This entire debacle began with an organized scheme to defraud the FBI, DOJ, The Federal Court system and the American tax payer.

Kate (Egan) Funk has been successfully defrauding all of the above from some 12 years now. This is all clearly laid out in the Kate Funk section of this filing. In that section I have show the following:

She lied about her year of graduation

She lied about her degree type

She lied about being a certified public accountant

She lied about her residence for 10 years

She lied about her employer for 10 years

Its safe to say Kate (Egan) Funk is an absolute fraud! She told all these lies to gain employment with the FBI. Her husband T Markus Funk was still a very famous prosecutor at the inception of this scheme. She lied about her credentials to gain favor over other more qualified applicants. Firstly one asks how does a farm girl pull this off? I'm sure having a husband that works for the DOJ would help in navigating the hiring and vetting process.

The background check for this is 10 years prior. That's why all the dates and credentials that don't correspond. Facts are Kansas University does not even offer an accounting degree nor did she become a certified public accountant in 1996. Or ever for that matter as I have clearly shown & proven. She got past the FBI and entered the academy under her maiden name. Yes she was married to T. Markus Funk during her academy training, thus breaking more federal laws by doing so at that point whets one more as much like today who is going to prosecute the wife of the now famous T. Markus Funk.

Claiming this false and fraudulent degree gave her 1. more base pay, 2. Less academy training time, 3. more importantly the choice of the city of her assignment. Just as she graduates, T. Markus leaves the prosecutors office for a partnership with Perkins Coie in Denver, Colorado. She picks Denver also as her city of assignment, no coincidences there.

By 2014, Kate Funk, with her fake credentials has been defrauding the FBI, DOJ, SEC, The Federal Courts, Judges and the American tax payer paying for it all. Kate has barely 4 years with the FBI, factor in academy training time, maternity leave as she was blessed with twins. How much real time on the job to call experience could one really say.

Certainly NOT to state "thru my knowledge and experience" as she does 47 times in her perjured and fraudulent affidavit. I say perjured because she lies about her credentials to influence a judge in May of 2014 to gain a search warrant. This, as in her fraudulent job application with the FBI to say she had an accounting degree and was a certified public accountant.

I say fraudulent affidavit as no one has ever seen the originals! They ran so afoul of her assumptions, the government dared not register them as required by law. I say fraudulent also as in the exhibits you will notice 2 different first pages to the same affidavit for the same premises for the same day. Seems the prosecution and Kate Funk lost track of which one went to which defendants lawyer. You really have to have had to royally screwed up to sink to that level.

So to leave no stone unturned I have highlighted the sections of the fraudulent affidavit where as she was acting in the capacity of a certified public accountant.

In addition, back in 2016 Mr. Scott Dittman, CEO of Fusion Pharm underwent a forensic audit. The auditor was a former IRS -CID forensic auditor. He worked for and testified as an expert for the government for over 20 years. I don't have the draft copy however I have some of his notes from his review.

To sum it up, Kate Funk was not, is not and has no concept of proper certified public accounting, Nor of the public markets.

The woman is a fraud and should be brought to justice before she ruins more lives.

If this affidavit was show to me, event this fraudulent replacement as it is, I could have easily seen this was all a mistake. Instead, the real affidavit has never seen the light of day, it was never registered with the courts and was lied about to say it was sealed, lied about its contents to manipulate and coerce a plea.

Kate Funk lied to get her job some 12 years ago, she lied to judge Schaffer to get the search warrants in 2014, she and the prosecutor lied about the status of the warrants affidavit, lied about its contents to force a plea. They all continue to lie to you and the court to justify or substantiate defrauding of the FBI, DOJ, Courts and the tax payer.

Facts are Kate Funk sold a story to Ken Harmon of a public company putting drug money on the books as revenue. This I have shown in her affidavit (the one we were given) keeping in mind it is a falsified document. The government can not dispute this claim as no one has ever seen the originals. One has to ask why were they not registered with the court as required? Answer is they were illegal! There is no way to verify that the affidavit is the actual one shown to the Judge Schaffer. So we're to take a document with "2" different first pages as authentic and prosecute or defend from a document that no one knows if it was real at the time in question?

This was, is and always will be an investigation that has built on an organized scheme to defraud by agent Funk. Not just on the FBI, the Courts, the SEC and the tax payer, it was one coupled with the withholding of exculpatory and material evidence all favorable to me. This was to cause stress, duress, mental and physical exhaustion to both me and my family. I have given an example of agent Funks abusive tactics to induce duress and threaten my wife in the exhibit section.

If these things would have been properly disclosed and not withheld. The government knew then as they know now if this goes into a court room, the conviction gets set aside. Crimes were committed to investigate an alleged crime. "Fruit of the poisonous tree" which included the purge red affidavit (the one they gave us?). A Franks hearing would have settled that mess.

Again all this to be discovered by me after a plea was forced on me. My lawyers at the time were all too content taking mere words of a prosecutor and agent as fact.

This started as a securities investigation, here are the qualifications to perform such:

"Qualifications to perform a securities fraud financial investigation" - This investigation requires that the regulations of the Commission apply as this was a referral and a parallel investigation. It fully relied on the financial investigation by Special Agent Kate Funk who failed to meet the requirements of practice to transact business with the Commission. As such, the commission failed to insure the qualifications of the person they provided confidential financial information regarding Mr. Sears including his personal, business and trading accounts which is in violation of the Commissions own regulatory requirements. The defendant calls the courts attention to the following:

17 CFR 201.102 - Appearance and practice before the Commission

(f) Practice defined. For the purposes of these Rules of Practice, practicing before the Commission shall include, but shall not be limited to:

(1) Transacting any business with the Commission; and

(2) The preparation of any statement, opinion or other paper by any attorney, accountant, engineer or other professional or expert, filed with the attorney, accountant, engineer or other professional or expert, filed with the

Commission in any registration statement, notification, application, report or other document with the consent of such attorney, accountant, engineer or other professional or expert.

17 CFR 210.2-01 Qualifications of accountants

(a) The Commission will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of the place of his residence or principal office. The Commission will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of the place of his residence or principal office.

Under the definitions section this show that the definitions of this section apply to licensing requirements under the following;

17 CFR 201.101 - Definitions

(4) Enforcement proceeding means an action, initiated by an order instituting proceedings held for the purpose of determining whether or not a person is about to violate, has violated has caused a violation of, or has aided or abetted a violation of any statute or rule administered by the Commission, or whether to impose a sanction as defined in Section 551(10) of the Administrative Procedures Act, 5 U.S.C. 551(10);

Under the Administrative Procedures Act 5 U.S. Code 551. Definitions as it relates to this investigation and licensing it applies by definition to

For the purpose of this subchapter -

(1) "Agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include -

(A) the Congress;

(B) the courts of the United States;

(C) the governments of the territories or possessions of the United States;

(D) the government of the District of Columbia

And it applies to any agency that holds the power over a person's freedom which is show in the Administrative Procedures Act 5 U.S. Code 551(10)

(10) "sanction" includes the whole or part of an agency -

(A) prohibition, requirement, limitation or other condition affecting the freedom of a person;

(B) withholding of relief

(C) imposition of penalty or fine;

(D) destruction, taking, seizure or withholding of property;

(E) assessment of damages, reimbursement, restitution, compensation, costs, charges or fees;

(F) requirement, revocation or suspension of a license; or

(G) taking other compulsory or restrictive action;

Under the code of federal regulations contained in 17 CFR Part 210 which is used to define an accountant's report

210.1-02(a)(1) Accountant's report. The term accountant's report is "used in regard to financial statements, means a document in which an independent public or certified public accountant indicates the scope of the audit (or examination) which he has made and sets forth his opinion regarding the financial statements taken as a who le, or an assertion to the effect that an overall opinion cannot be expressed. When an overall opinion cannot be express, the reasons therefore shall be stated."

Impermissible government conducting unqualified investigator - The defendant has discovered impermissible misconduct on the part of Special Agent Kate Funk, who is the sole source of evidence relied on by the courts in rendering its probable cause determinations in this case. This investigation was the basis for the asset forfeiture that Funk claimed FusionPharm to be a Ponzi scheme, which was proven not to be the case in Funk's own investigation. The government never disclosed the fact that Special Agent Funk provided perjured testimony when she attested to the information contained in her sworn affidavits.

In Special Agent Kate Funk's sworn affidavit in support of search warrant dated May 15, 2014, whereby in Paragraph 1 on Page 1, Special Agent Funk stated under oath.

"I became a Certified Public Accountant in 1996 through the state of Kansas"

This is a lie and perjury in Fact!

She then repeats this claim again in the second sworn affidavit in support of a search warrant November 28,2014 in Paragraph 1 on Page 1, Special Agent Funk whereby again, she states under oath,

" I became a Certified Public Accountant in 1996 through the state of Kansas"

This is a lie and perjury in Fact!

It is important to note that nowhere in either of these two documents does Special Agent Funk use the initials CPA behind or after her last name, as was claimed by AUSA Sibert in his response to the defendant's motion to withdraw his plea previously filed on April 19, 2019.

After reviewing the Kansas Board of Accountancy website, it was discovered that Kansas does not comply with the requirements of the Uniform Accountancy Act (UAA), as it requires a two-tiered regulatory standard for the licensing of Certified Public Accountants, which was basically abolished under the UAA. Prior to the passage of the UAA, most states had the two tiered regulatory requirements for the licensing of Certified Public Accountants. This required being issued a certificate and a license in order to meet the regulatory licensing requirements. However, after it was discovered that many holding only a certificate but did not complete the requirements to be legally licensed WERE FALSELY CLAIMING TO BE CERTIFIED PUBLIC ACCOUNTANTS. (Sounds all too familiar)

All the while providing services to individuals, businesses, academia and government and falsely claiming to be licensed when they were not. It was these violations that led to the passage of the UAA in order to be established.

A Kansas issued certificate is not a license, as it is issued prior to meeting the regulatory standards for licensing. Because it is not a license and the reason, the Kansas issued certificate is not valid without also obtaining a valid permit (license). This plainly stated on the Kansas Board of Accountancy website.

A search of the Kansas Board of Accountancy website found no listing for Kate Funk being issued license as a Certified Public Accountant in Kansas. A wild card attempt was made using the first name Kate and there was a single name that was returned, Kate Egan. While the information did not match what Funk stated in her sworn affidavit, a public record check verified Egan was in fact Special Agent Funk's maiden name. It was then learned that Egan aka Funk did not hold the permit required under Kansas law to claim to be a Certified Public Accountant. as she only held the certificate but

not the required license (or permit) required by regulation to use the professional credentials of Certified Public Accountant. The Kansas issued certificate is not a standalone license as it is under the standards for the UAA.

The NASBA website Verify PA, is an excellent source of information which explains the Kansas issued certificate is not a license under the regulatory requirements established for the licensing of Certified Public Accountants. It also addresses the legal limitations imposed on those who hold only a Kansas issued certificate, a review of the information regarding Kate Egan is included here.

On April 19, 2019, the same day the defendant's counsel filed the motion to withdraw his plea for various reasons that were not addressed properly and the reason why it is necessary for Mr. Sears to represent himself here now. It was noticed the same day of that filing Special Agent Funk changed her name on her Kansas issued certificate. While Funk had not changed her name legally after she was married in 2009, it seems a bit odd that she would choose that specific day to make that change. However her name has nothing to do with the legal reason why she is not a Certified Public Accountant, although it does confirm the fact that Special Agent Funk and Kate Egan were the same person who holds the Kansas issued certificate #8757.

(1) AICPA (https://www.aicpa.org)

(2) NASBA (https://www.nasba.org)

(3) Kansas Board of Accountancy (http://www.ksboa.org/applyCertificate.htm)

MORE FRAUDULENT CLAIMS AND PERJURY.

It was also discovered that Special Agent Funk committed surgery regarding several items contained in Paragraph 1 on Page 1 of her sworn affidavits. According to the Kansas University Alumni Association website, it indicates Egan did not graduate from Kansas University in 1995 but instead it indicates Egan graduated from Kansas University in 1996. The Alumni Association also shows Kansas University did not offer a bachelor's degree in Accounting, therefore Egan cannot have a degree in Accounting as she states. This also means she did not become a certified Public accountant in 1996 as she states. This also means that she is not eligible for any exempts for licensing that occurred in Kansas in 1996, as there are no "grandfathered" exceptions applicable. However, this does however indicate a very disturbing pattern of deceptive pattern of behavior on the part of Special Agent Funk and calls into question the hiring practices of the FBI and the DOJ which is responsible for supervising the hiring of the FBI.

I now wish to call attention to the Kansas Laws of Accountancy requires Certified Public Accountants must possess both the Kansas issued certificate and permit to practice prior to holding out to be a Certified Public Accountant or to practice as such before the courts, this fact is clearly addressed under the laws governing the licensing of Certified Public Accountants in Kansas. (KS Stat 1-316(1) (2012))

Special Agent Funk has violated the statutes and regulations governing the licensing and practice of Certified Public Accountancy in Colorado and every State in the United States, including Kansas by claiming to be a Certified Public Accountant under oath.

