, and Michael F. McClain ("McClain"), a retired attorney/lobbyist who has described himself as a "surrogate" of Madigan and communicates Madigan's wishes to others on Madigan's behalf.

7. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. [REDACTED] and the other evidence gathered during the course of the investigation, as set forth below, establish probable cause to believe that Madigan, working through McClain, has made financial demands from third parties, who have complied with these demands with the expectation that Madigan will take official action favorable to those third parties and/or as a reward for past official action taken by Madigan that was favorable to those parties. In particular, the evidence establishes the following:

a. Madigan, working through McClain, has asked Commonwealth Edison Company ("ComEd") and its parent company, Exelon Corporation ("Exelon"), to appoint an individual named [REDACTED] to the ComEd Board of Directors. At the time of the request, [REDACTED] was an associate of [REDACTED]. [REDACTED] Through the effort of various ComEd and Exelon employees, including ComEd's former Chief Executive Officer Anne R. Pramaggiore ("Pramaggiore"), [REDACTED] became a member of the ComEd Board of Directors in or around April 2019.

b. Madigan, working through McClain, has asked ComEd and Exelon to make payments to several Madigan associates, namely, [REDACTED].

[REDACTED]

██████████ ComEd and Exelon have made payments to some of these Madigan associates for several years. The payments to ██████████ ██████████ have not been made in exchange for work that ComEd or Exelon solicited and, in fact, these individuals do little or no useful work for ComEd or Exelon. ComEd and Exelon have agreed with Madigan and McClain to make these payments through third parties, including at least the following:

(1) Jay D. Doherty & Associates, Incorporated ("JDDA"), a firm owned operated and controlled by lobbyist Jay D. Doherty;

(2) ██████████, a lobbying firm owned, operated and controlled by ██████████ a lobbyist and former Madigan staffer and campaign operative; and

(3) the ██████████, a law firm that is owned, operated and controlled by former Illinois legislator and lobbyist ██████████.

The evidence developed to date establishes probable cause to believe that these payments are made through JDDA, ██████████ ██████████ because Madigan and McClain, as well as certain officials at ComEd and Exelon, are aware of the illegal nature of these payments and utilize these third parties to misrepresent and conceal the true source and purpose of these payments.

c. [REDACTED]

[REDACTED] Madigan, working through McClain, has solicited multiple registered Illinois lobbyists to make monthly payments to [REDACTED] following [REDACTED]. The payments to [REDACTED] have not been made in exchange for work that any of the lobbyists solicited and, in fact, there is reasonable cause to believe that [REDACTED] has done little or no useful work for the lobbyists. To conceal the illegal nature of the arrangement, McClain has indicated that paperwork will be created to make the payments appear as if they were made in return for real work.

9. The government believes that evidence of the **Subject Offenses** will be located within the **Subject Phone**.

II. **FACTS ESTABLISHING PROBABLE CAUSE TO SEARCH THE SUBJECT PHONE**

A. Backgrounds of Madigan and McClain

10. Public records reflect that Madigan is a member of the Illinois House of Representatives and occupies the position of Speaker of the Illinois House of Representatives. Madigan also maintains a private law practice; in particular, he is a partner of the law firm Madigan & Getzendanner in Chicago, Illinois. A website for Madigan's private law firm contains a profile of Madigan. That profile (last accessed on May 1, 2019) includes the following biographical information: "Mr. Madigan is currently the Speaker of the Illinois House of Representatives, a position he has held

for 30 years, making him the longest serving Speaker in Illinois history and the longest serving State Speaker in the Nation.”

11. The publicly accessible website maintained by the Attorney Registration and Disciplinary Commission (“ARDC”) (last accessed on May 1, 2019) indicates that McClain first became licensed to practice law in the State of Illinois in 1977. The ARDC website also identifies McClain’s registration status as “retired” and indicates that he was last registered to practice law in Illinois in 2016. The Illinois Secretary of State (“ISOS”) maintains a publicly available website that allows users to identify, through a name search, the years for which a person or entity was registered as a lobbyist in the State of Illinois. A search of the ISOS website on May 1, 2019, indicates that the firm [REDACTED] (the “McClain Law Firm”), was a registered lobbyist in Illinois from 2000 through and including 2016; there was no registration record for McClain for years 2017, 2018 or 2019. For each of the years of registration, McClain is identified as the authorized agent and the exclusive lobbyist for the McClain Law Firm. ComEd is listed as a lobbying client of the McClain Law Firm for each registration year from 2007 through 2016.¹ Exelon is listed as a lobbying client of the McClain Law Firm in the registrations for 2014 through 2016. Further, for each of the years 2006 through 2016, the McClain Law Firm lobbyist registration indicates that the McClain Law Firm intends to lobby the Executive Branch, Legislative

¹ ComEd was listed as a lobbying client in 2003, and “ComEd Energy Supply” was listed as a lobbying client in 2004 and 2005.

Branch and administrative branches of the State of Illinois government, and that the lobbying work included, among other areas, "Public Utilities."² The City of Chicago likewise maintains a publicly available website that allows users to identify, through a name search, the years for which that person was registered as a lobbyist in the City of Chicago. A search of the City of Chicago website on May 1, 2019, indicated that McClain, in his individual capacity, was registered as a lobbyist with the City of Chicago from 2011 through 2013; there was no registration record for McClain for years 2014 through 2019.

12. [REDACTED]

[REDACTED]³

B. On Madigan's behalf, McClain directs ComEd to appoint [REDACTED] to the ComEd Board of Directors and to make payments to multiple Madigan associates.

13. As set forth below, during the course of the court-authorized interception of wire communications, the government developed evidence that McClain, at Madigan's direction, has (a) asked ComEd and Exelon to appoint [REDACTED], an associate of [REDACTED] to the ComEd Board of Directors; and (b) caused ComEd to arrange for Exelon and/or ComEd to make payments to multiple Madigan associates through third-party

² These declarations of lobbying intent were not required prior to 2006.

³ [REDACTED]

intermediaries, namely, JDDA, [REDACTED] (collectively, “the Intermediaries”). These payments are not being made in return for goods or services that ComEd or Exelon solicited. Rather, as the intercepted communications and other evidence establish, ComEd is making these payments for the purpose of influencing Madigan so that he will take official action favorable to ComEd in the future, as well as to reward Madigan for past official action favorable to ComEd.

1. Background Regarding ComEd and Exelon

14. ComEd is a utility that provides electricity to various portions of Illinois, including within the Northern District of Illinois.⁴ ComEd has its headquarters in Chicago. According to public source information, ComEd is an indirectly owned subsidiary of Exelon, a Pennsylvania corporation headquartered in Chicago that is publicly traded on the New York Stock Exchange.⁵ Some of ComEd’s supply activities are regulated by the Illinois Commerce Commission (“ICC”), and the rates that it

⁴ As of May 1, 2019, ComEd’s web page includes the following statement: “The ComEd service territory covers 11,411 square miles in Northern Illinois, stretching from the Wisconsin border to as far south as Pontiac, Ill., and from the Indiana border to the Mississippi River. It covers approximately 70 percent of the population in Illinois and the vast majority of the State’s industrial companies.” This web page may be accessed at: <https://www.comed.com/DoingBusinessWithUs/Pages/RegionalDemographics.aspx>

⁵ An April 26, 2019, ComEd filing with the Securities and Exchange Commission (“SEC”), as further discussed below at paragraph 43, stated as follows: “ComEd is an indirect majority-owned subsidiary of Exelon Corporation (“Exelon”). As of March 31, 2019, ComEd had 127,021,331 shares of Common Stock outstanding, \$12.50 par value (the “ComEd Common Stock”), of which 127,002,904, or over 99%, are owned by Exelon Energy Delivery Company, a wholly-owned subsidiary of Exelon.”

charges customers can be affected by legislation pending in the Illinois General Assembly.⁶

15. Based upon publicly available information and evidence gathered during this investigation, Anne R. Pramaggiore was the Chief Executive Officer of ComEd from approximately February 2012 through approximately May 2018.⁷ According to a Form 8-K filed by Exelon with the SEC on or about May 8, 2018, as well as public media reports, effective June 1, 2018, Pramaggiore became a Senior Executive Vice President of Exelon and the Chief Executive Officer of Exelon Utilities, and assumed responsibility for overseeing six local electric and gas utilities, including ComEd.⁸

⁶ A ComEd website page explaining the options consumers have with respect to suppliers of energy states: “Your energy service is divided into two parts: supply, the cost of the gas and/or electricity, and delivery, transportation of the energy. Delivery is a regulated service which means that ComEd will continue to deliver electricity to all customers. This also means that ComEd is responsible for the wires, poles and outage restoration regardless of supplier. ComEd’s costs and policies are regulated by the Illinois Commerce Commission (ICC).” See <https://www.comed.com/MyAccount/MyService/Pages/EnergySupplyOptions.aspx> (site last visited on May 1, 2019).

⁷ According to publicly available information, Pramaggiore succeeded Frank Clark as CEO of ComEd. Frank Clark’s biography on the Chicago Board of Education’s website reflects that he currently serves as the President of the Chicago Board of Education, that he is the retired chairman and CEO of ComEd, and that he retired from ComEd in February 2012. See <https://www.cpsboe.org/about/bios/13> (last visited May 12, 2019). According to a press release issued by ComEd, Frank Clark was appointed CEO of ComEd in 2005. See <https://www.prnewswire.com/news-releases/comed-chairman-and-ceo-frank-m-clark-announces-retirement-129457873.html> (last visited May 12, 2019).

⁸ According to the ARDC website, Pramaggiore was admitted to the bar in 1989 and is presently authorized to practice law in Illinois. Given her recently concluded executive role at ComEd (and her current executive roles at Exelon and Exelon Utilities), as well as the content of intercepted calls, Pramaggiore is not believed to be actively practicing law.

16. According to public sources, on or about August 1, 2018, Joseph Dominguez became the CEO of ComEd. Prior to being elevated to that position, Dominguez held the position at Exelon of Executive Vice President of Governmental & Regulatory Affairs & Public Policy.

17. Between no later than May 2018 and the present, Fidel Marquez has held the position of Senior Vice President of Governmental and External Affairs at ComEd, and serves as ComEd's Chief Governmental and Community Relations Officer. During the investigation, Marquez used a cellular telephone that has been designated as Target Phone 20 during the course of the investigation.

18. On or about January 16, 2019, the FBI approached Marquez, and Marquez was presented with some of the evidence that has been gathered against him during the course of this investigation. Marquez agreed to cooperate with the government in its ongoing investigation. The government has not made any promises to Marquez in exchange for his cooperation.

2. ComEd's Concern About Pending Legislation

19. Given the highly regulated nature of its business, ComEd carefully monitors legislation pending before the Illinois General Assembly that may impact its business affairs. Indeed, [REDACTED] reflect that, in or about May 2018, individuals associated with ComEd, including Pramaggiore, Marquez and McClain, focused on defeating a bill that had been introduced in the Illinois legislature that they believed was contrary to ComEd's interests. Based on

██████████, the bill has been identified as House Bill 5626, which is summarized as a bill concerning alternative energy rates.⁹

20. For example, on or about May 16, 2018, at approximately 8:53 a.m. (Session #2634), McClain made an outgoing call from the **McClain Phone** to a telephone used by Pramaggiore (hereinafter, the “Pramaggiore Phone”) and spoke with Pramaggiore.¹⁰ During the call, the two discussed preventing House Bill 5626 from being passed. Specifically, McClain said, “Anne, so I’ve told ██████████ maybe five or six times, I’ve told Fidel [Marquez] once, on this Lisa Madigan bill —”¹¹ Pramaggiore said, “Oh, Mike, I know. I know.” McClain said, “We got, we’ve gotta

⁹ The website for the Illinois General Assembly, as of January 9, 2019, indicated that House Bill 5626 was filed with the Clerk of the House of Representatives on February 16, 2018, and remained pending, but had been referred to the Rules Committee of the House of Representatives. A synopsis of the bill indicated that it was intended to amend the law with respect to the obligations imposed upon “alternative retail electric suppliers.” A search of the Illinois General Assembly website as of May 1, 2019, indicated that, on January 8, 2019, the bill was “Session Sine Die,” which I understand to mean that, as a result of the swearing in of the new General Assembly in January 2019, the bill has been indefinitely suspended with no further action planned.

¹⁰ The voices of McClain and Pramaggiore were identified in multiple ways. McClain is the subscriber of the **McClain Phone** and has self-identified by the name “Mike” while using the **McClain Phone**. Recorded in-person conversations between McClain and Marquez further verify that McClain was the user of the **McClain Phone**. Pramaggiore is the subscriber of the Pramaggiore Phone and, ██████████ has self-identified as “Anne.” The nature of the matters discussed (particularly business matters affecting ComEd and Exelon, as well as Pramaggiore’s promotion to her current position) confirms that Pramaggiore is the user of the Pramaggiore Phone. Marquez has confirmed that McClain and Pramaggiore are the users of these phones and has communicated with each of them using those numbers since he began cooperating with the government. Further, I can recognize McClain’s voice from having interviewed him in the past.

¹¹ ██████████ it appears that former Illinois Attorney General Lisa Madigan was a supporter of House Bill 5626. Lisa Madigan is Michael Madigan’s daughter. Based on other ██████████ I believe that McClain’s reference to “██████████”

kill it. Period.”¹² Pramaggiore said, “Yes, yes.” McClain said, “And the problem is, any day now, the budget’s gonna suck all the oxygen out of the building.” Pramaggiore said, “Yep.” McClain said, “And the members won’t be paying any attention to our lobbyists because they’ll be thinking about, and Lisa Madigan’s gonna walk in and say, “This is my legacy legislation, please vote for me.” Pramaggiore said, “Yep. Yep, no, I could not believe when I heard this morning that we weren’t doing that because I can’t tell you how many times I’ve talked to Fidel [Marquez]. So, I’m calling Fidel, I had to jump on an 8:30 call and I just got off the phone with John.”¹³ I’m gonna call

is to [REDACTED] another ComEd employee who, according to his LinkedIn webpage, is a Vice President of Government Affairs at ComEd.

¹² As noted above, McClain is not presently registered as a lobbyist with the State of Illinois or the City of Chicago, and he is no longer authorized to practice law in the State of Illinois. Despite his retirement from the practice of law and as a registered lobbyist, McClain has continued to serve as a compensated consultant to ComEd. [REDACTED]

[REDACTED] McClain told a third party: “I still do, I do a little consulting for ComEd, and, um, and um, I do a lot of assignments for the Speaker [Madigan].” Under the terms of McClain’s consulting contract for calendar year 2019, he is to be reimbursed approximately \$180,000 for his consulting services.

¹³ Based upon the evidence in this case, including the call summarized in the next paragraph, I believe that Pramaggiore’s reference to “John” was to John T. Hooker (“Hooker”). According to public source information, at the time of his retirement from ComEd in or around February 2012, Hooker was ComEd’s Executive Vice President of Legislative and External Affairs. A ComEd press release of his retirement stated: “Hooker is responsible for managing all state legislative initiatives for the company, as well as developing and maintaining strategic relationships with key state stakeholders and large customers. His retirement will cap a 44-year career that started in ComEd’s mailroom in 1967, followed by key management positions in a number of business units within the company, including industrial relations, marketing, regulatory affairs and governmental affairs.” According to the ISOS lobbyist registration website, Hooker, in his individual capacity, has been a registered lobbyist for ComEd from 2012 through 2014 (as a client) and 2016 through 2019 (as a sub-client). For 2015, Hooker was registered as a lobbyist for the McClain Law Firm; for 2016, Hooker identified the McClain Law Firm as his sole lobbying client, with ComEd as a sub-client. As further described below, evidence gathered during the investigation establishes that Hooker

Fidel. I'm gonna call [REDACTED] and I'm gonna say, "[REDACTED] if this bill passes, you're probably gonna have to fight for your life here at ComEd 'cause I'm out and there's nothing more than [REDACTED] would like as to come in and completely replace you guys with his people."

21. On or about May 18, 2018, at approximately 1:12 p.m. (Session #2806), McClain made an outgoing call from the McClain Phone to a telephone number used by Marquez (not Target Phone 20). During the call, McClain urged Marquez to take steps to defeat House Bill 5626. Specifically, an automated greeting message said, "This is Fidel Marquez at ComEd, I'm unable to take your call at this time. Please leave your name, number and a short message, and I'll return your call as soon as possible." McClain left the following message for Marquez: "Hey [REDACTED], this is Mike McClain. I just sent an emergency email to Anne, Fidel, [REDACTED] and John Hooker. Will you look it up on his computer and print it out? And, uh, as soon as he gets to the office, give it to him, or maybe even, uh, you get ahold of him and tell him, this Lisa Madigan bill [House Bill 5626] has substantial legs. So, uh, thank you very much, sorry to trouble you, but I think is important enough to do that."¹⁴

and McClain played a role in structuring the manner in which the Madigan associates are paid by ComEd through the Intermediaries.

¹⁴ [REDACTED] law enforcement has identified the name of Marquez' assistant at ComEd, who occasionally relayed messages to Marquez by phone when Marquez was away from his office. The nickname "[REDACTED]" is consistent with common nicknames for the first name of Marquez' assistant, which is "[REDACTED]"

22. On or about May 21, 2018, at approximately 9:14 a.m. (Session #2952), McClain received an incoming call on the **McClain Phone** from a phone number used by Hooker (hereinafter, the “Hooker Phone”) and spoke with Hooker.¹⁵ During the call, the men discussed plans to prevent the passage of legislation unfavorable to ComEd. Specifically, Hooker informed McClain that he would be traveling to Springfield, Illinois, to assist ComEd personnel in defeating House Bill 5626: “I met on the phone with Anne and Fidel on the phone this morning. So they want, Anne basically wants me to go to Springfield with Fidel.” McClain asked, “Really?” Hooker said, “And I’m gonna do it tomorrow.” McClain said, “Uh-huh. Okay.”

23. I believe that the foregoing calls establish that ComEd carefully monitors pending legislation that may affect its business interests and, therefore, has a motivation to provide private benefits to Illinois legislators in exchange for having those legislators take official action in a manner favorable to ComEd or Exelon (such as by sponsoring legislation, using their committee power to advance or stall pending legislation, and/or casting a vote for or against pending legislation).

24. During the course of his cooperation, Marquez has informed agents that ComEd actively tracks pending legislation in the Illinois General Assembly. In particular, during a debriefing on April 23, 2019, Marquez stated ComEd’s legal team reviews every bill filed in the Illinois General Assembly to see if they may impact

¹⁵ The phone number is subscribed to John T. Hooker, and the user of the phone has self-identified as “John” and “John Hooker” in multiple calls. Further, since cooperating with law enforcement, Marquez has communicated with Hooker by calling this number.

ComEd's interests. Marquez further stated that, of the approximately 3,500 bills filed per legislative session, ComEd watches one to two dozen of those bills closely, and the company keeps tabs on another approximately 50 bills. Marquez further stated that, if ComEd opposes a bill, he contacts McClain and asks McClain whether Madigan would care if Marquez took steps to defeat the bill. Marquez stated that he took these same steps in 2018 in reaction to a bill that ComEd opposed but which was supported by then-Attorney General Lisa Madigan. Marquez stated that ComEd successfully "took the gloves off" to oppose that bill.

25. During an initial debriefing on January 16, 2019, Marquez stated that ComEd is responsive to the requests of politicians, including the hiring of political associates as sub-contractors (as in the case of [REDACTED]), and that ComEd does so to "maintain relations" with the politicians. Marquez stated the he did not believe that it was right to do so, but that was the way things are done in Illinois. Marquez stated that Pramaggiore never explained in detail the reason why honoring the hiring requests from Madigan were important; however, Marquez understood that ComEd derived a benefit in terms of legislation. Marquez further stated that, in early 2012, Hooker made Marquez aware that McClain was the main conduit to Madigan.

26. In a debriefing on or about March 22, 2019, Marquez stated that, during the early 2000s, the relationship between ComEd and Madigan was not positive and that Madigan, having perceived ComEd as having been dishonest with Madigan

concerning a bill that would have allowed ComEd to purchase another utility (Illinois Power Company), refused to interact with ComEd. Thereafter, the bill did not pass.¹⁶ However, this relationship began to improve during the time that John Hooker served as ComEd's Executive Vice President of Legislative and Government Affairs. Marquez took over Hooker's position after Hooker's 2012 retirement. With respect to Madigan, Marquez said that he long ago learned that it was important to ComEd that it not draw the ire of Madigan, given that Madigan, in his position as Majority Leader of the House of Representatives, had the power to control legislation in the General Assembly. Marquez also stated that Madigan was not doing any "lifting" during the present legislative session, meaning that Madigan was not directing other legislators how to vote on particular pending bills. Marquez has also stated that he supervises the donation of money from ComEd's political action committee ("PAC") funds, and that Exelon likewise maintains its own PAC funds.

27. In another debriefing on or about April 23, 2019, Marquez stated that ComEd's relationship with Madigan has been good the past seven years, primarily due to the efforts of Pramaggiore and Hooker. Marquez further stated that he has not contacted McClain to ask Madigan to "kill" a bill. Marquez was not aware of any action by Madigan to defeat or advance a bill ComEd either opposed or supported, respectively. Marquez knew of no "obvious" influence by Madigan to defeat a bill.

¹⁶ A 2003 article in the Illinois Times recites this history. See <https://illinoistimes.com/article-634-the-circuit-breaker.html>

28. Publicly available information from the Illinois State Board of Elections indicates that the political organization "Friends of Michael Madigan," which supports the re-election of Madigan to the Illinois House of Representatives, has received donations since 2009 from the following:

Year	Date – Amount (Source of Donation)
2009	07/27/2009 - \$10,000 (ComEd PAC) 11/20/2009 - \$10,000 (ComEd PAC) 11/20/2009 - \$5,000 (██████████ Mngr. Public Affairs, Exelon) 12/07/2009 - \$10,000 (ComEd PAC) 12/15/2009 - \$2,000 (ComEd PAC)
2010	06/25/2009 - \$15,000 (ComEd PAC) 10/06/2010 - \$10,000 (ComEd PAC) 10/13/2010 - \$1,000 (Exelon PAC) 10/16/2010 - \$4,000 (Exelon PAC)
2012	11/28/2012 - \$1,000 (██████████ H.R. Director, Exelon) 11/28/2012 - \$750 (██████████, V.P. at ComEd) 11/28/2012 - \$750 (██████████, V.P. External Affairs, ComEd) 11/28/2012 - \$1,500 (Fidel Marquez Jr. – Senior V.P., ComEd) 11/28/2012 - \$1,000 (██████████ – Senior V.P., ComEd) 11/28/2012 - \$1,000 (Anne Pramaggiore, Exec. at ComEd) 12/31/12 - \$5,000 (ComEd)
2013	10/13/2013 - \$5,000 (Exelon Generation Company, LLC) 11/21/2013 - \$1,000 (██████████ Ind. Director, ComEd) 11/21/2013 - \$500 (██████████, Exec. at ComEd) 11/21/2013 - \$1,000 (██████████, Exec. at ComEd) 12/13/13 - \$5,000 Exelon Generation Company, LLC) 12/27/13 - \$5,000 (ComEd)

Year	Date – Amount (Source of Donation)
2014	09/26/2014 - \$5,000 (Exelon Generation Company, LLC) 10/16/2014 - \$5,500 (Exelon Generation Company, LLC) 11/24/2014 - \$2,500 (Anne Pramaggiore, Exec. at ComEd) 11/24/2014 - \$2,000 (Fidel Marquez Jr. – Senior V.P., ComEd) 11/24/14 - \$10,000 (ComEd)
2015 ¹⁷	11/25/15 - \$500 (ComEd) 12/23/15 - \$500 (ComEd)
2016	01/28/2016 - \$10,500 (Exelon Generation Company, LLC) 03/09/2016 - \$10,500 (Exelon Generation Company, LLC) 03/14/2016 - \$15,000 (ComEd) 10/17/2016 - \$10,800 (ComEd) 11/09/2016 - \$300 (Exelon Generation Company, LLC) 11/17/2016 - \$10,800 (ComEd PAC)
2017	11/21/2017 - \$11,100 (Exelon Generation Company, LLC) 11/21/17 - \$11,100 (ComEd) 12/05/2017 - \$11,100 (ComEd PAC)
2018	09/18/18 - \$5,000 (Exelon Generation Company, LLC) 10/04/18 - \$11,100 (Exelon Generation Company, LLC) 10/04/18 - \$11,100 (ComEd)

3. Appointment of [REDACTED] to the ComEd Board of Directors

29. As discussed below, there is probable cause to believe that Pramaggiore and Marquez, at Madigan's direction through McClain, have sought to have an individual named [REDACTED] appointed to ComEd's Board of Directors. Based on

¹⁷ According to an Exelon political contributions report, Exelon Generation also donated \$10,500 to Representative Michael J. Madigan in 2015.

publicly available information and [REDACTED] discussed below, [REDACTED] is believed to be associated with [REDACTED] 18

30. On or about May 2, 2018, at approximately 11:02 a.m. (Session #1648), McClain received an incoming call on the **McClain Phone** from a telephone number used by Madigan. During the call, McClain and Madigan discussed the appointment of [REDACTED] to the ComEd Board of Directors.¹⁹ Specifically, McClain said, “Hey Speaker how are you?” Madigan said, “I’m good, I’m good Mike. How are you?” McClain said, “Good, good.” Madigan said, “Can you talk, Mike?” McClain said, “I can, I’m in the car, but I have headphones on and there is no one else in the car.” Madigan said, “Okay, uh, you left some notes for me last night and one of them was concerned with [REDACTED]” McClain said, “Yes, so they’ve got just a little bit of push back, I guess [REDACTED] has had some financial problems in the past and stuff like that and then there’s

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¹⁹ Madigan’s voice was identified by multiple pieces of information, including identification on calls as “Speaker” and known recordings of Madigan’s voice from publicly available recordings.

some guys that are doing the due diligence wanting to know if [REDACTED] would like to come back on the board, and so Anne [Pramaggiore] asked me to talk to you about, a board member gets paid seventy-eight grand a year, is it important to you for [REDACTED] to be on the board? And if it is, she'll keep pushing, and if it's not, you're just trying to help him out, then she'll try to find something that would compensate him equally with that."²⁰ Madigan asked, "What would that mean, Mike?" McClain answered, "I don't know and she didn't know, but she said she'd find something. Not a full-time job, it would not be a full-time job." Madigan said, "And Mike, a board member gets paid how much?" McClain said, "Seventy-eight thousand." Madigan laughed, and said, "Maybe I'll take the appointment." McClain laughed, and said, "You know it's sort of like [REDACTED] [REDACTED] you know, I mean, he's making more money now than he'd ever make in his life and his hand still shakes when he writes a check [laughs]. In his mind he's still poor." Madigan said, "Yeah. Mike, I would suggest that we continue to support [REDACTED]" McClain said, "Okay." Madigan said, "Um, but keep me advised as to how much push back there is." McClain said, "Right, I will. She says it's none from her and none from [REDACTED], it's just, uh you know, the second and third tier people, right."

