

The State of Ohio,

} SS.

Case Number: 2026 06 1594 A, B.

Summit County

INDICTMENT FOR: Bribery (ORC 2921.02) (F3) (1 Count); Telecommunications Fraud (ORC 2913.05) (F1) (1 Count); Telecommunications Fraud (ORC 2913.05) (F1) (1 Count); Tampering with Records (ORC 2913.42) (F3) (6 Counts); Tampering with Records (ORC 2913.42) (F3) (8 Counts); Obstructing Justice (ORC 2921.32) (F5) (2 Counts); Tampering With Evidence (ORC 2921.12) (F3) (1 Count); Engaging in a Pattern of Corrupt Activity (ORC 2923.32) (F1) (1 Count); Conspiracy (ORC 2923.01) (F2) (1 Count). Total: 22 Counts.

TAVIA GALONSKI
2026 JUN -3 AM 10: 22
SUMMIT COUNTY
CLERK

Grand Jury Term

Beginning May 6, 2026

Count One

Bribery, §2921.02, F3

Defendants

Michael J. Dowling, Charles E. Jones

Date of Offense

On or about December 18, 2018

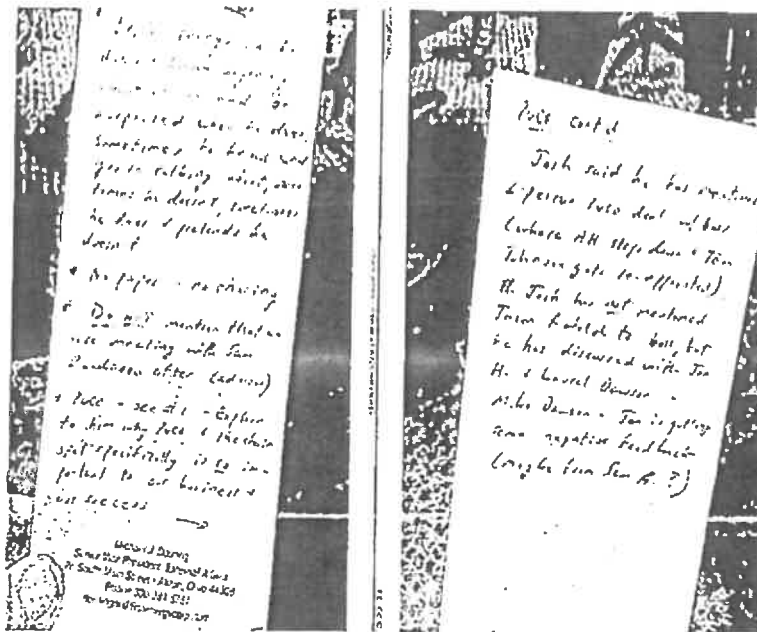
The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn and charged to inquire of crimes and offenses committed within the body of Summit County, in the State of Ohio, upon their oath do find and present that Michael J. Dowling, Charles E. Jones late of said County, on or about December 18, 2018, within the County aforesaid and/or any county permitted by R.C. Section 2901.12(H), in violation of 2921.02(A) of the Ohio Revised Code, did promise, offer, or give any valuable thing or valuable benefit, to wit: Money, with purpose to corrupt a public servant or party official, to wit: Samuel C. Randazzo Chairman of the Public Utilities Commission of Ohio, or improperly to influence him with respect to the discharge of his duty, whether before or after he was elected, appointed, qualified, employed, summoned, or sworn. Providing Sam Randazzo with \$4,333,333.00 cash.

BACKGROUND

Ohio’s Public Utilities Commission of Ohio (“PUCO” or “Commission”) is the body responsible for regulating Ohio’s utilities. Comprised of five commissioners, the PUCO adjudicates cases and makes decisions which determine utility rates passed onto consumers which, among other things, impact the financial position of Ohio’s utilities. FirstEnergy is one such utility. Sam Randazzo, a well-known utility lawyer, was a long-time paid FirstEnergy consultant and sat on the PUCO nominating council. The PUCO nominating council is the body responsible for making recommendations to the

Governor regarding who should be seated on the Commission. Ultimately, the Governor appoints all PUCO commissioners, including the chair.

On December 17, 2018, Randazzo sent an email to his associates at FirstEnergy Corp. and Boich Companies notifying them that the PUCO nominating council was seeking applicants for a PUCO commissioner. Boich Companies (based in Columbus, Ohio) mines, markets, and globally distributes coal and supplies coal to First Energy to produce electricity. In 2008, Boich Companies and FirstEnergy formed a joint venture to acquire and develop the Signal Peak underground coal mine in Roundup, Montana. The mine was designed to supply high-energy, low-sulfur coal to FirstEnergy's power plants in Ohio and other midwestern markets. Michael Dowling, FirstEnergy Senior Vice President of External Affairs and Chuck Jones, FirstEnergy CEO had dinner planned with then Governor-elect Mike DeWine and then Lieutenant Governor-elect Jon Husted the following day, December 18, 2018. Josh Rubin, FirstEnergy lobbyist and former DeWine employee, would also be joining. Prior to the dinner, Rubin coached Dowling on how to lobby the Governor-elect in favor of FirstEnergy's position on the open PUCO position. Dowling took notes during the meeting. Those notes reflect the advice given, including cautioning against telling the Governor-elect that Jones and Dowling would be meeting with Sam Randazzo immediately after the dinner. Dowling took a picture of his notes and sent them to Jones. The notes are depicted below:



Immediately after Jones, Dowling and Rubin met with the Governor-elect and Lieutenant Governor-elect, Jones and Dowling went to Randazzo's home. After that meeting, Randazzo and Dowling exchanged the following text messages:

SR Sam Randazzo 12/18/2018, 9:53 PM
2019 1,633,333
2020 600,000
2021 600,000
2022 600,000
2023 600,000
2024 300,000

Total 4,333,333

Thanks for the visit. Good to see both of you.

MD Michael Dowling 9:55 PM
Got it, Sam. Good seeing you as well. Thanks for the hospitality. Cool condo.

The following morning at 7:01AM Dowling texted a member of the FirstEnergy finance team informing him that he needed to speak with him about a “critical year end payment”. The payment to which he was referring was a payment to Sam Randazzo. Dowling pasted Randazzo’s text from the previous night and sent it to the FirstEnergy employee:

MD Michael Dowling 7:01 AM
I do have an critical year-end payment to discuss with you this morning. Might be a bit interesting internally. I'll explain this morning.

MD Michael Dowling 7:02 AM
Follow Up
2019 1,633,333
2020 600,000
2021 600,000
2022 600,000
2023 600,000
2024 300,000

Total 4,333,333

Thanks for the visit. Good to see both of you.

Jason Lisowski (Yahoo Acct) 7:02 AM
Sounds good. See you in a few.

Discussing the payment, Randazzo informed Dowling and Jones how his previous invoices for consulting work had been paid by FirstEnergy. Jones assured him that, although the payment schedule outlined by Randazzo reflected that no money was owed by FirstEnergy at the time the texts occurred, FirstEnergy would “get this handled this year, paid in full, no discount.” The reason for paying Randazzo in full is explained in the texts themselves – Randazzo was going to pursue becoming the chair of the PUCO, the body responsible for regulating FirstEnergy.

SR Sam Randazzo 12/19/2018, 8:29 AM
I checked this morning and Brad did handle the most recent invoices.

Charles Jones Jr 9:02 AM
We're gonna get this handled this year, paid in full, no discount. Don't forget about us or Hurricane Chuck may show up on your doorstep! Of course, no guarantee he won't show up sometime anyway.



Image: IMG_6002.jpg (53 KB)

SR Sam Randazzo 9:05 AM
Made me laugh - you guys are welcome anytime and any where! can open the door. Let me know how you want me to structure the invoices. Thanks

SR Sam Randazzo 10:47 AM
I think I said this last night but just in case - if asked by the administration to go for the Chair spot, I would say yes.

Charles Jones Jr 10:59 AM
Forget it - we're not settling up with you then. Just kidding. ☺ You did say it and we know you wouldn't blind side us. When the Gov Elect asked me about attributes I listed integrity, work ethic, creativity, thick skin, circumspection in public statements. You fit all of those. The #1 thing I emphasized was stability in leadership there which is what prompted the debate between me and Mike as to how many Chair's Kasich had. I would only ask that if you do it, make a commitment to do it through his first term so that the entire organization can stabilize. It's been very difficult with the revolving door that's been there. To only do it for a year or so, the State and FE would be better off with Jason and you helping make him successful.

“Jason”, referenced above, was Jason Rafeld, another PUCO candidate for whom Jones and Dowling hoped to lobby to become the next PUCO Chairman.

Ultimately, Dowling and Jones had FirstEnergy accelerate a payment to Randazzo's company, Sustainability Funding Alliance of Ohio (“SFA”) and on January 2, 2019 wired \$4,333,333.00 to it, without ever having received an invoice. Randazzo received the \$4,333,333.00 wire from FirstEnergy Service Company the same day and then claimed the payment as income on his 2019 federal and state personal income taxes.

On January 17, 2019, Randazzo submitted a cover letter and resume to the PUCO nominating council to become the new Chairman of the PUCO. Although Randazzo extensively detailed his prior work history and business relationships in those documents, he omitted any mention of SFA Ohio, or the millions of dollars FirstEnergy had paid him through it. Dowling, Jones, and other FirstEnergy executives received a copy of Randazzo's cover letter and resume after it was submitted. None pointed out Randazzo's failure to disclose his prior relationship with or payments from FirstEnergy.

Setting Up FirstEnergy's Priorities for the New PUCO Chairman

Once they became aware that Randazzo would be heading to the PUCO, Jones and Dowling began discussing strategies for passing proposed energy legislation and PUCO decisions that would benefit FirstEnergy. One such discussion included the need

to extend FirstEnergy's Electric Security Plan (rate plan), known as "ESP IV", in order to avoid having to file a new rate case in 2024, as doing so would result in what Jones referred to as "the Ohio hole." That term refers to the anticipated difference between the revenues that FirstEnergy was collecting at the time, and the revenues which would likely result from a new base rate case. Specifically, if FirstEnergy were forced to file a new rate case before the PUCO, it would have publicly revealed that the company was "over earning" through high electricity rates, and the PUCO would likely have ordered it to lower the rates it charged customers for electricity. The lower rates could create a "hole" between rates and FirstEnergy's actual costs. The PUCO was responsible for deciding whether FirstEnergy would be required to file a rate case in 2024. The following text exchange took place between Jones and Dowling on January 14, 2019:

MD	Michael Dowling How much does the BoD know about the "Ohio hole"?	12:44 PM
	Charles Jones Not sure they know much. Why?	12:45 PM
MD	Michael Dowling My presentation tomorrow. I have about about extending our ESP.	12:45 PM
MD	Michael Dowling a bullet	12:46 PM
MD	Michael Dowling And fixing SEET test. I can work my way around it.	12:46 PM
	Charles Jones Just stay high level.	12:47 PM
MD	Michael Dowling Yep	12:47 PM
MD	Michael Dowling Sam was talking about the number of weeks needed for him to coalesce parties on the broad construct of an energy bill. Before introduction. Mike, the 6 to 8 week time frame to pull together (not necessarily pass) the legislative component assumes that the new administration makes the appointment ASAP and runs from the date of the appointment.	8:00 PM

Between January 21, 2019 and January 30, 2019, Dowling forwarded to Randazzo several confidential internal FirstEnergy legal memos and emails outlining the Company's regulatory strategies for avoiding an electricity rate decrease which would have resulted from the upcoming requirement that FirstEnergy file a new rate case in 2024.

On January 28, 2019, Dowling and FirstEnergy lobbyist Justin Biltz met with Randazzo regarding how to fix the 2024 "problem", specifically, the need to file a rate case. Thereafter, Dowling sent Jones a text message relaying the issue with Randazzo:

MD Michael Dowling 1/28/2019, 11:50 AM
 Chuck - Justin and I just finished a good meeting with Sam Randazzo on the way to solve the 2024 issue. No one Internal knows we met with him.