As the Kansas issued certificate is provided prior to the license (permit) is issued this means the Kansas issued certificate holds absolutely no meaning outside of Kansas nor does it provide the holder the ability to use the professional designation in legal proceedings. Doing such provides the false status of being a financial expert which comes with the commitment required to be a licensed and practicing Certified Public Accountant. This case was handed to the FBI by the SEC. Now let us keep in mind the SEC's requirements to be recognized as a Certified Public Accountant.

The Securities and Exchange Commission Federal Regulations under: 17 CFR 210.2-01 - Qualifications of accountants

(a) The commission will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of the place of his residence or principal office. The Commission will no recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of the place of his residence or principal office.

(b) The Commission will not recognize an accountant as independent, with respect to an audit client, if the accountant is not, or a reasonable investor with knowledge of all relevant facts and circumstances would conclude that the accountant is not capable of exercising objective and impartial judgment on all issues encompassed within the accountants engagement. In determining whether an accountants is independent. the Commission will consider all relevant circumstances, including all relationships between the accountant and the audit client, and not just those relating to reports filed.

A person is a statutory resident of Colorado if the person maintains a permanent place of abode in Colorado and spends, in aggregate, more than six months in Colorado. For a more complete discussion of domicile and statutory residency. See Department Regulation 39-22-103(8)(A).

As such the laws of Colorado require residents who are licensed by a regulatory agency in another state must apply for licensing in Colorado after becoming a resident. As such Special Agent Funk was required to apply for licensing as a Certified Public Accountant in 2011 after she became a resident. This is regulated by the Colorado Code of Regulations governing the licensing and practice of Certified Public Accountants under 3 CCR 705-1 - 1.5 Requirements for Certification - (E) Reciprocity Requirements states, "An applicant who holds a certificate or license issued by another state based upon passage of the examination but who does not hold a certificate or license to practice is not eligible for reciprocity through that certificate or license." As license to practice is not eligible for reciprocity through that certificate or license." As such this means Special Agent Funk does not meet the requirements to obtain a license by reciprocity in Colorado and as such she cannot legally hold out as being a Certified Public Accountant in proceedings conducted in the State of Colorado and there is nothing that excludes a federal agent who resides in Colorado from meeting these legal requirements for licensing and practice within the state.

FORENSIC ACCOUNTING EXPLANATION

I now wish to introduce the definition and explanation regarding forensic accounting as was found on the Investopedia website which is operated with permission by the SEC, the explanation of meaning of forensic accounting investigation is explained in detail below:

What is Forensic Accounting?

Forensic accounting utilizes accounting, auditing and investigative skills to conduct an examination into the finances of an individual or business. Forensic accounting provides an accounting analysis suitable to be used in legal proceedings. Forensic accountants are trained to look beyond the numbers and deal with the business reality of a situation. Forensic accounting is frequently used in fraud and embezzlement cases to explain the nature of financial crime in court.

(https://www.investopedia.com/terms/f/forensicaccounting.asp)

Understanding Forensic Accounting

Forensic accountants analyze, interpret and summarize complex financial and business matters. They may be employed by insurance companies, banks, police forces, government agencies or public accounting firms. Forensic accountants compile financial evidence, develop computer applications to manage the information collected and communicate their findings in the form of reports or presentations.

Forensic Accounting for Criminal Investigation

Forensic accounting is also used to discover whether a crime occurred and assess the likelihood of criminal intent. Such crimes may include employee theft, securities fraud, falsification of financial statement information, identify theft or insurance fraud. Forensic accounting is often brought to bear in complex and high-profile financial crimes. The reason we understand the nature of Bernie Madoffs Ponzi scheme today is because forensic accountants dissected the scheme and made it understandable for the court case.

Defining Financial Forensics

Financial forensics is a field that combines criminal investigation skills with financial auditing skills to identify criminal financial activity coming from within or outside of an organization. Financial forensics may be used in prevention, detection and recover activates to investigate terrorism and other criminal activity, provide oversight to private-sector and government organizations and assess organizations' vulnerability to fraudulent activates. In the world of investments, financial forensics experts look for companies to short or try to win whistleblower awards.

This fact that this was a forensic financial investigation was even admitted to by Special Agent Fun in her sworn affidavits on Page 5 in Paragraph 12, whereby Funk says: "Your affiant thereafter reviewed and has been reviewing the SEC produced Records on an ongoing basis. Additionally, your affiant was made privy to SEC analyses of the Bank Records, Brokerage Records and Transfer Agent Records (collectively "SEC Analyses") and has reviewed the same on an ongoing basis."

According to the FBI's own website under the position of Forensic Accountant it states the following: "FOLLOW THE MONEY TRAILS OF CRIMINAL ACTIVITY AND NATIONAL SECURITY MATTERS"

Because in the affidavit in support of search warrant prepared by Special Agent Kate Funk she referenced auditing standards accepted by the SEC and the United States of America with her references to violations of GAAP. This means she created a report and as such this requires she must be a Certified Public Accountant, as she not only claimed a violation of GAAP but she then attempted to track financial transactions between accounts in order to determine actual company earnings. This requires the services of a Certified Public Accountant in order to legally attest to those sworn opinions before the court. Under the laws in Kansas,

"It is unlawful for any person, except the holder of a Kansas permit to practice, to issue a report with regard to any attest or compilation service under standards adopted by the board. A reference in a report to auditing standards generally accepted in the United States of America is deemed to be a reference to standards adopted by the board." Keeping in mind she's not in Kansas anymore. (KS Stat 1-316(e)(2012))

Additionally, under KS Stat 1-321. Definitions - it defines "Report" as follows:

"When used with reference to any attest or compilation service, means an opinion, report or other form of language that states or implies assurance as to the reliability of the attested information or compiled financial statements and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such as statement or implication of special knowledge or competence may arise from use, by the issuer of the report, of names or titles indicating that the person or firm is an accountant or auditor or from the language of the report itself. The term report includes any from of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the attested information or compiled financial statements referred to or special competence on the part of the person or firm issuing such language: and it includes any other form of language that is conventionally understood to imply such assurance or such special knowledge or competence"

RELEVENCE TO THIS CASE:

As the affidavits in support of search warrants prepared by Special Agent Funk were provided to the court through the use of telephonic equipment the requirements under the federal rules of criminal procedure apply. Under section 4.1(b)(2)(A) requires the affiant must attest to information contained in the written affidavit. Which has occurred in this case, as such the requirements under the rules of public accountancy that requires ONLY A CERTIFIED PUBLIC ACCOUNTANT CAN ATTEST TO BEFORE THE JUDGE MAGISTRATES, IN THIS CASE WAS CLEARLY PERJURY!

As special agent Funk KNOWINGLY PROVIDED FALSE TESTIMONY UNDER OATH!

In law, an attestation is a declaration by a witness that a legal document was properly signed in the presence of the witness. Essentially, it confirms that a document is valid. In finance an attestation service is a Certified Public Accountants declaration that the numbers are accurate and reliable. As the service is completed by an independent party, it validates or invalidates in this case the financial information prepared by internal accountants.

Title 41 Search and Seizure (1) Obtaining a warrant (2) the applicant must orally state facts sufficient to satisfy the probable cause requirement for the issuance of the search warrant. (See subdivision (c)(1). This information may come from either the applicant federal law enforcement officer or the attorney for the government or a witness willing to make an oral statement. The oral testimony must be recorded at this time so that he transcribed affidavit will provide an adequate basis for determining the sufficiency of the evidence if that issue should later arise. See Kipperman Inaccurate Search Warrant Affidavits as a Ground for Suppressing Evidence, 84 Avalere.825 (1971).

Testimony provided in the form of opinion must be grounded in an accepted body of learning or experience in that particular field, and the witness must explain how the conclusion is so grounded. See e.g., American College of Trial Lawyers, Standards and Procedures for Determining the Admissibility of Expert Testimony after Daubert, 157 F.R.D. 571,579 (1994) ("Whither the testimony concerns economic principals, accounting standards, property valuation or other non scientific subjects, it should be evaluated by reference to the "KNOWLEDGE AND EXPERIENCE" of that particular field").

As Special Agent Funk attested before the courts in three sworn affidavits which she testified under oath were truthful. That means she represented herself as a Certified Public Accountant. This means she was an expert capable of performing the services of the financial investigation of the publicly traded company and the transactions regarding money involved with that company. This she confirmed with the implied insurances of her knowledge, training and experience a total of 47 times in these affidavits. As the courts relied on this information as evidence to support probable cause of her claims, the fact that this was perjury means it was material to this case and required disclosure to the defendant prior to entering into the plea agreement.

SHOWING PATTERN OF MISCONDUCT

This is not the only incidence of misconduct by Special Agent Funk that was unlawful, as on October 13, 2009, Special Agent Funk aka Kate Egan married then United States Assistant Lead Prosecutor for the United States Department of Justice, AUSA T Markus Funk. As such when Special Agent Kate Funk, decided to accept a position of employment with the FBI while her husband the esteemed Mr. Funk was still employed by the DOJ (while still using her maiden name). As such by Special Agent Funk accepting the position with the FBI, she violated federal regulations and code in doing such.

After which Special Agent Kate Funk accepted employment within the FBI, in violation of the following federal regulations:

(a) 5 U.S. Code (USC) 3110, Employment of Relatives; Restrictions

(b) 5 Code of Federal Regulations (CFR) 310, Employment of Relatives

(c) 5 CFR 2635, Standards of Ethical Conduct for Employees of the Executive Branch, Subparts D, E, G,

(d) 5 USC 2302, Prohibited Personnel Practices

(e) Executive Order 11222, Prescribing Standards of Ethical Conduct for Government Officers and Employees, May 8, 1965

(f) 5 CFR 735, Employee Responsibilities and Conduct

This situation extends beyond just a minor violation of federal regulation by an employee holding a position of trust within the government. This matter involves numerous violations of federal regulation by two executive level employees within the Department of Justice who swore to uphold and defend the Constitution of the United States and are responsible for national security. As such this makes the fact that they were willing to violate the laws in order for one of them to obtain a position enforcing the law, suspect. Clearly this relates to the credibility of this government agent and the integrity of this investigation and the fact that Special Agent Kate Funk was the sole source of evidence provided to the court makes this discovery material and exculpatory in this case.

GOVERNMENT AWARE OF MISCONDUCT

Special Agent Kate Funk was required to obtain and pass a mandatory 10 year background investigation in order to obtain the top secret security clearance required of all FBI Special Agents. This information was readily available to the Department of Justice, FBI and SEC, all of which were actively involved in the investigation and prosecution of this case, as such this information regarding the violations of federal regulation that were involved in the hiring of Special Agent Kate Funk.

The fact Special Agent Funk had no law enforcement experience prior to working for the FBI and she had never been involved in a white collar securities fraud investigation prior to her assignment as lead investigator in this case, as such there is nothing to support the fact that Special Agent Funk is an expert in these proceedings. As is show in the court decision in the 5th circuit where the decision of that court was, "The government used an FDIC investigator as an expert in the area of mortgage fraud. Though the agent had some training in fraud investigation, he had no specialized training in the area of mortgage fraud and had never previously testified as an expert in this field." United States v. Cooks, 589 F.3d 173 (5th Cir. 2009) AUSA Jeremy Siebert also attests to the fact that Special Agent Funk is not an expert in his response to Mr. Sears' motion to withdraw his plea.

As this entire case is filled with perjury, fraud and falsified documents provided by Special Agent Funk as to the inadmissible hearsay statements provided by the confidential witness which she knew was not only unreliable but were false to form the legal basis for her investigation. The fact that she based the opinions she provided to the courts as evidence in this case, makes this information exculpatory in nature and as such it should have been disclosed. The facts upon which a witness relies for her opinion is discoverable and must be disclosed to the other party. See Dickinson-Tidewater, Inc. v Supervisor of Assessments, 273 Md. 245 (Md. 1974). The trier of fact should be disregarded if it is found to be unreasonable or not adequately supplied by the facts upon which the opinion is based. Clark v State ex rel. Wyoming Workers' Safety & Compensation Div. (In re Clark), 934 P.2d 1269 (Wyo. 1997).

As the court relied on evidence in the form of the inadmissible hearsay and the opinions held by Special Agent Funk which were derived from such this qualifies as expert testimony in this case and as Special Agent Funk is not an expert this violates the federal rules of evidence 701 and 702-705. As Special Agent Funk was allowed to testify before the court supplying opinions that were not based on first hand observation into, the matters claimed by Special Agent Funk, the court must take into consideration any Sixth Amendment Confrontation Clause concerns whenever the prosecution intends to call an expert to offer his or her opinion. "Though' an expert may generally rely on inadmissible evidence in reaching a conclusion, including hearsay, that rule assumes that an expert will carefully analyze the basis of his opinion..." Howard v Walker, 406 F.3d 114 (2d Cir. 2005)

WHISTLEBLOWER PROVEN UNRELIABLE

So, the fact that Special Agent Funk's entire investigation was based on the securities fraud investigation which was based on the false statements provided by the confidential witness, where he claims that FusionPharm was a Ponzi scheme, as is show in Special Agent Funk's affidavit, in paragraph 8 pages 2 and 3, Funk states:

"The genesis of the SEC's investigation involved a complaint filed by Cooperating Witness 1 (hereinafter referred to as "CW-1"), a former FusionPharm employee. In the complain, CW-1 suspected that FusionPharm was operating as a "Ponzi" investment fraud. Although FusionPharm publicly claimed via press releases and quarterly and annual disclosures to develop, produce and sell refurbished shipping containers called "Pharm Pods" to cannabis and organic produce grow operations, CW-1 states that the company had not made any legitimate product sales during his time with the company."