²⁰ According to public filings with the SEC, as confirmed by Marquez to agents, [REDACTED] had previously served on the ComEd Board of Directors, which explains McClain's reference to having [REDACTED] the ComEd Board of Directors.

31. On or about May 16, 2018, at approximately 10:20 a.m. (Session #2657), McClain received an incoming call on the **McClain Phone** from a telephone number used by Madigan. During the call, the men discussed the appointment of [REDACTED] to ComEd's Board of Directors, and the prospect of [REDACTED] becoming the CEO of ComEd. Madigan said, "There's a request from [REDACTED] to see me." McClain said, "Uh huh." Madigan said, "And I suspect that may relate to [REDACTED]" McClain said, "Okay." Madigan asked, "Do you know anything further on that?" McClain said, "I'm seeing Anne [Pramaggiore] tomorrow morning." Madigan said, "Okay." McClain said, "So I'll know better tomorrow." Madigan said, "Alright and Mike, my recommendation is, go forward with [REDACTED] so if the only complaint about [REDACTED] is that he suffers from bankruptcy twice, so did Harry Truman." McClain said, "Right." Madigan said, "You know, and then are you going to talk to her about [REDACTED]?" McClain said, "I did today. I had a long conversation. I thought I better move on that after our conversation Monday." Later in the conversation, McClain said, "For her [Pramaggiore] to go to [REDACTED] and say 'This is going to be a terrible thing for ComEd.'" Madigan said, "Would part of the explanation be the reputation of [REDACTED] around here?" McClain said, "Right, that he's not trustworthy. His word is no good, so . . ." Later in the conversation, Madigan asked, "And ah, when you're with Anne, you're talking about [REDACTED]" McClain said, "[REDACTED]" Madigan said, "[REDACTED]" McClain said, "And

██████████ Those are the three.”²¹ Madigan said, “Okay. Alright. I think that’s all I got, Mike.” I believe this call demonstrates that Madigan directs McClain to solicit or extort from ComEd private benefits for Madigan’s associates, including ██████████

32. On or about May 16, 2018, at approximately 11:06 a.m (Session #2664), McClain made an outgoing call from the **McClain Phone** to the Pramaggiore Phone and spoke with Pramaggiore. During the call, Pramaggiore and McClain discussed the appointment of ██████████ to the ComEd Board of Directors. McClain said, “And uh, I talked to him about ██████████.” Pramaggiore said, “Yes.” McClain said, “And he would appreciate it if you would keep pressing.” [McClain advised Pramaggiore that Madigan wanted her to continue pushing for ██████████ appointment to the ComEd Board of Directors.] Pramaggiore said, “Okay. Got it. I will keep pressing.” McClain said, “Okay.”

33. On or about July 17, 2018, at approximately 8:52 a.m. (Session #8429), McClain placed an outgoing call from the **McClain Phone** to a telephone used by Pramaggiore. During the call, McClain and Pramaggiore discussed Pramaggiore’s efforts to have ██████████ appointed to the ComEd Board of Directors, as requested by Madigan. Specifically, Pramaggiore said: “Hey, the reason I called was, I, um, so I talked to ██████████ yesterday and, um, we’re moving forward

²¹ ██████████ McClain explained to Pramaggiore that ██████████, who had already been announced as her replacement as CEO of ComEd effective August 1, 2018, was not favored by Madigan to take that position.

with [REDACTED]. So, that's a positive, um what he asked me to do, and I talked to [REDACTED] yesterday, late afternoon. But, I think what we're going to do is, um, I'm just gonna confirm that you know that this can be communicated to [REDACTED]. [REDACTED] wanted me to set up a dinner for [REDACTED] and [REDACTED]. So, I'm gonna put that in motion, um, but I'm gonna check with [REDACTED] today and just get the protocol for, you know, who oughta be calling [REDACTED] to let him know. Then I'll set up the dinner with [REDACTED] and we'll sort of put the program together, the process together, that how, timing wise, when he comes on and that sort of thing. So, we have a board meeting Thursday so it's probably next quarter when, you know, would be his first meeting. Which gives us plenty of time to get him, you know sittin' down with [REDACTED]" McClain said: "So, is this um, formal enough that I can tell our friend [Madigan] or do you want me to hold off?"²² Pramaggiore said: "Yes." McClain said: "Oh, okay." Pramaggiore said, "Yep, you can tell him, yep." McClain said: "Thank you, I will." [McClain told Pramaggiore that he would tell Madigan about ComEd moving forward with [REDACTED] appointment to the ComEd Board of Directors.] Pramaggiore said,

²² On or about August 13, 2018, at approximately 3:30 p.m. (Session #11092), McClain engaged in a conference call with two individuals named [REDACTED] and [REDACTED]. During the call, McClain stated, "[REDACTED] [REDACTED] already knows this. But, I generally never refer to the Speaker. I just say 'our friend.'" [REDACTED] said, "Sure." [REDACTED] said, "Okay." [REDACTED] then related a story about a ComEd employee who was presumably fired after a relative of Madigan's overheard the ComEd employee repeatedly referring to Madigan as "the Speaker" in a public place. McClain continued, "And so, um, if you just say 'our friend,' no one really knows what we're talking about, so, so, that's the way I'm gonna talk, if that's okay." [REDACTED] responded, "Our friend is a great person, so . . ."

"Yeah, yep. So . . . Yeah, that one was a little, you know, took a little bit, but um, yeah. We're all good." McClain said: "It's interesting, how long some things take. Isn't it Anne?" Pramaggiore said: "Yeah. Well and you know it's interesting, you know I'm getting a little more of a read on the culture and psyche of the Exelon corporate world, which is very different than ComEd. But you kind of have to cut through it. One of the things that's going to be very helpful I think, is I'm a door down from [REDACTED] . . . And I have much more access than I had before, because, you know, like any organization would do, things get filtered to [REDACTED] . . . And the people who are controlling. And [REDACTED] gets it."

34. On or about July 17, 2018, at approximately 10:31 a.m. (Session #8447), McClain placed an outgoing call from the **McClain Phone** to a telephone number used by Madigan. During the call, McClain and Madigan discussed the appointment of [REDACTED] to the ComEd Board of Directors. Specifically, McClain said: "Speaker, [REDACTED]" Madigan responded, "Yeah." McClain said: "You may call him." Madigan said, "So that's gonna happen?" McClain said, "Yep, so [REDACTED] told Anne [Pramaggiore] yesterday and Anne called me this morning." Madigan said, "Very good." McClain said, "And I made it clear that, 'So our friend should now call [REDACTED]?' She said, 'Yes.'" Madigan said, "Okay, I'll probably call [REDACTED]" McClain said, "Okay." Madigan said, "Tell him first." McClain said, "Sure." Madigan said, "I mean, he's the reason I would talk to [REDACTED]" McClain said: "Sure." Madigan stated, "When I thought he was [REDACTED]"

[Madigan indicated that he wanted to curry favor with ██████████ by making an effort to have ██████████ appointed to the ComEd Board of Directors, but Madigan has since learned that ██████████ ██████████ McClain laughed and said, "Exactly, can I give you just a little bit of meat around it?" Madigan said, "Yeah." McClain said, "So he will, ██████████ ██████████ asked Anne to set up a dinner so that he ██████████ can have dinner with ██████████ ██████████ Which makes sense." Madigan said, "Uh huh." McClain said, "And they have a Board meeting this Thursday so he ██████████ would not be at that Board meeting, but the next quarter Board meeting he would be at." Madigan said, "Uh huh, okay." McClain said, "So they're quarterly board meetings." Madigan responded, "Okay, very good." McClain said, "That way you've got a little bit more information for him than just—" Madigan said, "Uh huh, uh huh." McClain continued, "And they'll work with him how to roll it out and all that so—" Madigan said, "Sure, alright so there's a Board meeting on Thursday, but he won't be in place for that." McClain said, "Right." Madigan said, "But he will be for the next one. Okay." McClain stated, "Right." Madigan stated, "Very good, I'll call ██████████ right now." McClain said, "Okay." Madigan said, "Okay, thank you."

35. ██████████
██████████

[REDACTED]

[REDACTED] 23

36. On or about July 17, 2018, at approximately 9:04 p.m. (Session #11986), Marquez received an incoming call on Target Phone 20 from the Pramaggiore Phone and spoke with Pramaggiore. During the call, Marquez and Pramaggiore discussed Pramaggiore's efforts to get [REDACTED] appointed to the ComEd Board of Directors. Specifically, Pramaggiore said, "Oh, so [REDACTED], I got that done." Marquez said: "So is [REDACTED] gonna be the guy?" Pramaggiore said, "Yeah." Marquez said, "What's going on with [REDACTED]?" Pramaggiore said, "I don't know. I don't know. I didn't, you know --" Marquez stated, "Well, Anne that should be huge for the Speaker [Madigan] then." Pramaggiore responded, "Yeah." Marquez stated, "That's huge. That's huge." Pramaggiore replied, "Yeah, so I, that's the reason I was talking to McClain this morning. I told him, you know, that that was a done deal, so we've got . . . so, I just, you know, it's not public right now, Fidel, just so you know but --" Marquez said, "Sure, no, I know."

37. On or about August 14, 2018, at approximately 12:25 p.m. (Session #20471), Marquez placed an outgoing call from Target Phone 20 to a telephone number used by an individual believed to be Marquez's personal assistant at ComEd. During the call, Marquez and the individual discussed scheduling a dinner with [REDACTED]. Specifically, the individual stated, "And then there's also, I got a note from

[REDACTED]

23 [REDACTED]

██████████ on ██████████” Marquez responded, “Yeah? What about him?” The individual stated, “I guess Anne [Pramaggiore] was wondering if you were going to have dinner with him and ██████████?” Marquez stated, “Okay.” The individual asked, “So do you want me to set that up?” Marquez stated, “You know, ██████████ had told me to hold off . . . on ██████████.” The individual stated, “Alright.” Marquez stated, “But I, I uh, I’ll send, I’ll send Anne [Pramaggiore] a note.” The individual stated, “Okay, alright.” Marquez continued, “On that, because that’s important.”

38. On or about September 7, 2018, at approximately 3:17 p.m. (Session #13095), McClain received an incoming call on the **McClain Phone** from a telephone number used by Madigan. During the call, McClain and Madigan discussed the appointment of ██████████ to the ComEd Board of Directors. Specifically, Madigan asked, “Mike, are we for certain that ██████████ is on the board?” McClain said, “Ah, I can call Anne [Pramaggiore] but I mean that’s what she said. Why? Have, have you heard some information that that’s . . .” Madigan said, “No, I haven’t, I haven’t heard anything different. I just kept a note here.” McClain said, “Yeah. Well, let me call Anne’s secretary, ‘cause I think she’s traveling today, and make sure that that happened.” Madigan said, “Okay, yeah.”

39. On or about September 7, 2018, at approximately 5:01 p.m. (Session #13111), McClain, using the **McClain Phone**, engaged in a telephone call with

Pramaggiore.²⁴ During the call, McClain and Pramaggiore discussed the appointment of ██████ to the ComEd Board of Directors. Specifically, Pramaggiore said, "Um, so, I wanted to respond to your text on ██████ and kinda tell you where it was and I didn't want to put it in writing." McClain said, "Sure." Pramaggiore said, "Um, so, he is not officially on the board, but he, you know, should be. I mean, barring anything like bizarre. Um, basically, you know, what's been happening is, you know, um, you know ██████ ██████ been a little bit of an issue and I finally just went directly to ██████ ██████ and I'm like, 'We need to do this.' And ██████ like, and ██████ was like, 'Okay.' Um, so, he goes, 'Set up a dinner with him ██████ and ██████ and get the ball rolling.' And I said, 'Alright.' So I went to ██████ ██████ who has to, there's some paperwork that needs to be processed through the FERC [Federal Energy Regulatory Commission]. So that's like officially what needs to happen and then there needs to be like an 8-K Filing and you know, so there's a legal process that needs to happen. So, I went to ██████ and I said, 'You know, you need to start working on this 'cause we're bringing him in.' And so then I called him ██████ and I said, 'You know, look, we're very interested in having you on the Board. You know, I need to introduce you to the right people internally and there's some, you know, process that needs to occur, but,

²⁴ ██████

you know, that's the direction we're heading in.' He said, 'Fine.' So then I said. [REDACTED] [REDACTED], you know, you need to grab a dinner with him, and, you know, and kinda get this ball rolling. I'm gonna, you know, hand off into your court.' Well that slowed down for a couple reasons. One was Fidel [Marquez] was out. You know, being sick. And I wanted Fidel to be part of that 'cause I thought that bridge was important, 'cause you know [REDACTED] just doesn't know his way around. He doesn't know the history, he doesn't know, who knows. So that slowed things down, but I think [REDACTED] [REDACTED] was a little bit nervous 'cause he knew [REDACTED] reaction and I'm like, [REDACTED], you just need to do this.' He's like, 'I know, I know, I know.' So they have a dinner with him [REDACTED]. . . . Fidel and [REDACTED]. I think it's next week, and, Monday night maybe. And he's going to, he should, I think he should sort of officially invite him and I think, you know, [REDACTED] is the right person to do that. And then, um again, you gotta process the FERC stuff and so anyway. . . . So it's in the works, but [REDACTED] [REDACTED], like I said, [REDACTED] is signed on. I told him, I'm like [REDACTED] just like,' he's like, 'Yeah, no, it's good, it's good.' You know 'cause [REDACTED] and [REDACTED] were like, 'Well,' you know, so I told [REDACTED] that they were, 'You know, well, he had a, you know.' I don't know, he had a foreclosure or something. I'm like, 'Get over it, you know, just get over it.' So, they have, but I had to push a little, and [REDACTED] got it. [REDACTED] was you know, completely, it just wasn't you know, it wasn't on his radar screen." McClain said, "Sure." Pramaggiore said, "It was and then it fell off and then you know with all these. I mean the changes over here, you know he changed out a CFO and he changed out

40. On or about February 12, 2019, at approximately 4:16 p.m. (Session #19623), McClain placed an outgoing call from the McClain Phone to the Pramaggiore Phone, and spoke with Pramaggiore. During the call, McClain and Pramaggiore discussed the appointment of [REDACTED] to the ComEd Board of Directors. Specifically, Pramaggiore said, "Well, the reason I'm calling . . . I thought you would want to know. I just got off the phone with [REDACTED] we are moving forward with [REDACTED] now that we've gone through the ComEd Board and we did the age limit change and announced it to the Board, and we are moving forward so he's good with moving forward with [REDACTED]. So I am going to call [REDACTED]. I'll probably try to do it before I jump on this next call, and if not, I'll call right afterwards and tell him he can work with [REDACTED] [REDACTED] and get that ball rolling. And um, he [REDACTED] should call [REDACTED] and tell him, but I wanted you to know first." McClain said, "Good, thanks." Pramaggiore said, "I thought that was important." McClain said, "Yep, so, I'm having, in fact, I'm on my way now to a meeting with our friend [Madigan]." Pramaggiore said, "Oh, okay, good." McClain said, "Can I tell our friend [Madigan] that?" Pramaggiore said, "Yes, you can." McClain said, "Okay." Pramaggiore said, "Yeah, but if you guys keep it to yourselves. [REDACTED] gets real funny about, you know, it coming around any other way, but let [REDACTED] call him, but I think you should tell him [Madigan]." McClain said, "His [Madigan's] instinct would be to call [REDACTED], but you would prefer not, right?" Pramaggiore said,

"Yeah, I would prefer not because then that will be, he will know that I, I kinda gotta let him [REDACTED] handle this." McClain said, "Got it, I understand, unfortunately I understand." Pramaggiore said, "No, it's just not worth, like I said I wanted you to know. I thought you should know, but I kinda gotta let it come from [REDACTED]" McClain said, "Yep, got it."

41. On or about February 19, 2019, at approximately 4:18 p.m. (Session #20344), McClain received an incoming call on the **McClain Phone** from a telephone number used by Madigan. During the call, Madigan and McClain discussed the appointment of [REDACTED] to the ComEd Board of Directors. Specifically, Madigan said, "I think you told me there was going to be some delay on [REDACTED]" McClain said, "Not anymore now. It's just going to be. They were going to tell, [REDACTED] said it was ready to go, 'cause they've informed everybody else who's getting off the Board, who's getting on the Board, and so now they're telling, what's her name? Anne Pramaggiore told me that she knew about it first and now they're going to tell [REDACTED] so [REDACTED] can start making those phone calls." Madigan said, "Okay, so you see there's a request from [REDACTED] and [REDACTED] being [REDACTED], the message reads, [REDACTED] and [REDACTED]. So I called [REDACTED] and [REDACTED] really didn't know anything about it. . . . But [REDACTED] knew there was some delay in the appointment of [REDACTED]. So—" McClain said, "You want me to have a confidential call to [REDACTED]?" Madigan said, "That would be fine. I think this is his telephone" and then read out an 11-digit phone number (" [REDACTED] Phone"). McClain said, "Yeah, I'll call him. That

way you've kept your word that you haven't called him." Madigan said, "Uh huh." McClain said, "I'll just tell him it's in confidence. Everything's a go." Madigan said, "Yeah, okay. Very good." McClain said, "Okay very good."

42. On or about February 19, 2019, at approximately 4:38 p.m. (Session #20346), McClain placed an outgoing call from the McClain Phone to [REDACTED] Phone and spoke with [REDACTED].²⁵ During the call, McClain and [REDACTED] discussed the appointment of [REDACTED] to the ComEd Board of Directors. Specifically, McClain said, "Hey, [REDACTED]. This is Mike McClain." [REDACTED] said, "Hey, Mike. How are you?" McClain said, "I'm good, do you have a minute?" [REDACTED] said, "Sure." McClain said, "I want, I want to call you in confidence and the Speaker [Madigan] knows I'm calling you." [REDACTED] said, "Okay." McClain said, "But, we've ah they've kind of done a whole bunch of changing of the guard, at the ComEd Board of Trustees. . . . So, that all got straight away last week. . . . So, Anne Pramaggiore called me and I called Mike [Madigan], but I asked Mike [Madigan] not to call you. Because, ah, they want [REDACTED] to call you and say, 'We'd like you to be on the Board.' Formally. And, [REDACTED] got kind of a different kind of personality and so if he found out if Mike [Madigan] called you or if I called you, he'd get perturbed." [REDACTED] said, "Okay." McClain said, "But, I didn't, I thought, I just got off the phone with Mike [Madigan] and I said, 'You know Mike,

²⁵ [REDACTED] was identified as the speaker in multiple ways. First, the call was to the phone number that Madigan had identified to McClain as [REDACTED] phone number. Second, based on the context of the preceding call to Madigan, it was McClain's intent to speak directly with [REDACTED]. Third, at the beginning of the call, McClain refers to the speaker as "[REDACTED]" and the speaker greets McClain as "Mike." Fourth, the substance of the call relates to [REDACTED] appointment to the ComEd Board of Directors.

let me call him confidentially, and just say, everything is cool, final sign-off on the new make-up of the board and everything was done last week and all the lawyers signed off on it and so [REDACTED] will be calling [REDACTED], but how about if I call [REDACTED] so just kind of tap down any anxiety.' And, so ah, he, he, he said that was fine with him. So, you kind of just keep it confidential until [REDACTED] calls and then you can say thank you. But um, if he still—" [REDACTED] said, "If he still . . . [REDACTED] did call me." McClain said, "Oh ... last week?" [REDACTED] said, "That's correct. He called me I believe sometime last week he called me. And, then someone, ah, got in touch with me . . . Board of sec—" McClain said, "Board Secretary?" [REDACTED] said, "Board Secretary. . . . Or, or, the General Counsel." McClain said, "Okay." [REDACTED] said, "I think he might serve in both, but he's an attorney. It's the same one that I spoke to initially. . . . And, ah, he just wanted to confirm that when they did the background check on me 'cause they had me fill out like a ton of, a ton of documents . . . reviewed them and told them, 'no.' So, that happened yesterday. And, ah, I think they just wanted to make sure that, that I didn't change anything right?" McClain said, "Right." [REDACTED] said, "Status in relations to any potential conflicts." McClain said, "Good, good. Okay." [REDACTED] said, "But, okay, well I appreciate the ah, the call. How are you doing?" McClain said, "I'm good. I'm good. I wanted to keep any angst down, you know? So, um, this has taken quite a while." [REDACTED] said, "Right, no, it's um, yes, it's ah, yes. It's been over a year, it's been over a year. Ah, you know from the initial aspect. . . . So, I . . . called his [Madigan's] office today to see if [REDACTED] and I can go see him. But, it

actually has more to do with the, ah, with the Latino Leadership Council organization that we formed, we just wanted to brief him on it so—” McClain said, “Oh, okay. He [Madigan] interpreted—” ██████ said, “We don’t want to—” McClain said, “He [Madigan] interpreted that you were calling because you were frustrated that this appointment hasn’t been made.” ██████ said, “No, no, I . . . Not for the fact that ██████ calling me, probably I would have brought it up, but that was not the intention.”

43. According to information located on the SEC’s website, on or about April 26, 2019, ComEd filed with the SEC a Schedule 14C disclosure statement that stated, “on or about June 10, 2019, the majority shareholder of Commonwealth Edison Company [Exelon Energy Delivery Company] will take action by written consent in lieu of a meeting to: . . . Elect the following directors: ██████
██
██
██ and Anne Pramaggiore.” In a description of ██████ background, the same filing also stated that ██████ “has served as a Director of ComEd since April 2019.”

4. At Madigan and McClain’s Request, Exelon and/or ComEd Makes Surreptitious Payments to Madigan Associates.

44. As discussed below, ██████ and financial information obtained during the investigation establish probable cause that ComEd, through high-level personnel including Pramaggiore and Marquez, has arranged for surreptitious payments to be made, through the Intermediaries, from Exelon and/or

ComEd to Madigan associates for the purpose of influencing and inducing official action from Madigan that is favorable to Exelon and/or ComEd.²⁶

45. Public source information reflects that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

46. On or about April 24, 2018, at approximately 10:25 a.m. (Session #1087), McClain placed an outgoing call from the McClain Phone to the Hooker Phone and spoke with Hooker. During the call, McClain stated that he was “meeting with Anne [Pramaggiore] in a few minutes.” Hooker responded, “Okay.” McClain then stated, “So, if you remember we have some people that are, uh, recommendations from our friend [Madigan], that are paid by us, but they work under Jay Doherty.” Hooker said, “Yes.” McClain stated, “Remember that?” Hooker stated, “I remember.” McClain

²⁶ I believe that the value to ComEd or Exelon of any such official action is well in excess of \$5,000, which I understand to be a threshold requirement to establish an offense under the federal program bribery statute. *See* 18 U.S.C. § 666(a). In particular, in addition to [REDACTED] appointment to a ComEd Board position that pays approximately \$78,000 per year, as further discussed below, the payments to Madigan’s associates are worth well more than \$100,000 per year. Moreover, public source information indicates that Exelon controls vast resources, with revenues in excess of \$30 billion, and that its net income for 2017 exceeded \$3.7 billion, which creates the reasonable inference that it desires Madigan’s official action because it may have a financial impact to Exelon and/or ComEd well in excess of \$5,000. Further, based upon publicly available information, I know that the State of Illinois annually receives in excess of \$10,000 under Federal programs that involve a grant, contract, subsidy, loan guarantee, insurance or other form of Federal assistance, a fact that is relevant to establishing an offense under the federal program bribery statute. *See* 18 U.S.C. § 666(b).