Charles Jones 11:52 AM
 Any word on his status?

MD Michael Dowling 11:52 AM
 Also, I wanted to let you know that Karen and I going to SC this weekend - her Dad fell yesterday. He's okay (went to ER), but Karen wants to see him. We will miss your Super Bowl party. Sorry.

MD Michael Dowling 11:54 AM
 Jon H called me this morning on the fes news of last week. No issues there. I asked how the weekend landed. He said no decision but that he had a great conversation with Gov this morning. Jon said AEP lunches keep missing their intended mark and is making them look bad.

That same day, January 28, 2019, an online article was published raising the possibility that Randazzo had financial ties to FirstEnergy. The author of the article discovered a reference to Sustainability Funding Alliance of Ohio as a "Potential Party in Interest" in a 108-page December 21, 2018 filing in the FirstEnergy Solutions bankruptcy case. On January 30, 2019, Jones and Dowling exchanged text messages lamenting the possibility that Randazzo would pull out of the PUCO nomination process. During the conversation Jones made the statement "Back to the Legislative Fix for the Ohio hole," which refers to the need for FirstEnergy to turn to the General Assembly for a statutory fix to its financial problems, if Randazzo was not on the PUCO to give it to them.

Lobbying for Passage of HB 6

Ultimately, Randazzo was announced as the next PUCO chair. Jones, Dowling and FirstEnergy still set their sights on a legislative fix to the "Ohio hole". On April 3, 2019, the day before Randazzo was confirmed to become the next PUCO Chairman, Dowling emailed Randazzo a draft copy of the proposed legislation that would become House Bill 6 (or "HB 6"). FirstEnergy lobbied for passage for HB 6 because it would generate millions of dollars of government subsidies for Ohio's two nuclear power plants, which had been losing money for FirstEnergy. As a result of those losses, FirstEnergy spun off its electricity generating assets into a new company, FirstEnergy Solutions, which had to file for bankruptcy. By guaranteeing a subsidy for the nuclear power plants, FirstEnergy believed that HB 6 would allow FirstEnergy Solutions to emerge from bankruptcy as a viable, independent business. In addition, the HB 6 proposal also would "decouple" FirstEnergy's electricity rates, eliminate energy efficiency mandates while also cutting the tie between the company's revenue and the amount of electricity it sold. Instead, HB 6 would allow FirstEnergy to peg revenue it earned from customers to 2018 electricity rates-a year with record high electricity consumption and record high electricity rates. This process is known as "decoupling", and along with the nuclear subsidies, would be an integral part of HB6. Jones and Dowling viewed both of those key HB 6 proposals as crucial to FirstEnergy's continued profitability.

House of Representatives Republican Caucus and who was responsible for drafting the HB 6 legislation. While also working as Chairman of the PUCO, Randazzo helped Tully draft the legislative language that became HB 6. Randazzo used his personal email address to exchange drafts with Tully, and also physically exchanged hard copy drafts with him.

On July 10, 2019, Dowling exchanged texts with John Kiani, the Chairman of FirstEnergy Solutions. Kiani had been pushing for language in HB 6 that would have limited the State's ability to audit how FirstEnergy Solutions used nuclear bailout money that the legislation produced. The following exchange took place between Dowling and Kiani on July 10, 2019:

MD	Michael Dowling	9:45 PM
	This is from Sam. Pls don't share. Thanks for the note Mike. I have some meetings in the morning that will allow me to better understand what might be done to get by the audit issue. I am engaged and hope I can help. Should know more tomorrow.	
	John Kiani	9:46 PM
	You are the man	
MD	Michael Dowling	9:46 PM
	Having Sam engaged is key. He doesn't use the word lightly.	
	John Kiani	9:47 PM
	Yeah he is a bad ass	

The next day, Jones and Dowling exchanged texts in which Dowling described a conversation he had with Randazzo about the HB 6 the audit issue, and Randazzo's work lobbying for passage of HB 6 on behalf of FirstEnergy:

MD	Michael Dowling	7/11/2019, 10:15 AM
	Chuck - I had a long talk with Sam last night about audit language. He is mtg today with Wilson and Senate counsel. We have a good plan to help. Just wanted u to know your team is engaged and helping - and we will get it if we can keep fees from negotiating against themselves.	
	Charles Jones	10:16 AM
	Do I need to deliver any messages to Judge and Kiani?	
MD	Michael Dowling	10:27 AM
	Not yet.	
MD	Michael Dowling	12:32 PM
	Sam and Frank Strigani has a good mtg with Senator Wilson. Bad news is I hear the budget negotiation broke down. But could be a LH tactic.	

That same day, July 11, 2019, Randazzo sent an email to the Governor and his Chief of Staff. In the email, Randazzo described the HB 6 audit proposal and downplayed the effectiveness of the audit provision:

“Contextually, there are no similar "need" tests applied to the renewable subsidies in current law or the renewable (solar) subsidy in the proposed legislation.

Some states have required after the fact audits to *act* as a check on the beneficiaries of the subsidy program. During my senate committee testimony last week, I was asked about these other state audit provisions, and we provided the committee with information on what other states have done in this area.

It is my sense that some Senators and staffers are interested In looking at some type of audit to act as a check on the beneficiaries of the financial boost. My experience tells me that the real power of audits or other types of checks is less that one might assume. But we are supporting Senate efforts to evaluate options that move in this direction.”

On July 13, 2019, as HB 6 neared a crucial vote in the Ohio Senate, Jones and Dowling texted the following:

Charles Jones 8:02 PM
Why are these guys beating their head against the wall still. I thought they were gonna stand down til after the budget is done? What are you hearing from Sam?

MD Michael Dowling 8:07 PM
What I'm hearing is two things as to the audit. Sam thinks he has it nailed and the language works. Confidentially, John Judge agrees. Plus, we are going to have another bite at the apple after the bill is introduced. Everyone need to stay cool, negotiate with Sam, express real concerns and we will win.

Charles Jones 8:23 PM
So too early for me to digest the language and weigh in?

On July 16, 2019, Jones and Dowling exchanged texts which detailed Randazzo's efforts to help win passage of HB 6:

MD Michael Dowling 5:55 PM
 Budget conferees are meeting now - so the budget looks to be good to go (or they wouldn't be meeting). Our SEET language is in the bill. Still awaiting word on HB6 but our intel is that Danny, Husted and Sam Randazzo are still trying to get fees some more years.

Chuck E. Jones 5:56 PM
 Decoupling?

MD Michael Dowling 5:57 PM
 Will be offered tomorrow by Sandra Williams with help from John Ecklund. Stupid they're making her offer it, but we are convinced there's no monkey business. It's greased.

MD Michael Dowling 5:57 PM
 I just spoke to Sandra.

MD Michael Dowling 6:04 PM
 Remember, our grid mod will be approved by PUCO tomorrow, too.

Chuck E. Jones 6:04 PM
 Could be a good day.

On July 23, 2019, the Ohio House of Representatives passed the concurrence vote for HB 6, and the Governor signed it into law.

Randazzo's continued work for FirstEnergy while on the PUCO

In late 2019, Jones and Dowling discussed their concern about FirstEnergy's obligation to file a rate case before the PUCO in 2024, and the negative impact that rate case could have on FirstEnergy stock. On November 5, 2019, Dowling texted Jones a PDF attachment which consisted of a Morgan Stanley downgrade analysis of FirstEnergy due to the looming rate case requirement, with the following message:

CJ Charles Jones 11/5/2019, 11:55 AM
 Here's the MS down grade due to the "Ohio hole".

Attachment: 11.5.19_MorganStanley_FE_DowngradingtoEqualWeight.pdf (636 KB)

Then, on November 10, 2019, Jones texted with Matt Evans, stating:

"And, the FE rescue project is not over. At EEI financial conference. Stock is gonna get hit with Ohio 2024. Need Sam to get rid of the "Ohio 2024" hole."

Five days later, on November 15, 2019, Jones and Dowling texted about Randazzo fixing the "2024 issue." The exchange detailed a conversation Jones had had with Steve Fleishman, a stock analyst who works for Wolfe Research and who focuses on FirstEnergy stock, as well as a conversation Dowling had with Randazzo. Dowling

recounted that he had talked to Randazzo, the PUCO chair, was going to “make the requirement to file [the 2024 rate case] go away”. The text evidences Jones and Dowling’s *ex parte* communications and advance knowledge of a decision favorable to FirstEnergy that the PUCO, chaired by Randazzo, was about to make. The texts are, in part, as set forth below:

	Michael Dowling	11/15/2019, 2:01 PM
	I spoke with Sam today. Told me 2024 issue will be handled next Thursday (November 21).	
CJ	Charles Jones	2:04 PM
	Great. Any idea yet on the “handle”?	
	Michael Dowling	2:18 PM
	??	
CJ	Charles Jones	2:19 PM
	Handled next Thursday. How handled?	
CJ	Charles Jones	2:19 PM
	I got it in 80% of EEI meetings.	
	Michael Dowling	2:22 PM
	Yeah. We spoke today because he wanted to know what we said to Steve Fleishman. Steve has a call into Sam and Sam wanted to understand what we told Steve before Sam called him back. I got the sense from talking to Irene that 2024 came up a lot. In any event, he’s going to make the requirement to file go away, but I do not know specifically how he plans to do it.	
CJ	Charles Jones	2:25 PM
	I told Fleishman that “I have zero worry about a rate decrease in 2024”. Told him that I knew generically that Sam, Staff, and Legislature are looking at changes to how future rate making might be done, but I don’t know details.	
	Michael Dowling	2:29 PM
	That’s exactly what Irene told me. Great.	

PUCO decisions are required to occur in open Commission meetings, with notice to the public. On November 14, 2019 the Commission published its agenda for the meeting to be held on November 21, 2019. The agenda did not reflect that the Commission would be taking any action on FirstEnergy’s 2024 rate case. Though the public agenda did not reflect the rate case, as the texts above indicate, Randazzo told Dowling that the requirement to file would be “going away”. Thereafter, on November 20, 2019 the day before the meeting, just before the close of business at 4:22 p.m., the PUCO issued a “revised agenda”, the only revision being the addition of FirstEnergy’s rate case.

At the November 21, 2019 meeting, the PUCO—with Randazzo as Chair—eliminated the requirement that FirstEnergy file a rate case in 2024. Notably, FirstEnergy never filed a motion with the PUCO asking that the rate case be eliminated. The PUCO did it on its own accord. The following day Jones texted Randazzo an image which reflected the increase in FirstEnergy’s stock price, noting that it “wouldn’t happen without [Randazzo].”:

Charles Jones Jr
Thank you!!

11/22/2019, 4:51 PM



Image: Screenshot 2019-11-22 at 4:47.15 PM.png (326 KB)

SR Sam Randazzo 5:01 PM
Ha - as you know, what goes up may come down.
Matt helped. Thanks for the note. Spoke to mike last night.

Charles Jones Jr 5:16 PM
Every little bit helps. Those guys are good but it wouldn't happen without you. My Mom taught me to say Thank You.

SR Sam Randazzo 5:19 PM
Thanks

Decoupling was an important component of HB 6. As written, in part by Randazzo, HB 6 required a utility to apply to the PUCO—of which Randazzo was Chair—for permission to decouple its rates. On November 21, 2019, the same day that the PUCO eliminated its rate case requirement, FirstEnergy’s companies filed an application to implement a decoupling mechanism pursuant to newly enacted R.C. 4928.71. On January 15, 2020 the PUCO approved the application.

Shortly thereafter, on February 26, 2020, once again on its own and without FirstEnergy filing a motion requesting that it do so, the Commission also eliminated the requirement that FirstEnergy’s use of funds earned through its distribution modernization rider (“DMR”) be audited. Although the audit was underway, the PUCO had already paid a third-party consultant to conduct it, and the PUCO staff was seeking more time so that it could be completed, the Commission *sua sponte* eliminated the audit, which would have provided a final review of FirstEnergy’s use of the DMR funds.