Then in Special Agent Funk's own investigation, it was proven this information was false, in footnote 8 on page 28, whereby Funk states:

"As noted in, 18 CW-1 originally complained that FusionPharm had not made any sales during his time with the company. CW-1 has revised that statement as highlighted in her affidavit.

To further support this claim the following is provided from Special Agent Funks affidavit whereby in paragraph 58 on page 28, Funk states:

"CW-1 identified as most two possible sales between January - October 2013: (a) FusionPharm sold two Pharm Pods to a customer in California", and (b) FusionPharm sold five Pharm Pods to Local Products, a Denver Company." and "CW-1 said there might have been an additional, single Pharm Pod sale to Mile High Green Cross in 2013, but he could not be sure.

And again where the confidential witness is allowed to provide information and claims that are material to the investigation without there being any way that information which he has provided can be verified given the discrepancies he has provided here. Could it be Special Agent Funk simply altering evidence her self to fit within the answers she is looking to discover in order to fit within her investigation? However, it might be a good thing if Special Agent Funk learns to perform basic math as 2+5+1=8 not 7 as she states the confidential witness has said, in paragraph 59 on page 28, Funk states: "(b) as noted above, CW-1 could recall, at most, 7 Pharm Pod sales total in 2013"

PROBLEMS WITH WARRANTS

The problems with this investigation are reflected in the Search and Seizure Warrants as well. in the Search and Seizure Warrants executed in this case both affidavits contain the following charges on its face instead the violations being alleged are contained in Attachment B, however the violations are not the same as those alleged in the affidavits. The charges not on the face but on the Attachment B and government exceeded the scope of the warrant as Attachment B. May 15, 2014 and November 28, 2014.

The affidavit in support of search warrant dated May 15, 2014 (aside from the obvious 2 different first pages) and the affidavit dated November 28, 2014 do not allege a chargeable violation of law has been committed. Both of these documents cite the following violations were committed:

In the Affidavit date May 15, 2014, violations cited on Page 2 in Paragraph 4 which states: "William Sears ("Sears"), Dittman brother-in-law, and a founder and control person of FusionPharm for various suspected federal criminal offenses, including wire fraud, in violation of 18 USC 1343, and securities fraud in violation of 15 USC 78(b) and 78.ff(a) and 17 CFR 240.10b-5"

In the Affidavit dated November 28, 2014, violations cited on Page 1 in Paragraph 4 which states: "William Sears ("Sears"), Dittman brother-in-law, and a founder and control person of FusionPharm, for various suspected federal

criminal offenses, including wire fraud, in violation of 18 USC 1343, and securities fraud, in violation of 15 USC 78(b) and 78.ff(a) and 17 CFR 240-10b-5"

The following is a breakdown of the violations cited in the Affidavit in Support of Search Warrant, dated May 15, 2014;

15 U.S.C. 78(b) is a regulatory statement, it contains no essential elements required to support a violation of law having been committed under this section.

15 U.S.C. 78ff(a) is a penalty assessment which discusses the penalties for violations of the various sections under 15 U.S.C. 78, however it does not actually address the actual violation and the legal elements required to show a violation under this section instead it requires a valid violation be included on of the numerous violations contained in Section 78 for there to be a penalty assessed under this section.

18 U.S.C. 1343 as there was no legally chargeable fraud violation cited there is nothing to establish a fraud violation has been committed and without which there is nothing to invoke the protections of the mail fraud statutes and it is well established the protections of the mail fraud statues do not extend to government regulatory interests. See F.J> Vollmer & Co., 1 F.3d 1511, 1521 (7th Cir. 1993) ("It is well established that the government's regulatory interests are not protected by the mail fraud statute.)

17 C.F.R. 240.10b-5 is not addressed in the search warrant as such there is no reason to address this here. The Code of Federal Regulation must be named separately on the Search and Seizure Warrant to be considered a part of the items that are being Searched and Seized it is not a standalone charge where it can be included automatically and there was nothing discussed in the affidavit that showed that the company was a Ponzi scheme as was claimed by the CW #1.

The Search and Seizure Warrant executed on the FusionPharm warehouse on May 16, 2014 contained the violations in Attachment B however those were not the same violations cited in the supporting Affidavit. Attachment B to Search and Seizure Warrant dated May 16, 2014, states the following: "Title 18, United States Code, Section 1343 (wire fraud) and Title 15 United States Code, Section 78j(b) and 78.ff(a)"

While the prosecution is likely to claim this was merely a clerical error, this was shown not to be the case, as the search warrant dated November 28, 2014 contains the same errors as the Attachment B which states the following: "Title 18, United States Code, Section 1343 (wire fraud) and Title 15 United States Codes, Section 78j(b) and 78jf(a), excluding, however, any items constituting privileged attorney-client communications"

The affidavits were not attached to the Search and Seizure Warrants despite being referenced. This normally invalidates the Search and Seizure Warrants and the evidence discovered as the result of these type of warrants is ILLEGALLY OBTAINED.

It is well established under the Colorado Constitution, the facts supporting probably cause must be reduced to a writing and probably cause must be established within the four corners of the warrant or its supporting affidavit. See the Colorado Constitution Article II, 7; United States Constitution IV Amendment and People v. Padilla 183 Colo. 101, 105, 511 P.2d 480,482 (1973).

"In this Circuit, both attachment and incorporation are required for an affidavit to remedy a warrants lack of particularity." See United States v. Leary, 846 F.2d 592 (10th Cir. 1988) at 603 and United States v. Williamson, 1 F 3d 1134, II 36 n.1 (10th Cir. 1993)

The Fourth Amendment requires a search warrant to "describe the things to be seized with sufficient particularity to prevent a general exploratory rummaging in a persons belongings." United States v. Carey, 172 F.3d 1268, 1272 (10th Cir. 1999).

A warrant runs afoul of the Fourth Amendment when it is broader in scope than justified by the "probable cause established by the affidavit upon which the warrant issues." United States v Christine, 687 F.2d 749, 753 (3rd Cir. 1982)

Because the Search and Seizure Warrant authorized the seizure of a very broad array of items in the FusionPharm offices, for which there was no probably cause and whereby making the search warrant overly broad and as such violated the Fourth Amendment. The Fourth Amendment prohibits general warrants authorizing "a general exploratory rummaging in a person's belongings." Coolidge v New Hampshire, 403 U.S. at 467. Evidence seized pursuant to a general warrant must be suppressed. Lo-Ji Sales, Inc. V New York, 442 U.S. 319 (1979).

A search warrant that provides law enforcement agents free reign to rummage through a defendant's papers at will renders the warrant overly broad and vague. United States v. Beckett, 321 F.3d 26, 33 (1st Cir. 2003).

The Search and Seizure Warrant and supporting documentation presented to Magistrate Judge Craig B. Shaffer on May 15, 2014 was attested to telephonically by Special Agent Funk which requires a recording of that and the Search and Seizure Warrant and all supporting documentation be filed with clerk of the court in accordance with the Federal Rules of Criminal Procedure Rule 41 and Rule 4.1.

As this document was not filed in an emergency situation which is shown by the time and date of the Magistrate Judges signature being on May 15, 2014 and the time which it was executed on the following day on May 16, 2014, as such this was not an anticipatory warrant, as such there was no reason why this search warrant was never properly filed.

After reviewing this Search and Seizure warrant it was discovered it was not properly filed as it does not contain the appropriate seal nor the stamp of the clerk across the top.

NOR was this document ever "SEALED" as was claimed by AUSA Harmon on numerous occasions! 6 Different attorneys will testify to this. There is no court order on the dockets sealing the Search and Seizure Warrant (or any evidence of one existing) which was in fact exercised on the FusionPharm warehouses. Due to the invalid Search and Seizure Warrant which was exercised on the May 16, 2014 raid on FusionPharm which included Special Agent Funk, IRS-CID Agent Loecker and AUSA Harmon and others from the prosecutors office who all have many years' experience dealing with Search and Seizure Warrants. They all knew that this warrant was not valid because it was never properly filed. Showing the proper filing and sealing stamps required on a Search and Seizure Warrant as is shown from co-defendant Jean-Pierre's case. Mr. Sears has called the clerk of the court and confirmed that the Warrant is not in their possession and could not furnish a certified copy. How can the integrity of the warrant be guaranteed if it was not registered with the court as per Federal Rules of Criminal Procedure which state:

(f) Executing and Returning the Warrant.

(1) Warrant to Search for and Seize a Person or Property

(A) Noting the Time. The officer executing the warrant must enter on it the exact date and time it was executed.

(B) Inventory. An officer present during the execution of the warrant must prepare and verify an inventory of any property seized. The officer must do so in the presence of another officer and the person from whom, or from whose premises, the property was taken. If either one is not present, the officer must prepare and verify the inventory in the presence of at least one other credible person. In a case involving the seizure of electronic storage media or the seizure or copying of electronically stored information, the inventory may be limited to describing the physical storage media that were seized or copied. The officer may retain a copy of the electronically stored information that was seized or copied.

(C) Receipt. The officer executing the warrant must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises the property was taken or leave a copy of the warrant and receipt at

the place where the officer took the property. For a warrant to use remote access to search electronic storage media and seize or copy electronically stored information, the officer must make reasonable efforts to serve a copy of the warrant and receipt on the person whose property was searched or who possessed the information that was seized or copied. Service may be accomplished by any means, including electronic means, reasonably calculated to reach that person.

(D) RETURN. THE OFFICER EXECUTING THE WARRANT MUST PROMPTLY RETURN IT-TOGETHER WITH A COPY OF THE INVENTORY-TO THE MAGISTRATE JUDGE DESIGNATED ON THE WARRANT. THE OFFICER MAY DO SO BY RELIABLE ELECTRONIC MEANS. THE JUDGE MUST, ON REQUEST, GIVE A COPY OF THE INVENTORY TO THE PERSON FROM WHOM, OR FROM WHOSE PREMISES, THE PROPERTY WAS TAKEN AND TO THE APPLICANT FOR THE WARRANT.

Once again it was the 15th of March when this was penned. I had yet to receive the governments response to my motion. No surprise here as this follows suit with the rest of the withholding they seem to need to do.

So with that I have to assume the government will posture as co-conspirators and deploy diversion tactics. I have proved Kate Funk has successfully been defrauding the FBI, SEC, Federal Courts and Judges. The US tax payer, pays for it all by means of her salary, bonuses, maternity leave, vacation pay, retirement and whatever perks' that go along with the job. I have yet to put a calculation to all that ill begotten gain and the penalty amount plus prison time. Seems would be a waste of time as the very people that are supposed to protect us from these type of sociopathic fraudsters are the very ones defending and trying to justify the very things they so eagerly prosecute "regular people" for. The only one thing her co-conspirators have left to say is how was she wrong in her perjured, fraudulent and falsified affidavits.

As previously mentioned, Mr. Dittman underwent a foresnic audit. In addition Mr Dittmans and his CFO Craig Dudley (another certified public accountant to whom has worked for publicly traded fortune 500 companies) restatement of the financials numbers were to the penny. I have already evidenced from Craig Dudley's 302 FBI interview that Fred Lehrer said Dittman did not need to disclose me. So I will detail some of the auditors comments made to the fraudulent and falsified affidavit we were furnished. Being in prison, I have no access to my hard drives otherwise this would be much more complete. Please note that when Ken Harmon heard of the forensic audit being conducted, he quickly started using testimony he knew to be false against me. He withheld the documented proof of such. He then abandoned the money laundering, Ponzi, financial fraud story as that all it proved to be. A story!

I will go by section number of her fraudulent affidavit. Exhibit - KFAFBS

First and most importantly is to remember that nothing can be right regardless of what she has said. It is a product of fraud and fraudulent in fact itself!

If there was anything true in fact the prosecution would not have lied to my attorneys saying it was sealed. They would have registered it as Federal Rules require along with the inventory sheet of what they seized. They have no legal way to show or prove any of the documentation they so completely state as fact is indeed authentic!

THEY DESTROYED THE EVIDENCE AND FABRICATED ANOTHER TO SUITE THEIR NEEDS SO THE CO-CONSPIRATOR SHOE FITS.

NO ONE TO WHOM IS "RIGHT" DESTROYS OR HIDES THE VERY THING THAT SHOW THEM TO BE!

PLEA AGREEMENT

The Government comes across as if no one is aware of the recent and rampant plague of prosecutors such as Ken Harmon and Jeremy Sibert. To whom are willing to hide favorable evidence and employ all ethically and frankly in this case illegal and criminal tactics to force a plea. I am one of the many as Judge Rakoff described in the case of Michael Flynn in saying "like so many General Flynn felt compelled to take the plea deal offered to him." The alternative to which

as also in my case would have been the better part of my years left on this planet in prison. Also watch my 71 year old mother be prosecuted along with my wife. Have the IRS take my mothers house as was told to her. My entire extended family suffer complete financial ruin. My nephews to whom were 11 and 12 not see their father for decades as Mr. Harmon promised.

My co-defendant Scott Dittman and I as email traffic will show and testimony if permitted that we were NOT PERMITTED TO ACT INDEPENDENTLY!! We either both took the deal or both go to trial.