²⁷ [REDACTED]

stated, "And so he's asked to add an additional person." Hooker laughed in response. McClain continued, "[REDACTED]" Hooker stated, "Oh, okay. Okay." McClain stated, "which is fine with me because what I was afraid of was he, that he was going to come at us to be a lobbyist, but then never come to Springfield, right?" Hooker stated, "Right." McClain stated, "So, but him working City Hall and the county [Cook County] for us, I think that's even better. I think everybody likes him." Hooker responded, "Right, he is familiar with it too." McClain stated, "Right, so, uh, I just wanted to let you know that's what I'm going to ask her [Pramaggiore] next Tuesday [May 1, 2018]." Hooker responded, "Yeah, that has paid off for us in the past, Michael." McClain stated, "It has." Hooker stated, "It took me and you to think of that, though." McClain stated, "Yeah, exactly." Hooker stated, "I think he [Madigan] thought I might have been crazy when I suggested that." McClain stated, "But it's the way to go, right?" Hooker stated, "Yes. You know, when I first suggested that for the couple of, two or three folks we had, when, and then we told him [Madigan] that's what we wanted to do, cause that's not something that he'd [Madigan would] readily think to do." McClain stated, "Oh no, no, no. He's [Madigan's] just used to asking and then the other people figure it out. It's done perfectly. Doherty has been wonderful doing it, so . . ." Hooker stated, "Yeah, okay." McClain stated, "He doesn't even blink about it." Hooker stated, "No. And it's, and it's off the beaten path. It's off, uh, uh, it's just no, it's as if no flow through there." I believe that this call reflects that Hooker and McClain initiated the illicit payments by ComEd and Exelon through JDDA, that

they are pleased with Doherty because he has been willing to facilitate the illegal arrangement (“He doesn’t even blink about it.”), which has been set up in a way that is difficult for law enforcement to detect (“it’s off the beaten path” and “it’s as if no flow through there”).

47. As discussed above in paragraph 31, on or about May 16, 2018, at approximately 10:20 a.m. (Session #2657), McClain and Madigan discussed, among other things, McClain’s effort to obtain from ComEd some type of financial arrangement for ██████████.

48. On or about May 16, 2018, at approximately 11:06 a.m (Session #2664), McClain made an outgoing call from the **McClain Phone** to the **Pramaggiore Phone** and spoke with Pramaggiore. During the call, Pramaggiore and McClain discussed individuals who were being indirectly paid by ComEd at the request of Madigan and McClain. Specifically, McClain asked, “Secondly, have you thought any more about ██████████?” Pramaggiore said, “Yeah, I told Fidel to hire him. To get it done, so I’ll follow up on that. Oh yeah.” McClain said, “Okay. I’ll tell a friend of ours so he can call him.” [McClain said he would inform Madigan (“a friend of ours”) so Madigan in turn could inform ██████████ that he would receive payments from ComEd. I believe that Madigan wanted to inform ██████████ of the fact that ██████████ would be receiving payments from ComEd because it would ensure that ██████████ credited Madigan with

arranging for ComEd to make those payments.]²⁸ Pramaggiore said, "Yeah, let me, let me make sure, let me just double check with Fidel [Marquez]. The only question Fidel had was, you know, when [REDACTED] comes in, he's gonna look at all this stuff and, you know —" McClain said, "Oh yeah." Pramaaggiore continued, "— we got a lotta people hanging out there and so one question Fidel and I had was, is there anybody who, you know, we could sort of take off the roster. And I think he was going to ask you about that." [Pramaggiore explained that [REDACTED] [REDACTED] might make inquiries into payments made to third parties; therefore, Pramaggiore and Marquez wanted to see if they could stop paying certain parties who were receiving payments from ComEd at Madigan and McClain's direction ("is there anybody . . . we could sort of take off the roster") in order to avoid [REDACTED] scrutiny.]

49. On or about May 16, 2018, at approximately 2:31 p.m. (Session #2686), McClain made an outgoing call from the **McClain Phone** to Target Phone 20, used by Marquez. During the call, the men reviewed payments that were being made by ComEd at the request of Madigan and McClain to various third parties. Specifically, Marquez said, "Did you get my message?" McClain said, "You wanted to talk about [REDACTED]" Marquez said, "Yeah, so Anne mentioned your conversation with her about [REDACTED]. What were you thinking numbers wise?" McClain said, "Five, five."

²⁸

[REDACTED] McClain reported that Madigan was responsible for [REDACTED]

Marquez said, "Okay, so we still have [REDACTED] right?" [Marquez confirmed that ComEd was currently providing payments to [REDACTED] at Madigan and McClain's request.] McClain said, "Right. Let me just tell you about each guy as you go through them. So [REDACTED] he's one of the top three precinct captains and he also trains people how to go door to door, so just to give you an idea of how important the guy is."²⁹ Marquez said, "[REDACTED]" McClain said, "[REDACTED] former alderman."³⁰ Marquez said, "Yup, I remember, actually when I first started doing this external stuff he was Alderman down there. Uhm, then we've got [REDACTED]. Uhm, and —" McClain said, "[REDACTED]" Marquez said, "Pardon me?" McClain said, "There's [REDACTED]" Marquez said, "Yup, [REDACTED]. Now he's [REDACTED] but is he going to be Recorder of Deeds?"³¹ McClain laughed, and said, "I don't think, it's

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possible.”³² Marquez said, “Okay. Alright, someone thought that might be the case.” McClain said, “It’s a funny business up here.” Marquez said, “And, [REDACTED]” McClain said, “[REDACTED] I gotta talk to M—somebody [Madigan] about that, let me talk about that.”³³ Marquez said, “We are going to go ahead and add [REDACTED] [REDACTED] What I’m gonna do is have Jay Doherty reach out to him and work it that way.” [I believe that Marquez advised McClain that ComEd would begin paying [REDACTED] but that the payments would flow through lobbyist Jay Doherty’s lobbying firm, JDDA.] McClain said, “Give me a few hours so I can call somebody else to make a call to him would you?” [McClain asked for time to call Madigan, so that Madigan could, in turn, call [REDACTED] to tell him that he would begin receiving payments from Doherty’s lobbying firm.] Marquez said, “You let me know.” McClain said, “Okay.” Marquez said, “You let me know and you know, you can text me. If you need me to call you, just tell me to call you. Texting is enough. Let me know. Yeah, obviously we’re not gonna, I’m thinking, Mike, if you let me know what you think, I wouldn’t

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[REDACTED]

[REDACTED]

In a prior interception over the McClain Phone, Madigan asked McClain to explore obtaining lobbying work for [REDACTED] from businesses interested in prospective gambling legislation. Specifically, on or about May 10, 2018, at approximately 2:32 p.m. (Session #2269), McClain received an incoming call on the McClain Phone from a telephone number used by Madigan. During the call, Madigan said, “You were saying the gaming companies might be in the market to hire people? And [REDACTED] was in to see me looking for work.” McClain said, “Okay.” Madigan says, “That’s all, that’s all I got.”

have Jay [Doherty] make the call to him until [REDACTED].” McClain said, “Yeah, that’s good, I think that’s smart.” Marquez said, “Okay, I mean it’s a couple of weeks away.”

50. On or about May 16, 2018, at approximately 3:33 p.m. (Session #2690), McClain received an incoming call on the **McClain Phone** from a telephone number used by Madigan. During the call, McClain advised Madigan that ComEd had agreed to pay money to [REDACTED]. Specifically, McClain said, “Hi Speaker.” Madigan said, “Yeah, Mike.” McClain said, “Thanks for calling me back.” Madigan said, “Yeah.” McClain said, “Speaker, you can call [REDACTED] and say that they’re going to get in touch with him.” Madigan said, “Okay. Mm-hmm.” McClain said, “And we want to get this done before Anne [Pramaggiore] leaves June 1.” [McClain explained that the payments to [REDACTED] had to be arranged before Pramaggiore left her position as CEO of ComEd.] Madigan said, “Mm-hmm.” McClain said, “So.” Madigan said, “Okay, so do you have his telephone?” McClain said, “[REDACTED]? I do, yes. So you want me to call him?” Madigan said, “No, no. You’ve got the number to call?” McClain asked, “Do you want me to call him?” [McClain asked Madigan whether Madigan wanted McClain to call [REDACTED] to update him.] Madigan said, “No, ah I think you said somebody is going to reach out for him right?” McClain said, “Right.” Madigan said, “Will it be somebody from ComEd or somebody from Jay Doherty?” McClain said, “It will be from Jay Doherty.” Madigan said, “Jay Doherty. Okay, I’ll tell him.” [Madigan said he would let [REDACTED] know that he should expect to receive a call from Jay Doherty’s

lobbying firm concerning the payments that [REDACTED] would begin receiving from ComEd.] McClain said, "Okay." Madigan said, "Thank you."

51. Exelon periodically posts a semi-annual "Political Contributions Report" on its internet website. This report lists political contributions made by Exelon and its subsidiaries, including ComEd. Based upon my review of the Exelon's website as of May 2, 2019, it appears that the most recent posting concerns the time period from July 1, 2017 through December 31, 2017. According to the report itself, the report is updated and reviewed by the Corporate Governance Committee of the Exelon Board of Directors semi-annually. The report provides in part as follows:

In the interest of transparency for our shareholders and stakeholders, Exelon posts its Corporate Political Contributions Guidelines on its website. These Guidelines are intended to provide corporate governance, control, oversight and procedural guidance for corporate contributions of money, property or services for political activities in Illinois, Maryland and other states that allow corporate contributions to the political process and for political expenditures in areas where permitted. Exelon's political contributions during the reporting period were all made in accordance with its Corporate Political Contributions Guidelines.

52. An FBI special agent has reviewed the Political Contributions Reports for 2014 through 2017 for Exelon and affiliated entities, including ComEd. None of those reports identify as contributions any of the payments to the [REDACTED]

[REDACTED]³⁴ In 2015, ComEd donated \$500 to [REDACTED]

³⁴ The 2015 and 2017 reports reflect contributions to [REDACTED]

Because these Political Contributions Reports were posted on Exelon's internet website, it is reasonable to believe that the initial posting of these reports, and the subsequent dissemination of this information by individuals visiting the internet website, involved an interstate transmission of wire communications. Moreover, because these reports do not detail the payments made at Madigan's request, there is reasonable cause to believe that material misstatements and misrepresentations were made to personnel at Exelon responsible for compiling these reports,³⁵ and these misstatements and misrepresentations have been incorporated in a filing posted on Exelon's website that is accessible by the general public via the internet.

5. Between McClain, Marquez and [REDACTED] About [REDACTED] Demonstrate the *Quid Pro Quo* Intent of ComEd's and Exelon's Payments to Madigan's Associates.

53. On or about May 23, 2018, at approximately 10:12 a.m. (Session #3204), McClain made an outgoing call from the McClain Phone to Target Phone 20, used by Marquez. During the call, McClain and Marquez discussed a conversation that Marquez had with a representative from another public utility company, [REDACTED]. Specifically, Marquez said, "Hey Michael." McClain said, "Hi Fidel, how are you?" Marquez said, "I'm good. Did you get my cryptic message?" McClain asked, "About [Individual B]?" Marquez said, "Yeah." McClain said, "Yep." Marquez said, "So I get

³⁵ As noted below in paragraph 55, Fidel Marquez advised law enforcement that only a handful of senior executives at ComEd were aware of the payments through JDDA to Madigan's associates.

a call from [Individual A], you know who she is at [REDACTED]?”³⁶ McClain said, “I know of her. I don’t know her.” Marquez said, “Okay, yeah, nice lady. She called me, ‘Hey, have you heard of a [Individual B]?,’ and she kept calling me back and I kind of figured out what was going on and I says, ‘Yeah.’ I says, ‘Yeah, he’s done some real estate broker thing.’ And she’s like, ‘Well, you think he’s competent?’ I says, ‘Yeah, highly professional, very competent on what we used him on.’” McClain said, “Uh huh.” Marquez said, “And she goes, ‘Hmm,’ she goes, ‘Well, we’re getting pushed really hard and if someone’s that good, why would they push someone that hard ‘cause they’re that good?’ And I says, ‘[first name of Individual A], you know how this works, right?’” McClain laughed, and said, “Oh how funny huh.” Marquez said, “And she goes, and I explained, I said, ‘Look, just because someone is recommending someone, no matter how hard, doesn’t mean, should not question the person’s competency or not.’” McClain said, “Right.” Marquez continued, “I said, ‘Rarely have I gotten a recommendation of someone that has not been competent that’s come from, you know, people with high, with their own high ethics [unintelligible]. With their own high standards.’” McClain said, “Uh huh.” Marquez said, “So I said, ‘You guys need to evaluate this, but this is obviously important and you guys ought to consider it.’” McClain said, “Good, perfect.” Marquez said, “So, that was my message to her.” McClain said, “Yeah, well done, well done.” Marquez said, “And she said, ‘Got it,’ but

³⁶ Information available on the internet concerning Individual A as a [REDACTED]

just wanted to let you know about that.” McClain said, “Well, not everyone likes getting the calls, right?” Marquez said, “Yeah, I don’t know if, I don’t know that anybody likes it, but people need to understand, how, what’s behind all this.” McClain said, “Right.” Marquez said, “Right.” McClain said, “Yep.” Marquez said, “I says, ‘That maybe one day you’ll have an ask and this will be remembered.’” [Marquez explained that it was important to hire people when asked to do so by a public official or the associate of a public official, so that when you need to ask for official action in return, the public official would oblige.] McClain said, “Right, exactly.” Marquez laughed. McClain said, “It all comes around, right?” Marquez said, “So anyway, I just wanted to make you aware of that.” McClain said, “Good.” Marquez said, “So you understand the full circle of conversations here.” McClain said, “Yeah, thanks.”

54. On or about May 23, 2018, at approximately 5:09 p.m. (Session #3282), McClain made an outgoing call on the **McClain Phone** to a telephone number used by [REDACTED], who, based upon public information, I believe [REDACTED]. During the call, McClain related to [REDACTED] his (McClain’s) earlier conversation with Marquez. Specifically, McClain said, “I wanted to tell you that [REDACTED] called up Fidel [Marquez] today.” [REDACTED] said, “Okay.” McClain said, “And wanted to know uh if, what ComEd’s experiences were with [last name of Individual B].”³⁷ [REDACTED] said, “Oh good, yeah.” McClain

said, "And Fidel was real high on him, said, told 'em what they used him on and that highly ethical, superior company, blah, blah. She [Individual A] said, 'Well I'm getting pressured to hire him [Individual B],' and Fidel says, 'So? And that's what happens when you do, when you're in this game. And you never know maybe someday you can ask for a favor. So.'" [It is believed that McClain is referring to the concept of "pay-to-play," where businesses give benefits to public officials and their associates, with the expectation that, in the future, the business will receive favorable official action in the future.] ██████████ said, "Yeah, yeah." McClain said, "I mean that's how the sys[tem], it is, you can't be offended with that. Oh, so you got pressure too, are you kidding me? Yeah, we got pressure. Okay, okay. [Laughs]. So." ██████████ said, "That's funny." McClain said, "I just wanted to let you know that." ██████████ said, "No, I appreciate it, yeah. I appreciate it. Yeah it's not easy working with people." McClain said, "Yeah I mean, it'd be easier if everybody would just obey, right?" ██████████ laughed and said, "Well, if they were at least, you know, had a brain all the time, you know?" McClain said, "Right, I just love these people, they are in a regulatory body, right? And they are offended when people ask for favors. Hello? Dumb shits." [McClain criticized Individual A for not being smart enough to recognize that she needed to hire someone when asked to, because ██████████ was subject to legislative oversight ("they are in a regulatory body, right?").] ██████████ said, "Yeah I get it, I get it. Well I appreciate that update."

6. Marquez's Cooperation Confirms that the Madigan Associates Do Not Perform Actual Work.

55. As discussed above, on or about January 16, 2019, Marquez agreed to cooperate with the government in its ongoing investigation. During initial debriefings on or about January 16-17, 2019, Marquez confirmed that McClain was ComEd's main conduit to Madigan, who was sometimes referred to as "our friend." Marquez said that when Madigan wanted someone hired by ComEd, the request would come to Marquez or Pramaggiore from McClain. Marquez confirmed that McClain requested the hiring of [REDACTED] by Doherty. Marquez further said that Doherty received a monthly retainer from ComEd from which Doherty paid his sub-contractors, but that there was no requirement that ComEd see any work product from Doherty's sub-contractors.³⁸ Marquez further stated that the only people within ComEd who knew of the Doherty arrangement were Hooker, likely [REDACTED] and possibly Pramaggiore.

56. Marquez provided law enforcement with emails demonstrating that McClain is interested in speaking with [REDACTED], about the company's relationship with Madigan. For example, on or about January 12, 2019, at approximately 2:29 p.m., McClain, using email address [REDACTED] sent an email to Marquez, using email address [REDACTED] in which

³⁸ With the exception of [REDACTED] both of whom at one time provided polling information to ComEd, Marquez said he was not aware of the sub-contractors providing any work product to or for ComEd.

McClain said, "One of the things we need to talk about is when and if to talk to [REDACTED] [REDACTED] about our Friend [Madigan]?"³⁹ On or about January 12, 2019, at approximately 5:17 p.m., Marquez responded by email with a message that read, "Let me know if you have a moment to talk." On or about January 13, 2019, at approximately 7:42 a.m., McClain, using email address [REDACTED], sent Marquez, using email address [REDACTED], an email with the subject line "Holding Right now for a Meeting with you, me and [REDACTED] . . ." In the email, McClain provided possible dates for meeting with [REDACTED] including February 20, 2019, February 21, 2019 and February 22, 2019.

57. As part of his cooperation with the government, Marquez consented to record his conversations with various individuals.

58. On or about January 17, 2019, at approximately 11:40 a.m. (Session #84), Marquez received an incoming call on Target Phone 20 from a telephone number used by Doherty.⁴⁰ During the call, Marquez and Doherty discussed getting ComEd's approval for JDDA's 2019 contract. Specifically, Marquez said, "So Jay, uh, the reason I called you is we need to move forward on getting your contract approved for 2019."⁴¹

³⁹ In his meeting with FBI agents on January 16, 2019, Marquez said that McClain's question was whether McClain needed to explain to [REDACTED] "the way things work" with regard to ComEd's relationship with Madigan and in Illinois.

⁴⁰ [REDACTED]

⁴¹ During a meeting with FBI agents, Marquez said that he needed to speak with Doherty because JDDA's contract with ComEd was up for renewal and Marquez needed to brief [REDACTED] about JDDA's contract because [REDACTED] was responsible for approving the

Doherty said, "Okay." Marquez said, "And, that's under, uh, [ComEd CEO] [REDACTED] so I need to sit down with [REDACTED] uh, explain your contract so that, you know, cause he's the one that actually goes and, uh, approves it. Cause it's under his . . ." Doherty said, "Sure." Marquez said, "[S]o I need to sit down with [REDACTED] and explain it, uh, as well. Can you remind me who all you have working under Doherty and Associates?" Doherty said, "Yes, uh, [REDACTED] [REDACTED]" Marquez said, "Yeah." Doherty said, "Remember [REDACTED] [REDACTED] And, uh, for a while we had someone else, but he's gone now. He's now, the guy who is [REDACTED] [REDACTED]. So, we have, we have three subs." Marquez said, "Okay. Uh, do you remember off hand what, what the, what their monthly, uh, [unintelligible] is?" Doherty said, "Two are at five [\$5,000 per month], meaning [REDACTED] and, what's the other, [REDACTED] And, um, uh, uh, what's the other guy's name?" Marquez said, "[REDACTED]" Doherty said, "Oh, [REDACTED] is at four [\$4,000 per month]." Marquez said, "Okay. Okay. Very good." Doherty said, "Uh, anything I need to, I can help you on with this? Or anything?" Marquez said, "No, I, I, I, I just need to sit down with [REDACTED] review this with him." Doherty said, "Yeah." Marquez said, "So, it's just so that he's aware." Doherty said, "Yeah, that's right, and the only people that even know about this are you, and perhaps Anne [Pramaggiore], if she even

contract. In the presence of agents, on January 17, 2019, Marquez called Doherty and left Doherty a voicemail requesting a return call.

remembers the particulars, John Hooker and me. I have never, ever, ever said a word as per our conversation way back when.”⁴² Marquez said, “Yeah, okay.” Doherty said, “So, uh, alright good. But, uh, anything I can do for you?” Marquez said, “No, everything’s, uh, everything’s good Jay.” Later in the conversation, Doherty said, “Good, I really appreciate this, ‘cause ComEd, this contract means the world to me.”⁴³

59. On or about January 17, 2019, at approximately 11:52 a.m. (Session #85), McClain received an incoming call on the **McClain Phone** from Marquez. During the call, McClain and Marquez discussed ComEd’s renewal of JDDA’s contract. Specifically, Marquez said, “Mike, the reason, the reason I’m calling is, uh, uh, you know, our contract with Jay Doherty is up. And, and this is a contract with, uh, that is under [REDACTED] approval. It’s always been under [REDACTED]” McClain said, “Okay.” Marquez said, “I need to, uh, brief [REDACTED] on the contract. He’s gonna ask, okay this is gonna come in my queue to approve. What is this?” McClain said, “Right.” Marquez said, “Alright, and, and he’s gonna ask some questions uh very legitimately about, you know, what does this include, who’s all on here, why’s it so much, and, you know, the, uh, uh, certainly I’ll need to brief him

⁴² In a January 17, 2019 meeting with FBI agents, Marquez surmised that the reason Doherty said this was because he was admonished at some point, possibly by Marquez himself, that the contract arrangement was something confidential because it was done at the request of Madigan. Marquez explained that there are never explicit conversations about Madigan’s influence in these contractual arrangements and there is never an explanation as to why the arrangements are necessary.

⁴³ As discussed below, bank records reflect substantial deposits into bank accounts maintained by JDDA and Doherty from Exelon and ComEd.

about the, you know [REDACTED] and that sort of thing. . . . And, uh, he will likely push back on that. . . . Very, very, uh, legitimately he'll push back on that." Marquez continued, "So, um, you know, I'd like to, uh, uh, sit down and talk to you about maybe how we can approach this with [REDACTED]. And, and I'm going to Cuba, uh, but I'll be back like in Springfield that week of, uh, January 28th, so we can strategize about this, because, uh, I need to meet with [REDACTED] sooner rather than later. I'm still working on the dates you gave me, but, you know, that'll be at the end of February and it will be two months that the contract is not approved." McClain said, "Mmm hmm, mmm hmm. Yeah, that's a long time that some of these guys' lives. I think Jay's [Doherty] got four little kids too, I think." Marquez said, "Yeah, yup, yeah, it is, Jay's contract alone, right. Exactly . . ." Marquez and McClain then discussed meeting after McClain returned from a trip in early February; Marquez suggested February 7, 2019.

60. On or about January 29, 2019, at approximately 11:30 a.m., Marquez met with Hooker at the Union League Club in Chicago. This meeting was consensually recorded. During the conversation, Marquez asked Hooker about the impending renewal of Doherty's contract, and how Marquez should explain to Dominguez the nature of Doherty's contract. In response, Hooker told Marquez that Hooker had created the contract and Hooker had to explain it to [REDACTED] when it was created. Marquez said that he expected [REDACTED] to "push back" on the contract. Hooker agreed and said that "once he [REDACTED] knows

what's what, as you deliver it to him . . . being able to help them and help us. Help him and help us more or less." Hooker also advised Marquez to have a "write up" to show [REDACTED] who Madigan's associates were and summarizing what they did. As detailed below, however, the evidence suggests that the Madigan associates do little or no real work for JDDA, Doherty, ComEd or Exelon. Given that Hooker helped develop the payment arrangement to Madigan's associates, I believe that Hooker recommended that Marquez create the "write up" as a means to persuade [REDACTED] that there was a legitimate basis for the payments to Madigan's associates.