Next, in November 2020, FirstEnergy Senior Vice President of Product Development, Marketing and Branding Dennis Chack enlisted Jones’ assistance in obtaining PUCO approval for a license to become a competitive electric power broker. Jones and Chack discussed whether Randazzo could help FirstEnergy with the issuance of the license. In a November 4, 2020 exchange, Jones cautioned Chack against relying

too heavily on Randazzo for the licensing issue because people were becoming suspicious that Randazzo really worked for FirstEnergy:

Charles Jones

3/4/2020, 2:57 PM

He will get it done for us but cannot just jettison all process. Says the combination of over ruling Staff and other Commissioners on decoupling, getting rid of SEET and burning the DMR final report has a lot of talk going on in the halls of PUCO about does he work there or for us? He'll move it as fast as he can. Better come up with a short term work around.

DC Dennis Chack

3:05 PM

Ok thanks for discussing with him. How are you feeling

Charles Jones

3:09 PM

Better every day. Still internal pelvic pain and still sluggish. Been sleeping a lot more than normal and napping. But getting walks in. Stopped by Sam's today on my walk. He has friends down and has been busy but he was out doing some yard work. Walking about 3 miles a day right now. A little bored since I can't golf or even get in the pool. But better than sitting in Ohio. Weather has been beautiful last 3 days.

Randazzo did, in fact, "get it done" for FirstEnergy and, as Jones predicted, the PUCO issued the license.

The Aftermath

In July 2020, federal law enforcement authorities arrested Ohio House of Representative Larry Householder based on a complaint that Householder had accepted bribes from FirstEnergy to win passage of HB 6.

knowingly disseminate, transmit, or cause to be disseminated or transmitted by means of a wire, radio, satellite, telecommunication, telecommunications device, or telecommunication service any writing, data, sign, signal, picture, sound, or image with purpose to execute or otherwise further the scheme to defraud and the value of the benefit obtained by the offender or of the detriment to the victim of the fraud is one million or more. Industrial Energy Users of Ohio, Inc. being the victim.

Sam Randazzo represented an organization called IEU-Ohio. IEU-Ohio (Industrial Energy Users-Ohio) is a nonprofit trade association made up of large, energy-intensive Ohio manufacturing, commercial, and institutional businesses. It proactively advocates for energy laws, utility tariffs, and regulatory policies to ensure its members have reliable and efficient energy at competitive, reasonable prices for its members. He was its General Counsel.

On January 8, 2013, Randazzo, through his company SFA, entered into a "consulting agreement" with FirstEnergy Service Corp. in which Randazzo would receive \$2,100,000.00 over five years, for a "time commitment" of 4,260 hours. The 2013 consulting agreement contained a mutual confidentiality agreement preventing either party from disclosing its existence. Further, although IEU-Ohio was often adverse to FirstEnergy, Randazzo did not notify or obtain its consent to enter into the 2013 agreement with FirstEnergy. He also failed to disclose or obtain the consent of the partners of his law firm, whose membership agreement barred Randazzo from outside employment. By agreeing to the confidentiality provision, FirstEnergy guaranteed that neither the PUCO, IEU-Ohio, nor Randazzo's firm would discover the many sides Randazzo was playing against the middle.

On January 8, 2013, the same day that Randazzo signed the consulting agreement, he emailed his wife Carol Farmer, described his agreement with FirstEnergy and characterized them as follows: "In the agreements (including Attachment A), I set up monthly payments for a five year term. In the event that I die or am disabled, the monthly payments (with a modest discount) still must be paid by FE to Sustainability (a corporation that I own and you will own in the event I die). This revenue stream*** should go a long way towards helping your[sic] financially after I am not able to do so." Randazzo added "this FirstEnergy contract has value that may not have been obvious from our earlier discussions."

In March 2015, Randazzo entered into settlement discussions with FirstEnergy over its ESP IV rate case before the PUCO, in which IEU-Ohio had intervened and filed objections. Ultimately, FirstEnergy and Randazzo, on behalf of his clients, reached an agreement and on May 28, 2015, Randazzo sent then-PUCO Chairman Barcy McNeal a letter notifying him that IEU-Ohio was withdrawing opposition to ESP-IV. At the same time that they were negotiating the ESP IV settlement, FirstEnergy and Randazzo, through his company SFA, amended their 2013 agreement. The amended agreement did not substantially modify any of the terms of that agreement, except that it provided for SFA-Ohio and Randazzo to receive an additional \$8,549,998 until 2024, on top of the \$2,100,000 already provided for in the 2013 agreement.

The May 2015 agreement also provided that "FirstEnergy Service Company executives will participate jointly with the Sustainability Funding Alliance of Ohio, in meetings with the President the Senate and Speaker of the House to explain needed adjustments to Senate Bill 310 streamlined opt out to mercantile customers" for an effective date of January 1, 2017. The 2015 agreement does not appear to have been signed by either party.

Contemporaneous with Randazzo notifying the PUCO of IEU-Ohio's non-opposition to FirstEnergy's ESP IV case, FirstEnergy filed with the PUCO its Stipulation with IEU-Ohio. The Stipulation contains favorable electricity rate terms for IEU-Ohio members. Neither Randazzo nor FirstEnergy Corp. disclosed that an additional component of the stipulation involved IEU-Ohio members receiving millions of dollars, a cash "side deal". In Ohio, cash "side deals" between electric utilities and large industrial trade groups can be controversial, and their existence is relevant to the Commission's decision-making. Once FirstEnergy Corp. was able to reach a settlement and pay IEU-Ohio and Randazzo millions of dollars to withdraw IEU-Ohio's opposition to ESP IV, FirstEnergy Corp. was able to obtain a favorable outcome before the PUCO. Randazzo obtained cash payments under the guise of a "consulting agreement." FirstEnergy Service Corp.'s payments to Randazzo's shell companies were made by means of wire transfers.

Neither Randazzo nor FirstEnergy ever notified the Ohio Joint Legislative Ethics Commission ("JLEC") that Randazzo would serve as a paid legislative lobbyist of FirstEnergy as a result of the "amended agreement." Money transfers from FirstEnergy or one of its affiliates to SFA was accomplished via wire or electronically.

SUMMARY FOR COUNTS FOUR(4) TO SEVENTEEN (17).

Between May 31, 2017 and January 22, 2021, FirstEnergy Senior Vice President of External Affairs Michael Dowling failed to include Samuel C. Randazzo as a paid lobbyist of FirstEnergy Corp. when the company submitted its Activity and Expenditure Report ("AER") to JLEC, despite the fact that Randazzo was working as a paid lobbyist on behalf of FirstEnergy for that time period and actively lobbying legislative officials on FirstEnergy's behalf.

Count Four	Tampering with Records, §2913.42(A)(1), F3
Defendants	Michael J. Dowling
Date of Offense	On or about September 27, 2018

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on JLEC; falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: failing to disclose Sam Randazzo as a legislative lobbyist on FirstEnergy's September 2018 AER Legislative Form, and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity, to wit: JLEC.

2021 JUN -3 AM 10:22
SUMMIT COUNTY
CLERK OF COURT
TAMIA GALINSKI

Count Five
Defendants
Date of Offense

Tampering with Records, §2913.42(A)(2), F3
Michael J. Dowling
On or about September 27, 2018

TAVIA GALONSKI
2026 JUN -3 AM 10: 22

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on JLEC, utter a writing or record, to wit: FirstEnergy's September 2018 AER Legislative Form, knowing it to have been tampered with as provided in division (A)(1) of this section and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity, to wit: JLEC.

Count Six
Defendants
Date of Offense

Tampering with Records, §2913.42(A)(1), F3
Michael J. Dowling
On or about May 28, 2019

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on JLEC, falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: failing to disclose Sam Randazzo as a legislative lobbyist on FirstEnergy's May 2019 AER Legislative Form and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity, to wit: JLEC.

Count Seven
Defendants
Date of Offense

Tampering with Records, §2913.42(A)(2), F3
Michael J. Dowling
On or about May 28, 2019

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on JLEC, utter a writing or record, to wit: FirstEnergy's May 2019 AER Legislative Form, knowing it to have been tampered with as provided in division (A)(1) of this section and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity, to wit: JLEC, and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity, to wit: JLEC.

Count Eight
Defendants
Date of Offense

Tampering with Records, §2913.42(A)(1), F3
Michael J. Dowling
On or about September 27, 2019

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on JLEC, falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: failing to disclose Sam Randazzo as a legislative lobbyist on FirstEnergy's

destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: failing to disclose Sam Randazzo as a legislative lobbyist on FirstEnergy's January 2020 AER Legislative Form, and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity, to wit: JLEC.

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Count Thirteen **Tampering with Records, §2913.42(A)(2), F3**
Defendants Michael J. Dowling
Date of Offense On or about January 27, 2020

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on JLEC, utter a writing or record, to wit: FirstEnergy's January 2020 AER Legislative Form, knowing it to have been tampered with as provided in division (A)(1) of this section and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity, to wit: JLEC.

Count Fourteen **Tampering with Records, §2913.42(A)(1), F3**
Defendants Michael J. Dowling
Date of Offense On or about September 28, 2020

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on JLEC, falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: failing to disclose Sam Randazzo as a legislative lobbyist on FirstEnergy's September 2020 AER Legislative Form, and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity, to wit: JLEC.

Count Fifteen **Tampering with Records, §2913.42(A)(2), F3**
Defendants Michael J. Dowling
Date of Offense On or about September 28, 2020

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on JLEC, utter a writing or record, to wit: FirstEnergy's September 2020 AER Legislative Form, knowing it to have been tampered with as provided in division (A)(1) of this section and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity, to wit: JLEC.

Count Sixteen **Tampering with Records, §2913.42(A)(1), F3**
Defendants Michael J. Dowling
Date of Offense On or about January 22, 2021

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on JLEC, falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: failing to disclose Sam Randazzo as a legislative lobbyist on FirstEnergy's January 2021 AER Legislative Form, and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity, to wit: JLEC.

Count Seventeen **Tampering with Records, §2913.42(A)(2), F3**
Defendants Michael J. Dowling
Date of Offense On or about January 22, 2021

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on JLEC, utter a writing or record, to wit: FirstEnergy's January 2021 AER Legislative Form, knowing it to have been tampered with as provided in division (A)(1) of this section and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity, to wit: JLEC.

Count Eighteen **Obstructing Justice, §2921.32, F5**
Defendants Charles E. Jones
Date of Offense On or about October 18, 2020

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully did, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for a crime or to assist another to benefit from the commission of a crime, destroy or conceal physical evidence of the crime or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence. Furthermore, and the crime committed or alleged to have been committed by the person aided was Federal Racketeering (R.I.C.O), a felony. Asking a person to lie, John Doe 1 to an investigation concerning payments made by FirstEnergy to persons which Jones had authorized or been aware of or a part of the decision making process which authorized such funds to be paid.

Count Nineteen **Obstructing Justice, §2921.32, F5**
Defendants Charles E. Jones
Date of Offense On or about October 15, 2020

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully did, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for a crime or to assist another to benefit from the commission of a crime, destroy or conceal physical evidence of the crime or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence. Furthermore, and the crime

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JUDICIAL COUNTY
CLERK

committed or alleged to have been committed by the person aided was Federal Racketeering (R.I.C.O), a felony. This pertains to Jones altering, destroying text messages on a FirstEnergy-issued cell phone, after a preservation order had been issued.