This was before I discovered all of the fraud, falsified documents and deliberate withholding of evidence favorable to me and then to have perjured testimony that was knowingly used against me. As I stated that "I discovered" my then lawyers were so ineffective during these crucial aspects they never asked for or questioned any of the "facts" that the government was attempting to hid their lies as. The most basic due diligence on their part would have absolutely changed this entire case. A plea would have never been an option to even consider.

The Supreme Court says that :The knowingly use of perjured testimony violates the due process of law guaranteed by the 14th amendment. I will show and prove that this is exactly what the prosecution did as it was their only way to get a criminal conviction by plea agreement.

My plea agreement was permeated by the systematic concealment of significant evidence all favorable to my innocence of conspiring to defraud the United States. This evidence as I will show consisted of MATERIAL MISREPRESENTATION, FRAUD, PERJURED TESTIMONY and FRAUDULENT AND FALSIFIED DOCUMENTS. All of which were not made available or discovered until after an agreement was executed.

The government at that time made false representations of evidence they possessed. They did this to manipulate my lawyers. My then lawyers took the false statements as fact. The government used terms as "sealed" to not show their perjured and fraudulent documentation. Again the simplest of research as I did with no resources exposed all the governments lies. My lawyer did not even look to the docket to even see if there was a sealed document. They just took the word of the prosecutor and the Special Agent that has a very famous and influential husband. My then lawyers even joked once in saying that "there is no one in the Denver DOJ that does not have a conflict of interest with T Markus Funk." I did not know at that time what I was really dealing with.

The prosecutions withheld amongst other things:

1. Perjured testimony from Fred Lehrer to the SEC

2. Perjured and falsified affidavits from Agent Funk

3. FBI 302 interviews that only became available to me through and unknown source some 7 months ago.

Just as in his SEC interviews, Fred Lehrer commits multiple perjuries. Interviews to be hidden for 5 years and 7 months? One has to ask why? Even more so as did my then attorneys really think the FBI never interviewed the gate keeper for securities to be traded or not? The government needed to hide this as they knew then as they have always known Fred Lehrer purgered himself about the very things the government used against me to force a plea deal. The very things he said "he did not know" or "I lied to him" are the very things he knew about and I was truthful about. Ken Harmon knew this as has known and knows Fred Lehrer all to well.

The prosecution then used testimony they knew to be perjured and false as leverage to influence my then attorneys to pressure me into signing a deal. My attorneys knew I had no money for trial and were looking to move on.

Facts are if Fred Lehrer's perjured testimony was shown to me as its material and exculpatory, I could have proven to the government that I disclosed and acted as Mr. Lehrer knew of and advised to. Thus, this being a civil matter for the SEC to handle.

The Supreme Court Noted:

We now hold that the suppression by the prosecution of evidence favorable to the accused upon request violates due process where the evidence is material by guilt or punishment irrespective of the good or bad faith of the prosecution.

The Supreme Court also notes:

The prosecutorial obligation has come to include disclosure for example of any evidence that might tend to show the defendants innocents or even reduce his degree of blame worthiness.

It's obvious the prosecution in this case do not feel they must abide by the Supreme court.

There is much email traffic and testimony to show there was no conspiracy to hide my involvement with FusionPharm. Facts are it was discussed regularly and at great length. These conversations were both done independently and combined. This was as Fred Lehrer directed. He had intimate knowledge of my business and personal life as I had of his. Facts are at the time of the raid Mr. Lehrer and I were putting together a real estate company that he was to be the CEO of. Email traffic will show this to be true. He wanted his friends, James Payner, Richard Scholtz and Myron Thayden to be part of it. I do believe the FBI has photos of this meeting in April of 2014. They sat in a jeep taking pictures and drove off when I walked to the jeep.

If securities laws were broken, it was because Fred Lehrer said they were not. If I violated affiliate status it was because Fred Lehrer said I was not. Email traffic proved Fred Lehrer had full and complete knowledge of the convertible notes. He knew when and how they were funded along with the creator Guy Jean Pierre. He knew Jean Pierre so well he reported him for fraud in 2011 in a sworn affidavit. Mr. Lehrer never mentioned this fact to me. Fred Lehrer was relentless and as email traffic will show about securing a deal with FusionPharm. Emails like "Scott is not calling me back can you call him for me" There are too many of these type to include here.

The question I have asked too many times to count is: Why did not Fred Lehrer say "STOP EVERYTHING" as soon he saw Guy Jean Pierre was involved? He could have then phoned the SEC and explained the situation at this point there would have been only civil issues, not criminal! Seems Mr. Lehrer has a history of this behavior as evidenced in:

The Convertible Notes

Fred Lehrer had intimate knowledge of the convertible notes. That was the main reason for me meeting him in Orlando of August of 2013. I knew he was an Ex Sec Prosecutor. Who better to protect me (So I thought).

We reviewed the genesis of and the current status. He requested bank statement copies from my companies and Fusion Pharms to evidence the authenticity of the funds and dates transferred. The money was real as was the notes! The prosecution uses terms as backdating and bogus as "BUZZ WORDS". That's in a case where either no money was paid or an earlier date is evidenced on the face of the note as opposed to the company actually receiving said funds. The date evidenced on the face of the note "WAS" the date as to when the money was received. Fred Lehrer knew the money that was given as a loan was from stock sale proceeds. Mr. Lehrer made it very clear the money could only be used to buy company products. I bought "PODS" from the company. Now even the SEC in my plea agreement footnotes state "Round Tripping" as they call it "Is not necessarily illegal" caveat being as long as it was used to purchase the companies products.

So the note was real with real money. The date of the first tranche of money was the date on the notes. There were revisions to this note so it did change. An example is as the company started to take off I agreed to a higher strike price. Where the lawyers at that time were mistaken according to the government is we re-executed or memorialized the agreement later than the date on the note. The lawyers at that time advised us all that the 144 clock starts ticking when

money is received. So we resigned using the date on the face of the note. Once again the money was received on the date evidenced on the face of the note.

Now to dive into this as a securities forensic specialist did, will show that 10+ million of the 12 million was not a 144 time violation. Hence the prosecutions use and abuse of Fred Lehrer's perjured testimony along with the withholding of such.

If the prosecution had not hidden and withheld perjured testimony against me and to manipulate my lawyers, this would have been an ordeal for the SEC to sort out. Not the fabricated, falsified, perjury filled fraud that government sold to the courts.

Once again this would have been a civil 144 time restriction discrepancy. The bulk of the money made was in the 1st quarter 2014. Two full years after the date the "government" says is the effective date. This is why they needed to use perjured testimony and fraudulent and falsified documents from both Kate Funk and Fred Lehrer. They needed to withhold a lie about them. They undermined and corrupted this entire case.

My counsel at that time was so ineffective that they come to me saying "Kate Funk is a CPA, she's gone through the books and they are all wrong." "Fred Lehrer is saying you lied to him, who is going to believe you?" "This is a paper case, by the second day the jury is asleep." "Ken Harmon will hit you with a 120 to 150 count indictment. Jurors wont event understand something this complex" "You have to take a deal, if you don't want to spend the next 20 years in prison" They said all this without seeing one bit of the authentication documentation to back the prosecutions claims. I then reminded them of late May of 2014. Two weeks after the raid, my lawyers and Mr. Dittmans lawyers met with the DOJ, SEC, IRS, Post Office, etc. etc. The result of that meeting was my then lawyers calling me to tell me that "the government knows you never sold a can as they put it." "You need to just admit it and beg for mercy from the court." Witness testimony and William Taylors letter to Ken Harmon dated June 20, 2014 proves this also to be true. At the very onset my lawyers were just to ineffective they took Ken Harmon and Kate Funk's word. They were so willing to just let the prosecution use at that time perjured testimony and fraudulent and falsified documentation that was supposedly "SEALED". One would think after I proved that over 65 unites were sold, they would be less likely to just take the prosecutions word. Simply put, NO.

This was a prosecutor that was knowingly and willingly using perjured testimony to cause stress & duress to force a plea deal. Not to only force a plea but to cover up a bungled investigation that exposed a 12 year old organized scheme to defraud.

In the past as I am sure they did in their most recent response, the government will make comments of "This already being settled" or the court had heard all of this.

Frankly one can only make decisions on things based on the information given. Due to the fact none of my attorneys detailed this as I have and the prosecution had done nothing but defraud the court by selling a bogus story that my lawyers never challenged.

Why would the court not think the way it did? Its all to hard to believe this type of conduct happens in the DOJ or the FBI. As the news show us this happens more than anyone would like to believe.

Facts are the plea agreement (with stipulated facts) was nothing more than the product of gross incompetence & perjured testimony the government knew to be false, fraud and the withholding of material and exculpatory evidence. All of which should have been revealed as law requires instead of being hidden and used against me. Without deploying all these criminal tactics the government would have never gotten me to sign. These tactics or tools caused stress, duress and they were able to coarse a deal.

These tools or acts the government readily prosecute "regular people" or citizens on a daily basis for.

ANY CONTRACT THAT MATERIAL MISREPRESENTATION, PERJURY, FRAUD, OR THE WITHHOLDING OF MATERIAL FACTS ARE USED TO INDUCE THE SIGNING OF IS NULL AND VOID!

The Prosecution at that time CLEARLY used "ALL" of the above!

I testified at the trial for Guy Jean Pierre as required. I knew that Mr. Siebert was expecting to have me lie for him. I did NOT! Nor did Scott Dittman, nor did Guy Jean Pierre. When I stated "I never knowingly and willfully set out to defraud the government." Mr. Siebert came unglued! My truthful testimony resulted in me getting no cooperation credit even though I brought a wanted fugitive back to the United States. Also Mr. Siebert the AUSA opens his statement with at my sentencing "William Sears is a liar your honor" "Fred Lehrer gave good advice." He used then at my sentencing as Ken Harmon used prior to cause duress and coerce a plea deal, testimony they know to be false and perjured and the product of fraudulent and falsified documentation that was all withheld. Some of which was still being withheld at that very time. (Ex Lehrer 302s)

All this happened to me with lawyers no where to be found. My new court appointed attorney was befuddled to say the least as testimony shows.

Remember winding back to when I discovered that I was lucky enough to be the one to uncover Kate Funks 12 year old and ongoing organized scheme to defraud. Along with Fred Lehrers perjury and how Ken Harmon and he were friends that worked together very closely for the DOJ. They stated "WE NOW HAVE A CONFLICT OF INTEREST" then promptly resigned.

How can anyone say that ineffective assistance of counsel does not apply here?

The government knows all too well if this goes into a courtroom as it should have some 7 years ago, the ex prosecutor, the agent in charge and my securities lawyer Fred Lehrer will all have to testify. They will all either purjur themselves then or I will prove they perjured themselves prior. Either way this is a loss. The result will be the convictions being set aside and my freedom and illegally seized funds returned.

I am sure of that today as I am sure I would have been of the same thoughts some 7 years ago. If only then I was not the victim of the blatant and obvious corruption in this case. The government has no winnable case here. Their entire case is built on falsified documents, fraud, withholding of exculpatory evidence and using perjured testimony they know to be so against me.

To think my then attorneys never pressed the prosecution for Fred Lehrers 302 interviews. As if the securities lawyer to whom advised, opined and let what the government describes as a 12 million dollar fraud happen? The only person to who could have lifted restrictive legends or opine on affiliate status?

What competent and effective counsel lets their client enter into a plea deal without verifying these and other claims that the government state as fact? Only an ineffective and one that just wants out would.

So the prosecution has lied about warrants and affidavits being sealed. They have falsified evidence and withheld exculpatory evidence all favorable to me. They were really just making things up at that point. Why not, as my lawyers are buying into the bogus bag of goods they are selling. Bogus goods to include but not limited to the affidavits and search warrants being under seal. Search warrants and affidavits that run so afoul they dared not to register them with the courts as required. They have withheld the SEC testimony of my securities lawyer. Testimony they know to be perjured as why else hide them. They withheld Fred Lehrers FBI 302s never to be seen before October of 2020, that's 5 years and 7 months after they happened. They then use agent Funks perjured, fraudulent and falsified and fabricated affidavits. Once again so flawed they never register them with the courts. Really why would they as they can make things up as they clearly did in this case. I'm speaking to the falsified and fraudulent "2" different first pages of her affidavit for the same premises for the same day. Oh what a web she weaves along with withheld and perjured

testimony to create a bogus hill of goods to my lawyers. In turn they look to me as there is no hope but to sign a deal. "Do you really think your the first person to get steam rolled by the Government" is what they say to me.

I have yet to see the governments response as stated but how would having all this that I have shown and laid out NOT CHANGE A PROCEEDING IN MY FAVOR? How is this not a miscarriage of justice? How was any of this knowingly and willingly on my behalf?

This entire case was and is a product of fraud. One started 12 plus years ago in an organized scheme to defraud the FBI, DOJ, SEC, Federal courts and the American tax payer.

Quite frankly this all happened and is still happening. The truth is if Kate Funk did not commit this fraud on the FBI some 12 years ago. The very one she committed in Judge Schaffers court room in May of 2014 (THE VERY ONE SHE COMMITS TODAY WITH THE DOJ'S APPROVAL APPARENTLY) Maybe if someone looked past the fact that she was T Markus Funks wife, she would have never gotten this far.