61. On or about February 7, 2019, at approximately 11:15 a.m. (Session #18977), McClain made an outgoing call from the **McClain Phone** to a telephone number used by [REDACTED].⁴⁴ During the call, McClain and [REDACTED] discussed McClain's upcoming meeting with Marquez about ComEd's contract with Doherty. Specifically, [REDACTED] asked, "What's Fidel [Marquez] want? Did you figure it out?" McClain responded, "We got some people that are on contract with lobbyists and he's got to sit down with [REDACTED] and explain it to him and he wants to talk to me about how to do it. [Laughs] 'Cause Anne [Pramaggiore] was all in and he thinks now [REDACTED] will push back." [REDACTED] asked, "Like what?" McClain stated, "[REDACTED] will say, 'Well, it's not right. What kind of reporting do we have?' And what I'll tell Fidel is, it's not,

⁴⁴ [REDACTED] voice was identified in multiple ways. First, although the phone number that [REDACTED] used was subscribed to [REDACTED] in brief voice mail messages left for McClain, [REDACTED] identified himself by the name "[REDACTED]" McClain likewise referred to the recipient of his messages as "[REDACTED]" in brief voice mail messages that McClain left on [REDACTED] phone. Second, during conversations, McClain and [REDACTED] referred to each other by their first names.

ComEd's offering the money, but it's up to Jay Doherty, or let's say, you still did it, [REDACTED] to make sure these guys are doing some work. It's under their contract." [REDACTED] responded, "Oh, so you're talking about like the [REDACTED] stuff?" McClain replied, "Right. [REDACTED] got me on a weekly call. 'Any opportunities for me? Any opportunities for me?' You know." [REDACTED] asked, "Isn't he limited now [as a result of [REDACTED]]?" McClain responded, "Yeah, but he doesn't think he is, right?"

62. On or about February 7, 2019, at approximately 12:04 p.m., McClain and Marquez met at a restaurant in Springfield, Illinois. This meeting was consensually recorded. During the meeting, McClain and Marquez discussed the renewal of ComEd's contract with JDDA, which included money to pay Madigan's associates through JDDA. Specifically, McClain said, "We have [REDACTED]" Marquez said, "Oh, okay, um, so did John mention I spoke with him? John Hooker?" McClain said, "Yes." Marquez said, "Okay." Later in the conversation, Marquez said, "So you asking about [REDACTED], he's, well that's why I don't always know what [REDACTED] thinking, where he's coming from, I talk, I try to talk to him. You know, originally we were gonna talk about our, our dinner with [REDACTED]" McClain said, "Right." Marquez said, "I think we're still trying to nail down that date. I don't know what you, how you want to think about the dinner, what we want to say to [REDACTED] because I can't give you any insight, I really can't. I met with Hooker not that long ago, and we'll get back to that, but the contract with Jay Doherty is under the CEO's

budget. I never had to touch it. Now, someone needs to talk to [REDACTED] about it. I don't know how, you know [REDACTED] I don't know how he's going to react." McClain said, "I don't either." Marquez said, "And here's what, did John [Hooker] tell you he and I talked about it? Okay. So John, he suggested that I have a write-up for each of Jay's subcontractors, [REDACTED]. And have him write up what they do, like, I don't know what they do. I don't know if I can tell [REDACTED] what they do. And, you know, [REDACTED] gotta approve it. He's gotta approve it, he's gonna wanna know what's—" McClain said, "Did [REDACTED] ask for you to do something in writing?" Marquez said, "This is what John suggested." McClain said, "Yeah." Marquez said, "I haven't met with [REDACTED] on it." McClain said, "Okay, that's what I thought." Marquez said, "I have not met with [REDACTED] on it, but I know Jay [Doherty] is hot to trot. His assistant called in last week, I said we're working on it. So they're hot to trot on it, Mike. But, sooner or later, [REDACTED] gotta . . . 'Hey [REDACTED] by the way here's this contract under your budget, here's what it is.' And he's gonna ask questions, I just don't know how he will react. Because I could see him saying, 'What? No, money's better spent doing something else.' . . . That's the, I just don't know how he'll react to that." McClain said, "Right. I don't either and he could just as easily require something in writing, but I would say to you don't put anything in writing." Marquez said, "Okay, because that was John's suggestion, right, but my dilemma is I gotta go in to [REDACTED] and say, 'Here's, this is under your budget, here's Jay's contract.' He's gonna say, 'How much is this for? What's all included? . . . What's, what are we paying Jay for?'" McClain

said, "So, um, they're all [REDACTED] [REDACTED] [REDACTED] and this either was number one, two, or three depending on the year, his [Madigan's] [REDACTED] [REDACTED] so—" Marquez asked, "Meaning, mean [REDACTED]?" McClain said, "[REDACTED]" Marquez said, "Okay." McClain said, "So he's uh, it's a favor and it's uh, Doherty's contract, Doherty's the one that has to prove that if the IRS ever comes in and says, 'Who are these guys, what do they do?'" Marquez said, "Right." McClain said, "Doherty's gotta prove it." Marquez said, "Right." McClain said, "The company [ComEd] doesn't have to." [I believe that McClain is telling Marquez that the ComEd payments to Madigan's associates constitute the provision of a benefit to Madigan ("a favor") and that, in case of an Internal Revenue Service audit of JDDA, it would be Doherty's (and not ComEd's) responsibility to demonstrate what work was actually performed by the Madigan's associates.] Marquez said, "Right, right, but, I understand that, but [REDACTED] is going to, and legitimately so. I think it's a legitimate question." McClain said, "It is, yeah." Marquez said, "It's a legitimate question. [REDACTED] gonna ask, 'What are we paying Doherty for?'" McClain said, "Well, on Doherty, for Doherty's sake, he does work for us." [McClain is referencing the fact that, as further discussed below, JDDA does engage in legitimate consulting or lobbying work for ComEd.] Marquez said, "Right, but I'm just talking, 'cause—" McClain said, "But you're talking about the three subcontracts?" Marquez said, "Well, if you look at the contract, it's Jay Doherty and Associates." McClain said, "Right." Marquez said, "And I forget the amount, Mike,

but it's a monthly amount." McClain said, "Right." Marquez said, "Equal to a yearly amount, and it's a pretty hefty amount." McClain said, "168 grand [\$168,000] just for the subs [Madigan associates]." Marquez said, "Okay, and then and then what Jay's is—" McClain said, "I don't know what Jay's is." Marquez said, "Yeah, I can't remember, I don't know the numbers off-hand." McClain said, "I've never asked him but probably 10 grand a month at least." Marquez said, "Yeah, I don't remember off-hand." McClain said, "That's 288 [\$288,000] if it's 10 grand a month." Marquez said, "And he [REDACTED] goes, 'What?'"

63. Later during the conversation, McClain said, "Do you want me to talk to [REDACTED]?" Marquez said, "Um, I mean, you can, but this is like company process business, Mike." McClain said, "Right." Marquez said, "And it kind of seems out of—" McClain said, "Inappropriate?" Marquez said, "Inappropriate. Just trying to figure out the best way to approach him, to do that, because his reaction. Quite frankly, I don't know how he'll react. I just don't think he will react well. It's just the way [REDACTED] is." McClain said, "If that hour [REDACTED] hat on, he's gonna say we can't do this."⁴⁵ Marquez said, "That's right, that's a possibility. And in his conversations with his staff, he brings that up often. [REDACTED]"

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[REDACTED] I believe that McClain's concern that [REDACTED] may be unwilling to authorize further payments [REDACTED] demonstrates McClain's awareness of the illegality of the payments.

██████████” McClain said, “I thought about this . . . It’s very possible that that’s what his reaction is going to be, and then I think you have to have, at least I’d ask you to recommend that, ‘Before you do anything, can McClain and you have a sit-down?’” Marquez said, “Okay.” McClain said, “As a back up.” Marquez said, “Okay.” McClain said, “And you could say, ‘[L]ook I didn’t think it was appropriate for McClain to—” Marquez interjected, “I don’t even wanna—” McClain said, “—talk to you about this.” Marquez said, “I don’t even wanna bring that up.” McClain said, “You’re welcome to.” Marquez said, “Eh. Well, ██████████ is funny about conversations you and I might have that he’s not aware of. And ██████████ will probably believe that somehow we’re plotting against him.” McClain said, “Or he probably thinks that all the time any—” Marquez said, “Well, that’s what I mean. I mean this will give him another nail in the coffin. So that’s why, that’s why I don’t wanna do that. So, recommend nothing in writing.” McClain said, “I think all that can do is hurt ya. There’s no way you could, except for giving him your biography . . . except for maybe giving him a biography of each of the three [Madigan associates]. But I certainly wouldn’t do the work product because you don’t supervise that.” Marquez said, “I don’t.” McClain said, “Or monitor that, that’s Jay’s.” Marquez said, “Right.” McClain said, “Jay’s. And you know what I would say to ██████████ is Jay’s been really good to us at City Hall, and he does that—” Marquez said, “██████████?” McClain said, “██████████. So it’s, I’d say that almost every speech I’ve been around he plugs ComEd, sooner or later he sneaks it in.” Marquez said, “Right. Shamelessly.” McClain said, “Yeah, shamelessly. So there’s a lot of benefit with this

guy." Marquez said, "Yeah." McClain said, "In my opinion." Marquez said, "So then what do you think about, alright I'll try that with [REDACTED] here's this, here's what's going on." McClain said, "You don't know what [REDACTED] will show up that day, that's the problem." Marquez said, "I know." McClain said, "Now you know better than I do." Marquez said, "I know, I never know. And I don't have a litmus test to find out. It's like, mm, I better come back tomorrow." McClain said, "So I can see him saying we can't do this. . . . Okay, I mean, 'Fidel we can't do this. Anne [Pramaggiore] may have done that, but I don't feel good about this. It looks raw to me.' I could see him, I can hear him saying, 'That's fine.'" Marquez further stated, "I don't think he'll get to fine right away."

64. On or about February 7, 2019, at approximately 2:50 p.m. (Session #18984), McClain received an incoming call on the **McClain Phone** from a telephone number used by [REDACTED]. During the call, they discussed McClain's meeting earlier that day with Marquez. Specifically, [REDACTED] asked, "Um, so, is Fidel [Marquez] okay?" McClain responded, "Yup, um, he's, I mean, he doesn't [unintelligible], just trying to figure out how best to describe these contracts, right?" [REDACTED] responded, "Yeah, yeah." McClain stated, "I wouldn't try to be shy about it. He said, 'Well Hooker thinks I ought to put something in print.' I said, 'Absolutely not.'" [REDACTED] stated, "Yeah, no print. No print. Is it the, um, is it the uh, [REDACTED] that they're worried about, or makes you not comfortable, or just his . . . ?" McClain

responded, "Just his personality, ██████." ⁴⁶ ██████ stated, "Yeah." McClain stated, "A little bit is like, he ██████ really doesn't like Madigan." ██████ responded, "Yeah." McClain continued, "Because Madigan's a democrat." ██████ stated, "Yeah." McClain stated, "Yup."

65. On or about February 11, 2019, at approximately 10:36 p.m. (Session #19533), McClain made an outgoing call from the **McClain Phone** to the Hooker Phone. During the call, McClain and Hooker discussed McClain's meeting with Marquez on February 7, 2019, and the payments to Madigan's associates through Doherty. Specifically, Hooker said, "How did you make out with Fidel [Marquez] when he came to talking about Doherty? Jay Doherty? I was gonna wait 'til I saw you." McClain said, "Well, I just told him to be transparent with uh . . . with uh . . ." Hooker said, "██████████" McClain said, "█████. I mean just like ██████ you told, I mean I, I said to Fidel, 'You may not be able to say this, you may be able to say that.' Just like you ended up telling Fidel he had to hire [a named individual] because [a named labor leader] came to you. 'We had to hire these guys because Mike Madigan came to us.' It's just that simple." Hooker said, "That's as simple as it is." McClain said, "That's how simple it is. So if you want to make it a Federal court suit, okay, but that's how simple it is." Hooker said, "Right. And this was the best way to do it, that this avenue is one of the best avenues . . ." McClain said, "Right." Hooker said,

⁴⁶ As noted above, during his in-person meeting with Marquez, McClain noted his concern that ██████ may not approve Doherty's contract if ██████

"It's, it's clean for all of us." McClain said, "Right." Hooker said, "You know?" McClain said, "Right. We don't have to worry about whether or not, I'm just making this up, whether or not [REDACTED] is doing any work or not. That's up to Jay Doherty to prove that." Hooker said, "That's right." McClain said, "We're not, we're not, uh, monitoring his work load; whether or not [REDACTED] [REDACTED] earning his five grand a month. That's up to Jay Doherty." Hooker said, "That's right." McClain said, "That's why we set it up like this, John." Hooker said, "We came up with this plan and between him, our friend [Madigan], and, and . . . [REDACTED] [REDACTED]⁴⁷ and [REDACTED] they thought it was great." McClain said, "Yep. Well, yeah, we, you and I came up with it." Hooker said, "I know." McClain said, "They didn't come up with the idea. You and I came up with it." Hooker said, "No, we came up with it, but they thought it was great once they heard it." McClain said, "Oh yeah, oh yeah, oh yeah, yep, yep."

66. On or about February 13, 2019, at approximately 1:30 p.m., Marquez and Doherty met in Marquez's office at ComEd. This meeting was consensually recorded. During the meeting, Marquez and Doherty discussed ComEd's payments to the Madigan associates through JDDA. Specifically, Marquez said, "First, thanks for meeting. First of all, don't, I don't want you feeling like your contract with us is at

⁴⁷ According to multiple news reports, [REDACTED]

any kind of peril. I don't want you thinking that. Here's the change, Jay, and here's why I needed to talk to you. So, [REDACTED] . . . And you may or may not know this. Probably a lot of detail that you don't know. There's a lot of detail I don't know. But your contract is under [REDACTED]" Doherty said, "Right." Marquez said, "It's always been under [REDACTED]" Doherty said, "Right." Marquez said, "Okay." Doherty said, "Back to [REDACTED]" Marquez said, "Does it go all the way back to [REDACTED]? How long ago?" Doherty said, "Oh, I started working for Commonwealth Edison Company, thank you lord, in 1985." Later in the conversation, Doherty said, "And then came along, again, this is just you and me talking, I don't even know who else knows this. John Hooker calls and says, 'Jay, I've got a sub for you. You know, a sub—" Marquez said, "A subcontractor." Doherty said, "Subcontractor, [REDACTED]' . . . He says, 'we're gonna pay him [Doherty holds up 4 fingers] every month and you just—" I think John [Hooker] said, 'I'll talk to Fidel.' I don't know who he talks to. I don't know." [Based upon the evidence gathered to date, I believe that Doherty meant that Hooker instructed Doherty to pay \$4,000 per month to [REDACTED]] Marquez said, "That was, that was, that predated me, because when I was working with you, we were just working on city stuff and it was just me and you and [REDACTED]" Doherty said, "Okay." Marquez said, "And when I first got here from Ops, [REDACTED] wasn't even [REDACTED] anymore." Doherty said, "Oh yeah, that's right. You came over from Ops." Marquez said, "It seemed like I've been here forever, but—" Doherty said, "I've known you and

we've become great friends. And then came on, I think, [REDACTED]" Marquez said, "Okay." Doherty said, "Who [REDACTED]" Marquez said, "Okay." Doherty said, "And then came on, for a while, [REDACTED]" Marquez said, "Okay." Doherty said, "Who's [REDACTED] Before he [REDACTED] [REDACTED] And then, and then now, [REDACTED]" Marquez said, "Yeah." Doherty said, "So, I don't know if, I just can't remember if Mike McClain was part, I think it was really John Hooker who always just called me." Marquez said, "Yeah." Doherty said, "And said, 'Hey, I'm gonna slug this guy on.' And then it went up to whatever it is today, \$37,000, so it looks like I'm making a gillion dollars."

67. Continuing during the same conversation, Marquez said, "Yeah, so that, and that's, you know, this is something [REDACTED] gotta approve, right?" Doherty said, "Yeah." Marquez said, "And I've got to go to [REDACTED] and say, 'I know you're [REDACTED] You know Jay. Here's that.'" Doherty said, "Right." Marquez said, "So he's gonna ask questions." Doherty said, "Sure, he should." Marquez said, "And, 'How did it get this way?' and stuff like that." Doherty said, "Right." Marquez said, "So, as far as I know, and maybe you can tell me different, all these guys do is, they're a sub under you and you cut them a check. Do they do anything? What do they do? What do you have them doing?" Doherty said, "Well, not much, to answer the question." Marquez said, "Okay." Doherty said, "Not much. What, let me just answer this. If I ever ask them anything in general, I would ask them. But this is really all, this is, you know, just you and me talking." Marquez said, "Yeah." Doherty said, "This all came from Hooker,

McClain, ██████████” Marquez said, “Okay.” Doherty said, “And I don’t, I don’t talk to ██████████. I mean . . . when my dad died and he was, all this stuff and—” Marquez said, “Right, right.” Doherty said, “But I don’t say go do this in Springfield.” Marquez said, “Right.” Doherty said, “Go do this at the [Chicago] City Council. Go do that. ██████████. I met with a couple times. ██████████. I mean, I see him, but I don’t, you know, but I don’t do anything specific.” Doherty continued, “But I do know that every six or eight or nine months, every once in a while, Hooker will call and say, ‘Is everything okay with the guys?’ . . . ‘Cause I know John [Hooker] sees the Chairman, strike that, the Speaker [Madigan]. . . . John [Hooker] is a head of that committee or commission, or whatever, on the fair maps.”⁴⁸ Doherty continued, “So, I don’t think I’d tinker with that. . . . I really, I really don’t.” [I believe that Doherty advised Marquez that ██████████ did not perform any work for JDDA, but that Marquez should nonetheless continue making payments to these individuals in order to avoid the possible negative repercussions to ComEd that could arise from displeasing Madigan.]

68. Continuing during the same conversation, Marquez said, “You know, I’ve just got to go to ██████████ and explain it to him the best I could. . . . I’m

⁴⁸ Public source information confirms that Hooker is a Commissioner of the Chicago Housing Authority, and that he is Chairperson of an organization called “The People’s Map.” A website describing The People’s Map indicates that it was established in or about 2015 but is now inactive and had no budget as of December 31, 2016; the website describes the organization as a nonpartisan and nonprofit entity, the purpose of which is “to support or oppose referenda regarding redistricting.” See <https://www.illinoissunshine.org/committees/the-people-s-map-31693/>

just not sure what kind of questions he's got. So I'm just trying to prepare myself, Jay, for what questions he might have." Doherty said, "Here's how I might. Number one, your money comes from Springfield. ComEd money, right? For the most part." Marquez said, "You mean, that's how we make our money?" Doherty said, "Yeah." Marquez said, "Yeah, yeah. Through our rates, yes, regulated." Doherty said, "And, you know, I would, if it were me, and again, Mike Madigan's not my best friend, but if I called him right now, he'd call or he's say, Jay, if I want to go see him, I'd go see him. But, my bottom line advice would be, 'if it ain't broke, don't fix it' with those guys." Marquez said, "Okay." Doherty said, "I don't think, you know, you've been around the game and again, Madigan doesn't ask, I never ever once had a conversation with Mike about these people . . . But I know, I have every reason to believe, that McClain has." Marquez said, "Okay." Doherty said, "I know Hooker has." Marquez said, "Okay." Doherty said, "Because Hooker would call me about these guys. I mean, I never met these guys. I met [REDACTED] because what you guys do with the City Council." Marquez said, "He [REDACTED]." Doherty said, "And [REDACTED] I know well." Marquez said, "When [REDACTED]" Doherty said, "They keep their mouth shut, and you know. But, do they do anything for me on a day to day basis? No." [I believe that Doherty was advising Marquez that, even though [REDACTED] did no real work, cutting payments off to these individuals would adversely impact ComEd's relationship with Madigan, and negatively impact ComEd economically as a result.]

69. Continuing in the same conversation, Marquez said, "[REDACTED] set this up. [REDACTED] and Anne [Pramaggiore] had a good—, you know, so. Anne was [REDACTED]" Doherty said, "Yeah, yeah." Marquez said, "[REDACTED]" Doherty said, "Right." Marquez said, "[REDACTED]" Doherty nodded. Marquez said, "So Anne, you know, this was never, Anne, I never even touched it. She just approved it." Doherty said, "Yeah, yeah." Marquez said, "And now [REDACTED], he's going to, this is coming up, and gotta sign off on it." Doherty said, "Right." Marquez said, "Under his budget, he probably does it. And I'm sure he's not aware. I know he's not aware." Doherty said, "Yeah." Marquez said, "And I want to sit down with him and say, 'Hey, by the way, I think this is a \$400,000 budget and this is what it is.' And he's going to have questions and I'm just trying to prepare myself, Jay." Doherty said, "Yeah, no, no, no, absolutely, I'm just trying to think where you can get fortification, you know, and just so, let's see, he probably wouldn't, well actually, it predated you, me collecting all that money." Marquez said, "Yeah." Doherty said, "You know, uh, uh." Marquez said, "85, you've been working for ComEd almost as long as I have." Doherty said, "Yeah, from when I started out, when I started out, it was \$10,000 a year." Marquez said, "Oh yeah, that's, wow." Doherty said, "A year." Marquez said, "That's less than a thousand per month."

70. Later in the conversation, Doherty said, "But okay, so [REDACTED] or Fidel, why would we pay a guy, like Doherty and these other three people, all this money? I don't know about the other three people. That's, that, I guess, can be answered in

Springfield with Madigan. And to keep Madigan happy, I think it's worth it, because you'd hear otherwise." Marquez said, "Okay." Doherty said, "In my opinion. I never talked to him about it, but I didn't have to. But Hooker has. Do you talk with John much?" Marquez said, "Yeah, I talk to John. I talk to John." Doherty said, "He'll know the story and he'll know the story about collecting all the dough."

71. On or about February 19, 2019, at approximately 9:21 p.m. (Session #6667), Marquez received an incoming call from Target Phone 20 to a phone used by [REDACTED].⁴⁹ During the call, Marquez and [REDACTED] discussed the re-issuance of the JDDA contract, which includes payments being made to [REDACTED]. During the call, Marquez stated, "I wanted to talk to you about the uh, the Jay Doherty contract since, since this is all new to you. The Jay Doherty contract, uh, [REDACTED] and this goes back to the [REDACTED] days, okay? Uh, that has always been under [REDACTED]" [REDACTED] stated, "Yep." Marquez stated, "Alright? That's always been under your, your, your, uh, your budget." [REDACTED] stated, "I'm glad you raised it, 'cause I, I saw it come up the other day, and I approved it. But uh-" Marquez asked, "Oh, you did?" [REDACTED] stated, "Yeah." Marquez then stated that he had not seen the approval go through, possibly because the appropriate paperwork was not signed. [REDACTED] stated, "I thought I had approved the whole thing. But I meant to talk to

⁴⁹ [REDACTED] was identified as a participant to the conversation in multiple ways. First, the cell phone used was subscribed to [REDACTED]. Second, I am familiar with [REDACTED] voice from other consensual recordings made by Marquez, who identified the voice as [REDACTED]. Third, the substance of the call confirms that the speaker is [REDACTED].

you about it, 'cause, it's, a good chunk of dough and I just wanted to understand the history, so, so what's the deal? So this goes back to [REDACTED]?" Marquez stated, "Well, uh, Jay Doherty has been working, uh, ComEd in one way or the other, going back to like, I think, like '95 . . . So, he's been around a long time. Uh, when uh, when I took on this role, you know, after [REDACTED] and Jay, uh, I mean, and [REDACTED] and John Hooker retired, you know, it was still under, uh, you know, all that was un-, flowed under, under the CEO budget. So, that just went to Anne [Pramaggiore]: Um, and even though it was under your budget, all the, uh, you know, uh, we, we, we, my group handled it going through supply, get the contract to them, we'd get them to sign it, that sort of thing." [REDACTED] stated, "Right." Marquez continued, "Well, uh, so the uh, uh, the reason it's \$400,000 a year, [REDACTED] is that, uh, under Jay, there are three subcontractors. Uh, I know two of the subcontractors go way back, go way back before I started even, uh, one of them, even before I started in external-, you know, when I was still in operations." [REDACTED] stated, "Right." Marquez continued, "Going back 15 plus years ago, and he's still on there. It's a guy named [REDACTED] he [REDACTED]. Okay?" [REDACTED] stated, "Uh huh." Marquez continued, "And I, I think that's something that John Hooker set up with Jay Doherty, and I'm saying, going over 15 years ago. Uh, and there's another guy, his name is [REDACTED]. And uh, he's, he's uh, like [REDACTED]. [REDACTED] And uh, last year, last year, I got uh, uh, it was a, uh, a request to add, uh, [REDACTED]" [REDACTED] stated,

"Mm-hmm." Marquez continued, "Uh, to be put on, on, this Jay Doherty contract. Now, I spoke with, you know, in meetings, in meetings I wanted to meet with (unitelligible), I asked like, "Well shit, what do these guys do?" Because I don't know." [REDACTED] stated, "Yeah, yeah, right." Marquez stated, "And, and, uh, Jay, I spoke with Jay last week, earlier last week. And, uh, Jay pretty much said, 'Oh you know, these guys don't do anything. All they do is collect the checks.' And uh-" [REDACTED] stated, "Yeah, not a good answer for us." Marquez stated, "Right. But that's, that's, that's the case. Uh, you know, uh, you know, these, these requests, should be the one from [REDACTED] and presumably the, the two previous ones that are really dated, they uh, you know, they, they come through Mike McClain. [REDACTED] stated, "Mm-hmm." Marquez stated, "They came through Mike McClain. And uh, you know, Jay is wondering, what's going on with the contract, what's going on with the contract, I says, 'Look, I need to sit down with [REDACTED], uh, [REDACTED] new to this, and I just want to sit down with him.' Uh, so that you know full well, [REDACTED], what's going on." [REDACTED] stated, "Yeah." Marquez stated, "I've been trying to find that out. And, because I don't want you necessarily approving anything that you're not comfortable with, number 1." [REDACTED] stated, "Yeah." Marquez stated, "You need to, you just need to understand this." [REDACTED] stated, "Yeah, and Fidel, there's stuff I wanna understand, and there's stuff I don't wanna understand." Marquez stated, "Okay, okay." [REDACTED] stated, "But if you're using these guys and you think, you think there's value there, then we'll keep going. But uh, let's sit down and talk about that

when you have a chance. I wanna do stuff that makes sense for ComEd." Marquez stated, "Yeah, yeah." [REDACTED] continued, "I don't mean that I don't want to understand it, it's just the stuff that I don't need to be getting into the details of if, if, you, uh, if you feel that it's good." Marquez stated, "Yeah, and, and, uh, [REDACTED] I, you know, I wanna be uh, just, disclose everything to you, you know. You're, [REDACTED] [REDACTED] and you need to make the decision, and without you knowing the facts it's hard for you to know, right?" [REDACTED] stated, "Yeah." Further, [REDACTED] stated, "Yep. But tell Jay we'll take care of it, we'll, we'll figure it out, but I do want to like, look, if somebody is just collecting the paycheck-" Marquez stated, "Yeah." [REDACTED] continued, "That's, that's an issue. Right? They do have to provide some value of, I'm sure they are in some sort of way, which is why I'm comfortable at your friends, uh, but, let's sit down and chat about it." Marquez asked [REDACTED] if he wanted anybody else to participate in the meeting. [REDACTED] stated, "Sounds like you know the history, and if there's other people that know the history, we should bring them in. But, at the end of the day, man, everything we do needs to, you know, in the light of day, you have to, you have to be able to say this is the right thing, right?" Marquez said, "Right. Yep, I agree." The two then made plans to speak together on a later date, possibly March 5, 2019, when they would both be in Springfield, Illinois.