Jones provided cell phones to First Energy that he was the custodian of. FirstEnergy originally mirrored image the phones in July of 2020. The cell phones was returned to Jones. Jones was later required to resubmit the phone to FirstEnergy so that a bit by bit examination of the phone could be had. The cell phones were imaged again by a FirstEnergy contractor in October of 2020. The vender discovered that after Jones received the phone back, Jones changed the retention period for text messages on a cell phone from an unlimited period of time to thirty days, thereby removing from the phone messages that would have been generated from the middle of July 2020 to September 15, 2020 as the report below shows:

Device Category	Details
Apple ID	cejjr7471@gmail.com
Detected Phone Model	iPhone 11 Pro Max
Detected Phone Model Identifier	iPhone12
iCloud account present	TRUE
Last Cloud Backup Date	9/25/2020 10:38:04 PM(UTC-5)
Last restore from backup	9/24/2019 10:20:26 AM(UTC-5)
Source of last restored backup	iCloud Backup
Model number	D431AP
Phone date/time	10/22/2020 1:50:23 PM(UTC-5)
Time Zone	(UTC-06:00) Chicago (America)
ICCID	'89014104272047485813
IMSI	'310410204748581
IMSI	'311480359396509
IMSI	'310410153743727
Last user ICCID	'89014104272047485813
Last used MSISDN	13302854513
MSISDN	'13302854513
Activation State	Activated
Baseband version	1.06.00
Bluetooth device address	f0:c3:71:4d:aa:5b
Detected Phone Model Identifier	iPhone12
Is encrypted	TRUE
Model number	MWFE2
OS Version	13.5.1
Owner Name	iPhone-FK2ZCRRYN70H
Serial	FK2ZCRRYN70H
SIM status	Ready
Storage available (Bytes)	201.1 GB
Storage capacity (Bytes)	232.1 GB

Time Zone	(UTC-06:00) Chicago (America)
Unique ID	00008030-0011609614E0802E
WiFi address	f0:c3:71:45:02:4a
ICCID	'89014104272047485813
IMEI	'353895100067293
MSISDN	+1 (330) 285-4513
Automatic date & time	TRUE
Automatic time zone	TRUE
Cloud Backup Enabled	TRUE
Find my iPhone enabled	TRUE
Locale language	en_US
Location Services Enabled	TRUE
Message Retention Duration	30 Days
Message Retention Duration	Forever
Sync host name	Computer: DEN\User: Chuck
Sync host name	Computer: TAG146826\User: Administrator
Sync host name	Computer: TAG258325\User: c57607
Last Hotspot Activity	2020-07-28 13:03:05Z

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 SUMMIT COUNTY
 CLERK OF COURT

The period within which records were removed is thee period of time when Larry Householder was charged with crimes, and the FirstEnergy corruption issues came to light.

Count Twenty **Tampering With Evidence, §2921.12, F3**
Defendants Charles E. Jones
Date of Offense On or about October 15, 2020

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully did, knowing that an official proceeding or investigation was in progress, or was about to be or likely to be instituted, alter, destroy, conceal, or remove any record, document, or thing, with purpose to impair its value or availability as evidence in such proceeding or investigation. Jones changed the retention period on a cell phone he possessed from no period to thirty (30) days thereby manipulating or altering or deleting text messages on a FirstEnergy-issued cell phone prior to returning the phone to FirstEnergy. See Count 19.

Count Twenty-One **Engaging in a Pattern of Corrupt Activity, §2923.32, F1**
Defendants Michael J. Dowling, Charles E. Jones
Date of Offense On or about May 14, 2026

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully while employed by, or associated with, any enterprise did conduct or participate in, directly or indirectly, the affairs of the enterprise through a pattern of corrupt activity or the collection of an unlawful debt, to wit:

During the period January 18, 2010 through January 22, 2021, the individuals listed below engaged in criminal activity by acting individually and collectively in a large-scale covert scheme to corrupt the Speaker of the Ohio House of Representatives, the Chairman of the Ohio Public Utilities Commission (“PUCO”), steal millions of dollars of cash from a large publicly traded electric utility, conceal a cash “side deal” in a PUCO rate-making case, steal millions of dollars from a non-profit trade group representing large industrial energy users, and tamper with government records involving financial public disclosures and disclosures of the identities of paid lobbyists. The defendants and members of this enterprise lied to an investigatory body, destroyed evidence, and disguised their conduct.

THE PARTIES

FirstEnergy Corporation (“FirstEnergy”) is involved in the creation, transmission and sale of electricity. Its ten companies stretch from the Ohio-Indiana border to New Jersey and Maryland. At times relevant herein, FirstEnergy was affiliated with, owned, and/or operated similarly named companies, including *FirstEnergy Solutions (FE Solutions)* and *FirstEnergy Service Corporation (FE Services)*. FE Solutions owned two nuclear power plants that generated huge amounts of electricity but were losing money. FE Services was a business unit that handled administrative matters for the ten different FirstEnergy companies in various states.

Charles “Chuck” Jones was the CEO of FirstEnergy Corporation.

Michael Dowling was the Senior Vice President of External Affairs. His job was to direct lobbying and strategy for FirstEnergy, dealing with the federal and multiple state governments.

Sam Randazzo was a lawyer who was paid millions of dollars by FirstEnergy during the 2010s. He eventually became the Chairman of the Public Utilities of Ohio and served inside the government as a clandestine lobbyist for FirstEnergy.

Industrial Energy Users-Ohio (IEU-Ohio) was a non-profit trade association made up of large energy users focused on lowering their energy costs. Sam Randazzo was the general counsel and controlled their books. Randazzo stole from this company.

Sustainability Funding Alliance of Ohio, Inc. (SFA) was a company, solely owned by Sam Randazzo. It had no other employees. Randazzo used it to carry out and conceal the crimes in this indictment. Its income went to him and his wife.

IEU-Ohio Administration Company, LLC (IEU Administration) was another company, solely owned by Sam Randazzo, and like SFA, it was used to commit and conceal the crimes in this indictment. Also, like SFA, its income was Randazzo’s income.

The Public Utilities Commission of Ohio (“PUCO”) is a five-member governmental board, appointed by the governor, that regulates utilities and their operational and financial affairs.

Its most powerful member is the Chairman, who is a full-time executive that directs staff and controls the meeting agenda. Sam Randazzo would take that seat and use the power of the government to commit some of the crimes in this indictment.

Larry Householder was Speaker of Ohio's House of Representatives who on August 16, 2023 was convicted of violating the United States of America's Racketeer Influenced and Corrupt Organizations Act which is conduct defined as "racketeering activity" under the "Organized Crime Control Act of 1970," 84 Stat. 941, related to the passage of HB 6. *United States vs. Householder, et al.* Case No. 1:20-CR-77, S.D. Ohio.

Matt Borges is a former lobbyist and former chair of the Ohio Republican Party who on August 16, 2023 was convicted of violating the United States of America's Racketeer Influenced and Corrupt Organizations Act which is conduct defined as "racketeering activity" under the "Organized Crime Control Act of 1970," 84 Stat. 941, related to the passage of HB 6. *United States vs. Borges, et al.* Case No. 1:20-CR-77, S.D. Ohio.

John Doe 1 was a high-ranking executive at FirstEnergy

John Doe 2 was a person paid by FirstEnergy

John Doe 3 was a person paid by FirstEnergy

Jane Doe 1 was an employee of FirstEnergy

John Doe 4 was an employee of FirstEnergy

INTRODUCTION

Charles "Chuck" Jones, Michael Dowling, and FirstEnergy had a plan. The plan was to manipulate or corrupt Ohio government to enrich themselves, others and FirstEnergy. The execution of their plan required control and influence over the PUCO, the very entity which regulated FirstEnergy. It also required control and influence over the Speaker of the Ohio House of Representatives and the legislative process so that they could ensure that Ohio law would benefit them. The three enlisted the services of Larry Housholder and Sam Randazzo to assist them in carrying out the plan's execution.

Once in places of power in Ohio government, Randazzo and Householder became FirstEnergy's agents. Larry Householder was Speaker of the Ohio House of Representatives and was able to guide legislation through the Ohio House of Representatives which benefited FirstEnergy after he was bribed. Sam Randazzo took over the PUCO in a way that allowed FirstEnergy to regulate—and largely benefit—itsself. Randazzo helped write and lobby for legislative provisions worth unearned millions of dollars to FirstEnergy for FirstEnergy's benefit. The provisions legally guaranteed FirstEnergy's continued profitability. At the heart of the plan was FirstEnergy's profitability. Not just for the company itself, but for Jones and Dowling. Profitability was important, because with it came higher FirstEnergy stock price, and the bulk of Jones and Dowling's compensation

was in company stock. For the two, higher stock meant higher income. This Enterprise began in 2010.

Throughout the decade of the 2010s Sam Randazzo represented IEU-Ohio. In 2010 Randazzo, through SFA and purportedly on behalf of IEU-Ohio, entered into an agreement with FirstEnergy through which it would pay Randazzo's companies SFA and IEU Administration-Ohio. All money under the agreement was to be paid through SFA or Randazzo. In a separate document entitled "irrevocable assignment of claims" signed the same day as the initial SFA/IEU-Ohio agreement, Randazzo transferred IEU-Ohio rights to his two companies. The assignment may be seen below:

1/29/10

IRREVOCABLE ASSIGNMENT OF CLAIMS

FOR GOOD AND VALUABLE CONSIDERATION, AND INTENDING TO BE LEGALLY BOUND, Industrial Energy Users-Ohio ("IEU-Ohio") hereby irrevocably assigns to Sustainability Funding Alliance of Ohio, Inc., and IEU-Ohio Administration Company LLC (collectively, "Contractors") all right, title, and interest, if any, that IEU-Ohio has in and to the FirstEnergy Claims, effective as of the date of this Assignment. As used herein, "FirstEnergy Claims" means any and all causes of action, claims, liabilities, obligations, losses, damages, expenses, judgments, levies and executions of any kind, which IEU-Ohio has or may have, against FirstEnergy Corp., or any subsidiary, affiliate, successor, or assign of FirstEnergy Corp. (the "FirstEnergy Parties") by reason of, arising out of, or related in any way to any transaction, act, or agreement between IEU-Ohio and any of the FirstEnergy Parties prior to the date of this Assignment. IEU-Ohio acknowledges and agrees that this irrevocable assignment of all claims is a material inducement by FirstEnergy Corp. to enter into an Invoice, dated January 18, 2010, between FirstEnergy and Contractors, and further acknowledges and agrees that IEU-Ohio has a material interest in the execution and performance of such Invoice by FirstEnergy and Contractors.

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Industrial Energy Users-Ohio

By: Samuel C. Randazzo
Title: owner
Date: January 29, 2010

Sustainability Funding Alliance of Ohio, Inc.

By: Samuel C. Randazzo
Title: CEO
Date: January 30, 2010

IEU-Ohio Administration Company LLC

By: Samuel C. Randazzo
Title: owner
Date: January 30, 2010

Randazzo signed the assignment three times: once for IEU-Ohio and once for each of his companies. Randazzo was on all sides of the transaction. His clients, the members of IEU-Ohio, did not know he was a consultant for FirstEnergy. Randazzo did not tell them. Neither did anyone at FirstEnergy. Over several years, some of the money would make its way to IEU-Ohio and some would end up in Randazzo's pocket.

Randazzo worked in the background with FirstEnergy through the decade, receiving millions of dollars for "consulting services." An agreement of 2013 provided for Randazzo's company SFA to receive \$2,100,000 from FirstEnergy between 2013 and 2017. It was amended twice in 2015 to extend until 2024 and increase the amount of money Randazzo would receive. The November 2015 amendment also required FE Service executives and SFA—that is, Randazzo—to lobby the President of the Ohio Senate and the Speaker of the Ohio House of Representatives.

In 2018, with a newly elected Governor, FirstEnergy, Jones and Dowling saw the opportunity to corrupt the PUCO to their benefit. On January 2, 2019, after finding out that Randazzo was the front-runner for the PUCO chairmanship, Jones and Dowling accelerated payment of his “consulting services” contract, paying it in full just before his nomination. It was not a gift. It was a bribe. Randazzo could—and did—work hard for FirstEnergy from inside the Commission. He did not disclose his years-long relationship with FirstEnergy when he applied for the PUCO and went so far as to lie about it in testimony to the General Assembly. He further failed to disclose to the Ohio Ethics Commission the massive sums of money he’d received from the company he would soon regulate. Jones, Dowling, and FirstEnergy were complicit in this concealment.