Then maybe a competent, licensed, accredited investigator with real training and expertise to investigate complex securities related matter would have been assigned not someone to to whom lied to get the job in the first place. Not someone to whom only had 4 years with the FBI to include academy training and maternity leave in between. Maternity leave for twins.

So the question begs: What real training or experience could this non licensed, non accounting degreed, fake credentialed fraudster really possess? Definitely not enough to say 47 times in a fraudulent affidavit through "My knowledge, training and experience."

How my then lawyers never caught on to one of the things I have detailed I will never know, they just never tried to. As you can clearly see there is not just one issue here, there are so many things wrong here its mind boggling.

Again how does knowing and having all this information and proof of governmental wrong doing prior to signing an agreement not change the outcome of events? Without all their wrong doings they could have never gained a conviction.

Wittness testimony and email traffic will prove that my testimony on my change of plea was a product of Ken Harmons creation. I vividly remember the day I was in my attorneys office when he called Harmon to ask "How does Martinez like his guys to plea" Ken then went on about taking full responsibility and such he then went to tell a story of a woman in a tax case that did not take full responsibility and got the maximum sentence. Email traffic will show that my change of plea testimony was scripted.

When I did not say exactly what was scripted or as Ken Harmon said immediately after in a conference room "you did not do what I told you to" "That's not what you were supposed to say" He did not like how I described the notes of the fact I said on advice of counsel. In that same meeting is when he threatened me about speaking to Brenda Hamilton. He also threatened me to stop all the "Non Sense" about Fred Lehrer. "He'll deal with Fred" I asked why now? He then ranted on how I was not cooperating properly and such. I asked again why not now? My lawyer at that time intervened and quickly changed the subject. There were more witnesses to that exchange and email traffic referencing it in detail.

Prosecutorial Misconduct (1963) is defined as:

A prosecutors improper or illegal act (or failure to act) ESP - involving an attempt to avoid required disclosures or assess an unjustified punishment.

The facts are that this entire case started with fraud and perjury by agent Funk. The warrants and affidavits are illegal. So much so they had to change them. This I show in the exhibits. A simple Franks hearing would have then ended this ongoing nightmare as "Fruit of the poisonous tree" would follow. The government knew this and lied to say they were

"Sealed". Six attorneys will testify to this. A simple call to the court as I did will prove they don't exist. If only my then attorneys would have made that call.

From that point the government started causing a plea agreement negotiation to be "permeated by the systematic concealment of material and exculpatory evidence favorable to me." Evidence they knew to be perjured. They hid it and used its supposed context to manipulate my then lawyers into coercing me to sign a deal. The very testimony that clearly shows that all the facts the government has claimed are a product of perjury. They knew my securities lawyer was lying and they needed him to. Otherwise this is a civil proceeding and not the Ponzi, drug money fraud they sold to the courts. They needed it to be the undisclosed insider hiding in the shadows story. The very claims Fred Lehrer made about not knowing or I lied to him about are the very things I was truthful about and he had full knowledge about. This is Clearly shown in both his SEC testimony and his hidden FBI 302s. The SEC and the US Attorney were informed of Mr Lehreres perjury. (See Exhibits) There was no investigation just the steam rolling of myself and Mr Dittman. Mr. Lehrer has a history of this conduct as I can prove. Both before me and after, this the prosecution knows all to well!

A prosecutors intentional suppression, withholding of evidence they know to be perjured like Fred Lehrer's or the product of both fraud and perjury as in the case of agent Funk is a tantamount to obstruction of justice. This amounts to nothing but subordination of perjury and fraud.

These are felony offenses that prosecutors readily prosecute other people.

Why are people within the government protected from acts of dishonesty and criminal behavior? Any criminal behavior such as Kate Funk's perjury and fraud along with Fred Lehrer's numbers perjuries should warrant immediate investigation. This should include as in Mr. Harmon and Mr. Sieberts case lack of candor to a court or justice dept. The double standard here is as blatant as it is disturbing.

Let us not forget this entire mess was created and caused by a 12 year old and ongoing scheme to defraud. A crime was committed to investigate an alleged on. The investigation is a product of gross incompetence to include perjured and falsified affidavits. Which then left the prosecution to have to lie, withhold exculpatory evidence then use testimony they knew to be false against me. They used it to coerce a plea then again at my sentencing to get a maximum sentence. This was all calculated and malicious to cause stress, duress and physical and emotional exhaustion on me and my family.

They did all this without my then attorneys asking for the proof of their claims. Never doing the most basic of background investigation as I have.

Every single claim of fraud fabrication of and perjured testimony was discovered by myself after I was coerced into signing a plea agreement.

I pray the court has read the entirety of this filing and deems fit to set the conviction aside or at least grant an evidentiary to cement these facts as they clearly as such are the facts.

The court is only now hearing the truth and the facts as they are. Only then can one judge what is just.

Respectfully

William Sears

II. SECURITIES FRAUD FINANCIAL INVESTIGATION

The SEC press releases regarding the halted trading of FusionPharm stock states, "The Commission temporarily suspended trading in the securities of FusionPharm due to a lack of current and accurate information about the company because of questions that have been raised about the accuracy and adequacy of publicly disseminated information concerning, among other things: (1) the company's assets; (2) the company's revenues; (3) the company's financial statements; (4) the company's business transactions; and (5) the company's current financial condition. This order was entered pursuant to Section 12(k) of the Exchange Act." [redacted]

The defendant now asserts and will show that the DOJ and FBI were aware or should have been aware of the fact that Special Agent Funk provided false information regarding her qualifications. For instance the year she graduated, the fact her degree was in business not accounting and the year she received her Kansas State certificate. Instead she was using the title Certified Public Accountant to misrepresent her professional licensing status required under federal regulations required for the forensic financial investigations that are required in securities fraud cases.

III. QUALIFICATIONS TO PERFORM A SECURITIES FRAUD FINANCIAL INVESTIGATION

This investigation requires that the regulations of the Commission apply as this was a referral and a parallel investigation. It ful]y relied on the financial investigation by Special Agent Kate Funk who failed to meet the requirements of practice to transact business with the Commission. As such the Commission failed to insure the qualifications of the person they provided confidential financial information to regarding

Mr. Sears including his personal, business and trading accounts which is in violation of the Commissions own regulatory requirements. The defendant calls the courts attention to the following;

17 CFR § 201.102 - Appearance and practice before the Commission

(f) Practice defined. For the purposes of these Rules of Practice, practicing before the Commission shall include, but shall not be limited to:

(1) Transacting any business with the Commission; and

(2) The preparation of any statement, opinion or other paper by any attorney, accountant, engineer or other professional or expert, filed with the Commission in any registration statement, notification, application, report or other document with the consent of such attorney, accountant, engineer or other professional or expert.

17 CFR § 210.2-01 Qualifications of accountants.

(a) The Commission will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of the place of his residence or principal office. The Commission will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of the place of his residence or principal office.

Under the definitions section this shows that the definitions of this section apply to licensing requirements under the following;

17 CFR § 201.101 - Definitions.

(4) Enforcement proceeding means an action, initiated by an order instituting proceedings, held for the purpose of determining whether or not a person is about to violate, has violated, has caused a violation of, or has aided or abetted a violation of any statute or rule administered by the Commission, or whether to impose a sanction as defined in Section 551(10) of the Administrative Procedure Act, 5 U.S.C. 551(10);

Under the Administrative Procedure Act 5 U.S. Code § 551. Definitions as it relates to this investigation and licensing it applies by definition to

For the purpose of this subchapter-

(1) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include-

(A) the Congress;
(B) the courts of the United States;
(C) the governments of the territories or possessions of the United States;
(D) the government of the District of Columbia;

And it applies to any agency that holds the power over a person's freedom which is shown in the Administrative Procedure Act 5 U.S. Code §551(10)

(10) "sanction" includes the whole or a part of an agency-
(A) prohibition, requirement, limitation, or other condition affecting the freedom of a person;
(B) withholding of relief;
(C) imposition of penalty or fine;
(D) destruction, taking, seizure, or withholding of property;
(E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees;
(F) requirement, revocation, or suspension of a license; or
(G) taking other compulsory or restrictive action;

Under the code of federal regulations contained in 17 CFR Part 210 which is used to define an accountant's report

§ 210.1-02(a)(l) Accountant's report. The term accountant's report is "used in regard to financial statements, means a document in which an independent public or certified public accountant indicates the scope of the audit (or examination) which he has made and sets forth his opinion regarding the financial statements taken as a who le, or an assertion to the effect that an overall opinion cannot be expressed. When an overall opinion cannot be expressed, the reasons therefor shall be stated."

V. IMPERMISSIBLE GOVERNMENT CONDUCTING UNQUALIFIED INVESTIGATOR

The defendant has discovered impermissible misconduct on the part of Special Agent Kate Funk, who is the sole source of evidence relied on by the courts in rendering its probable cause determinations in this case. This investigation was the basis for the asset forfeiture that Funk claimed FusionPharm to be a Ponzi scheme, which was proven not

to be the case in Funk's own investigation. The government never disclosed the fact that Special Agent Funk provided perjured testimony when she attested to the information contained in her sworn affidavits.

In Special Agent Kate Funk's sworn affidavit in support of search warrant dated May 15, 2014, whereby in Paragraph 1 on Page 1, Special Agent Funk stated under oath,

"I became a Certified Public Accountant in 1996 through the state of Kansas."

She then repeats this claim again in the second sworn affidavit in support of search warrant dated November 28, 2014, in Paragraph 1 on Page I , Special Agent Funk whereby again, she states under oath,

"I became a Certified Public Accountant in 1996 through the state of Kansas."

It is important to note that nowhere in the either of these two documents does Special Agent Funk use the initials CPA behind or after her last name, as was claimed by AUSA Sibert in his response to the defendant's motion to withdraw his plea previously

filed on April 19, 2019.

After reviewing the Kansas Board of Accountancy website, it was discovered that Kansas does not comply with the requirements of the Uniform Accountancy Act (UAA), as it requires a two-tiered regulatory standard for the licensing of Certified Public Accountants, which was basically abolished under the UAA. Prior to the passage of the UAA, most states had the two tiered [redacted] regulatory requirements for the licensing of Certified Public Accountants. This required being issued a certificate and a license in order to meet the regulatory licensing requirements. However, after it was discovered that many holding only a certificate but did not complete the requirements to be legally licensed were falsely claiming to be Certified Public Accountants. All the while providing services to individuals, businesses, academia and government and falsely claiming to be licensed when they were not. It was these violations that Jed to the passage of the UAA in o der to be established. See Exhibit

A Kansas issued certificate is not a license, as it is issued prior to meeting the regulatory standards for licensing. Because it is not a license and the reason, the Kansas issued certificate is not valid without also obtaining a valid permit (license). This is plainly stated on the Kansas Board of Accountancy website. [redacted]

A search of the Kansas Board of Accountancy website found no listing for Kate Funk being issued license as a Certified Public Accountant in Kansas. A wild card

attempt was made using the first name Kate and there was a single name that was returned, Kate Egan. While the information did not match what Funk stated in her sworn affidavit, a public record check verified Egan was in fact Special Agent Funk's maiden name. It was then learned that Egan aka Funk did not hold the permit required under Kansas law to claim to be a Certified Public Accountant, as she only held the certificate but not the required license (or permit) required by regulation to use the professional credentials of Certified Public Accountant. The Kansas issued certificate is not a standalone license as it is under the standards for the UAA. [redacted]

The NASBA website Verify PA, is an excellent source of information which explains the Kansas issued certificate is not a license under the regulatory requirements established for the licensing of Certified Public Accountants. It also addresses the legal limitations imposed on those who hold only a Kansas issued certificate, a review of the information regarding Kate Egan is included here. [redacted]

On April 19, 2019, the same day the defendant's counsel filed the motion to withdraw his plea for various reasons that were not addressed properly and the reason why it is necessary for Mr. Sears to represent himself here now. It was noticed the same day of that filing Special Agent Funk changed her name on her Kansas issued certificate. While Funk had not changed her name legally after she was married in 2009, it seems a bit odd that she would choose that specific day to make that change. However her name has nothing to do with the legal reason why she is not a Certified Public Accountant, although it does confirm the fact that Special Agent Funk and Kate Egan were the same person who holds the Kansas issued certificate #8757. [redacted]

(1) AICPA (https://www.aicpa.org)
(2) NASBA (https://www.nasba.org)
(3) Kansas Board of Accountancy (http://www.ksboa.org/applyCertificate.htm)

VI. OTHER INACCURATE INFORMATION

It was also discovered that Special Agent Funk provided inaccurate information regarding several items contained in Paragraph I on Page 1 of her sworn affidavits. This includes the year she was issued a certificate which according to the Kansas Board of Accountancy website[4] Egan was not issued a certificate in 1996 instead Egan was issued a certificate in August 1999. According to the Kansas University Alumni Association website[5] it indicates Egan did not graduate from Kansas University in 1995 but instead it indicates Egan graduated from Kansas University in 1996. The Alumni Association also shows Kansas University did not offer a bachelor's degree in Accounting, therefor Egan cannot have a degree in Accounting as she states. It does however show that she earned a degree in Business. While accounting does include business, that does not mean business is accounting, so the difference can be substantial. This also means that she is not eligible for any exempts for licensing that occurred in

Kansas in 1996, as there are no 'grandfathered' exceptions applicable in 1999. However, this does however indicate a very disturbing pattern of deceptive pattern of behavior on the part of Special Agent Funk and calls into question the hiring practices of the FBI and the DOJ which is responsible for supervising the hiring of the FBI. [redacted]

The defendant wishes to call attention to the Kansas Laws of Accountancy requires Certified Public Accountants must possess both the Kansas issued certificate and permit to practice prior to holding out to be a Certified Public Accountant or to practice as such before the courts, this fact is clearly addressed under the laws governing the licensing of Certified Public Accountants in Kansas. (KS Stat§ 1-316(a) (2012)) [redacted]

Special Agent Funk has violated the statues and regulations governing the licensing and practice of Certified Public Accountancy in Colorado and every State in the United States, including Kansas by claiming to be a Certified Public Accountant, which she is not because she does not hold the required permit which is a license in Kansas. [redacted]

As the Kansas issued certificate is provided prior to the license (permit) is issued, this means the Kansas issued certificate holds absolutely no meaning outside of Kansas nor does it provide the holder the ability to use the professional designation in legal proceedings. Doing such provides the false status of being a financial expert which comes with the commitment required to be a licensed and practicing Certified Public Accountant. This case was handed to the FBI by the SEC. Now let us keep in mind the SEC's requirements to be recognized as a Certified Public Accountant.