72. On or about February 21, 2019, at approximately 6:16 p.m. (Session #20664), McClain placed an outgoing call from the **McClain Phone** to a telephone

number used by [REDACTED]⁵⁰ During the call, McClain and [REDACTED] discussed Madigan's need for someone at ComEd to be immediately responsive to Madigan's requests.⁵¹ Specifically, McClain said, "So, uh, the reason why I called you [REDACTED] was, uh, the Speaker [Madigan] called me. He said, 'Mike, on all these bills before, whether it was what the green people wanted, or, Exelon Generation wanted, or ComEd wanted, I just always used you [McClain] as the point person.'" [REDACTED] said, "Yeah." McClain said, "And, and uh, you're not here, so who could be the point person? Uh, because, I don't wanna be going to uh, five different people, ten different people.' And so, what I was calling you about was, I think, you and Fidel, you guys just gotta get your heads together, because it's not just that you're the point person. It also is, if there is a problem with the legislator, like they're having a problem with ComEd, well then you gotta get it fixed." [REDACTED] said, "Yeah." McClain said, "And you gotta get it fixed, like, yesterday. Um, and if uh, if the Speaker [Madigan] has somebody come to him and say, 'uh, you know they don't have a Latino PR company,' and he comes to me and he says, 'Can you, can you hire a Latino PR

⁵⁰ According to publicly available information [REDACTED]

⁵¹ In a consensually recorded call with Marquez on or about February 20, 2019, at approximately 8:57 p.m. (Target Phone 20, Session #7024), McClain, who was using the **McClain Phone**, discussed receiving a call from Madigan, who was looking for a point of contact at ComEd to provide information on ComEd's position with respect to legislative initiatives in Springfield. During the call, McClain said he would also discuss the designation of a possible contact person with Pramaggiore and Hooker.

company for the rest of the session?" I mean—" ██████████ said, "Yeah." McClain said, "It's that, it's that kind of stuff. Whoever it is, gotta have the confidence of the Speaker, to uh, you're gonna act on it right away, but more importantly, principals back in Chicago gotta know, that if a request comes from that person, like, let's say me . . . uh, then, it's uh, it's gotta, drop everything and get it done. It can't be, 'I'll get it done next week.'" ██████████ said, "Right, right." McClain said, "So, it's uh—" ██████████ said, "So for FEJA [Future Energy Jobs Act], this was you before you retired? Right?" McClain said, "Right." ██████████ said, "[S]o, that obviously has to be, someone he [Madigan] trusts as well, right? Or does it?" McClain said, "Oh, I think so. 'Cause, some of that, some of that stuff is kind of delicate, right?" ██████████ said, "Yeah, yeah." McClain said, "Uh, and, uh, you know, and there has been times, ██████████, where, like, like, uh, he [Madigan] comes to me and says, 'Have them take a look at this resume and see if they can find uh, space for this person.'" ██████████ said, "Right." McClain said, "Uh, so, it's not that, it's a delicate thing, right?" ██████████ said, "Oh no, I understand. I understand. So it's gotta be someone that he's trusting outside of our company, right?" McClain said, "Well I think so. I, I, I don't, I think it can't be an employed person, I think that's, some of the things that are, may be talked about—" ██████████ said, "Yeah." McClain said, "—should be only shared with, one person or two people inside the company." ██████████ said, "So when you think about those characteristics then, Mike, 'cause then, you know his circle, you know who he trusts, so can you think of who comes to mind for you?"

McClain said, "Well, . . . look it, I, I recommended both [REDACTED] and [REDACTED] to the company." [REDACTED] said, "Right." McClain said, "Because I thought, I believe some day, they could, one of them or both of them could take my place? . . . I don't know if they're ready yet, [REDACTED]." [REDACTED] said, "Yeah, yeah." McClain said, "You know what I mean?" [REDACTED] said, "Yeah. Just, I get what you're saying, I get it. I've only been around but my instinct, I understand where they're different at—" McClain said, "Put your street hat on, not your ComEd hat on." [REDACTED] said, "Exactly, that's what, that's why I said I understand what you're saying." McClain said, "Yeah, and uh, other thing is uh, uh, you, you, you can't be corporate. Like, for instance, uh, like, he'll say, he'll say to me at dinner, he'll say, he would say, 'Mike, just, what do you guys really want. I mean, tell me what the bottom line is and we'll, we'll start working towards that end.'" [REDACTED] said, "Uh huh, exactly." McClain said, "Well, you know, it's, let's say, you're my contact person, well you know, I would tell you, or let's say back when Hooker was Executive Vice President, I'd say, 'Okay, I disclose where we're [ComEd] going.'" And so, now he's in sync with us on where the final bill is gonna look like, but uh, you know, I, I don't think you can tell [REDACTED] that."

73. Later in the conversation, [REDACTED] said, "So, so, it sounds like we have to identify who could be that person, that will be able to carry the messages back and forth. I'll be honest with you, this is where, Mike, I'll be honest with you, I thought this is where even though you're not, in, in, there with the Speaker [Madigan]

anymore, this is what I thought you could do for us. But it doesn't sound like that can happen, because—" McClain said, "Well, and, and it may be able to happen, you know what I mean? I'm only a two hour drive away. So, you know, he says, 'You know, I need to see you, I need to tell you something,' I can get over there, that's not a, it's just a, I, I, I, it's important that, that the company understands because Hooker is not there anymore, right?" ██████████ said, "Right." McClain said, "And Anne Pramaggiore is not there." ██████████ said, "And Anne's not there, right." McClain said, "So then I come, and I say, 'We really gotta circulate this resume,' well, it's, it's, it's a nice way of saying, we gotta find this person a job." ██████████ said, "Right, right. And before we had, before we had Anne, you know, and I would get some of those resumes. So before we had Anne, and she had ██████████, you know, who was accustomed to that, you know, ██████████, and even though ██████████ you know, can, can, make these things happen with ██████████, you know, just takes the CEO saying it's gotta happen, some of this is gonna be us having to prime some of this, but I don't think ██████████ is the kind to, we'll have to figure this out, right, cause—" McClain said, "Right." ██████████ said, "██████████, it's almost like doing an introduction to ██████████, like, ██████████, 'That was your world over there, and then here's, now, we're going to open up and let you know how things were really working.'" McClain said, "Right." ██████████ said, "To, to get those things done." McClain said, "Right." ██████████ said, "You know, that's just my perspective, Mike, that's that's what I feel like we're doing." McClain said, "I, I, I was telling Fidel, you know, it's almost like, I gotta come

up to Chicago and sit down with [REDACTED] and say, 'Now [REDACTED] this is, this is real time now. Everything you did with [REDACTED] you forget. This is real time, so, so'

[REDACTED] said, "Yeah, so like, he still has one foot over there, though." McClain said, "Oh, he has more than one foot." [REDACTED] said, "Yeah, yeah. We'll, we'll figure it out. I'll talk to [REDACTED], I'm sorry, Fidel, and bring this conversation up. Because, we, we, we can act on it, obviously I have relationships and I can stress the importance of some of this stuff and say hey, 'We just gotta get it done.' I've been beating him over the head about you know, accelerating the stuff that needs to happen with the unions. . . . So, yeah, I, I, I got you, it's a real gap and we gotta close that one quickly."

74. On or about February 22, 2019, at approximately 2:59 p.m. (Session #20732), McClain made an outgoing call from the **McClain Phone** to a conference call telephone number used by Pramaggiore and Marquez. During this call, McClain, Pramaggiore and Marquez discussed the selection of a person outside of ComEd who would serve as Madigan's central point of contact with ComEd. Specifically, McClain said, "So, we're in a conundrum." Pramaggiore said, "Yep. Yeah, so Fidel, we wanted to put the three of us together. We've got a challenge with the Springfield dynamics and Michael [McClain] is really— I think he's got to share that because he understands it better than I, I mean I understand it but in any event, I wanted to talk before it got to a broader audience just so you could, I think it may need to come from you, but I want to make sure you can control the message. You or I, but probably

you. Michael, do you want to?" McClain said, "Sure. So Fidel, last Wednesday the Speaker [Madigan] called me up and said, 'You know, Mike, we have this green set of bills that they want to do, we have uh, Exelon Generation wants to do something, and ComEd wants to do something. And no matter what happened in the past, I've just always gone to you. Even though you maybe didn't represent different people, I always use you as the point person. But you're not here anymore so who's the point person?' And this is like at 4-4:30 at night and he said, 'If you can still get back to me before I go to dinner I'd appreciate it.' I went, 'Holy schtick!' I still haven't gotten back to him. And as you know, Fidel, the point person has to have his trust and also have the company's trust. And that person's got to be very discrete. And whoever that person is talking to, for the company, like let's say it's you, there's a code, right? So like, when all of a sudden I come to you and say, 'Will you take a look at this resume?' I mean, that's like, 'Will you drop and do try to get this done as fast as possible, right?' I mean, or if there's a complaint that [a named Illinois State Representative] has a problem and he's gone to the Speaker and the Speaker says, 'McClain take a look at this.' That sort of code that, you know, 'Do whatever you can to fix it right away, right?' And so, that's what we've always done." McClain continued, "But now we're in a situation where – what do we do? Because I don't think we have anybody in our organization that can speak for Exelon Generation or even, I'm talking about a contract person, not an employed person. I think an employed person . . . has a more difficult problem here. So it's got to be an agent. So I pose this to you." After discussing

possible points of contact, including Hooker, the group agreed that Marquez would raise the issue with [REDACTED].

75. On or about February 22, 2019, at approximately 3:36 p.m. (Target Phone 20, Session #7385), Marquez received an incoming call on Target Phone 20 from the Pramaggiore Phone. During the call, Marquez and Pramaggiore discussed the designation of a ComEd point of contact for Madigan. Specifically, Pramaggiore said "Let me know if you end up talking to [REDACTED] about the McClain thing. And think about whether you propose McClain or Hooker. I don't know that they trust either of 'em, but—" Marquez said, "Like I said, I think our options are, are thin." Pramaggiore said, "Yeah, well, I know, I know." Marquez said, "[Unintelligible] I say, [REDACTED] who do you think is closer to the Speaker [Madigan]?' . . . I'm just gonna use John [Hooker]." Pramaggiore said, "Yeah." Marquez said, "That's where I'm at."

76. On or about February 24, 2019, at approximately 2:19 p.m. (Target Phone 20, Session #7929), Marquez placed an outgoing call from Target Phone 20 to a telephone number used by [REDACTED]. During the call, [REDACTED] and Marquez discussed the designation of points of contact for ComEd to the Illinois House of Representatives and Senate. Specifically, Marquez said, "Hey, [REDACTED] I got a call from McClain last week, the Speaker [Madigan] called him. . . . The Speaker tells McClain, 'Hey, I got the, I know a ComEd bill, an Exelon bill, and I've got a couple of these, uh, you know, green bills, environmental bills.' He says, 'Mike, when you were, before you were the guy that was, like, the go between with everyone. Now that you're . . . gone,

who's going to do that job? That was the question to Mike." ██████ said, "Can it, can it still be Mike?" Marquez said, "No, cause Mike is not a lobbyist, it's gotta be a lobbyist." ██████ said, "Oh, okay." Marquez said, "It's gotta be a lobbyist." ██████ said, "Could it be ██████?" Marquez said, "So I talked to Mike [McClain] about ██████. He says, maybe ██████ [unintelligible]. So the go between, ██████ is someone who would come to us and say, 'Hey, um, you know, leadership is looking for this or is looking for that . . . you know, and someone has to come to us and says you gotta take care of this, if you want this taken care of.'" ██████ said, "Okay." Marquez said, "So . . . it's someone that's got that, uh, someone that, the Speaker can trust. Now, I think John Hooker can do it. McClain says, 'Well, maybe, maybe you have Hooker for . . . the Senate.' And, he's thinking maybe ██████ and he will kind of help guide ██████ a little bit. I brought up ██████ too, and he goes, ██████ probably not her.' Uh, I did suggest Hooker for both, but, you know, he came back maybe you ought to consider, uh, ██████ and ██████ also sets us up for the future. You know, who knows how long John is going to continue doing this, as well." ██████ said, "Yup." Marquez said, "Are you okay with that?" ██████ said, "Totally okay." Marquez said, "Okay, I wanted to make sure you were on board before I did anything." ██████ said, "Totally okay. It's money well spent."

77. On or about February 24, 2019, at approximately 9:22 p.m. (Target Phone 20, Session #8037), McClain placed an outgoing call from the McClain Phone

to Target Phone 20, used by Marquez. During that call, McClain and Marquez discussed the designation of ComEd points of contact for Madigan and for [REDACTED].

[REDACTED] Specifically, Marquez said, "I wanted to clarify . . . my conversation with [REDACTED] and maybe I misunderstood your email from yesterday, was that Hooker would take care of working with [REDACTED] and you would be with the House and at the same time bringing [REDACTED] along but you still have the lead. Did I misunderstand that?" McClain said, "No, no, that's fine. It was just I'd be the lead and [REDACTED] would follow." Marquez said, "That's what I said." Later in the conversation, McClain said, "How about I say in my terms what the recommendation is, which would be Hook [Hooker] is the lead in the Senate with [REDACTED]. I would be the lead in the House but [REDACTED] would be the second chair. . . . And everything I am doing, everything I'm doing, I shall talk to him about so that he knows what's expected." Marquez said, "'Him' meaning [REDACTED]." McClain said, "[REDACTED] yeah. . . . At the end of the day he's gotta do it, someday he's gotta do it."

78. On or about February 26, 2019, at approximately 11:46 a.m. (Session #20972), McClain made an outgoing call from the **McClain Phone** to a telephone number used by Madigan. During the call, McClain and Madigan discussed the ComEd point of contact for Madigan. Specifically, Madigan said, "You and I talked about [a named Illinois State Representative] and an energy bill." McClain said, "Yes." Madigan said, "Who's going to drive the bus? Do you have an answer on that?"

McClain said, "Yeah, so, um, I think we'll have [REDACTED] be the lead for ComEd and as soon as I get the name from Exelon Generation, I'll get that to you right away." Madigan said, "Okay, alright." McClain said, "And then John Hooker's gonna be ComEd lead for [REDACTED]." Madigan said, "Okay." McClain said, "But you ought to know that [REDACTED] gonna have to be going through me on everything 'cause he's never done this before and it's a little bit tricky. . . . He'll be calling me all the time so if there's something that comes up that you think you should only tell me at this stage, you're more than welcome. You know that." Madigan said, "Yeah, okay. Alright, so it's gonna be [REDACTED] in the House and, you say, it's gonna be Hooker in the Senate?" McClain said, "Yes."

79. On or about March 4, 2019, [REDACTED] informed Marquez via text message that [REDACTED] intended to sign the JDDA contract renewal. In further communications between Marquez and McClain on or about March 4, 2019, McClain agreed to meet in person with [REDACTED] and Marquez at ComEd's offices in Springfield, Illinois, on March 5, 2019. During these communications, Marquez left a voice mail for McClain in which he informed McClain that [REDACTED] had expressed to Marquez his ([REDACTED]) intent to sign the JDDA contract renewal. In a return voice mail message for Marquez, McClain stated, in relevant part:

Hey Fidel, Mike McClain. I see that you, you called me and I'm sorry that I missed your call. . . . Hope your conversation with [REDACTED] [REDACTED] went well today. It sounds like from talking with [REDACTED] [REDACTED] that, earlier today, that, uh, he [REDACTED] seemed to

like, maybe we oughta have him get sick every quarter,^[52] um, so, but I'm glad he's, um, coming on board. Ah, he's very smart to accept the advice that you and [REDACTED] are giving her, giving him.

In a phone call later on March 4, 2019, Marquez confirmed that, even though [REDACTED] had expressed his intent to sign the JDDA contract renewal, [REDACTED] also agreed to meet with McClain in person the next day so that McClain could "give [REDACTED] perspective on how Springfield works" (Marquez's words). McClain agreed to meet with [REDACTED] on March 5, 2019.

80. On or about March 5, 2019, at approximately 9:09 a.m. (Session #21779), McClain received an incoming call on the **McClain Phone** from a telephone number used by [REDACTED]. During the call, McClain and [REDACTED] discussed ComEd payments to Madigan's associates, including [REDACTED]. Specifically, McClain said, "Well I got a call last night from Fidel [Marquez] asking me to drive over to sit down with [REDACTED] [REDACTED]. So I'm driving over there." [REDACTED] said, "Is [REDACTED] in town today?" McClain said, "Yeah, he's flying in this morning at 10:00." [REDACTED] said, "Is he going to the meeting?" McClain said, "I don't know. What time is your meeting, 10:30?" [REDACTED] said, "Usually at 10. I was going to get there at 10." McClain said, "Okay." [REDACTED] said, "So what's up with [REDACTED]? What's he worried about?" McClain said, "You know those contracts like you did with [REDACTED]?" [REDACTED] said, "Yeah." McClain said, "Well, we have, we got others in other places. He didn't want to renew those contracts. And uh, Fidel says he's kind of talked him in to maybe doing them. But he thinks I better

52 [REDACTED]

come over here and explain to him why he should do them.” ██████ said, “You still got a bunch of those out there?” McClain said, “Oh yeah.”

81. On or about March 5, 2019, McClain, ██████ and Marquez had an in-person meeting where they discussed, among other things, renewal of the JDDA contract. ██████ began that portion of the discussion by stating, “But anyway, with Jay, so, uh . . .” McClain stated, “Let’s go back, I think we gotta go backwards. So, um, the history with Madigan is, um, even in the, um, when, when Lee Daniels was, was, um, Speaker . . .” ██████ stated, “Mm-hmm.” McClain continued, “. . . we had a bill that we wanted, uh, heard, and Lee [Daniels] wanted no part of it.⁵³ And even then Madigan grabbed the bill and had the meetings in his office, and, uh, and the same thing when we [ComEd] de-regged [sought deregulation legislation], um, it, it, it’s just, um, um, I don’t know if it’s his [Madigan’s], um, um, view of ComEd, uh, from even the seventies [1970s] when, when, you know, he [Madigan] had to name people be meter readers, right. I mean, it’s, uh, the old fashioned patronage system and . . .” ██████ interjected, “Mm-hmm.” McClain continued, “. . . uh, ComEd played it like, um, uh, he . . .” ██████ stated, “Like a chip.” McClain stated, “You’re a ward committeeman and, uh, and we have seven meter readers in your, in

⁵³ I know from open source information that Lee Daniels was a Republican Party member of the Illinois General Assembly who served as Speaker of the House of Representatives from approximately January 1995 through January 1997. Daniels’ term as Speaker was the only period from January 1983 to the present that Madigan was not the Speaker of the House of Representatives.

your ward and you can name four of them, (McClain laughs) you know.”⁵⁴ ██████████ responded “Mm-hmm.” McClain continued, “And that’s just the way ComEd was for, uh, years, and then, as, as we’ve kind of morphed into, um, not being able to do that. No meter readers, and, uh, your, your, um, uh, frankly, your employees are more skilled. And a lot of people in his ward, um, we [ComEd] morphed into, ‘How else can we help you?’” ██████████ stated, “Right.” McClain said, “Right.” McClain then gave an example of an individual (now deceased) who ComEd hired ██████████ at Madigan’s request, which was, in turn, based upon a request (presumably to Madigan) that came from the individual’s father.⁵⁵ McClain also indicated that the individual’s father, “had a special love for ComEd before that and after that . . .” ██████████ said, “Yeah.” McClain continued, “. . . because of that commitment.” McClain continued, “So, that’s just what we’ve, we’ve always done for, Good Lord, over 20 years now. Because we can’t really do meter readers, we don’t have ‘em any more. We don’t . . .” ██████████ said, “Yeah.” McClain continued, “. . . linemen, there’s, there’s no one from the 13th Ward that’d linemen. So, what we have is, um, uh, ██████████ ██████████, uh, I meant to say, sorry, ██████████ ██████████, um, next

⁵⁴ Public source information indicates that Madigan became the Democratic Party’s committeeman of Chicago’s 13th Ward in 1969. Other public source information verifies that Madigan maintains that same position at present.

⁵⁵ The individual’s father, ██████████

to, and [REDACTED] Um, and, uh, [REDACTED] who's [REDACTED] Uh, and, uh, they're all, they're all good solid people." [REDACTED] responded, "And available when, when we need, uh, when we need some help, right?" McClain responded, "Mm-hmm." McClain then analogized the payment of individuals by ComEd through JDDA to the hiring of a person by [REDACTED] at the request of a union leader, and [REDACTED] responded by denying that the union leader had requested that the hire be made, although [REDACTED] thought the hiring would be appreciated by the union leader, who, according to [REDACTED], "[REDACTED]" McClain also mentioned that it was similar to ComEd's previous hiring of another individual (Individual C) at the request of another elected member of the Illinois House of Representatives (not Madigan). Marquez noted that he incurred the wrath of [REDACTED] over the hiring of Individual C because there was "a gentleman's agreement" that utilities would not hire [REDACTED] and Individual C was [REDACTED]. Marquez further related that, upon being accused by [REDACTED] of having violated their informal agreement ([REDACTED] told Marquez that "you broke the trust"), Marquez informed [REDACTED] that he was obligated to hire Individual C because the hiring was done at a politician's request (Marquez informed McClain and [REDACTED] that Marquez said to [REDACTED]: "It was a request, suck it up."). [REDACTED] responded, "That's right." McClain then indicated that, given the political connections to some of ComEd's hires, it would be very difficult for Marquez to decide

which contract lobbyists to fire if hypothetical budget cuts of \$1 million forced ComEd to terminate half of ComEd's lobbyists. ██████ responded, "No, no, no. Listen, and this is true in every jurisdiction, right, so." ██████ then asked Marquez if he (██████) was perceived as having delayed the execution of the JDDA contract. Marquez explained that the delay was due to the fact that "Jay's contract has always been under the [ComEd] CEO" and that Marquez wanted ██████ to understand the terms of the contract ("████████████████████") since the contract was for a total of approximately \$400,000 ("400 grand"). ██████ responded, "Fidel, my view on all this, on this stuff is, is, is, its like the lobbying team itself, ya' know. There at, periods of time where people are saying, 'What the hell are these guys doing? Why are we paying 'em?'" McClain said, "Right." ██████ continued, "And they will do something in the, in the magic moment . . ." Marquez interjected, "That's, that, that, that's worth . . . 100 times what you are paying them." ██████ said, "Right, right, right." ██████ then confirmed that he would sign the contract, stating, "we gotta do that business, ya' know."