Randazzo took the helm of the PUCO on April 11, 2019, while continuing to serve as an unregistered lobbyist for FirstEnergy. He would write parts of HB 6, a law that would send millions of dollars in subsidies to FirstEnergy for its financially distressed nuclear power. Other parts of HB 6 would legally guarantee the investor-owned FirstEnergy’s profits at the level of 2018—a very good year for FirstEnergy. While Randazzo held the pen on HB 6, Dowling and Jones knew that Ohio House Speaker Larry Householder had the power to get it passed. Setting their sights on him, FirstEnergy, Dowling and Jones poured millions of dollars into Householder—another bribe—to ensure passage of the important legislation.

Randazzo worked to FirstEnergy’s benefit in ways unrelated to HB 6. He used his powerful chairmanship to scuttle a rate case that FirstEnergy was required to file in 2024. Had that case gone forward, it likely would have lowered FirstEnergy’s rates, and in turn, its profits. He also canceled an on-going audit which would have reviewed FirstEnergy’s use of certain funds.

Through it all, FirstEnergy, Dowling and/or Jones used their access to, and funding of, Randazzo and Householder to corrupt the legislature and their regulators. They did so with the purpose to ensure FirstEnergy’s success, and their own. Dowling’s and Jones’ respective compensation packages were mostly comprised of FirstEnergy stock. As stock prices rose, so did their own profits. FirstEnergy stock rose from a low of \$28.83 on May 5, 2017, to \$50.47 on January 23, 2020—a 57% increase in less than three years. It was during that time that the nuclear subsidy and guaranteed-profit provisions (decoupling) became law and Randazzo had helped kill the 2024 rate case. Jones acknowledged the impact of the rate case going away. On November 22, 2019, he texted Randazzo a screen shot of FirstEnergy’s stock price, writing “My mom taught me to say Thank You”. These three men and their organizations formed the core of a corrupt enterprise that operated in violation of Ohio law, and their actions are the basis for the counts contained in this Indictment.

THE ENTERPRISE

This Enterprise is a corporation named FirstEnergy which was corrupted by high managerial officers within the company. FirstEnergy during the years covered this count and more specifically from 2015-2020 tried to corruptly influence the Ohio government to

further its agenda. FirstEnergy's high-ranking officials namely, Dowling, Jones, and Jane Doe 1, John Doe 4, who at a minimum, tolerated criminal conduct of Randazzo and Dowling and/or Jones.

In the alternative this enterprise is also an association and/or organization and/or a group of persons and/or companies associated in fact, although not a legal entity, including but not limited to Charles Jones (former CEO of FirstEnergy Corp.), Michael Dowling (former Senior Vice President of External Affairs for FirstEnergy Corp.), Samuel C. Randazzo (former General Counsel of Industrial Energy Users of Ohio, Chairman of the PUCO, and owner of Sustainability Financing Alliance of Ohio, Inc. and IEU-Ohio Administration Company, LLC, Matthew Borges, Larry Householder, John Doe 4, and Jane Doe and others known and not known all of whom are persons associated with the Enterprise (collectively, "Persons associated with the Enterprise" or "Persons"). This enterprise: (1) was an ongoing organization with a commonality of purpose or a guiding mechanism to direct the organization or (2) was a continuing unit with an ascertainable structure and/or (3) had an organizational structure that was distinct from the pattern of corrupt activity.

THE PLAN OF THE ENTERPRISE AND ITS HEIRARCHY

Dowling and Jones as high-ranking managerial officials of FirstEnergy implemented a plan to corrupt Ohio officials for their benefit as well as FirstEnergy's. Jane Doe 1 and John Doe 4 and others not named in this indictment tolerated their behavior, assisted in their behavior and carried out the plan.

The plan of the Enterprise was to further the interests of FirstEnergy by corrupting or attempting to corrupt State of Ohio officials, to wit: Speaker of the House of Representatives Larry Householder and Chairman of the Public Utilities Commission of Ohio, Samuel Randazzo with money and other benefits. This plan was devised to further the interests and profits of FirstEnergy Corp and the financial interests of Dowling, Jones and others. Randazzo, SFA-Ohio, and Industrial Energy Users Administration, LLC. worked to achieve the plan of the Enterprise. Together, Jones, Dowling, Randazzo and his companies worked in concert to steal the power of government and bend it to the will of FirstEnergy.

THE SCOPE OF THE ENTERPRISE

As stated above IEU-Administration Company and SFA were companies owned and controlled by Sam Randazzo. Randazzo was the attorney who represented IEU-Ohio and its interests. IEU-Ohio is a completely different company than IEU Administration Company.

An "Invoice Agreement" between FirstEnergy Corp. and IEU Administration Company, LLC and SFA was one of the early acts occurring within the scope of the Enterprise. Randazzo never told the PUCO, his law firm or his client, IEU-Ohio about either document, much less get their consent. FirstEnergy stayed equally silent.

Additional tools used to further the schemes of the Enterprise were the subsequent “consulting agreements” between FirstEnergy and Randazzo. In May 2015 Randazzo negotiated an amendment to the January 2013 “consulting agreement” between SFA and FirstEnergy Service Corporation. The May 2015 amended agreement, which does not appear to have ever been signed by anyone, purported to describe FirstEnergy Service Corp. making payments totaling \$7,659,998 to SFA-Ohio between 2016 and 2024 in exchange for “consulting services.” The May 2015 “consulting agreement” does not make any reference to FirstEnergy paying IEU-Ohio, nor does it mention IEU-Ohio at all.

Instead of consulting services, however, the amended “consulting agreement” was a subterfuge for Randazzo and FirstEnergy Corp to conceal a cash “side deal” between IEU-Ohio and FirstEnergy companies in a PUCO Electric Security Plan Case captioned, “In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan,” PUCO Case No. 14-1297-EL-SSO (or “ESP-IV”).

IEU-Ohio had intervened on behalf of its members in the ESP-IV case to object to FirstEnergy’s rate plan. Randazzo then settled the dispute with FirstEnergy. Near the same time, although not mentioned in the May 2015 “consulting agreement”, Randazzo told his IEU-Ohio client that it would receive funds from FirstEnergy for its non-opposition to ESP-IV. He never disclosed to IEU-Ohio the total amount of money that he was receiving from FirstEnergy, purportedly on IEU-Ohio’s behalf, or how much money he was skimming off the top. He did so by funneling FirstEnergy’s payments through his own company before remitting any to IEU-Ohio. Randazzo likewise did not disclose the May 2015 agreement to the members of his own law firm, McNees, Wallace and Nurick, LLC. His membership agreement with the firm barred him from outside employment. Randazzo’s “consulting agreement” with FirstEnergy also would not have been permitted under McNees, Wallace and Nurick’s conflict check because the “consulting agreement” between Randazzo and FirstEnergy was a conflict of interest with the firm’s representation of IEU-Ohio.

By obtaining IEU-Ohio’s agreement to settle the dispute over ESP-IV, via Randazzo, and not to oppose FirstEnergy’s ESP IV plan, FirstEnergy removed a significant roadblock to the PUCO approving ESP IV’s beneficial rate plan. FirstEnergy notified the PUCO of IEU-Ohio’s non-opposition to its ESP-IV case by filing a Stipulation and Recommendation on the PUCO’s docket. The Stipulation described an agreement between IEU-Ohio and FirstEnergy through which IEU-Ohio members would receive favorable rate terms as part of a FirstEnergy “pilot project” in exchange for their non-opposition to ESP-IV. Randazzo, as IEU-Ohio’s General Counsel, also filed a letter with the PUCO notifying it of its non-opposition to ESP-IV and referencing the Stipulation filed by FirstEnergy. Neither the Stipulation nor Randazzo’s letter made any mention of the cash payments that Randazzo and/or SFA were receiving from FirstEnergy, purportedly in exchange for IEU-Ohio’s non-opposition.

After the FirstEnergy’s ESP-IV case was resolved before the PUCO, in November 2015 Randazzo re-negotiated with Michael Dowling to further amend the May 2015

“consulting agreement” by increasing the amount of money that FirstEnergy Service Corporation would pay SFA to \$8,486,764. As previously stated herein, the 2015 amended “consulting agreement” also contained a term requiring FirstEnergy Service Corporation Executives and SFA-Ohio (Randazzo) to lobby the President of the Ohio Senate and the Speaker of the Ohio House of Representatives for a particular bill that was important to First Energy.

RANDAZZO THEFT

The secret “consulting agreements” that Randazzo entered into with FirstEnergy allowed him to steal a large portion of the payments FirstEnergy made to his two companies, SFA- Ohio and IEU-Ohio Administration Company, LLC. Between 2016 and 2019, FirstEnergy paid \$13,152,639.94 to Randazzo’s two companies. Of that total, Randazzo gave \$7,756,903.84 to his IEU-Ohio client and kept \$5,395,736.10 for himself. Using vague “consulting agreements” with FirstEnergy as a vehicle, Randazzo was able to disguise and funnel the alleged settlement proceeds from FirstEnergy to himself. In the process Randazzo bypassed his law firm’s Interest on Lawyer Trust Account (“IOLTA”) that the Ohio Rules of Professional Conduct require lawyers to maintain for handling client funds. Instead, Randazzo intermingled alleged settlement funds meant for his IEU-Ohio client with his own personal funds, and kept a substantial portion of the money for himself.

RANDAZZO MANEUVERS FOR FIRSTENERGY CASH AND TO BECOME PUCO CHAIRMAN

As set forth in Count One, Bribery, in late 2018 Randazzo set his sights on an opening on the PUCO. He enlisted the help of FirstEnergy executives and lobbyists to help him obtain it. But, in applying for the PUCO Randazzo failed to disclose his years-long, multi-million dollar deal with FirstEnergy. His deceit was not limited to his cover letter and resume. In his Ohio Ethics Commission OEC-2019 Financial Disclosure Form, Randazzo failed to disclose his income from FirstEnergy in 2019—or even that he had made income from SFA-Ohio, which was the company Randazzo used to receive FirstEnergy cash. Indeed, in each previous year back to 2013, Randazzo omitted any mention in his OEC financial disclosure forms that he had made income from FirstEnergy. In his OEC-2016 form, Randazzo also failed to disclose that he had loaned \$10,000 in 2016 to Michael Dawson, husband of the then-Governor’s Chief of Staff Laurel Dawson, and a paid FirstEnergy lobbyist.

CHAIRMAN RANDAZZO BENDS THE PUCO AROUND FIRSTENERGY’S WILL

Once Dowling and Jones understood that Randazzo was the front-runner for the PUCO, they and FirstEnergy met with him multiple times at Randazzo’s home and at FirstEnergy’s headquarters. This included, but was not limited to, a January 28, 2019 meeting in which Dowling and a FirstEnergy lobbyist secretly met with Randazzo “on the way to solve the 2024 issue”, a thinly veiled reference to the impending 2024 rate case. Randazzo’s additional work on FirstEnergy’s behalf is as set forth below.

Within the scope of this Enterprise and to further its affairs. Randazzo used his position as

PUCO Chair to advance FirstEnergy's regulatory and legislative priorities. This included, but was not limited to Randazzo notifying Dowling in advance, during *ex parte* communications, what action the PUCO would take on FirstEnergy matters pending before it, and taking Dowling's alternate direction, as set forth below:

MD **Michael Dowling**

7/1/2019 11:47 AM

Just sent this text to internal FE team.

I talked to Sam R just now. He indicated that based on our OSC reconsideration decision this morning that the PUCO would like to issue an entry making it subject to refund. I asked him to hold off to see if we can make a tariff filing - so we are proactively doing it as opposed to reacting to a PUCO action. He liked that and asked that we work with Tammy T (and that Tammy would like bring in Greg Price). I spoke with Eileen about this and she has plans in motion. I wanted to send a text to ensure we're all on the same page. Doug Colafella is on this text. Eileen is working with Doug to revise the media statement. Thanks all.