The Securities and Exchange Commission Federal Regulations under: 17 CFR § 210.2-01 - Qualifications of accountants

(a) The Commission will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of the place of his residence or principal office. The Commission will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of the place of his residence or principal office.

(b) The Commission will not recognize an accountant as independent, with respect to an audit client, if the accountant is not, or a reasonable investor with knowledge of all relevant facts and circumstances would conclude that the accountant is not, capable of exercising objective and impartial judgment on all issues encompassed within the accountant's engagement. In determining whether an accountant is independent, the Commission will consider all relevant circumstances, including all relationships between the accountant and the audit client, and not just those relating to reports filed.

(4) Kansas Board of Accountancy (http://www.ksboa.org/applyCertificate.htm)
(5) Kansas University Alumni Association

https://sec urelb.imodules.com/s/ 1 312/alumn i/ index .aspx?sid= 1312&gid=2&pgid=8&cid=46

A person is a "statutory" resident of Colorado if the person maintains a permanent place of abode in Colorado and spends, in aggregate, more than six months in Colorado. For a more complete discussion of domicile and statutory residency. See Department Regulation 39-22-103(8)(A).

As such the laws of Colorado require residents who are licensed by a regulatory agency in another state must apply for licensing in Colorado after becoming a resident. As such Special Agent Funk was required to apply for licensing as a Certified Public Accountant in 2011 after she became a resident. This is regulated by the Colorado Code of Regulations governing the licensing and practice of Certified Public Accountants under 3 CCR 705-1 - 1.5 Requirements for Certification - (E.) Reciprocity Requirements states, "An applicant who holds a certificate or license issued by another state based upon passage of the examination but who does not hold a certificate or license to practice is not eligible for reciprocity through that certificate or license." As such this means Special Agent Funk does not meet the requirements to obtain a license by reciprocity in Colorado and as such she cannot legally hold out as being a Certified Public Accountant in proceedings conducted in the State of Colorado and there is nothing that excludes a federal agent who resides in Colorado from meeting these legal requirements for licensing and practice within the state.

VII. FORENSIC ACCOUNTING EXPLANATION

The defendant wishes to introduce the definition and explanation regarding forensic accounting as was found on the Investopedia website which is operated with permission by the SEC, the explanation of meaning of forensic accounting investigation[6] is explained it detail below:

What is Forensic Accounting?

Forensic accounting utilizes accounting, auditing and investigative skills to conduct an examination into the finances of an individual or business. Forensic accounting provides an accounting analysis suitable to be used in legal proceedings. Forensic accountants are trained to look beyond the numbers and deal with the business reality of a situation. Forensic accounting is frequently used in fraud and embezzlement cases to explain the nature of a financial crime in court.

[6] Investopedia

(https://www.investopedia.com/terms/f/forensicaccounting.asp)
Understanding Forensic Accounting

Forensic accountants analyze, interpret and summarize complex financial and business matters. They may be employed by insurance companies, banks, police forces, government agencies or public accounting firms. Forensic accountants compile financial evidence, develop computer applications to manage the information collected and communicate their findings in the form of reports or presentations.

Forensic Accounting for Criminal Investigation

Forensic accounting is also used to discover whether a crime occurred and assess the likelihood of criminal intent. Such crimes may include employee theft, securities fraud, falsification of financial statement information, identify theft or insurance fraud. Forensic accounting is often brought to bear in complex and high-profile financial crimes. The reason we understand the nature of Bernie Madoffs Ponzi scheme today is because forensic accountants dissected the scheme and made it understandable for the court case.

Defining Financial Forensics

Financial forensics is a field that combines criminal investigation skills with financial auditing skills to identify criminal financial activity coming from within or outside of an organization. Financial forensics may be used in prevention, detection, and recovery activities to investigate terrorism and other criminal activity, provide oversight to private-sector and government organizations, and assess organizations' vulnerability to fraudulent activities. In the world of investments, financial forensics experts look for companies to short or try to win whistleblower awards.

This fact that this was a forensic financial investigation was even admitted to by Special Agent Funk in her sworn affidavits on Page 5 in Paragraph 12, whereby Funk says:

"Your affiant thereafter reviewed and has been reviewing the SEC Produced Records on an ongoing basis. Additionally, your affiant was made privy to SEC analyses of the Bank Records, Brokerage Records and Transfer Agent Records

(collectively "SEC Analyses") and has reviewed the same on an ongoing basis."

According to the FBI's own website under the position of Forensic Accountant (s) it states the following:

"FOLLOW THE MONEY TRAILS OF CRIMINAL ACTIVITY AND NATIONAL SECURITY MATTERS"

Because in the Affidavit in Support of Search Warrant prepared by Special Agent Kate Funk she referenced auditing standards accepted by the SEC and the United States of American with her references to violations of GAAP. This means she created a report and as such this requires she must be a Certified Public Accountant, as she not only claimed a violation of GAAP but she then attempted to track financial transactions between accounts in order to determine actual company earnings. This requires the services of a Certified Public Accountant in order to legally attest to those sworn opinions before the court. Under the laws in Kansas,

"It is unlawful for any person, except the holder of a Kansas permit to practice, to issue a report with regard to any attest or compilation service under standards adopted by the board. A reference in a report to auditing standards generally accepted in the United States of America is deemed to be a reference to standards adopted by the board. " Keeping in mind she's not in Kansas Anymore. (KS Stat§ 1-316(e) (2012)) Exhibit Highlighted Pages

Additionally, under KS Stat § 1-321. Definitions - it defines "Report" as follows:

"When used with reference to any attest or compilation service, means an opinion, report or other form of language that states or implies assurance as to the reliability of the attested information or compiled financial statements and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use, by the issuer of the report, of names or titles indicating that the person or firm is an accountant or auditor or from the language of the report itself The term report includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the attested information or compiled financial statements referred to or special competence on the part of the person or firm issuing such language; and it includes any other form of language that is

conventionally understood to imply such assurance or such special knowledge or competence. "

§ FBI Forensic Accountant
https://www.fbijobs.gov/career-paths/forensic-accountant

VIII. RELIVANCE TO THIS CASE

As the affidavits in support of search warrants prepared by Special Agent Funk were provided to the court through the use of telephonic equipment the requirements under the federal rules of criminal procedure apply. Under section 4.1(b)(2)(A) requires the affiant must attest to information contained in the written affidavit. Which has occurred in this case, as such the requirements under the rules of public accountancy that requires only a certified public accountant can attest to information contained in a financial report. As such this means the information attested to before the judge magistrates in this case was perjury as Special Agent Funk knowingly provided false testimony under oath.

In law, an attestation is a declaration by a witness that a legal document was properly signed in the presence of the witness. Essentially, it confirms that a document is valid. In finance, an attestation service is a Certified Public Accountants declaration that the numbers are accurate and reliable. As the service is completed by an independent party, it validates or invalidates in this case the financial information prepared by internal accountants.

Title 41 Search and Seizure d. Obtaining a warrant (2) The applicant must orally state facts sufficient to satisfy the probable cause requirement for the issuance of the search warrant. (See subdivision (c)(1).) This information may come from either the applicant federal law enforcement officer or the attorney for the government or a witness willing to make an oral statement. The oral testimony must be recorded at this time so that he transcribed affidavit will provide an adequate basis for determining the sufficiency of the evidence if that issue should later arise. See Kipperman. Inaccurate Search Warrant Affidavits as a Ground for Suppressing Evidence, 84 Avalere. 825 (1971).

Testimony provided in the form of opinion must be grounded in an accepted body of learning or experience in that particular field, and the witness must explain how the conclusion is so grounded. See, e.g., American College of Trial Lawyers, Standards and Procedures for Determining the Admissibility of Expert Testimony after Daubert, 157 F.R.D. 571, 579 (1994) ("[W]hither the testimony concerns economic principles, accounting standards, property valuation or other non-scientific subjects, it should be

evaluated by reference to the 'knowledge and experience' of that particular field.").

As Special Agent Funk attested before the courts in three sworn affidavits ([redacted]) which she testified under oath were truthful. That means she represented herself as a Certified Public Accountant. This means she was an expert capable of performing the services of the financial investigation of the publicly traded company and the transactions regarding money involved with that company. This she confirmed with the implied insurances of her knowledge, training and experience a total of 47 times in these affidavits. As the courts relied on this information as evidence to support probable cause of her claims, the fact that this was perjury means it was material to this case and required disclosure to the defendant prior to entering into the plea agreement.

IX. SHOWING PATTERN OF MISCONDUCT

This is not the only incidence of misconduct by Special Agent Funk that could be construed as unlawful, as on October 13, 2009, Special Agent Funk aka Kate Egan married then United States Assistant Lead Prosecutor for the United States Department of Justice, AUSA T Markus Funk. As such when Special Agent Kate Funk, decided to accept a position of employment with the FBI while her husband the esteemed Mr. Funk was still employed by the DOJ (while still using her maiden name). As such by Special Agent Funk accepting the position with the FBI, she violated federal regulations and code in doing such. Exhibit

After which Special Agent Kate Funk accepted employment within the FBI, in violation of the following federal regulations:

(a) 5 U.S. Code (USC),§ 3110, Employment of Relatives; Restrictions
(b) 5 Code of Federal Regulations (CFR) § 310, Employment of Relatives
(c) 5 CFR § 2635, Standards of Ethical Conduct for Employees of the Executive Branch; Subparts D, E, G,
(d) 5 USC § 2302, Prohibited Personnel Practices
(e) Executive Order 11222, Prescribing Standards of Ethical Conduct for Government Officers and Employees, May 8, 1965
(f) 5 CFR § 735, Employee Responsibilities and Conduct

This situation extends beyond just a minor violation of federal regulation by an employee holding a position of trust within the government. This matter involves numerous violations of federal regulation by two executive level employees within the

Department of Justice who swore to uphold and defend the Constitution of the United States and are responsible for national security. As such this makes the fact that they were willing to violate the laws in order for one of them to obtain a position enforcing the law, suspect. Clearly this relates to the credibility of this government agent and the integrity of this investigation and the fact that Special Agent Kate Funk was the sole source of evidence provided to the court makes this discovery material in this case.

X. GOVERNMENT AWARE OF MISCONDUCT

Special Agent Kate Funk was required to obtain and pass a mandatory 10 year background invest ig atiod [7] in order to obtain the top secret security clearance required of all FBI Special Agents. This information was readily available to the Department of Justice, FBI and SEC, all of which were actively involved in the investigation and prosecution of this case, as such this information regarding the violations of federal regulation that were involved in the hiring of Special Agent Kate Funk. Exhibit

The fact Special Agent Funk had no law enforcement experience prior to working for the FBI and she had never been involved in a white collar securities fraud investigation prior her assignment as the lead investigator in this case, as such there is nothing to support the fact that Special Agent Funk is an expert in these proceedings. As is shown in the court decision in the 5th circuit where the decision of that court was, *"The government used an FDIC investigator as an expert in the area of mortgage fraud. Though the agent had some training in fraud investigation, he had no specialized training in the area of mortgage fraud and had never previously testified as an expert in this field."* United States v. Cooks, 589 F.3d 173 (5th Cir. 2009) AUSA Jeremy Siebert also attests to the fact that Special Agent Funk is not an expert in his response to Mr. Sears' motion to withdraw his plea.

As this entire case rested on the misrepresentations provided by Special Agent Funk as to the inadmissible hearsay statements provided by the confidential witness which she knew was not only unreliable but were false to form the legal basis for her investigation and the fact that she based the opinions she provided to the courts as evidence in this case, makes this information exculpatory in nature and as such it should have been disclosed to the defense. The facts upon which a witness relies for her opinion is discoverable and must be disclosed to the other party. See Dickinson-Tidewater, Inc. v. Supervisor of Assessments, 273 Md. 245 (Md. 1974). The trier of fact should be disregarded if it is found to be unreasonable or not adequately supplied by the facts upon which the opinion is based. Clark v. State ex rel. Wyoming Workers' Safety & Compensation Div. (In re Clark), 934 P.2d 1269 (Wyo. 1997).