82. On or about March 6, 2019, at approximately 3:05 p.m. (Session #21893), McClain made an outgoing call from the **McClain Phone** to the Hooker Phone. During the call, McClain and Hooker discussed McClain's meeting with Marquez and ██████ on or about March 5, 2019. Specifically, McClain said, "They [ComEd] asked me to come into town yesterday and um, because, uh, they wanted me to explain the Jay Doherty situation, you know the contracts? And—" Hooker said, "To

██████████?" McClain said, "Yeah. And so the, why that's important, and uh, I did it in about two minutes and he ██████████ said, "Well, that's not the way Fidel told me about it, this is fine with me." I said, "Okay." Hooker said, "Michael, you gotta, what did you just say, "This is why this is important to us." McClain said, "Right. And you know, and I think maybe they just, they're scared of him so they don't talk bluntly to him, you know what I mean?" Hooker said, "Right, right. With the Jay Doherty stuff, you got a little leg up." McClain said, "Right. Exactly." Hooker said, "I mean it's uh, unmentioned, but you know, that which is understood need not be mentioned." McClain said, "Right. Exactly. Exactly." Hooker said, "So, you're tellin' me you came to town and within five minutes you, he told you it was okay and he was gonna bless it?" McClain said, "Right." Hooker said, "So, now with that Michael, I hate to say it like this, but you need to follow up with Fidel and see what he told him, did they go in and do it." McClain said, "Well, then Fidel came in the room, and ██████████ told Fidel, go ahead and do it." Hooker said, "Okay. Alright." McClain said, "John, John, Good Lord, huh?" Hooker said, "This is March. This should not have had taken so long." McClain said, "No. On the other hand you know, Jay Doherty I mean uh, ██████████ ██████████ you know."

83. Marquez has confirmed to investigators that ██████████ has executed the JDDA contract for calendar year 2019.

7. Bank Account and Tax Return Information for Doherty and JDDA Confirm the Existence of Payments to [REDACTED]

84. A search of the ISOS lobbyist registration website (last reviewed on May 1, 2019) indicates that Doherty, in his individual capacity, has been a registered lobbyist in Illinois from 2005 through 2007, and again from 2010 through 2019 (there was no registration record for Doherty for years 2008 or 2009).⁵⁶ The registered address for each year is [REDACTED] Chicago, Illinois. ComEd is listed as a lobbying client for Doherty for each registration year from 2010 through 2019, and the scope of Doherty's lobbying work includes, among other things, the area of "Public Utilities." For those years, Doherty's lobbying registration indicates that his intent is to lobby the Executive Branch, Legislative Branch and/or the administrative agencies of the State of Illinois government.⁵⁷ A search of the City of Chicago website on May 6, 2019, indicated that Doherty, in his individual capacity, was registered as a lobbyist with the City of Chicago from 2011 through 2019.

85. Pursuant to orders of the District Court, the government has obtained from the Internal Revenue Service ("IRS") tax information for Doherty, JDDA, [REDACTED] and others for the tax years 2012 through 2017. That tax information reflects that, during those years, Doherty received from JDDA income as both an

⁵⁶ Even though registered in his individual capacity, Doherty is also identified as the authorized agent and the exclusive lobbyist for the registrant.

⁵⁷ Doherty's registrations for 2016 through 2018 only indicate an intent to lobby administrative agencies, while his 2019 registration indicates an intent to lobby the Executive Branch and administrative agencies.

employee (declared on W-2 Wage and Tax Statements) and, since JDDA is an S-corporation, through Schedule K-1 distributions. That tax information also reflects that, during those tax years, JDDA issued Forms 1099-MISC (non-employee compensation) to ██████████ in the following amounts:

Payee	1099-MISC Payment Amount By Tax Year					
	2012	2013	2014	2015	2016	2017
██████ ⁵⁸	\$50,000	\$60,000	\$60,000	\$60,000	\$55,000	\$60,000 ⁵⁹
██████	\$48,000	\$48,000	\$48,000	\$48,000	\$44,000	\$48,000 ⁶⁰
██████ ⁶¹	N/A	N/A	\$45,000	\$54,000	\$45,000	N/A

⁵⁸ According to IRS records, the payments to ████████ in 2016 and 2017 were made to ██████████, which does not appear to be an incorporated entity with the ISOS.

⁵⁹ The original 1099-MISC filed with the IRS was for \$65,000, but it was thereafter amended to \$60,000. For reasons unknown to me, IRS records reflect that the "amended" 1099-MISC was received by the IRS prior (4/12/18) to receipt of the "original" 1099-MISC (4/19/18).

⁶⁰ The original 1099-MISC filed with the IRS was for \$52,000, but it was thereafter amended to \$48,000. For reasons unknown to me, IRS records reflect that the "amended" 1099-MISC was received by the IRS prior (4/12/18) to receipt of the "original" 1099-MISC (4/19/18).

⁶¹ ████████ also received Forms 1099-MISC listing payments from the McClain Law Firm of \$40,500 (2012), \$42,000 (2013), and \$11,250 (2014).

For each of these years, [REDACTED] appear to have each declared this income as business income on Schedule C in the individual tax returns they filed for each of the years listed above.⁶²

86. The government also obtained bank account records for Doherty and JDDA. The records extended from approximately January 2014 through and including approximately August 2018. Those records demonstrated that Doherty and JDDA have paid the following amounts to [REDACTED]

Payee	Number of Payments	Total of Payments	Approximate Time Period
[REDACTED]	56	\$280,000	January 2014 – August 2018
[REDACTED]	56	\$224,000	January 2014 – August 2018
[REDACTED]	32	\$144,000	April 2014 – November 2016
[REDACTED]	1	\$5,000	August 2018

⁶² The Schedule C documents filed with the respective individual income tax returns do not identify the source of the declared business income but the disclosed figures are consistent with the disclosure of these payments as business income.

87. The payments to [REDACTED] summarized above were made in approximately monthly installments.⁶³ Through approximately the first six months of 2014, the payments to [REDACTED] were made from bank accounts held by Doherty rather than JDDA. From approximately June 2014 through September 2018, all of the payments summarized above have been made from a JDDA bank account.

88. The financial records also show substantial deposits into bank accounts maintained by JDDA and Doherty from Exelon and ComEd. In particular, from in or about January 2014 through and including in or around August 2018, Exelon made approximately 52 payments to JDDA totaling approximately \$1,949,000. Those payments were deposited in both a JDDA checking account (approximately 38 payments totaling approximately \$1,437,000) and a checking account maintained by Doherty personally (approximately 15 payments totaling approximately \$549,000). Further, ComEd made one payment to JDDA of \$37,000 in or around August 2015.⁶⁴

⁶³ At times, multiple payments were made in close sequence to each other after a period of non-payment.

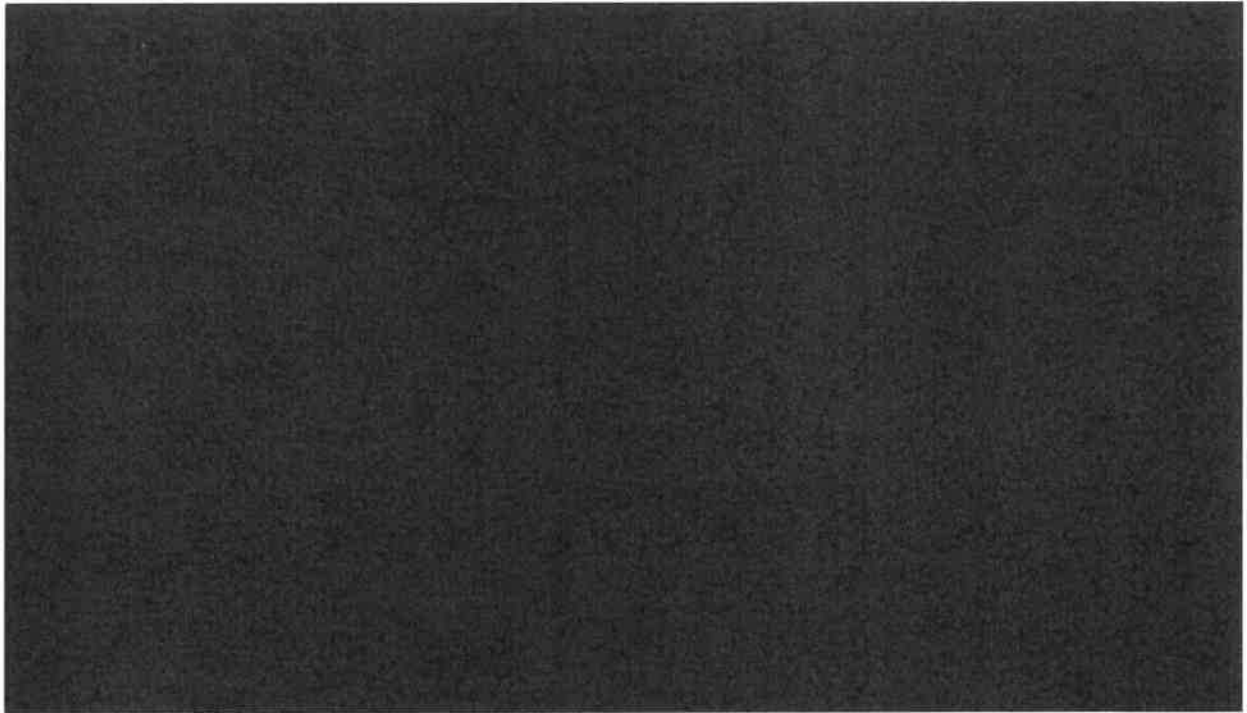
⁶⁴ The payments from Exelon to JDDA were electronically deposited into JDDA's checking account at U.S. Bancorp (commonly known as "U.S. Bank"). I know, based upon my experience and training, and discussions with other agents, that financial institutions regularly use the Fedwire system, which is operated by the Federal Reserve System, to process such electronic payments. I also know from information obtained by another federal law enforcement officer that, since 2014, all Fedwire transactions have cleared through a facility located in Texas. Based upon this information, there is a fair probability that the electronic transfer of funds from Exelon to JDDA over the course of several years has resulted in the interstate transmission of wire communications.

89. The City of Chicago lobbyist registration database contains filed quarterly reports, within which lobbyists list their clients and the amount of compensation they received from each of those clients during the preceding quarter for lobbying services, as well as the lobbyists' costs in providing those services. Doherty's reports for 2014 to 2019 reflect the following for Doherty's lobbying activity for ComEd with respect to the City of Chicago:

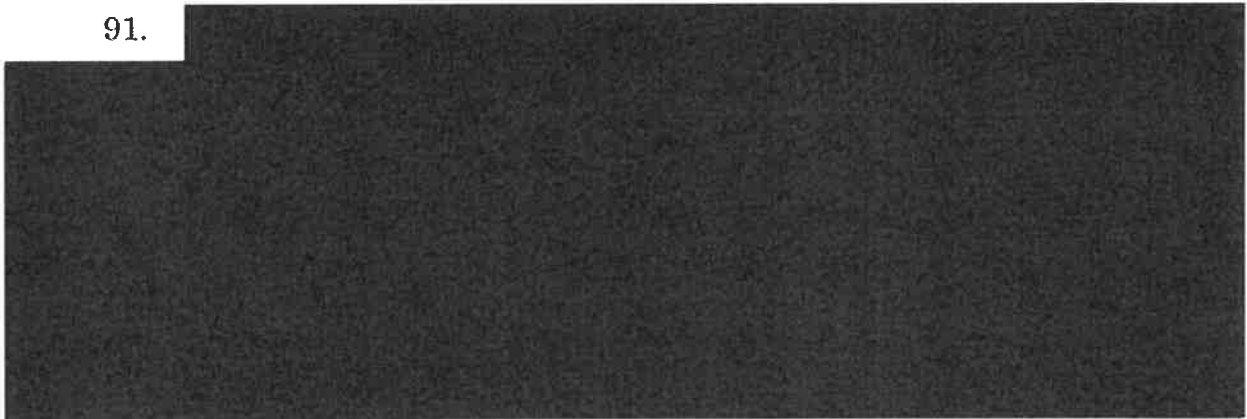
Year	ComEd Lobbying Payments	Costs
2014	\$64,250	\$0
2015	\$70,500	\$0
2016	\$63,500	\$0
2017	\$84,625	\$0
2018	\$71,985	\$0
2019	\$4,938 (through first calendar quarter)	\$0

8. [REDACTED] and Other Evidence Demonstrate That Madigan and McClain Have Used the [REDACTED] [REDACTED] as Intermediaries for ComEd Payments to [REDACTED]

90. [REDACTED]



91.



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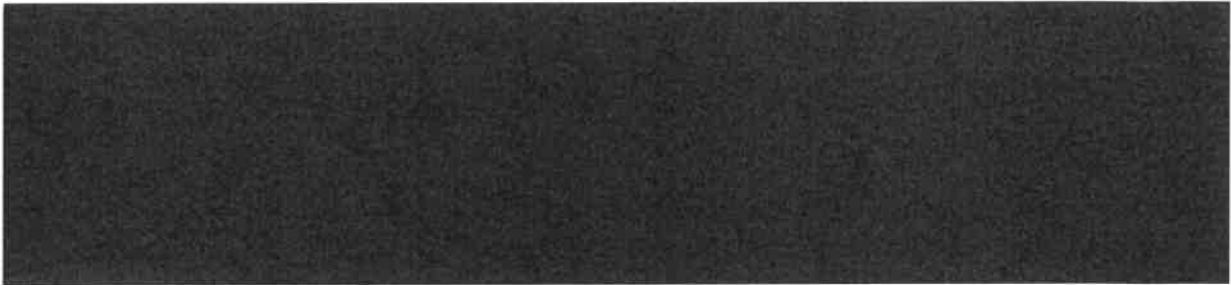


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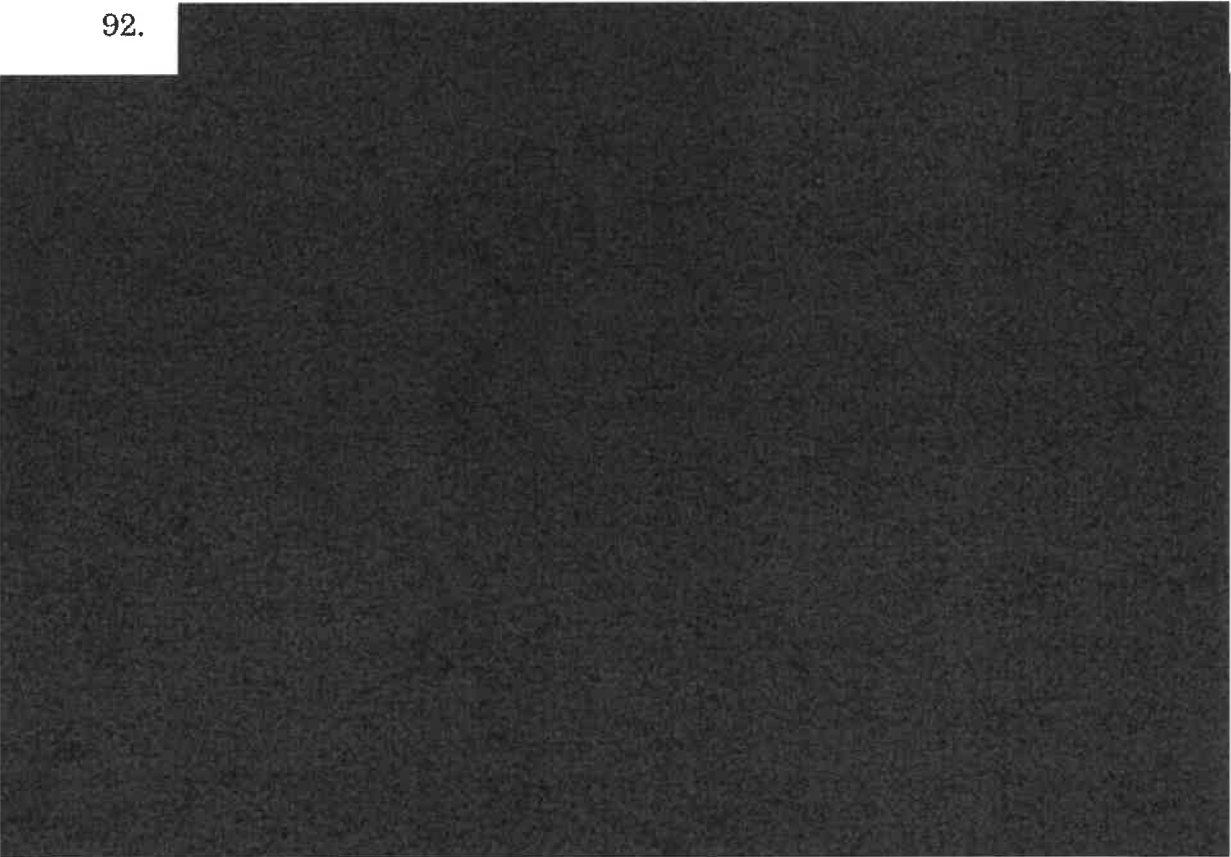


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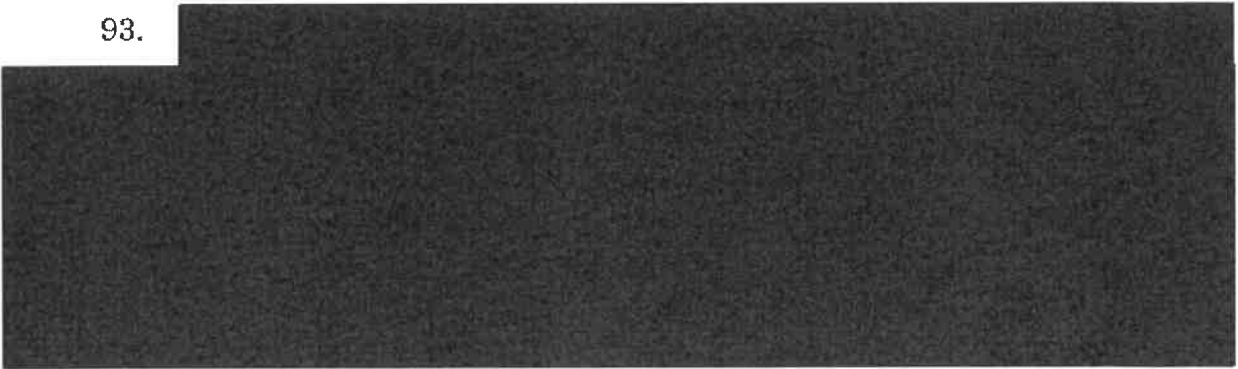


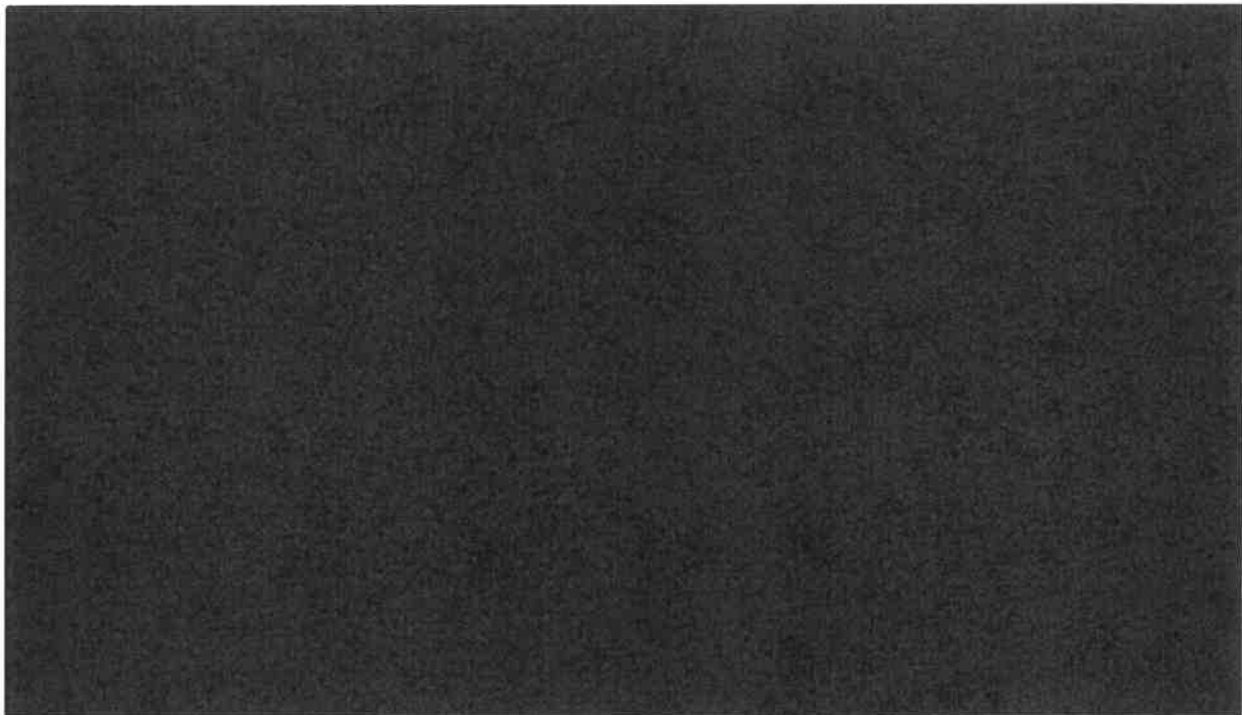


92.



93.





94. Tax information obtained during the course of the investigation demonstrates that, for tax years 2016 and 2017, [REDACTED] (individually) filed 1099-MISC forms with the IRS reflecting payments to [REDACTED] of approximately \$9,000 (2016) and \$54,000 (2017). Combined with the \$45,000 that [REDACTED] received from JDDA in tax year 2016, his total income from JDDA and [REDACTED] combined for 2016 was \$54,000, which is identical to the payments he received from JDDA in 2015 and Decremer in 2017. As with the payments from Doherty, [REDACTED] appears to have

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declared this income as business income on Schedule C in the individual tax return he filed for 2016 and 2017, respectively.

95. On or about November 20, 2018, at approximately 11:31 a.m. (Session #16494), McClain made an outgoing call from the **McClain Phone** to a telephone number used by [REDACTED]. During the approximately 43 minute conversation, McClain and [REDACTED] discussed various political matters. Toward the end of the conversation, [REDACTED] stated that he thinks all of the “contractual folks are getting along okay.” [REDACTED] further stated that he does not “hear much out of the other two unless [REDACTED] doesn’t get his check within 12 hours of when he thinks he’s supposed to get it.” In response, McClain laughed.

96. On or about December 5, 2018, at approximately 11:08 a.m. (Session #17725), McClain made an outgoing call from the **McClain Phone** to a telephone number used by [REDACTED]. During the conversation, [REDACTED] said that he wanted to talk about three things, one of which was “[REDACTED].” In particular, [REDACTED] asked, in reference to [REDACTED], “Is he banned now from getting, what, how do I handle that? I still got November to pay him, but [REDACTED]”⁷¹ McClain responded, “Well, that’s what I gotta find out.” [REDACTED] said, “Okay. Just let me know. So, I, I, haven’t gotten the check from ComEd for November, so I owe him that, that would be prior to his service, so, but then December, we got

71 [REDACTED]

some time, but I did want to know before I wrote him a check for December.” McClain replied, “Right, right. Okay.” McClain also suggested that [REDACTED] contact [REDACTED] and [REDACTED] so that “the first information he gets from you is not like, ‘I’m cuttin’ you off.’” [REDACTED] then asked, “Well, and so, you would agree with me then that [REDACTED]?” McClain responded, “Yeah, yeah.” [REDACTED] said, “So his services prior to that time are not in question? That’s fine. So I still – when I get the check from ComEd for November I can pay him for that.” McClain said, “Yeah.” [REDACTED] reiterated that “December is the question” and McClain reiterated he “need[ed] to find out what the answer to that is.” [REDACTED] then asked, “Okay. And then, should I hold off on the November check or go ahead and send it?” McClain responded, “No, I’d go ahead and send that.” [REDACTED] responded, “Okay.” McClain and [REDACTED] then discussed other political matters.