Further, Randazzo lobbied members of the General Assembly in favor of key provisions of what became HB 6, including drafting portions which benefited FirstEnergy. In addition, FirstEnergy was scheduled to have a full rate case in 2024. Randazzo issued a decision on November 21, 2019 eliminating it. That decision gave FirstEnergy a financial windfall because at the time, FirstEnergy had been over-earning such Jones and Dowling were concerned that a rate case would result in a substantial rate decrease in 2024. Randazzo gave Jones and Dowling advance notice of what the PUCO's decision on the 2024 rate case would be. Additionally, Randazzo canceled an on-going audit of FirstEnergy's use of rider funds.

Within the scope of this Enterprise and to further its affairs, Jones, Dowling, Randazzo, and SFA-Ohio (Randazzo's company) caused FirstEnergy Service Co. to wire \$4,333,333.00 to SFA-Ohio on January 2, 2019.

Within the scope of this Enterprise and to further its affairs, Randazzo filed Ohio Ethics Commission (OEC) Financial Disclosure Forms in 2017, 2018, and 2019 in which he failed to disclose to the Ohio Ethics Commission that he had received income from FirstEnergy. In 2019 Randazzo further failed to disclose that he had received income from SFA-Ohio.

Within the scope of this Enterprise and to further its affairs, when the Ohio Ethics Commission questioned Randazzo's failure to disclose the aforementioned payments, on December 8, 2020 and May 10, 2021 Randazzo submitted letters to OEC Executive Director Paul Nick supplementing his prior financial disclosure statements. Neither of those letters, however, contained any mention of Randazzo's income from FirstEnergy. Randazzo also claimed in his December 8, 2020, letter that his OEC-2016 Financial Disclosure Form had been accurate and complete as submitted, even though that form omitted the fact that Randazzo had loaned Michael Dawson \$10,000 in 2016.

Within the scope of this Enterprise and to further its affairs, Randazzo appeared before and gave testimony to the Ohio House of Representatives Select Committee on Energy Policy and Oversight on September 16, 2020. The hearing was recorded by the Ohio Statehouse Media Center and broadcast by the Ohio Broadcast Education Media Commission, an agency of the state performing essential governmental functions of the State of Ohio. During Randazzo's testimony, State Representative Casey Weinstein asked Randazzo at timecode

27:37: "I think it's important for the public to know, Mr. Chairman, have you or the companies you own or control ever had contracts or done business with FirstEnergy or FirstEnergy Solutions?" In response, Randazzo stated:

I will tell you however, that I have never represented as a lawyer or as a lobbyist any electric utility regulated by the Public Utilities Commission of Ohio or the Federal Energy Regulatory Commission and the same is true for any affiliate of a public utility, regulated by the public utilities, electric public utility regulated by the public utilities commission and the federal energy regulatory commission of Ohio.

In fact, however, FirstEnergy Corp. and/or its subsidiaries and affiliates had already paid Randazzo to lobby Ohio's legislative and executive branch officials for various policies and legislation it favored and which affected FirstEnergy Corp.'s profitability, including but not limited to: Senate Bill 310 (2017), the cost of the Distribution Modernization Rider, the language, operation and passage of House Bill 6, and the elimination of the requirement that FirstEnergy Corp. file a PUCO rate case in 2024.

Within the scope of this Enterprise and to further its affairs, Randazzo set up Charles Schwab investment account #####-6749 ("the Schwab account") in the name of IEU-Ohio. At the time he set up the Schwab account, Randazzo told his personal financial advisor that the account was intended to be used as a "deferred comp" or "retirement" account for himself and his wife, Carol Farmer. Randazzo had funded the Schwab account with proceeds that he stole on January 11, 2016 from IEU-Ohio's 2015 Purchase Power Agreement (or "PPA") Settlement with American Electric Power, Inc. On March 3, 2019, after being nominated to become PUCO Chairman, Randazzo directed that \$1,104,598.35 be sent from the Schwab account to Chase Account #####1600, an account belonging to IEU-Ohio. Randazzo used the \$1,104,598.35 he wired to the Chase account to make the final payments he promised to IEU-Ohio members from the undisclosed 2015 cash "side deal" settlement with FirstEnergy Corp. in its Electric Security Plan IV (or "ESP IV") case. Despite using the previously stolen funds to make the final payments to IEU-Ohio members from the undisclosed ESP-IV cash "side deal," Randazzo never reimbursed IEU-Ohio or its members for the \$1,205,497.69 he stole from AEP PPA settlement on January 11, 2016.

Within the scope of the Enterprise and to further its affairs, between December 22, 2018 and December 31, 2018, Randazzo and IEU Ohio Administration Company LLC paid two employees of Randazzo's law firm, Individual 1 and Individual 2, \$20,000 and \$30,000 respectively. Randazzo made the payments to Individuals 1 and 2 using an account belonging to IEU-Ohio Administration, LLC, a corporation wholly owned by Randazzo and which was separate and distinct from the non-profit trade group IEU-Ohio. Randazzo referred to the payments as "bonuses," but required the Individuals to submit invoices to IEU-Ohio for the payments. Randazzo obtained the funds used to pay the bonuses from money he stole from IEU-Ohio through the aforementioned 2010 "Invoice" agreement and "Irrevocable Assignment of Claims" with FirstEnergy.

Within the scope of the Enterprise and to further its affairs, Between May 31, 2017 and

January 22, 2021, Dowling failed to include Randazzo as a paid lobbyist of FirstEnergy Corp. when the company submitted its AER Legislative notifications to the Joint Legislative Ethics Committee, despite the fact that Randazzo was working as a paid lobbyist on behalf of FirstEnergy for that time period and actively lobbying legislative officials on FirstEnergy's behalf.

Within the scope of the Enterprise and to further its affairs, Dowling failed to include John Doe 2 as a paid lobbyist of FirstEnergy Corp. when the company submitted its September 2019 AER Legislative notifications to the Joint Legislative Ethics Committee, despite the fact that John Doe 2 was working as a paid lobbyist on behalf of FirstEnergy for that time period and actively lobbying legislative officials on FirstEnergy's behalf.

Within the scope of the Enterprise and to further its affairs, In October of 2020 Jones dressed in all black entered upon the property of John Doe 1. Jones climbed or walked through bushes and knocked on a window of John Doe 1's home under the cover of a mid-October evening. Upon recognizing Jones, John Doe 1 let Jones into his house. Jones had a discussion the basement of John Doe 1's home and instructed Doe 1 to lie to investigators an investigation which was being conducted about payments Jones and/or FirstEnergy made to John Doe 2. Jones stated that he had already lied about the payments and needed Doe 1 to lie also. During a prior conversation with John Doe 1, Jones stated that investigators should also not know that he was responsible for paying John Doe 4. Jones further directed John Doe 1 not to provide information concerning payments made to John Doe 4 in the amount of \$80,000.00 a month in consulting fees. Doe 4 is a person who was very close to Larry Householder

Within the scope of the Enterprise and to further its affairs, Jones tampered with a cell phone causing text messages to be deleted from the cell phone after he learned of an investigation into the wrongdoing of FirstEnergy.

COMMON PURPOSE OF THE ENTERPRISE

This Enterprise functioned as an ongoing organization with commonality of purpose or a guiding mechanism to direct the organization. From at least November 30, 2010 through January 22, 2021, the common purpose of the Enterprise regarding its ongoing illegal conduct was to execute a large-scale covert scheme to corrupt State of Ohio officials and to steal millions of dollars of cash from a large publicly traded electric utility, conceal a cash "side deal" in a PUCO ratemaking case, steal millions of dollars from a non-profit trade group representing large industrial energy users, and falsify government records involving the financial disclosures of public officials and the identities of paid lobbyists. The Enterprise hid or attempted to hide its conduct in paying Randazzo and also hid his true relationship with Dowling and Jones, specifically, and FirstEnergy, generally.

Each person associated with the Enterprise performed separate acts on behalf of and in furtherance of the Enterprise. They were members of other entities and needed to act in a structured manner to enable the overall organization to successfully complete these schemes. This occurred with the knowledge and/or support of other persons associated with the Enterprise in order that this Enterprise, as an association in fact, could continue and

thrive.

This Enterprise functioned as a continuing unit with an ascertainable structure while it was engaging in the diverse forms of illegal activities. From the time stated herein, the persons associated with the Enterprise participated in and/or managed the affairs of the Enterprise as previously stated. These persons provided continuity and structure to the Enterprise in order to accomplish its illegal purposes—the pattern of corrupt activity as set forth in this count. This Enterprise and the persons associated with it were joined in purpose over a period of time, with various roles that were different, and with methods that changed in order to accomplish the main purpose of the Enterprise.

The structure of the organization, as an Enterprise in fact: as leaders of the Enterprise Jones and Dowling actively worked to spend FirstEnergy money to improperly influence Randazzo to exercise the authority of the office of PUCO Chairman to advance FirstEnergy's regulatory and policy agendas. It did the same with Householder. Prior to Randazzo becoming chair, Dowling and/or FirstEnergy actively worked to corrupt Randazzo when Randazzo worked as General Counsel for IEU-Ohio and to craft an agreement to conceal a cash "side deal" in a PUCO rate-making case. Randazzo used the scheme to enrich himself and defraud his IEU-Ohio client. Jones and Dowling and FirstEnergy spent FirstEnergy money to improperly influence Borges and Larry Householder Speaker of the Ohio House of Representatives.

This Enterprise is comprised of the persons associated with the Enterprise, all of whom acted with the purpose described in this Indictment, and all of whom conducted their activities over a period of time, and for a common purpose. This Enterprise, as an informal association comprised of the persons associated with the Enterprise, functioned as a continuing unit, separate from the pattern of activity in which it engaged because one or more persons associated with this Enterprise performed legal acts as described herein. The non-exclusive list of lawful activities described herein occurred while this Enterprise functioned as a continuing unit and with an organization structure which engaged in diverse forms of illegal activities as stated in this Indictment.

While the persons associated with the Enterprise may have performed, from time to time, some lawful acts, while working for entities connected with the Enterprise, these persons also performed illegal acts as part of and in furtherance of this Enterprise. Based on the foregoing, this Enterprise existed separately and apart from the pattern of corrupt activity in which it was engaged, and this Enterprise functioned as a continuing unit by engaging in the diverse forms of illegal activities, as stated in this Indictment.

In the alternative, this Enterprise is an "illicit enterprise" under R. C. Section 2932.32 which is one that is unlawful or engaged in prohibited activities. The schemes described in this indictment constitute prohibited activities. This illicit enterprise existed separate and apart from the pattern of corrupt activity as described in this Indictment even if it did not do legal transactions during this time period.

As a result of either one of these two situations, this Enterprise functioned as an

organizational structure and as a continuing unit, even though it was engaging in the diverse forms of illegal activities as described in this Indictment. In either situation, the persons associated with the Enterprise participated in and/or managed the affairs of the Enterprise and as such provided continuity and structure to the Enterprise in order to accomplish its illegal purpose—the pattern of corrupt activity explained in this count. This Enterprise and the persons associated within it were joined in purpose over a period of time, although their various roles were different in order to accomplish the main purpose of the Enterprise. All these schemes were necessary to make the overall organization successful as an Enterprise engaged in corrupt activity. These activities occurred with the knowledge and/or support of and/or were aided or abetted by each of the persons associated with the Enterprise.