As the court relied on evidence in the form of inadmissible hearsay and the opinions held by Special Agent Funk which were derived from such this qualifies as

expert testimony in this case and as Special Agent Funk is not an expert this violates the federal rules of evidence 70 I and 702-705. As Special Agent Funk was allowed to testify before the court supplying opinions that were not based on first hand observation into, the matters claimed by Special Agent Funk, the court must take into consideration any Sixth Amendment Confrontation Clause concerns whenever the prosecution intends to call an expert to offer his or her opinion . *"Though' an expert may generally rely on inadmissible evidence in reaching a conclusion, including hearsay, that rule assumes that an expert will carefully analyze the basis of his opinion...* " Howard v. Walker, 406 F.3d 114 (2d Cir. 2005)

XI. WHISTLEBLOWER PROVEN UNRELIABLE

So, the fact that Special Agent Funk's entire investigation was based on the securities fraud investigation which was based on the fal.se statements provided by the confidential witness, where he claims that FusionPharm was a Ponzi scheme, as is shown in Special Agent Funk's affidavit, in paragraph 8 pages 2 and 3, Funk states:

"The genesis of the SEC's investigation involved a complaint filed by Cooperating Witness 1 (hereinafter referred to as "CW-1 "), a former FusionPharm employee. In the complaint, CW-1 suspected that FusionPharm was operating as a "Ponzi" investment fraud. Although FusionPharm publicly claimed via press releases and quarterly and annual disclosures to develop, produce and sell refurbished shipping containers called "Pharm Pods" to cannabis and organic produce grow operations, CW-1 stated that the company had not made any legitimate product sales during his time with the company. "

Then in Special Agent Funk's own investigation, it was proven this information was false, in footnote 8 on page 28, whereby Funk states:

> *"' As noted in ,I8, CW-1 originally complained that FusionPharm had not made any sales during his time with the company. CW-1 has revised that statement to match the sales highlighted in* if*58.* "

To further support this claim the following is provided from Special Agent Funks affidl:lvit whereby in paragraph 58 on page 28, Funk states:

> *"CW-1 identified, at most, two possible sales between January-October 2013: (a) FusionPharm sold two Pharm Pods to a customer in California" ,·and*
>
> *"(b) FusionPharm sold five Pharm Pods to Local Products, a Denver company." and*

"CW-1 said there might have been an additional, single Pharm Pod sale to Mile High Green Cross in 2013, but he could not be sure.

And again where the confidential witness is allowed to provided information and claims that are material to the investigation without there being any way that information which he has provided can be verified given the discrepancies he has provided here or possibly could it be Special Agent Funk simply altering evidence her elf to fit within the answers she is looking to discover in order to fit within her investigation. However, it might be a good thing if Special Agent Funk learns to perform basic math as 2+5+1=8 not 7 as she states the confidential witness has said, in paragraph 59 on page 28, Funk states:

"(b) as noted above, CW-1 could recall, at most, 7 Pharm Pod sales total in 2013."

XIII. PROBLEMS WITH WARRANTS

The problems with this investigation are reflected in the Search and Seizure Warrants as well. In the Search and Seizure Warrants executed in this case both affidavits contain the following charges on its face instead the violations being alleged are contained in Attachment B, however the violations are not the same as those alleged in the affidavits. The charges not on the face but on the Attachment B and government exceeded the scope of the warrant as Attachment B. [redacted] - May 15, 2014 and Exhibit M - November 28, 2014

The affidavit in support of search warrant dated May 15, 2014 and the affidavit dated November 28, 20 I 4 do not allege a chargeable violation of law has been committed. Both of these documents cite the following violations were committed:

In the Affidavit dated May 15, 2014, violations cited on Page 2 in Paragraph 4 which states:

"William Sears ("Sears"), Dittman S brother-in-law, and a founder and control person of FusionPharm, for various suspected federal criminal offenses, including wire fraud, in violation of 18 USC. §1343, and securities fraud, in violation of 15 USC §§78{b) and 78.ff(a), and 17 C.F R. §240.l0b-5."

In the Affidavit dated November 28, 2014, violations cited on Page 1 in Paragraph 4 which states:

" William Sears (" Sears"), Dittman S brother-in-law, and a founder and control person of FusionPharm, for various suspected federal criminal offenses, including wire fraud, in violation of 18 U.S.C. §1343, and securities fraud, in violation of 15 U.S.C. §§78(b) and 78.ff(a), and 17 C.FR. §240.10b-5. "

The following is a breakdown of the violations cited in the Affidavit in Support of Search Warrant, dated May 15, 2014;

15 U.S.C. §§78(b) is a regulatory statement, it contains no essential elements required to support a violation of law having been committed under this section.

15 U.S.C. §§78ff(a) is a penalty assessment which discusses the penalties for violations of the various sections under 15 U.S.C. §§78, however it does not actually address the actual violation and the legal elements required to show a violation under this section instead it requires a valid violation be included one of the numerous violations contained in Section §78 for there to be a penalty assessed under this section.

18 U.S.C. §1343 as there was no legally chargeable fraud violation cited there is nothing to establish a fraud violation has been committed and without which there is nothing to invoke the protections of the mail fraud statutes and it is well established the protections of the mail fraud statutes do not extend to government regulatory interests. See F.J. Vollmer & Co., 1 F.3d 1511, 1521 (7th Cir. 1993) ("It is well established that the government's regulatory interests are not protected by the mail fraud statute.)

17 C.F.R. §240.10b-5 is not addressed in the search warrant as such there is no reason to address this here. The Code of Federal Regulation must be named separately on the Search and Seizure Warrant to be considered a part of the items that are being Searched and Seized it is not a standalone charge where it can be included automatically and there was nothing discussed in the affidavit that showed that the company was a Ponzi scheme as was claimed by the CW# I

The Search and Seizure Warrant executed on the FusionPharm warehouse on May 16 , 2014 contained the violations in Attachment B however those were not the same violations cited in the supporting affidavit. Attachment B to the Search and Seizure Warrant dated May 16, 201 4, states the following:

" Title 18, United States Code, Section 1343 (wire fraud) and Title 15 United States Codes, Section 78j(b) and 78.ff(a)"

While the prosecution is likely to claim this was merely a clerical error, this was shown not to be the case, as the search waITant dated November 28, 2014 contains the same errors as the Attachment B which states the following

> *"Title 18, United States Code, Section 1343 (wire fraud) and Title 15 United States Codes, Section 78j(b) and 78jf(a), excluding, however, any items constituting privileged attorney-client communications"*

The affidavits were not attached to the Search and Seizure Warrants despite being referenced. This normally invalidates the Search and Seizure Warrants and the evidence discovered as the result of these type of warrants is illegally obtained.

It is well established under the Colorado Constitution, the facts supporting probable cause must be reduced to a writing, and probable cause must be established within the four corners of the warrant or its supporting affidavit. See the Colorado Constitution Article II, § 7; United States Constitution IV Amendment and People v. Padilla, 182 Colo. 101,105,511 P.2d 480,482 (1973).

"In this Circuit, both attachment and incorporation are required for an affidavit to remedy a warrants lack of particularity." See United States v. Leary, 846 F.2d *592 (J 0th Cir. 1988) at 603 and United States v. Williamson, 1 F 3d 1134, II 36 n.l (J 0th Cir. 1993).*

The Fourth Amendment requires a search warrant to *"describe the things to be seized with sufficient particularity to prevent a general exploratory rummaging in a person '.s belongings."* United States v. Carey, 172 F.3d 1268, 1272 (10th Cir. 1999).

A warrant runs afoul of the Fourth Amendment when it is broader in scope than justified by the *"probable cause established by the affidavit upon which the warrant issued. "* United States v. Christine, 687 F.2d 749, 753 (3rd Cir.1982)

Because the Search and Seizure Warrant authorized the seizure of a very broad array of items in the FusionPharm offices, for which there was no probable cause and whereby making the search warrant overly broad and as such violated the Fourth Amendment. The Fourth Amendment prohibits general warrants authorizing *"a general, exploratory rummaging in a person '.s belongings."* Coolidge v. New Hampshire, 403 U.S. at 467. Evidence seized pursuant to a general warrant must be suppressed. Lo-Ji Sales, Inc. v. New York, 442 U.S. 319 (1979).

A search warrant that provides law enforcement agents free reign to rummage through a defendant's papers at will renders the warrant overly broad and vague. United States v.

Beckett, 321 F.3d 26, 33 (1st Cir. 2003).

The Search and Seizure Warrant and supporting documentation presented to Magistrate Judge Craig B. Shaffer on May 15,2014 was attested to telephonically by Special Agent Funk which requires a recording of that and the Search and Seizure Warrant and all supporting documentation be filed with clerk of the court in accordance with the Federal Rules of Criminal Procedure Rule 41 and Rule 4.1.

As this document was not filed in an emergency situation which is shown by the time and date of the Magistrate Judges signature being on May 15, 2014 and the time which it was executed on the following day on May 16, 2014, as such this was not an anticipatory warrant, as such there was no reason why this search warrant was never properly filed. [redacted]

After reviewing this Search and Seizure Warrant it was discovered it was not properly filed as it does not contain the appropriate seal nor the stamp of the clerk across the top. [redacted].

Nor was this document ever sealed as was claimed by AUSA Harmon on numerous occasions. There is no court order on the dockets sealing the Search and Seizure Warrant which was in fact exercised on the FusionPharm warehouses. Due to the invalid Search and Seizure Warrant which was exercised on the May 16, 2014 raid on FusionPharm which included Special Agent Funk, IRS-CID Agent Loecker and AUSA Harmon and others from the prosecutors office who all have many years' experience dealing with Search and Seizure Warrants. They all knew that this warrant was not valid because it was never properly filed. [redacted] - Showing the proper filing and sealing stamps required on a Search and Seizure Warrant as is shown from co-defendant Jean-Pierre's case. [redacted]. Mr Sears has called the clerk of the court and confirmed that the Warrant is not in their possession and could not furnish a certified copy. How can the integrity of the warrant be guaranteed if it was not registered with the court as per Federal Rules of Criminal Procedure which state:

(f) Executing and Returning the Warrant.

(1) Warrant to Search for and Seize a Person or Property.

(A) Noting the Time. The officer executing the warrant must enter on it the exact date and time it was executed.

(B) Inventory. An officer present during the execution of the warrant must prepare and verify an inventory of any property seized. The officer must do so in the presence of another officer and the person from whom, or from whose premises, the property was taken. If either one is not present, the officer must prepare and verify the inventory in the presence of at least one other credible person. In a case involving the seizure of electronic storage media or the seizure or copying of electronically stored information, the inventory may be limited to describing the physical storage media that were seized or copied. The officer may retain a copy of the electronically stored information that was seized or copied.

(C) Receipt. The officer executing the warrant must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken or leave a copy of the warrant and receipt at the place where the officer took the property. For a warrant to use remote access to search electronic storage media and seize or copy electronically stored i-n;formation, the officer must make reasonable efforts to serve a copy of the warrant and receipt on the person whose property was searched or who possessed the information that was seized or copied. Service may be accomplished by any means, including electronic means, reasonably calculated to reach that person.

(D) Return. The officer executing the warrant must promptly return it-together with a copy of the inventory-to the magistrate judge designated on the warrant. The officer may do so by reliable electronic means. The judge must, on request, give a copy of the inventory to the person from whom, or from whose premises, the property was taken and to the applicant for the warrant.

XIV. DISCLOSURE REQUIREMENTS

& FAILURE TO DISCLOSE

Based on the previous responses supplied by the federal prosecutor in this case, which has ignored the fact that the Supreme Court ruled, *"the prosecution has an affirmative duty to learn of and disclose, any favorable evidence known to "others acting on the governments behalf in the case, including the police.* " Kyles v. Whitley, 514 U.S. 419,437 (1995). Thus, the prosecution was required not only to disclose what was already known to prosecutors, but also to learn of any such information that was known to law enforcement, including matters related to witness credibility even that of law enforcement.

Additionally, the Supreme Court decision in Giglio v. United States, 405 U.S. 150 (1972), were the disclosure rule was extended to include not only evidence directly related to the crime involved, but also to information that would affect the credibility of a prosecution witness in the case. The fact, Special Agent Funk was the sole source of the evidence discovered in this investigation and she was the sole source of opinions relied on by the court as evidence including that whic_h was relied on by the courts in rendering it's probable cause determination, this means her credibility relates directly to the evidence.

Additionally, in that case the Supreme Court honed in on the ultimate goal of the Confrontation Clause - that the reliability of evidence introduced against a criminal defendant be assessed through the particular mechanism of cross-examination. In Crawford, it was *decided "[The [Confrontation] Clause's ultimate goal is to ensure reliability of evidence, but it is a procedural rather than a substantive guarantee. Its commands, not that evidence be reliable, but that reliability be assessed in a particular manner: by testing in the crucible of cross-examination."* The applicability of the Confrontation Clause, according to Crawford, is limited to witnesses providing testimonial statements. While Justice Scalia did not provide an absolute definition of "testimonial," but articulated that testimonial statements *are "statements that were made under circumstances which would lead an objective witness reasonably to believe that the statement would be available for use at a later trial."*

Furthermore, the Supreme Court provided useful examples of testimonial statements: statements taken by police officers in the course of interrogations and prior testimony given at a court proceeding. The Court held that where a testimonial hearsay statement is offered against a criminal defendant, it is not admi·ssible unless either (1) the prosecution makes the witness who made the statement available, or (2) if the witness is unavailable, the defendant had a prior opportunity to cross-examine him or her.