97. On or about December 5, 2018, at approximately 7:15 p.m. (Session #17803), McClain received an incoming call on the **McClain Phone** from Target Phone 20, which was used by Marquez. During the conversation, McClain and Marquez discussed ComEd payments that were being made, through intermediaries, to [REDACTED]. Marquez asked, “Which brings me to the perennial question, [REDACTED]?” McClain responded, “You can get rid of him.” Marquez asked, “I can get rid of [REDACTED]?” McClain responded, “Yep.” Marquez said, “Alright, so he’s not going to go screaming to the Sp–, he’s going to go screaming to our friend [Madigan]

anyway." McClain said, "No matter what." Marquez then asked, "Okay, okay, And, ah, [REDACTED]?" McClain responded, "He, I need to, I gotta check one thing out." Marquez responded, "Okay." McClain responded "[REDACTED] [REDACTED]"⁷² Marquez responded, "Yes." McClain said, "And I said, [REDACTED], don't do anything yet, but let me check out ethics here because I don't want to get anybody in any trouble." Marquez said, "I agree." McClain said, "And so I've gotta, I had to check out the ethics and I just haven't, I didn't make that, that phone call today." Marquez responded, "Okay, okay. Alright, so I'll wait to hear on that. Thank you on [REDACTED]" McClain said, "Yup." Marquez said, "Okay." McClain said, "It's time, it's time." Marquez responded, "Yeah." McClain then told Marquez that McClain made the difficult decision to terminate the payments being made to another Madigan associate through another intermediary (not JDDA, [REDACTED] or the [REDACTED]). McClain stated, "But, you can't just ask a company to be donating \$60,000 a year when the guy can't even really talk very well anymore. Or enunciate very well, any more." Marquez responded, "Wow. Wow." McClain said, "You're setting up your friends in order to protect a friend. You know what I mean?" Marquez responded, "I know, I get that. Okay, well that's helpful. If you'd let me know about the other [REDACTED], as opposed to [REDACTED], that's fine . . ."

72 [REDACTED]

98. On or about December 7, 2018, at approximately 4:14 p.m. (Session #17919), McClain received an incoming call on the **McClain Phone** from a telephone number used by Madigan. During the conversation, McClain and Madigan discussed whether the ComEd payments to [REDACTED] through the [REDACTED] should continue in light of [REDACTED]. In particular, during the conversation McClain asked, "Um, [REDACTED]" Madigan responded, "Yeah." McClain said, "So [REDACTED] um, does that, uh, right now we pay him, and uh, I thought it was under [REDACTED] but now I remember that after [REDACTED] we moved it under [REDACTED], so do you want us to keep going with [REDACTED] under that ComEd agreement? Or do you want us to pull off a little bit because of [REDACTED]?" Madigan responded, "Yeah that might be a good idea to pull back." McClain asked, "Do you want me to call [REDACTED] and tell him?" Madigan responded, "Yeah, sure, sure. Fine." McClain said, "I'll call [REDACTED] Okay." I believe that this conversation demonstrates that Madigan ultimately decides which of his associates ComEd will pay, and for how long.

99. On or about December 7, 2018, at approximately 4:59 p.m. (Session #17935), McClain made an outgoing call from the **McClain Phone** to a telephone number used by [REDACTED].⁷³ During the conversation, McClain [REDACTED]

⁷³ [REDACTED] was identified as the user of the phone in multiple ways. First, [REDACTED] is identified in the cell phone provider records as the subscriber of the phone number. Second, [REDACTED] was identified based upon the nature of the conversation in this call. In particular, in response to

██████████ and the two discussed the salaries of various elected officials. Later during the call, ██████████ suggested that McClain and ██████████ meet up when McClain returned to Chicago. The status of ██████████ payments from the ██████████ ██████████ was not discussed during the portions of the call ██████████.

100. On or about December 8, 2018, at approximately 1:24 p.m. (Session #17973), McClain made an outgoing call from the **McClain Phone** to a telephone number used by ██████████. Toward the end of the conversation, McClain said, "I did talk to himself [Madigan], um, about ██████████." ██████████ responded, "Yeah." McClain said, "Himself thinks that maybe we oughta stop it [the payments to ██████████ from ComEd via the ██████████]." ██████████ said, "Okay." McClain said, "And I called, I called ██████████. And then next week I'll call him to say we're going to cut off the contract." ██████████ responded, "Okay." McClain indicated that terminating the payments to ██████████ were "prudent." ██████████ asked, "So what do I do with that thing? Reduce the amount that comes to me?" McClain asked, "Umm, why don't you do the, um, pay the November one. And December just pay for, like, you know, a half a month or something." ██████████ responded, "Okay." McClain said, "Just say, you know, you know, 'Merry, Merry Christmas, ██████████ uh, from the ██████████. Something like that.'" ██████████ asked, "Okay. Like a bonus?" I believe that McClain is directing ██████████ to take receipt of the December 2018 payment from ComEd for

McClain's questions about how he should address ██████████, ██████████ responded that some people refer to him by various names, including "██████████."

██████████ but then only pay one-half of it to ██████████, utilizing the artifice that the payment was a bonus for ██████████ work for ██████████ so as to avoid any pitfalls that might arise if ██████████ was paid money from ComEd for a period of time that he was ██████████ this arrangement would also allow ██████████ to retain the other half of the ComEd payment for the month.

101. On or about February 4, 2019, at approximately 12:04 p.m. (Session #18749), McClain made an outgoing call from the **McClain Phone** to a telephone number used by ██████████. During the call, ██████████ said, "I was just following up, any word on any potential replacement?" McClain responded, "Yup, I'm looking around, I'm looking around." ██████████ stated, "Okay." McClain stated, "So -." ██████████ stated, "If there's anything you need me to do, let me know, I'll -." McClain responded, "I will, I will." ██████████ continued, "Or meet with anybody." McClain stated, "Will do, will do." ██████████ stated, "Thank you sir." McClain stated, "Yes sir, bye." Based upon the context of this conversation and the other evidence set forth above, I believe that ██████████ contacted McClain in an effort to have McClain arrange for ██████████ to once again receive payments from third parties in exchange for doing little or no real work.

102. Personal checking account records obtained for ██████████ indicate that, from on or about December 26, 2016, through on or about February 26, 2018, ██████████ received 14 payments of \$4,500 each (\$63,000 total) in the form of checks from ██████████. Such records also verify that, beginning in or around March 2018, ██████████ began receiving payments from the ██████████ in the amount of

approximately \$4,500 per month. In particular, records for bank accounts held by [REDACTED] verify that, during 2018, the [REDACTED] issued 10 payments to [REDACTED] in the amount of \$4,500 each, beginning on or about March 12, 2018, and ending on or about December 8, 2018.

103. I believe the preceding calls demonstrate that Madigan and McClain have used [REDACTED] as intermediaries for ComEd payments made to [REDACTED]. Based upon the preceding calls and the other evidence in this case, I believe that Madigan and McClain have used all three of the Intermediaries (JDDA, [REDACTED]) for ComEd's payments to [REDACTED]. In particular, the financial records for JDDA demonstrate that JDDA served as the intermediary for ComEd's payments to [REDACTED] from approximately April 2014 through and including approximately November 2016. [REDACTED] served as the intermediary for payments from ComEd to [REDACTED] during at least January 2018 and February 2018; in particular, [REDACTED] bank account records reflect the deposit of two checks from [REDACTED] that were in the amount of \$4,500 and payable to [REDACTED] individually. Following [REDACTED] [REDACTED] in or around February 2018, the payments to [REDACTED] were then re-directed from ComEd through [REDACTED] as the intermediary; in particular, [REDACTED] bank account records reflect that, between approximately March 2018 and August 2018, [REDACTED] deposited the six checks from the [REDACTED] that were in the amount of \$4,500 and payable to [REDACTED] individually. Similarly, it appears that the

██████████ was being used as the intermediary for ComEd's payments to

9. ██████████ Call Between McClain and Madigan Demonstrates Madigan's Knowledge That JDDA Is Being Used as an Intermediary for Payments to Madigan Associates from ComEd.

104. On or about July 2, 2018, at approximately 2:09 p.m. (Session #7531), McClain made an outgoing call from the McClain Phone to a telephone number used by Madigan. During the call, McClain and Madigan discussed finding a job for ██████████. Specifically, Madigan said, "██████████ [74] ██████████ came to me and same story, he needs money and he had the thought that maybe I could help ██████████ on something." McClain said, "Hmm." Madigan said, "And, um he tells me that ██████████ ██████████" McClain said, "Mm hmm." Madigan said, "And I asked him to, you know, to send the resume to me." McClain said, "Good, right." Madigan said, "But um, give it some thought." McClain said, "I will, I will, has she done ██████████" Madigan said, "The only thing I got out of him, she may be working for ██████████ ██████████ right now, and um I think at the beginning she was answering the phones ██████████ that type of stuff." McClain said, "Mm hmm." Madigan said, "Um, but I'd like you to give it some thought, one thought I had was

⁷⁴ Throughout the conversation, Madigan ██████████ ██████████

with Jay Doherty." McClain said, "Mm hmm." Madigan said, "And um not necessarily with ComEd, but I had the thought that I could actually put Jay Doherty on a retainer." McClain said, "Mm hmm." Madigan said, "And then he'd have her and she'd do whatever she would do." McClain said, "Mm hmm." Madigan said, "We would tell her to, we'd tell [REDACTED] prepare some monthly reports on what she's doing." McClain said, "Right, right." Madigan said, "So [unintelligible] got it on file." McClain said, "Right." Madigan said, "But if you could just give it some thought." McClain said, "Sure, may I call [REDACTED]?" Madigan said, "No harm, yeah, sure, you got his number?" McClain said, "Yup."

105. I believe that, in the preceding call, after being asked by [REDACTED] [REDACTED] to find employment for [REDACTED] Madigan contacted McClain. Madigan's statements during this call demonstrate that Madigan was aware that McClain had previously arranged for the payment of money by Exelon and/or ComEd to Madigan associates using JDDA as an intermediary. Madigan appears to suggest that he may elect to personally supply the payments to [REDACTED] [REDACTED] but nonetheless expressed his desire to use JDDA as an intermediary to conceal the fact that he (Madigan) is the source of the payments. Madigan also demonstrated his awareness that the payments are not for commensurate work; rather, as Madigan suggests, [REDACTED] would be directed to create "reports" on what [REDACTED] was doing. I believe that, as used by Madigan, the term "reports" refers to documents that would

be generated for the primary purpose of making it appear as if the payments to [REDACTED] were compensation for actual work that she was performing for JDDA.

C. Madigan and McClain Solicit Illinois Lobbyists to Make Payments to [REDACTED]

106. In late August 2018, McClain initiated a series of calls to various lobbyists, including [REDACTED] [REDACTED] asking that they each make monthly payments to an individual named [REDACTED] [REDACTED] [REDACTED] 75

During those calls, McClain contemplated the creation of a contract and some work product by [REDACTED] primarily to defeat any tax investigation into why those lobbyists might deduct the payments to [REDACTED] on tax returns as a business expense.

107. In particular, on or about August 28, 2018, at approximately 9:03 a.m. (Session #12132), McClain placed an outgoing call from the McClain Phone to a telephone number used by [REDACTED]. McClain stated, "So, [REDACTED] called me." [REDACTED] stated, "Yeah." McClain stated, "And uh, I met with him, and you know, he

75 [REDACTED]

asked, if I can help him trying to, try to find a job. And uh, I know, that the Speaker [Madigan] said, this is between you and me, to me that, after he gets sworn in as Speaker, and he's got the rules, he intends to help [REDACTED]" [McClain told [REDACTED] that, once Madigan was again appointed as Speaker of the House after the November 2018 election, he intended to take steps to assist [REDACTED] financially.] [REDACTED] stated, "Okay." McClain stated, "[REDACTED] tells me, that [REDACTED] [unintelligible]." [REDACTED] asked, "Is what?" McClain stated, "Not damaging." [McClain advised that [REDACTED] [REDACTED]] [REDACTED] responded, "Okay." McClain stated, "And so, and it's just not public yet. . . . So, I was thinking was to try to get a few of us all to kick in like a, grand [\$1,000] or something, each month for 6 months, or until he gets a job, or if he gets a job earlier in that six months, then that would, that would terminate, but just to help get the guy by." [REDACTED] stated, "Do not hire him for anything, just -" McClain stated, "I think you can hire him as a consultant. Because I think at the end of the day, you're gonna write it off. And so, what I would say is, uh, I'd like to have a report from him at the end of the six months on, I'm just making this up, half a dozen House members, three or four senators, three County Board members and three or four aldermen." [REDACTED] stated, "Yes." McClain stated, "Because I'm going to ask [REDACTED] [REDACTED] and he doesn't do any lobbying at the state level." [REDACTED] stated, "Yeah." McClain continued, "And then, he has to give us a paragraph or two on each one, on, where they come from, maybe who their sugar daddy is, something that you can't

normally get.” [McClain explained that, in order to make it appear that ██████ was a legitimate consultant, he would prepare a short report.] ██████ stated, “Yeah.” McClain said, “So that uh, uh, if the IRS came in, said, you know, you deducted 6 grand, show me what you got for it?” [McClain explained that if the IRS attempted to verify that any tax deduction taken on account of payments to ██████ was legitimate, ██████ would be able to use the report to make it appear that ██████ had done legitimate work in return for being paid \$6,000.] ██████ stated, “Uh huh.” McClain stated, “You’ll actually have, you’ll have a contract, but you’ll also have a piece of paper.” ██████ stated, “Okay.” McClain asked, “You wanna think about it?” ██████ responded, “No, I’m, I’m, yeah, that’s that’s fine. Uh, whatever you suggest. Who else is gonna do it, Mike? Besides me?” McClain stated, “I’m gonna ask ██████. I’m gonna ask you and me, uh, depends on how much ██████ is willing to kick in, right? So uh, and then, uh, I’m gonna ask ██████ and then, ██████.” ██████ stated, “Okay.” McClain stated “So, so, if uh, if uh, ██████ is willing to kick in a grand or 2,500, and we all kick in a grand, that’ll get the guy right around \$6,000. Which doesn’t replace what he was making, but it comes pretty close, and I don’t wanna make the uh, the circle very wide.” ██████ stated, “Right.” Later in the conversation, McClain stated, “Good, I just wanna keep it real small. I gotta call into ██████ he tells me what he’s willing to kick in, and uh, I’ll call ██████ and ██████, then I’ll prepare a model contract for everybody. Uh –” [McClain explained he would create the contract that would make it appear that ██████ was

providing consulting services.] ██████ stated, "I don't even care, I mean, for \$6,000, I don't even know if it's worth the risk of trying to, of trying to write it off." McClain stated, "Well, as long as I give you a contract and we get a piece of paper from ██████ at the end, uh, I think it's legitimate. But that's up to you, that's up to you." ██████ stated, "I, would it be even more protection for him if I, like, since I still ██████ ██████ if I hired him as an investigator or something? So where it's not even anything to do with politics or, completely —" McClain asked, "So you would you still want this same memo or not?" ██████ stated, "Well, I'm just, I'm just brainstorming, right." McClain stated, "Yeah." ██████ stated, "So I'm trying to think of giving him as much protection as possible." McClain stated, "Yep. Why don't you think about how you want it to be . . . and, then uh, I'll tailor the contract to that." ██████ stated, "Yeah, no problem." McClain stated, "Probably, probably would need to know, like what entity you want, right?" ██████ stated, "Yeah . . . Okay, not a problem. Not a problem. Thanks for asking." McClain stated, "Yeah, so at the end of the day, I want you on the list, right?" ██████ responded, "Always." [McClain told ██████ that he wanted ██████ to be recognized ("on the list") as one of the individuals assisting ██████ which would be meaningful to Madigan.] Later in the conversation, McClain stated, "Or the other way is, I wanna be in the pre-meeting. [Laughs.] ██████ laughed. McClain stated, "There's another way of putting it right? I don't wanna be in the meeting, I wanna be in the pre-meeting." ██████ stated, "Exactly, okay, yeah, just let me know, just let me know when you wanna start, and I'll noodle that a little

bit, but whatever you say.” McClain stated, “So it starts September, and six months later.” ██████ stated, “How many--” McClain interjected, “I guess uh, sorry—” ██████ stated, “I’m sorry, how many consultants did you have before you retired?” McClain responded, “Oh shit. [Laughs] Oh shit, or how many consultants does uh, did ComEd have?” Bradley responded, “Oh yeah.” McClain stated, “Or how many consultants does uh, Jay Doherty have, or how many- you, you would just be amazed.” [I believe that McClain was explaining to ██████ that others—including ComEd and Jay Doherty’s lobbying firm—frequently paid Madigan associates, and made such payments appear to be legitimate business expenses by making it seem that Madigan’s associates had been hired as consultants.] ██████ stated, “Well, I’m working on three now. I’ve got a little practice. [Laughs].”⁷⁶

108. On or about August 28, 2018, at approximately 9:43 a.m. (Session #12136), McClain received an incoming call on the **McClain Phone** from a telephone number used ██████⁷⁷ During the call, McClain and ██████ discussed

⁷⁶ At the time of this call, as discussed above, ██████ was serving as an intermediary for ComEd payments to ██████ so the addition of payments to ██████ would result in ██████ being ██████ third Madigan associate (“consultant”) to whom he is making or directing payments at McClain’s and Madigan’s direction.

⁷⁷ ██████ was identified as the other party to this call because the phone number McClain called is subscribed to ██████ and the nature of the conversation, particularly in light of the other calls McClain made regarding the solicitation of payments for ██████ demonstrates that ██████ is the person with whom McClain spoke.

giving money to [REDACTED] and concealing the nature and origin of the payments through the use of a consulting contract. Specifically, McClain stated, "Yeah. I got, a mutual friend of ours [Madigan] believes that since I'm retired, I have more time for assignments." [REDACTED] stated, "Yeah, yeah. Items, items." McClain stated, "Items, yeah." Later in the conversation, McClain stated, "So, let me tell you what I was thinking." [REDACTED] stated, "Yes." McClain stated, "Is, ah, trying to get some people to kick some money in every month. I would do up a contract." [REDACTED] stated, "Uh huh." McClain stated, "So there'd be a consulting contract, not an employment contract." [REDACTED] responded, "Sure." McClain stated, "Um, and it would be, you know, whatever you think is, you can come up with a month and then, uh, and, uh, then at the end of six months, this guy [REDACTED] would write us a report that says, you know, here's, what, here's a paragraph on six House members, three Senators, you know, four Aldermen, four County Board members, so that you had a piece of paper in case --" [REDACTED] stated, "Of course." McClain continued, "Somebody came to you and said, 'What'd the hell this guy do?' I mean, meaning the IRS." [McClain explained that [REDACTED] would write a short report that could be shown to the IRS to make it seem [REDACTED] was legitimately hired as a consultant.] [REDACTED] stated, "Yeah, right." McClain stated, "That you'd have, you'd have a contract and you'd have a piece of paper, so." [REDACTED] responded, "Yeah, yeah. And I mean at the end of the day there's a great way

to do that that can be even more hyper-focused on the city of Chicago and Cook County, which is really, you know, it's candid, it's something that I, it wouldn't hurt for me to have. You know what I mean?" McClain stated, "Uh huh." ██████ stated, "So, um, I'm extremely comfortable with that." McClain stated, "Okay, okay. Alright." ██████ stated, "And it's like, I don't know what the guy wants to do. If he needs, listen, I don't know what his living situation is. I don't know how, if he wants to be sitting in an apartment somewhere, if he wants to come downtown. I don't give a fuck. Have him come to the office. You know what I mean?" McClain stated, "Sure." ██████ stated, "Um, he's not, obviously, the guy's not gonna be doing any direct lobbying and stuff so it's between us." McClain stated, "Right. Exactly. Exactly. So, what are you comfortable doing?" Later in the conversation, McClain stated, "Okay. But I'm not, I'm not looking for a huge figure. I'm looking for, like, uh, would you do a grand or two grand a month for six months?" ██████ responded, "Oh shut the fu-, Mike, that's it?" McClain stated "That's it." ██████ stated, "Oh, but what if we wanna get him loaded up?" McClain stated, "Well, but I'm gonna get some other guys, too. I mean . . . And if you wanna do more than that, that's fine. I just, ah, um, I just wanna help the guy get --" ██████ stated, "Oh, fuck, Mike. [Unintelligible], listen. Two [\$2,000] is done. Forget it." McClain stated, "Okay, okay." ██████ stated, "Yeah, stop. No problem. I thought we wanted to hit him with like 10 Gs a month [\$10,000 per month] somehow." McClain responded, "No, no, no." ██████ stated, "Ok." McClain said, "And, I, I'm going to get some other people, so we may get up to that, but . . ." ██████

stated, "Yeah." McClain stated, "I wouldn't, I wouldn't ask for that for you." ██████ stated, "Okay, yeah, don't kill yourself, what-, you know, whatever you need, I'm here. Of course." McClain said, "Okay, okay." ██████ stated, "That's not a big deal, I thought we were talking monster numbers." McClain stated, "No . . . I'm gonna spread it around a little bit." ██████ said, "We're good."

109. On or about August 28, 2018, at approximately 9:52 a.m. (Session #12138), McClain placed an outgoing call from the **McClain Phone** to a telephone number used by ██████⁷⁸ During the call, McClain and ██████ discussed an arrangement to pay ██████ through a consulting contract that would conceal the nature of the payments. McClain stated, "So, uh, I met with ██████, who asked me if I can help find him a job, right?" As in his call to ██████ (described two paragraphs above), McClain repeated that Madigan ("the Speaker") intended to help ██████ after he is re-elected as Speaker ("[a]fter he's sworn in and gets his rules"), but that they were awaiting the results of an investigation into ██████ alleged misconduct and that it would be hard to find a job for ██████ pending completion of that report. McClain then continued: "Uh, so I decided, I, I've tried to put some guys

⁷⁸ In addition to the subject matter of the call, ██████ was identified based upon the fact that the receiving phone number being called is subscribed to ██████. McClain refers to him as "█████" during the call, and McClain mentions ██████

together to kick in a grand [\$1,000] each, including me, uh, for six months or until he, and if he gets a job earlier than that, then it would all terminate, uh, wondered if, and my thought is, actually do a contract with him, for each person. So that uh, he would do like a report, uh, like, and say, six house members, three senators, three Aldermen, three County Board members, so at the end of the day, you and I would have a uh, not only a contract in case the IRS checked this out, but we'd also have a piece of paper, uh you know, two or three page piece of paper from, this is a report that he did. McClain further stated, "I wondered if you, you're game to be part of that." ██████ expressed some reluctance in participating and questioned whether ██████ ██████ stated, "If you talk to ██████ and ██████ and, look – this is, uh, in, in, in their world, uh this is about, uh, improving and continuing to maintain relationships, right? That's how they would see. And he would not register, correct?" ██████ suggested that persons in authority at ██████ might be willing to consider the arrangement if doing so caused Madigan to maintain a positive perception of ██████; ██████ also asked whether ██████ intended to register publicly as a lobbyist as part of the arrangement.] McClain responded, "Oh, no, no, no. This is totally a consultant. And as far as I'm concerned, except for the people that are signing on, uh, no one else even knows about it, except for our friend [Madigan]." ██████ stated, "I wanna be a team player, Mike, you know that." McClain responded, "Everybody, everybody knows you're a team player, so it's not a question

of that." [REDACTED] later stated his view that, "you don't care if I sell it as, this is a continuation, this is a request, a continuation of, how we improve a relationship." McClain responded, "Right." [REDACTED] stated, "Okay." McClain responded, "And, you know, I think you gotta hit hard it's a consulting contract, it's not, he's not going to float around and say, 'I represent [REDACTED].'" [REDACTED] stated, "My hope would be he would do some actual work, because I could use some help . . . I assume you don't care if he's tasked a bit for that." McClain responded, "I'd like to keep the people who know this real small . . . [a]nd so, if they feel like they have to have a board meeting, then just kind of withdraw it, because the more people know it, it's just too easy for people to babble, you know what I mean?" [REDACTED] stated, "Yeah, right, right. I agree. I agree." McClain stated, "Yeah, so, if they're gonna, if you feel like they're gonna say, uh, uh, I'm helping Mike Madigan out by hiring [REDACTED] [REDACTED]. I just would not, I just would not go there, you know what I mean?" [REDACTED] responded, "Yep, yep. No I get it, I get it."

110. During the same conversation discussed in the previous paragraph, [REDACTED] and McClain discussed the possibility of [REDACTED] setting up a company to make political contributions and hire "consultants." During that discussion, McClain stated, "Will, uh, at one point in time I had maybe five consultants working for me . . . And all they really ever did was give me pieces of paper." [McClain suggested that he made payments to Madigan's associates by ostensibly hiring them as "consultants" when, in fact, they only provided him with a nominal work product

to conceal the nature and purpose of the payments.] McClain advised, "I think you just want to be nimble enough to say, 'Of course, of course.'" ██████ responded, "Right, right. Yeah, I know, that's right." McClain stated, "And he [Madigan] doesn't do it very often, but, you know, about every few years, he's got somebody that he's gotta take care of for a month or two, right?" ██████ responded, "Right, right." I believe that McClain was telling ██████ that, in the future, he (██████) had to be able to fulfill Madigan's requests to make payments to Madigan associates when asked to do so.