AFFAIRS OF THE ENTERPRISE

The affairs of the Enterprise involve the jurisdiction of the State of Ohio with events taking place in the counties of Summit and any other county covered by R.C. 2901.12(H), and the State of Florida, including but not limited to:

1. Did, with purpose to corrupt a public servant or party official, or improperly to influence a public servant or party official with respect to the discharge of the public servant's or party official's duty, whether before or after the public servant or party official is elected, appointed, qualified, employed, summoned, or sworn, promise, offer, or give any valuable thing or valuable benefit.
2. Did before or after the person was employed as a public servant knowingly solicit or accept for itself or another person any valuable thing or valuable benefit to corrupt or improperly influence the person or another public servant with respect to the discharge of the person's or the other public servant's duty.
3. Did, having devised a scheme to defraud, knowingly disseminate, transmit, or cause to be disseminated or transmitted by means of a wire, radio, satellite, telecommunication, telecommunications device, or telecommunications service any writing, data, sign, signal, picture, sound, or image with purpose to execute or otherwise further the scheme to defraud and the value of the benefit obtained by the offender or of the detriment to the victim of the fraud is one million dollars or more.
4. Did, knowing the person has no privilege to do so, and with purpose to defraud or knowing that the person is facilitating a fraud, do any of the following:(1) Falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity.
5. Did, knowing the person has no privilege to do so, and with purpose to defraud or knowing that the person is facilitating a fraud, do any of the following: (2) Utter any writing or record which was kept by or belonged to a local, state, or federal governmental entity knowing it to have been tampered with as provided in division

(A)(1) R.C. Section 2913.42.

6. Did conduct or attempt to conduct a transaction knowing that the property involved in the transaction is the proceeds of some form of unlawful activity with the intent to conceal or disguise the nature, location, source, ownership, or control of the property or the intent to avoid a transaction reporting requirement under section 1315.53 of the Revised Code or federal law.
7. Did conduct or structure or attempt to conduct or structure a transaction that involved the proceeds of corrupt activity that was of a value greater than ten thousand dollars and the person knew or had reasonable cause to know that the transaction involved the proceeds of corrupt activity.
8. Did, knowing that an official proceeding or investigation is in progress, or is about to be or likely to be instituted, do any of the following: alter, destroy, conceal, or remove any record, document, or thing, with purpose to impair its value or availability as evidence in such proceeding or investigation.
9. Did, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for crime or to assist another to benefit from the commission of a crime, induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;
10. Did, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for crime or to assist another to benefit from the commission of a crime, communicate false information to any person.
11. Did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over either the property or services without the consent of the owner or person authorized to give consent and the property or services stolen is valued at seven hundred fifty thousand dollars or more.
12. Did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of the owner or person authorized to give consent and the property or services stolen is valued at seven hundred fifty thousand dollars or more.

**THE PATTERN OF CORRUPT ACTIVITY:
JANUARY 18, 2010 THROUGH JANUARY 22, 2021**

A “pattern of corrupt activity” means two or more incidents of corrupt activity, whether or not there has been a prior conviction, that are related to the affairs of the same enterprise, are not isolated, and are not so closely related to each other and connected in

time and place that they constitute a single event. On two or more occasions, person associated with the Enterprise directly or indirectly committed one or more of the following:

BRIBERY: 2921.02(A) No person, with purpose to corrupt a public servant or party official, or improperly to influence a public servant or party official with respect to the discharge of the public servant's or party official's duty, whether before or after the public servant or party official is elected, appointed, qualified, employed, summoned, or sworn, shall promise, offer, or give any valuable thing or valuable benefit.

BRIBERY: 2921.02(B) No person, before or after the person was employed as a public, servant knowingly solicit or accept for self or another person any valuable thing or valuable benefit to corrupt or improperly influence the person or another public servant with respect to the discharge of the person's or the other public servant's duty.

TELECOMMUNICATIONS FRAUD: 2913.05 No person, having devised a scheme to defraud, shall knowingly disseminate, transmit, or cause to be disseminated or transmitted by means of a wire, radio, satellite, telecommunication, telecommunications device, or telecommunications service any writing, data, sign, signal, picture, sound, or image with purpose to execute or otherwise further the scheme to defraud and the value of the benefit obtained by the offender or of the detriment to the victim of the fraud is one million or more.

TAMPERING WITH RECORDS: 2913.42(A)(1), 2913.42(B)(4) No person, knowing the person has no privilege to do so, and with purpose to defraud or knowing that the person is facilitating a fraud, shall do any of the following:(1) Falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity.

TAMPERING WITH RECORDS: 2913.42 (A)(2), 2913.42(B)(4) No person, knowing the person has no privilege to do so, and with purpose to defraud or knowing that the person is facilitating a fraud, shall do any of the following: Utter any writing or record, knowing it to have been tampered with as provided in division (A)(1) of this section. and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity.

MONEY LAUNDERING: 1315.44(A)(2) No person shall conduct or attempt to conduct a transaction knowing that the property involved in the transaction is the proceeds of some form of unlawful activity with the intent to conceal or disguise the nature, location, source, ownership, or control of the property or the intent to avoid a transaction reporting requirement under section 1315.53 of the Revised Code or federal law.

MONEY LAUNDERING, 1315.55(a)(4) No person shall conduct or structure or attempt to conduct or structure a transaction that involved the proceeds of corrupt activity that was of a value greater than ten thousand dollars and the person knew or had reasonable cause to know that the transaction involved the proceeds of corrupt activity.

TAMPERING WITH EVIDENCE: 2921.12 (A)(1) No person, knowing that an official proceeding or investigation is in progress, or is about to be or likely to be instituted, shall do any of the following: Alter, destroy, conceal, or remove any record, document, or thing, with purpose to impair its value or availability as evidence in such proceeding or investigation.

OBSTRUCTING JUSTICE: 2921.32 (A) No person, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for crime or to assist another to benefit from the commission of a crime, shall do any of the following:

(4) Destroy or conceal physical evidence of the crime or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;

(5) Communicate false information to any person;

And the underlying felony: A violation of 18 U.S.C. 1661 Racketeering which is a felony under Federal Law.

THEFT: 2913.02(A)(1) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services without the consent of the owner or person authorized to give consent and the property or services stolen is valued at seven hundred fifty thousand dollars or more.

THEFT: 2913.02(A)(2) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of the owner or person authorized to give consent and the property or services stolen is valued at seven hundred fifty thousand dollars or more.

INCIDENTS OF CORRUPT ACTIVITY – AS DEFINED IN R.C. SECTION 2923.31

**INCIDENTS OF CORRUPT ACTIVITY COMMITTED BY MEMBERS OF THIS
ENTERPRISE INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:**

1. Michael Dowling, Charles Jones, FirstEnergy Corp., Sam Randazzo, Larry Householder did commit conduct defined as "racketeering activity" under the "Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended: specifically former Speaker of the Ohio House of Larry Householder was convicted of Racketeering Influenced and Corrupt Organization Activities and Conspiracy on or about July 6, 2023.
2. On or about July 22, 2021, FirstEnergy did enter into a deferred prosecution

agreement with the United States Government admitting to theft of honest governmental service which is defined as mail fraud. Mail Fraud is defined as racketeering activity under the organized crime control act of 1970. 18 U.S.C Section 1346 defines mail fraud as including an intangible right of honest services. This occurred during the time period covered by this count.

3. *Michael Dowling, Charles Jones, FirstEnergy Corp and Matt Borges did commit conduct* violating the United States of America's Racketeer Influenced and Corrupt Organizations Act which is conduct defined as "racketeering activity" under the "Organized Crime Control Act of 1970," 84 Stat. 941, related to the passage of HB 6. *United States vs. Borges, et al.* Case No. 1:20-CR-77, S.D. Ohio. Borges who on August 16, 2023 was convicted of such.
4. On or about December 27, 2024 in Summit County Common Pleas Court in what is known as CR-2024-02-0473-E Sustainability Funding Alliance of Ohio did admit to and was convicted of the following incidents of corrupt activity relevant to this indictment:

Count 6, Telecommunications Fraud-R.C. 2913.05-F1

Count 7, Money Laundering-R.C. 1315.55-F3

Count 8, Money Laundering-R.C. 1315.55-F3

Count 15, Aggravated Theft-R.C. 2913.02-F2

Count 16, Aggravated Theft-R.C. 2913.02-F2

Count 17, Money Laundering-R.C. 1315.55-F3

Count 18, Money Laundering-R.C. 1315.55-F3

Count 23, Telecommunications Fraud-R.C. 2913.05-F1

Count 24, Money Laundering-R.C. 1315.55-F3

Count 25, Money Laundering-R.C. 1315.55-F3

All are incidents of corrupt activity within this enterprise.

5. §2913.02(A)(1), 2913.02(B)(2) Aggravated Theft F2 - Theft, Without Consent; Value Between \$750,000-\$1,500,000, In a continuing course of conduct on or about 01/11/2016 thru 07/01/2018 Samuel Randazzo and Sustainability Funding Alliance of Ohio, Inc. did with purpose to deprive the owner, Industrial Energy Users of Ohio and its members, of property or services, to wit: \$1,246,540.83, knowingly obtain or exert control over either the property or services without the consent of the owner or person authorized to give consent the property or services stolen is valued at seven hundred fifty thousand dollars or more.
6. §2913.02(A)(2), 2913.02(B)(2) Aggravated Theft F2 - Theft, Beyond Scope of Consent; Value Between \$750,000-\$1,500,000, In a continuing course of conduct

- on or between 01/11/2016 thru 07/01/2018 Samuel Randazzo and Sustainability Funding Alliance of Ohio, Inc. did with purpose to deprive the owner, Industrial Energy Users of Ohio and its members, of property or services, to wit: \$1,246,540.83, knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of the owner or person authorized to give consent the property or services stolen is valued at seven hundred fifty thousand dollars or more.
7. §2921.02(A), Bribery F3 Bribery-Promise Valuable Benefit in a continuing course of conduct on or about 12/18/2018 thru 03/04/2020 Defendants Michael J. Dowling Charles E. Jones did promise, offer, or give any valuable thing or valuable benefit, to wit: cash, to wit: \$4,333,333.00, with purpose to corrupt a public servant or party official, to wit: Samuel C. Randazzo, Chairman of the Public Utilities Commission of Ohio, or improperly to influence him with respect to the discharge of his duty, whether before or after he was elected, appointed, qualified, employed, summoned, or sworn. See Count One for Specifics.
 8. §2921.02(B), Bribery F3 Bribery-Solicit in a continuing course of conduct on or about 12/18/2018 thru 03/4/2020 Samuel Randazzo did knowingly solicit or accept for himself or another person any valuable thing or valuable benefit, to wit: cash, to wit: \$4,333,333.00, to corrupt or improperly influence him or another public servant or party official with respect to the discharge of his or the other public servant's or party official's duty, either before or after he was elected, appointed, qualified, employed, summoned, or sworn as a public servant or party official. See Count One for specifics.
 9. §2913.05(A), 2913.05(B); 2913.05(C) Telecommunications Fraud F1 - Transmit Data With Purpose to Execute Scheme to Defraud, Course of Conduct, \$1,000,000+, In a continuing course of conduct on or about 01/02/2019 Samuel Randazzo, Michael J. Dowling, Charles E. Jones, and sustainability Funding Alliance of Ohio, Inc. having devised a scheme to defraud, did knowingly disseminate, transmit, or cause to be disseminated or transmitted by means of a wire, radio, satellite, telecommunication, telecommunications device, or telecommunication service any writing, data, sign, signal, picture, sound, or image with purpose to execute or otherwise further the scheme to defraud and the violation occurred as part of a course of conduct involving other violations of division (A) of this section or violations of, attempts to violate, conspiracies to violate, or complicity in violations of section 2913.02, 2913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the Revised Code and the value of the benefit obtained by the offender or of the detriment to the victim of the fraud is one million or more. See Count Two for Specifics.
 10. §2913.42(A)(1), 2913.42(B)(4) Tampering with Records F3 - Tampering With Records-Purpose to Defraud, Falsify, Destroy, Remove, Government Record, In a continuing course of conduct on or about 02/19/2018 Samuel Randazzo did, knowing he had no privilege to do so, and with purpose to defraud or knowing he

was facilitating a fraud on the Ohio Ethics Commission falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: Ohio Ethics Commission Financial Disclosure Form OEC-2017 and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity. Randazzo failed to disclose to the Ohio Ethics Commission the massive sums of money he'd received from First Energy.

11. §2913.42(A)(1), 2913.42(B)(4) Tampering with Records F3 - Tampering With Records- Purpose to Defraud, Falsify, Destroy, Remove, Government Record, In a continuing course of conduct on or about 04/15/2019 Samuel Randazzo did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on the Ohio Ethics Commission falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: Ohio Ethics Commission Financial Disclosure Form OEC- 2018 and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity. Randazzo failed to disclose to the Ohio Ethics Commission the massive sums of money he'd received from First Energy.
12. §2913.42(A)(1), 2913.42(B)(4) Tampering with Records F3 - Tampering With Records- Purpose to Defraud, Falsify, Destroy, Remove, Government Record, In a continuing course of conduct on or about 02/25/2020 Samuel Randazzo did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on the Ohio Ethics Commission falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: Ohio Ethics Commission Financial Disclosure Form OEC- 2019 and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity. Randazzo failed to disclose to the Ohio Ethics Commission the massive sums of money he'd received from First Energy.
13. §2913.42(A)(1), 2913.42(B)(4) Tampering with Records F3 - Tampering With Records- Purpose to Defraud, Falsify, Destroy, Remove, Government Record, In a continuing course of conduct on or about 09/16/2020 Samuel Randazzo did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on the Ohio House of Representatives, and/or the Ohio House of Representatives Select Committee on Energy Policy and Oversight, and/or the Ohio Broadcast Educational Media Commission falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: video of September 16, 2020 testimony before the Ohio House of Representatives Select Committee on Energy Policy and Oversight and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity.
14. §2913.42(A)(1), 2913.42(B)(4) Tampering with Records F3 - Tampering With Records- Purpose to Defraud, Falsify, Destroy, Remove, Government Record, In a continuing course of conduct on or about 12/08/2020 Samuel Randazzo did, knowing he had no privilege to do so, and with purpose to defraud or knowing he

- was facilitating a fraud on the Ohio Ethics Commission falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: December 8, 2020 letter to Ohio Ethics Commission Executive Director Paul Nick and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity.
15. §2913.42(A)(1), 2913.42(B)(4) Tampering with Records F3 - Tampering With Records- Purpose to Defraud, Falsify, Destroy, Remove, Government Record, In a continuing course of conduct on or about 05/10/2021 Samuel Randazzo did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on the Ohio Ethics Commission falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: May 10, 2021 letter to Ohio Ethics Commission Executive Director Paul Nick and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity.
 16. §1315.55(A)(2), 1315.99(C) Money Laundering F3 - With intent to conceal or disguise in a continuing course of conduct on or about 01/11/2016 thru 07/01/2018 Samuel Randazzo and Sustainability Funding Alliance of Ohio, Inc. did conduct or attempt to conduct a transaction knowing that the property involved in the transaction was the proceeds of some form of unlawful activity with the intent to conceal or disguise the nature, location, source, ownership, or control of the property or the intent to avoid a transaction reporting requirement under section 1315.53 of the Revised Code or federal law.
 17. §2913.02(A)(2), 2913.02(B)(2) Grand Theft F4 - Theft, Beyond Scope of Consent; Value Between \$7500-\$150,000, In a continuing course of conduct on or about 12/22/2018 thru 12/31/2018 Samuel Randazzo and IEU-Ohio Administration Co. LLC did with purpose to deprive the owner, Industrial Energy Users of Ohio, of property or services, to wit: \$50,000, knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of the owner or person authorized to give consent the property or services stolen is valued at seven thousand five hundred dollars or more.
 18. §2913.05(A), 2913.05(B); 2913.05(C) Telecommunications Fraud F1 - Transmit Data With Purpose to Execute Scheme to Defraud, \$1,000,000+, In a continuing course of conduct on or about 05/05/2015 thru 06/06/2018 Samuel Randazzo, Michael J. Dowling, IEU-Ohio Administration Co. LLC, and Sustainability Funding Alliance of Ohio, Inc., having devised a scheme to defraud, did knowingly disseminate, transmit, or cause to be disseminated or transmitted by means of a wire, radio, satellite, telecommunication, telecommunications device, or telecommunication service any writing, data, sign, signal, picture, sound, or image with purpose to execute or otherwise further the scheme to defraud and the value of the benefit obtained by the offender or of the detriment to the victim of the fraud is one million or more. See Count Three for specifics.

SUMMARY FOR INCIDENTS 19-62

CREATING

Between May 31, 2017 and January 22, 2021, FirstEnergy Senior Vice President of External Affairs Michael Dowling failed to include Samuel C. Randazzo as a paid lobbyist of FirstEnergy Corp. when the company submitted its Activity and Expenditure Report (“AER”) to the Ohio Joint Legislative Ethics Committee (“JLEC”), despite the fact that Randazzo was working as a paid lobbyist on behalf of FirstEnergy for that time period and actively lobbying legislative officials on FirstEnergy's behalf. The documents tampered with were OJL AER Legislative forms and OJL AER Executive forms.

19. §2913.42(A)(1), 2913.42(B)(4) Tampering with Records F3 - Tampering With Records- Purpose to Defraud, Falsify, Destroy, Remove, Government Record on or about 05/31/2017 Defendant Michael J. Dowling did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on the Joint Legislative Ethics Committee falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: Ohio Joint Legislative Ethics Committee AER Legislative Forms filed between on or about 05/31/2017 and 1/22/2021 the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity.
20. §2913.42(A)(1), 2913.42(B)(4) Tampering with Records F3 - Tampering With Records- Purpose to Defraud, Falsify, Destroy, Remove, Government Record on or about 05/31/2017 Defendant Michael J. Dowling did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on the Ohio Joint Legislative Ethics Committee falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: AER Employer Executive notifications and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity.
21. §2913.42(A)(1), 2913.42(B)(4) Tampering with Records F3 - Tampering With Records- Purpose to Defraud, Falsify, Destroy, Remove, Government Record on or about 09/26/2017 Defendant Michael J. Dowling did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on the Joint Legislative Ethics Committee falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: Ohio Joint Legislative Ethics Committee AER Legislative Forms filed on or about 01/26/2018 through and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity.
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UTTERING:

PASSING THE DOCUMENT WHICH HAD BEEN TAMPERED WITH

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63. 2921.12 (A)(1) F(3) Tampering with Evidence: Defendant Charles Jones did knowing that an official proceeding or investigation is in progress, or is about to be or likely to be instituted, shall do any of the following: Alter, destroy, conceal, or remove any record, document, or thing, with purpose to impair its value or availability as evidence in such proceeding or investigation. A cell phone.
64. Section 2921.32(A). Obstruction Justice: Defendant Charles Jones did with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for crime or to assist another to benefit from the commission of a crime, shall do any of the following:
- (4) Destroy or conceal physical evidence of the crime or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;
 - (5) Communicate false information to any person;

And the underlying felony: A violation of 18 U.S.C. 1661 Racketeering would be a felony of the First Degree under Ohio Law.

65. §1315.55(A)(2), 1315.99(C) Money Laundering F3 - With intent to conceal or disguise in a continuing course of conduct on or about 05/05/2015 thru 06/06/2018 Samuel Randazzo, IEU-Ohio Administration Co. LLC, and Sustainability Funding Alliance of Ohio, Inc. did conduct or attempt to conduct a transaction knowing that the property involved in the transaction was the proceeds of some form of unlawful activity with the intent to conceal or disguise the nature, location, source, ownership, or control of the property or the intent to avoid a transaction reporting

requirement under section 1315.53 of the Revised Code or federal law.

66. §2913.42(A)(2), 2913.42(B)(4) Tampering with Records F3. Defendant Michael J. Dowling did, knowing he had no privilege to do so, and with purpose to defraud or knowing he was facilitating a fraud on the Joint Legislative Ethics Committee falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, to wit: Ohio Joint Legislative Ethics Committee AER Legislative Forms filed on or about 09/2019 and the writing, data, computer software, or record was kept by or belonged to a local, state, or federal governmental entity. Michael Dowling failed to include John Doe 2 as a paid lobbyist of FirstEnergy Corp. when the company submitted its September 2019 AER Legislative notifications to the Joint Legislative Ethics Committee, despite the fact that John Doe 2 was working as a paid lobbyist on behalf of FirstEnergy for that time period and actively lobbying legislative officials on FirstEnergy's behalf.

Furthermore, at least one of the incidents of corrupt activity was a felony of the first, second, or third degree, to wit: including but not limited to Telecommunications Fraud, Money Laundering, Bribery, Tampering with Records

Furthermore, at least one of the incidents of corrupt activity was or is a felony of the first degree, to wit: Telecommunications Fraud.

Count Twenty-Two	Conspiracy, §2923.01, F2
Defendants	Michael J. Dowling, Charles E. Jones
Date of Offense	On or about December 18, 2018 to March 4, 2020.

TAMIA GATCINSKI
 2020 JUN 3 AM 10:24
 SUMMIT COUNTY

The Jurors of the Grand Jury of the State of Ohio, upon their oaths, further find that within the County aforesaid, the Defendant(s) unlawfully did, with purpose to commit or promote or facilitate the commission of Engaging in a Pattern of Corrupt Activity in violation of R.C. 2923.32, plan or aid in planning the commission of the specified offense with another person or persons, Charles Jones, Michael Dowling, FirstEnergy, Samuel Randazzo, Sustainability Funding Alliance of Ohio, Inc., Industrial Energy Users of Ohio Administration, LLC, Larry Householder, and Matt Borges, to wit: Charles Jones, Michael Dowling, FirstEnergy, Samuel Randazzo, Sustainability Funding Alliance of Ohio, Inc., Industrial Energy Users of Ohio Administration, LLC, Larry Householder, and Matt Borges, did conspire to Engage in a Pattern of Corrupt Activity by conspiring to use money belonging to FirstEnergy Corp., a publicly traded corporation, to bribe public officials for the purpose of influencing decision-making and legislation which would benefit the profitability of FirstEnergy.

A substantial overt act being Dowling, Jones and Randazzo co-opted a "consulting agreement" (which was originally used to conceal from the PUCO an earlier cash "side deal" between Randazzo and FirstEnergy) and used it as a vehicle to pay Randazzo. Specifically, upon finding out that Randazzo was the front-runner for a seat on the PUCO (FirstEnergy's regulator) Randazzo, Jones and Dowling conspired to pay Randazzo a

\$4,333,333 bribe so as to improperly influence him to, among other things, covertly lobby on FirstEnergy's behalf to write key portions of HB 6 which directly benefited FirstEnergy, eliminate a 2024 rate case requirement previously imposed by the PUCO, cancel an ongoing audit which would provide transparency into FirstEnergy's use of rider funds, and approve FirstEnergy's application for decoupling once HB 6 was passed into law. Dowling and Jones acted in the same manner when they structured the approval for the payment of and FirstEnergy's procedures for the payment of Randazzo's \$4.3 million bribe.

A further substantial overt act being Dowling acted in the same manner when he caused to be filed with the Joint Legislative Ethics Committee fraudulent AER Legislative lobbying forms which failed to disclose, and therefore concealed, Randazzo's work as a paid FirstEnergy lobbyist.

A further substantial overt act being Jones tampering with this cell phone so as to remove or delete information from it

A further substantial overt act being Sam Randazzo filing false ethics forms with the Ohio Ethics Commission.

A further substantial overt act being FirstEnergy, Dowling and/or Jones using telecommunication devices to discuss and then provide money to Sam Randazzo to further corrupt activities and/or furtherance of the scheme,

Dowling, Jones, Randazzo, Sustainability Funding Alliance of Ohio committed bribery, theft, telecommunications fraud, money laundering, tampering with records, and obstructing justice to further the scheme to turn Randazzo into FirstEnergy's bought and paid for government regulator, and Householder into FirstEnergy's bought and paid for legislator. Furthermore, the object of the conspiracy was a felony of the first degree.

All of the above conduct pertaining to every count in this indictment being contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Ohio.

A TRUE BILL

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 6-2-26

Foreperson, Grand Jury