111. On or about August 28, 2018, at approximately 12:00 p.m. (Session #12178), McClain placed an outgoing call from the **McClain Phone** to a telephone number used by ██████⁷⁹ During the call, McClain and ██████ discussed an arrangement to pay ██████ through a consulting contract that would conceal the nature of the payments. Specifically, McClain said, "So, I, I met with ██████ last week and he asked if, ah, I could help him try to find a job. And, ah, I told him that I thought until ██████ ██████, it's gonna be very difficult for anybody to hire him. Um, and um, that,

⁷⁹ ██████ was identified as the other party to this call because the phone number McClain called is subscribed to ██████ and the nature of the conversation, particularly in light of the other calls McClain made regarding the solicitation of payments for ██████, demonstrates that ██████ is the person with whom McClain spoke. Further, McClain refers to him as '██████' during the call. ██████

ah, that I would start looking around but it'd be, it'd be, it'd be good if [REDACTED]
[REDACTED]" McClain and [REDACTED] then discussed [REDACTED]
[REDACTED]
[REDACTED] With regard to [REDACTED] McClain continued, "So, so here's what I dreamt up. Um, what I dreamt up is maybe a bunch of us will collectively, ah, and the only person who'll know this will be our, our mutual friend [Madigan], who will be um, ah, maybe we'll all kick in a grand if you're comfortable, for a grand each month for six months. And then between you and me, between you and me only, ah, Madigan said once he gets sworn in as Speaker and he gets his rules, he's, he's gonna take care of [REDACTED]. So, but I couldn't, I couldn't tell [REDACTED] that." [REDACTED] responded, "Right. Absolutely, Mike. Whatever you want, 100% on any of that stuff." McClain responded, "Okay." [REDACTED] stated, "Yeah, you don't even have to . . . you just gotta tell me. It's not even a question. You know, that's as loyal as I am on this stuff. It's just, it's ridiculous." McClain stated, "Yep. Yep." [REDACTED] responded, "You just tell me where, when, how, all that shit and it'll be done." McClain responded, "Ok. Alright." [REDACTED] responded, "Will do. Alright?" McClain stated, "So, [REDACTED] said 'Yes.' Um, [REDACTED] said 'Yes.' Um, [REDACTED] said 'Yes.' I gotta [REDACTED] (laughing). And [REDACTED] he wants to check on something before he says 'yes.' So, so, I, I know it's not really replacing what he was making but, ah, it's better than, you know, a week ago." [REDACTED] responded, "Exactly. I mean, ya' know, so he gets five, six, seven thousand dollars a month coming in, ya' know, it'll

keep him afloat." McClain said, "Right, right." McClain then explained that [REDACTED] was currently [REDACTED]

112. On or about August 29, 2018, at approximately 1:51 p.m. (Session #12278), McClain received an incoming call on the **McClain Phone** from a telephone number used by Madigan. During the call, McClain and Madigan discussed efforts to recruit third parties to make monthly payments to [REDACTED]. Specifically, McClain said, "So, Speaker, I put four or five people together that are willing to contribute to help a monthly thing, for the next six months like I mentioned to you for [REDACTED]." Madigan said, "Yeah, yeah." McClain said, "So I'm prepared to talk to [REDACTED] about it, but I didn't know if you wanted to mention it to [REDACTED] or if you want to stay out of it or . . . do you want me to talk to [REDACTED]? I mean, whatever you want." Madigan said, "Yeah I think I ought to stay out of it." McClain said, "Okay." Madigan said, "That's what I think." McClain said, "Okay, alright. I'll take care of it." [Madigan informed McClain that he wanted to be able to appear to have no knowledge of the payments being made to [REDACTED] ("I think I ought to stay out of it"), and directed McClain to inform [REDACTED], that arrangements were made to supply [REDACTED] with monthly payments from the aforementioned lobbyists.]

113. On or about August 29, 2018, at approximately 1:56 p.m. (Session #12279), McClain placed an outgoing call from the **McClain Phone** to a telephone

number used by [REDACTED]. During the call, McClain and [REDACTED] discussed McClain's efforts to secure payments from third parties for [REDACTED]. Specifically, McClain said, "Uhh, [REDACTED] do you want to know anything that I'm gonna propose to [REDACTED] or would you like to stay in the dark on that?" [REDACTED] said, "Umm, what's your thoughts, Mike?" McClain said, "Um, I mean you didn't ask me to do anything. You didn't direct me to do anything. Just a question of whether or not you'd like to know." [REDACTED] said, "I'd rather stay in the dark." McClain said, "Okay, stay in the dark. Alright, I just, as a courtesy I wanted to give you that option." [REDACTED] said, "I appreciate it, yeah."

114. On or about August 30, 2018, at approximately 11:09 a.m. (Session #12339), McClain received an incoming call on the McClain Phone from a telephone number used by [REDACTED].⁸⁰ During the call, McClain informed [REDACTED] of the arrangement to have [REDACTED] receive payments from third parties and that [REDACTED] would write a single report for each of the firms as a way to disguise the purposes of the payment. Specifically, McClain said, "Hey [REDACTED] um, I wanted to tell you what I'm doing and see if it's okay with you." [REDACTED] said, "Okay." McClain said, "So, while, while we're looking for a job for you, um, I thought maybe I'd get a few guys together and try to give you a bridge . . . of, uh, some money." [REDACTED] said, "Okay." McClain

⁸⁰ [REDACTED] voice was identified in multiple ways. First, the phone number that McClain called was subscribed to [REDACTED] wife. Second, the participant in the call self-identified as "[REDACTED]" Third, the subject matter related to McClain's efforts to solicit lobbyists to make payments to [REDACTED] and the participant thanked McClain and was appreciative of McClain's efforts.

said, "It would be a consultant contract with some, you know, like three or four or five people. . . . Um, it's gets ya five or six grand a month that you don't have now." ██████ said, "Oh that would be great." McClain said, "And, it would be like a, you know, a six-year, a six-month contract." ██████ said, "Okay." McClain said, "And, um, and then uh hopefully during that six months we can, you can land somewhere. You know what I mean?" ██████ said, "Yeah, yeah." McClain said, "Um, so, I'm making calls now and so here's my thought, see what you think. So, here's my thought that I, I, because I don't know if they'd if they'll write it off on their on their business or not. I just don't know that. But, it would be a contract, written contract, where you would promise to do some research for them." ██████ said, "Okay." McClain said, "And at the end of the six months, you'd give them that paper. So, it would be like, I'm just making this up, you gotta tell me the number. Three senators, uh maybe three County Board members, and maybe four City Council members. Where you could, you could write a paragraph or two about each one, uh, talking about maybe some, not any damaging stuff, you know, like, a little bit about 'em. A little bit about maybe who they're closest to. Um, so that, if uh, if they got audited, they could show the IRS agent the contract and they could also show 'em that one or two page document." ██████ said, "Okay." McClain said, "And then, you wouldn't provide that two page document or whatever until at the end of the contract." ██████ said, "Okay." McClain asked, "What do you think?" ██████ said, "Sounds great. Sounds great." McClain said, "Yeah. And, the, the, the paperwork that I'm talking about, you can give that same document to all five or

six people. It's not, you don't have to . . . you don't have to do six different ones." ██████ said, "Okay. Mike, um, who would, who would, who would I be, uh, who would I be working for? Who would be —" McClain said, "Well, technically, you'd be working for each of them." ██████ said, "And who, and who would it be?" McClain said, "Well, right now the guys that have said yes so far are ██████ ██████ uh, Mike McClain. So —" ██████ said, "Very good. Well thank you." McClain said, "It just gives you a bridge, you know." ██████ said, "Yeah, yeah." McClain said, "And so, it'll probably take us . . . start September 15th and go for six months." ██████ said, "Awesome. Well, I really appreciate it. Really, really appreciate it." McClain said, "That way you just have a little cash in your pocket." ██████ said, "Yeah." McClain said, "And, and the uh what you have to do is like falling off a ladder. You wouldn't have any trouble doing that so —" ██████ said, "I'll do, I'll do whatever. I'm not above doing anything so." McClain said, "Good, is that a good number, six House, three senators, three County Board members and three aldermen?" ██████ said, "Yeah, yeah. Sure." McClain said, "I got to do the County Board and aldermen because ██████ does only city and county stuff. He doesn't do state stuff." ██████ said, "Okay." McClain said, "Whereas ██████ ██████ and I, well I'm, I'm retired. . . . [laughter] They uh they do only state stuff. So, that's why I have to do a combination." ██████ said, "Okay. Yeah, Mike. Um, I just wanted your thoughts. So, so moving forward um you know say everything you know like we talked about, say everything comes out. You know there's some potential where things can come out that would be helpful to

me. Um, you know, with uh, you know potentially [REDACTED]
[REDACTED] Uh, and more towards the end of October hopefully they the um [REDACTED]
[REDACTED]” [REDACTED] told McClain that [REDACTED] believed an
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] 81

115. On or about August 31, 2018, at approximately 2:18 p.m. (Session #12515) McClain received an incoming call on the **McClain Phone** from a telephone number used by [REDACTED]. During the call, McClain and [REDACTED] discussed the arrangement to pay [REDACTED] as a consultant. Specifically, [REDACTED] said, “I was calling you about [REDACTED]” McClain said, “Yes.” [REDACTED] said, “So, uh, I don’t have exactly how it’s all going to happen, but we’ll, we’ll make it work one way or the other. He’ll, and I can give him things to do, right?” [I believe [REDACTED] asked McClain if [REDACTED] could ask [REDACTED] to perform work in exchange for the money he agreed to pay [REDACTED].] McClain said, “Yeah, so, it’s up to you. The way I pictured it, and was, and maybe you don’t wanna do it that way, but, uh, but he would do us a report, a written report of like six House members, three senators, three County Board and three City Council members and talk about things that are little known

81 [REDACTED]

about them. Like maybe who their sugar daddies are, or something like that, who can kind of get to them." ██████ said, "Okay." McClain said, "And then, so you'd have a contract and then you'd [unintelligible] a piece of paper. So like, if ██████ was going to deduct. Go ahead." ██████ said, "Well I was going to ask, so, so, I mean, this is, this is, very like truthful and honest. So like, I know coming up, uh, I have a situation where I'm double booked and there's a committee hearing I need to be at for a client so obviously he can't attend, but he could listen to the committee hearing online and do a report for me." McClain said, "Right." ██████ said, "And that would be a, not only would that like be a product that he could produce for me, so then it's helpful to me for the client. I mean, that would be a huge help to me." McClain said, "Yep." ██████ said, "And so, things like that, like better than like the bullshit report, though that's nice, like, if I can use him for five or six things like that, that would be awesome." McClain said, "Yeah." ██████ said, "If I could do it for the six months just, you know, just once a month just ask him to do something like that. That'd be great." McClain said, "Okay." ██████ said, "Is that okay?" McClain said, "Yeah, yeah. I was trying to find something so that there's a piece of, there's a contract and a piece of paper." ██████ said, "And I would have a contract and some honest things that he actually really helped me with. That would be, that would be great." McClain said, "Yeah, I'll just have your contract different." ██████ said, "Okay, that'd be terrific. That would be terrific." ██████ continued, "Okay, uh, so, so, uh, so ██████ right

now. He said he gets back to DC on Tuesday and he'll do some work, but he said, based on what I told him, he said we'll do it, we just have to figure out how. So, we'll get it done." McClain said, "Okay. . . . That's good." ██████ said, "Alright, excited, we try to produce. We try to produce." McClain said, "Well, that's what we try to do, right?" ██████ said, "Yep, yep, it's important." McClain said, "So, for your knowledge, Mike [Madigan] and ██████ know I'm doing something, but they don't know what yet and I told them I'd give them a list of who's participating, but they don't know anything, anything beyond that, so." ██████ said, "Okay, okay, that's fine, that's fine. I'm not going to mention it to anybody." McClain said, "Yeah, I just gotta, I stressed with ██████. You gotta keep it quiet." ██████ said, "No, that's right, that's right. Absolutely right. Absolutely right."

116. During the course of the investigation, the government obtained from ██████ wife (who is engaged in very contentious divorce proceedings with ██████) partial records for a bank account for which ██████ is the accountholder.⁸² Those records reflect the following checks, all of which were made payable to ██████ personally, were deposited into the account:⁸³

⁸² ██████

⁸³ I know based on my training and experience that the processing of deposited checks by financial institutions often involves an interstate wire transmission for the purpose of clearing the check. Accordingly, there is reasonable cause to believe that the checks made to ██████ that were deposited into his account caused an interstate wire transmission in furtherance of the illegal activity.

Check Date	Payor	Amount	Memo Line
09/29/18	[REDACTED]	\$1,000	
12/12/18	[REDACTED]	\$1,000	
01/01/19	[REDACTED]	\$2,000	Consulting Services Dec 2018
01/01/19	[REDACTED]	\$1,000	Jan 2019
01/02/19	[REDACTED]	\$1,000	December 2018 Services
01/04/19 ⁸⁴	Michael F. McClain and [REDACTED]	\$1,000	
01/22/2019	[REDACTED]	\$1,000	January 2019 Services
02/04/2019	[REDACTED]	\$1,000	Jan 2019
03/01/19	[REDACTED]	\$1,000	March 2019

⁸⁴ The handwritten date on the check is January 4, 2018. I believe that this was an unintentional error for two reasons. First, the check was deposited on or about January 8, 2019. Second, the evidence summarized above indicates that this stream of payments to [REDACTED] was did not come to fruition until in or about late August 2018, at the earliest. This check was signed by [REDACTED]

D. Probable Cause Exists to Search the Subject Phone.

117. As a result of my law enforcement experience, the evidence gathered during this investigation, and my discussions with fellow law enforcement agents, I am familiar with the means and methods of those who engage in public corruption and fraud offenses, such as the **Subject Offenses**. Among other things, I know that those engaged in the **Subject Offenses** typically:

a. Maintain books, records, emails, notes, receipts, ledgers and other papers in electronic and paper format relating to expenses and expenditures related to their fraud and corruption schemes, as well as other documents related to the obtaining, transferring secreting, or sending money or other items of value associated with their illegal activities.

b. Maintain books, papers, calendars, notes, schedules, cellular telephones, electronic address books in electronic and paper format, the contents of which reflect the names, addresses, and/or telephone numbers of their associates in illegal activities.

c. Maintain documents in electronic and paper format regarding work duties and activities, including correspondence, handwritten notes, emails, calendars, appointments books, meeting logs and records pertaining to meetings and/or phone calls.

d. Maintain the aforementioned books, papers, documents, electronic records and other items in their homes and in their offices, on their

home computers, and on their phones, so they have ready access to such information.

118. As detailed above, McClain is the user of the **McClain Phone**. McClain resides in Quincy, Illinois. In particular, an ISOS driver's registration database (last visited on May 10, 2019) identifies a residence on [REDACTED] in Quincy, Illinois, as the residence of McClain and his wife.⁸⁵

119. As detailed above, McClain has used the **McClain Phone** to engage in all of the **Subject Offenses**, including conversations regarding (a) Madigan's request that [REDACTED] be appointed to the ComEd Board of Directors; (b) Madigan's solicitation of ComEd/Exelon to continue making payments, through the Intermediaries, to various Madigan associates, including [REDACTED] [REDACTED] and (c) the solicitation of multiple registered lobbyists (including [REDACTED] to make payments to Madigan associate [REDACTED]. During these calls, McClain has expressed his awareness of the illegal nature of the payment arrangements and his desire to conceal those arrangements in various ways, including by limiting the number of people aware of the arrangements, the use of the Intermediaries to funnel payments from ComEd so that they appear to merely be consulting or lobbying fees charged by the Intermediaries, and, as in the

⁸⁵ McClain also owns a condominium in Chicago, Illinois, and does occasionally travel to the Northern District of Illinois.

solicitation of payments for [REDACTED] through the creation of false documents designed to defeat an IRS tax audit into the source, purpose and nature of the payments.

120. The evidence gathered to date, particularly [REDACTED] demonstrate that McClain maintains possession of the **McClain Phone** and uses it frequently throughout the day. As previously discussed, Marquez has confirmed that McClain continues to use the **McClain Phone**. As also discussed above, McClain has made reference to transmitting email and text messages, both of which could be transmitted conveniently using the **McClain Phone**.

121. Based upon my training and experience, I know that cellular phones may contain relevant evidence of the **Subject Offenses**, including text messages that are located in the memory of such phones. Such data may provide information regarding the identities of, and the methods and means of operation and communication used by, the participants in the **Subject Offenses**, as well as the identity of individuals with knowledge of facts relevant to the **Subject Offenses**. Moreover, digital photographs stored in such phones may contain images of the user of such phones, the user's associates (including persons involved in, or who have relevant knowledgeable concerning, the **Subject Offenses**), places frequented by the user of the particular phone leading up to and during the **Subject Offenses**, and locations and instrumentalities used in committing the **Subject Offenses**.

122. The items to be seized from the **McClain Phone** (see Attachment B) will be limited to the time period of February 2012 to the present. This limitation is

based upon the evidence, discussed above, indicating that the illegal payments through JDDA originated during the period that [REDACTED] and were in place when Anne Pramaggiore became the CEO of ComEd, which, as discussed above, occurred in or around February 2012 (see paragraph 15).

123. In addition, based on my training and experience, I know that information stored within a cellular phone may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, the information stored within a cell phone can indicate who has used or controlled the cell phone. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, contacts lists, instant messaging logs, and communications (and the data associated with the foregoing, such as date and time) may indicate who used or controlled the cell phone at a relevant time. Further, such stored electronic data can show how and when the cell phone and its related account were accessed or used. Such “timeline” information allows investigators to understand the chronological context of cell phone access, use, and events relating to the crimes under investigation. This “timeline” information may tend to either inculcate or exculpate the cell phone account owner.

124. Additionally, information stored within a cell phone may indicate the geographic location of the cell phone and user at a particular time (e.g., location

integrated into an image or video sent via email or text message to include both metadata and the physical location displayed in an image or video). Stored electronic data may also provide relevant insight into the cell phone owner's state of mind as it relates to the offense under investigation. For example, information in the cell phone may indicate the owner's motive and intent to commit a crime (*e.g.*, communications relating to the crime), or consciousness of guilt (*e.g.*, deleting communications in an effort to conceal them from law enforcement). Unless this data is destroyed, by breaking the cell phone itself or by a program that deletes or over-writes the data contained within the cell phone, such data will remain stored within the cell phone indefinitely.

125. Based on my experience and the experience of other law enforcement agents, I know that individuals involved in criminal offenses commonly use cellular telephones as a means to communicate. Indeed, the evidence described herein demonstrates that McClain, Pramaggiore and Hooker have each regularly used their respective cellular phones for an extended period of time to discuss and facilitate the **Subject Offenses**. Individuals involved in criminal offenses also often store telephone numbers and names or nicknames of fellow conspirators on their telephones and the telephones also reflect recent call history. Finally, individuals often use text messaging and digital photographs in furtherance of their criminal activity that are stored on cellular telephones. Items like text messages can be stored

for extended and indefinite periods of time unless the user of the telephone affirmatively deletes these communications.

III. SPECIFICS REGARDING SEARCHES OF ELECTRONIC STORAGE MEDIA

126. Based upon my training and experience, and the training and experience of specially trained personnel whom I have consulted, searches of evidence from electronic storage media commonly require agents to download or copy information from the electronic storage media and their components, or remove most or all electronic storage media items (*e.g.* computer hardware, computer software, computer-related documentation, and cellular telephones) to be processed later by a qualified computer expert in a laboratory or other controlled environment. This is almost always true because of the following:

a. Electronic storage media can store the equivalent of thousands of pages of information. Especially when the user wants to conceal criminal evidence, he or she often stores it with deceptive file names. This requires searching authorities to examine all the stored data to determine whether it is included in the warrant. This sorting process can take days or weeks, depending on the volume of data stored, and it would be generally impossible to accomplish this kind of data search on site.

b. Searching electronic storage media for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer hardware and software available

requires even computer experts to specialize in some systems and applications, so it is difficult to know before a search which expert should analyze the system and its data. The search of an electronic storage media system is an exacting scientific procedure which is designed to protect the integrity of the evidence and to recover even hidden, erased, compressed, password-protected, or encrypted files. Since electronic storage media evidence is extremely vulnerable to tampering or destruction (which may be caused by malicious code or normal activities of an operating system), the controlled environment of a laboratory is essential to its complete and accurate analysis.

127. In order to fully retrieve data from a computer system, the analyst needs all storage media as well as the computer. The analyst needs all the system software (operating systems or interfaces, and hardware drivers) and any applications software which may have been used to create the data (whether stored on hard disk drives or on external media).

128. In addition, electronic storage media such as a computer, its storage devices, peripherals, and Internet connection interface may be instrumentalities of the crime(s) and are subject to seizure as such if they contain contraband or were used to carry out criminal activity.

129. I know from my training and experience, as well as from information found in publicly available materials including those published by Apple, that some models of Apple brand devices offer their users the ability to unlock the device via the

use of a fingerprint or thumbprint (collectively, “fingerprint”) in lieu of a numeric or alphanumeric passcode or password. This feature is called Touch ID.

130. At this time, it is known that the **McClain Phone** is an Apple brand device, specifically an Apple iPhone 8. According to publicly available information, the Touch ID is an available feature on the iPhone 6S, 7 and 8. Therefore, the Touch ID feature is an available feature on the **McClain Phone**.

131. If a user enables Touch ID on a given Apple device, he or she can register up to five fingerprints, either their own or those of another individual, that can be used to unlock that device. The user can then use any of the registered fingerprints to unlock the device by pressing the relevant finger(s) to the device’s Touch ID sensor, which is found in the round button (often referred to as the “home” button) found at the bottom center of the front of the device

132. In my training and experience, users of Apple devices that offer Touch ID often enable it because it is considered to be a more convenient way to unlock the device than by entering a numeric or alphanumeric passcode or password, as well as a more secure way to protect the device’s contents. This is particularly true when the user(s) of the device are engaged in criminal activities and thus have a heightened concern about securing the contents of the device.

133. In some circumstances, a fingerprint cannot be used to unlock a device that has Touch ID enabled, and a passcode or password must be used instead. These circumstances include when more than 48 hours have passed since the last time the

device was unlocked. The Touch ID feature will also not work and entry of a passcode will be required if the device's user or someone acting on the user's behalf has remotely locked the device. Thus, in the event law enforcement encounters a locked Apple device, the opportunity to unlock the device via Touch ID, and execute the search authorized by the requested warrant, exists only for a short time (*i.e.*, 48 hours or less, or until the device is given a remote lock command). Touch ID also will not work to unlock the device if the device has been turned off or restarted (*e.g.*, if the device's battery becomes fully depleted), or after five unsuccessful attempts to unlock the device via Touch ID are made. In addition, I also know from my training and experience, as well as from information found in publicly available materials including those published by Apple, that some models of Apple devices, such as iPhones and iPads, offers users the ability to remotely erase the contents of such devices.

134. The passcode or password that would unlock the **McClain Phone** is unknown. Thus, if the **McClain Phone** is located and seized, it likely will be necessary to press the finger(s) of McClain to the **McClain Phone's** Touch ID sensor in an attempt to unlock the device for purpose of executing the search authorized by this warrant. Attempting to unlock the relevant Apple devices via Touch ID with the use of the fingerprints of the user(s) is necessary because the government may not otherwise be able to access or retrieve the data contained on those devices for the purpose of executing the search authorized by the requested warrant.

135. Although I do not know which of McClain's 10 fingerprints is capable of unlocking the **McClain Phone**, based on my training and experience, I know that it is common for a user to unlock a Touch ID-enabled Apple device via the fingerprints on thumbs or index fingers. In the event that law enforcement is unable to unlock the **McClain Phone** within the five attempts permitted by Touch ID, this will simply result in the device requiring the entry of a password or passcode before it can be unlocked.

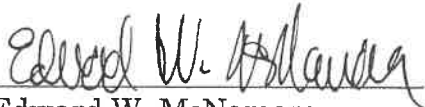
136. Due to the foregoing, I request that, if the **McClain Phone** is located and seized, the Court authorize law enforcement to press the fingers (including thumbs) of McClain to the Touch ID sensors of the **McClain Phone** for the purpose of attempting to unlock the device via Touch ID in order to search the contents as authorized by the requested warrant.

IV. CONCLUSION


137. Based on the above information, I respectfully submit that there is probable cause to believe that the **Subject Offenses** have been committed, and that evidence and instrumentalities relating to this criminal conduct, as further described in Attachment B, will be found in the **Subject Phone**, as further described in Attachment A. I therefore respectfully request that this Court issue a search warrant

for the **Subject Phone**, more particularly described in Attachment A, authorizing the seizure of the items described in Attachment B to the search warrant.

FURTHER AFFIANT SAYETH NOT.


Edward W. McNamara
Special Agent
Federal Bureau of Investigation

Subscribed and sworn
before me this 13th day of May, 2019


Honorable Tom Scharzle-Haskins
United States Magistrate Judge