In United States v. Bagley, 473 U.S. 667 (1985), the Supreme Court defines "material" evidence as information that, had it been disclosed to the defense, would have a *"reasonable probability of providing a different result in the trial or sentencing"* in the case. The national law enforcement model policy defines in the disclosure requirements under Brady, as exculpatory evidence is "material" if there is a reasonable probability that disclosing it will change the outcome of a criminal proceeding. Further, it notes, that a "reasonable probability" is a probability sufficient to undermine confidence in the outcome of the trial or sentencing of a criminal case. So, the requirements of Brady relate not only to the finding of the case but to the sentencing phase as well.

As the term "exculpatory" is generally understood to refer to virtually any kind of

Exhibit SECR-1

This is a copy of the press release the SEC Put out. This demonstrates it has an SEC Investigation then referred to the FBI/DOJ.

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

May 16, 2014

IN THE MATTER OF
Fusion Pharm, Inc.

File No. 500-1

ORDER OF SUSPENSION OF TRADING

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of FusionPharm, Inc. ("FusionPharm") because of questions regarding the accuracy of assertions by FusionPharm and by others, in filings and disclosures made by FusionPharm on OTC Link (previously "Pink Sheets") operated by OTC Markets Group. Inc. and press releases to investors concerning, among other things: (1) the company's assets; (2) the company's revenues; (3) the company's financial statements; (4) the company's business transactions; and (5) the company's current financial condition.

The Coinmission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

THEREFORE, IT IS ORDERED, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended from the period 9:30 a.m. EDT, on May 16, 2014, through 11 :59 p.m. EDT, on May 30, 2014.

By the Commission.

Jill M. Peterson
Assistant Secretary

Once again it is the 15th of March. I have yet to receive the governments Response to my motion. No suprise here as this follows suit with the rest of the withholding they seem to need to do.

So with that I have to assume the government will posture as CO-Conspirators and deploy diversion tactics. I have proved Kate Faulk has successfully been defrauding the FBI, SEC, Federal Courts & Judges. The US Tax Payer pays for it all by means of her Salary, Bonuss, Maternity leave, Vacation Pay, Retirement and whatever "perks" that go along with the job. I have yet to put a calculation to all that ill begotten gain and the penalty amount plus Prison time. Seems would be a waste of time as the very people that are suppose to protect us from these Type of Sociopathic Fraudsters are the very ones defending & Trying to Justify the very things they so eagerly prosecute "regular People" for. The only one thing her CO-Conspirators have left to say is: how was she wrong in her Perjured, Fraudelent & Falsified affadavits.

Perhaps the Government Forgets that back in 2016 Mr Scott Dittman a Former CFO of FusionPharm under went a Forensic Audit. The Auditor was a Real Liscensed Certified Public Accountant. He worked as an I.R.S C.I.D Forensic Auditor for the government for over 20 years. In his time at that post he Testified as an Expert Witness on behalf of the Government. The auditor & his hard copy draft can be called if an evidentiary is granted. Mr Dittmans & his CFO Craig Dudley (another certified public accountant to whom has worked For Publically Traded Fortune 500 companies) restatement of the Financials numbers were to the penny. I have already Evidenced From Craig Dudley's 302 FBI Interview that Fred Lehrer said Dittman did NOT need

To disclose me. So I will detail some of the comments made to the Fraudelent & Falsified affadavit we were furnished. Being in prison I have no access to my hard drives otherwise this would be much more complete. Please note that when Ken Harmon heard of the Forensic Audit being conducted, he quickly started using testimony he knew to be false against me. He withheld the documented proof of such. He then abandoned the Money Laundering, Ponzi, Financial Fraud Story as thats all it proved to be. A Story!

I will go by section number of her Fraudelent affadavit. # Exhibit - KFAFBS

Firstly & most importantly is to Remember that Nothing can be right regardless of what she has said. It is a product of Fraud and Fraudelent in fact itself.

If there was anything true in Fact the Prosecution would not have lied to my attorneys saying it was sealed.
They would have registered it as Federal Rules require along with the inventory sheet of what they siezed.
They have no legal way to show or Prove any of the documentation they so completly state as Fact is indeed authentic!

They destroyed the evidence & Fabricated another To suit their Needs. So the CO-Conspirator shoe FITS.

NO ONE TO Whom is "Right" destroys or hides The very thing that shows them to be!

Plea Agreement

The government comes across as if NO one is aware of the recent & rampent Plague of prosecutors such as Ken Harmon & Jeremy Sibert. To whom are willing to hide Favorable Evidence & Employ all Ethically and Frankly in this case Illegal & Criminal Tactics to Force a Plea. I am one of the many as Judge Rakoff described in the case of Michael Flynn in saying "Like so many General Flynn felt compelled to take the plea deal offered to him." The alternative to which as also in my case would have been the better part of my years left on this planet in prison. Also watch my 71 year old Mother be prosecuted along with my wife. Have the IRS take my mothers house as was told to her. My ENTire Extended family Suffer complete financial ruin. My Nephews to whom were 11 & 12 Not See their Father for decades as Mr. Haromon Promised

My CO Defendent Scott Dittman and I as Email Traffic will show a Testimoney if Permitted that we were NOT Permitted to act Independent. We either both took the deal or both Go To Trial.

This was before I discovered all of the Fraud, deliberate withholding of Evidence favorable to me and Perjured Testimoney that was Knowingly used against me.

As I stated that "I discovered". My then lawyers were so Ineffective during these crucial aspects they never asked for or Questioned ANY of the "Facts" that the government was attempting to hide their Lies as. The most basic of due diligence on their part would have absolutely changed this entire case. Whereas it would have been dismissed or at very least I would have been found Innocent at Trial as a plea would have

Never been an option to even consider.

The Supreme Court says that the knowingly use of Purgered Testimoney violates the due Process of Law Guaranteed by the 14th Ammendment.

I will show & Prove that is Exactly what the Prosecution did as it was their only way to get a criminal conviction by Plea Agreement.

My Plea Agreement was permeated by the systematic Concealment of significant Evidence all favorable to my Innocense of Conspiring to defraud the United States. This Evidence as I will show consisted of Perjured Testimoney, and Fraudelent documents. All of which were not made available till after a agreement was executed.

The government at that time made False representations of Evidence they possessed. They did this to manipulate my Lawyers. My then Lawyers Took the False statements as fact. The government used terms as "Sealed" to not show their purgered & Fraudelent documentation.

Again, the simplest of research as I did with no resources Exposed all the governments Lies. My Lawyer did not even look to the docket to even see if there was a sealed document. They Just Took the word of the Prosecutor & the Special Agent that has a very famous & Influential Husband. My then Lawyers even Joked once in Saying that "There is no one in the Denver DOJ that does not have a conflict of Interest with T. Markus Funk" I did not know at that time what I was really dealing with.

The prosecution withheld amongst other things
1. Perjured Testimoney From Fred Lehrer to the SEC.
2. Perjured and Falsified Affadavits From Agent Funk
3. 3 Seperate FBI 302 Interviews that only became available to me thru an unkown source some 4 months ago. Just as in his SEC Interviews Fred Lehrer commits multiple perjuries. 3 Interviews to be hidden for 3 years & 7 months? One has to ask Why? Even more so as did my then attorneys really think the FBI never interviewed the gatekeeper for Securities to be tracked or Not? The government needed to hide this as they knew then as they have always known Fred Lehrer purjered himself about they very things the government used against me to force a plea deal. The very things he said "He did not know" or "I Lied to him" are the very things he knew about and I was truthful about. Ken Harman knew this as he knows Fred Lehrer all too well.

The prosecution then used testimoney they knew to be purjered and false as leverage to influence my then attorneys to pressure me into signing a deal. My attorneys knew I had no money for trial and were looking to move on.

Facts are if Fred Lehrers purjered testimoney was shown as its material & exculpatory. I could have proven to the government that I disclosed & acted as Mr Lehrer knew of and advised to. Thus this being a Civil Matter for the SEC to handle.

The Supreme Court Noted:

We now hold that the supression by the Prosecution of Evidence Favorable to the accused upon request violates due Process where the Evidence is material by guilt or Punishment irrespective of the good or bad faith of the Prosecution.

The Supreme Court also notes:

The Prosecutorial obligation has come include disclosure For Example of any Evidence that might tend To show The defendents Innocents or even reduce his degree of Blame Worthiness.

It's obvious the Prosecution in this case do not feel they must abide by the Supreme Court.

There is much email traffic and testimony to show there was no conspiracy to hide my involvement with FusionPharm. Facts are it was discussed regularly and at great length. These conversations were both done Indepently & Combined. This was as Fred Lehrer directed. He had intimate Knowledge of my business & personal Life as I had of his. Facts are at the time of the raid Mr Lehrer & I were putting together a real estate company that he was to be The CEO of. Email traffic will show this to be true. He wanted his Friends James Payner, Richard Scholtz and Myron Thayden To be a part of it. I do believe the FBI has photos of this meeting in April of 2014. They sat in a Jeep taking pictures & drove off when I walked to the Jeep.

If securities laws were broken, It was because Fred Lehrer said they were NOT If I violated affiliate status it was because Fred Lehrer said I was NOT. Email traffic proves Fred Lehrer had Full & complete Knowledge of the convertable notes. He Knew When & how they were funded along with the Creator Guy Jean Pierre. He Knew Jean Pierre so Well he reported him for Fraud in 2011 in a sworn affadavit. Mr Lehrer Never mentioned this Fact to me. Fred Lehrer was relentless & as email traffic will show about securing a deal with FusionPharm. Emails Like "Scott is not calling me back can you call him For me" There are too many of those Type To include here.

The question I have asked too many times to count is:

Why did not Fred Lehrer say "STOP EVERYTHING" as soon as he saw Guy Jean Pierre was involved? He could have then phoned the SEC and explained the situation. At this point there would have been only Civil issues not criminal. Seems Mr Lehrer has a history of this behavior as Evidenced in:

The Convertable Notes

Fred Lehrer had intimate knowledge of the convertable notes. That was the main reason for me meeting him in Orlando of August of 2013. I knew he was an EX SEC Prosecutor. Who better to protect me. (SO I thought)

We reviewed the genesis of and the current status. He requested Bank Statement copys from my companies and FusionPharms to Evidence the authenticity of the Funds & dates Transferred. The money was real as was the notes! The prosecution uses terms as backdating & bogus as buzz words. Thats in a case where either No money was paid or a earlier date Evidenced on the face of the note as opposed to the company actually recieving said Funds. The date evidenced on the face of the note "was" the date as to when the money was recieved.

Fred Lehrer knew the money that was given as a loan was from stock sale proceeds. Mr Lehrer made it very clear the money could only be used to buy company Products. I bought "PODS" from the company. Now even the "SEC in my Plea Agreements footnotes state "Round Tripping" as they call it "is not necessarily illegal" Cavior being as long as it was used to purchase the Companies products"

So the NOTE WAS real with real money. The date of the first TRANCHE of money was the date ON The NOTES. There were revisions TO THIS NOTE. So IT did change. An example is as the company started TO take off I agreed TO a higher STRIKE price. Where the lawyers at that time were mistaken according TO the government is we reexecuted or memorialized the agreement later then the date ON the NOTE. The lawyers at that advised us all that the 144 clock starts ticking when money is recieved. So we resigned using the date on the face of the NOTE. Once again the money WAS recieved ON the date evidenced on the face of the NOTE.

Now TO dive INTO this as a Securities Forensic Specialist did, will show that 10+ million of the 12 million was NOT a 144 time violation. Hence the prosecution's use & abuse of Fred Lehrers purgered testimoney along with the withholding of such.

If the prosecution had NOT hidden and withheld perjured testimoney against me and TO manipulate my Lawyers. This would have been an ordeal for the SEC TO sort out.

NOT the fabricated, Falsified purgery filled Fraud the government sold TO the courts.

ONCE again this would have been a 144 time restriction descrepency of 8 months. The Bulk of the money made WAS IN the 1st quarter 2014. Three full years after the date the goverNMENT says is the effective date. This is why they needed TO use perjured testimoney & fraudulent & Falsified documents From Both Kate Funk & Fred Lehrer. They needed TO withhold & Lie about them.

They undermined & corrupted this ENTIRE case.

My counsel at that time was so ineffective that they come to me saying "Kate Funk is a CPA she's gone thru the Books and they are all wrong." "Fred Lehrer is saying you lied to him". Who is going to believe you? This is a paper case, by the second day the Jury is asleep." "Ken Harmon will hit you with a 120 to 150 count indictment. Juroys wont even understand something this complex." "You have to take a deal if you dont want to spend the next 20 years in Prison." "You have to protect your Family." They said all this without seeing one bit of the authentication Documentation to back the Prosecutions claims. I then reminded them of late May of 2014. Two weeks after the raid My Lawyers & McDittmans Lawyers met with the DOJ, SEC, IRS Post office etc etc. The result of that meeting was my then Lawyers calling me to tell me that "The Government knows you never sold a can as they put it" You need to just admit it & beg for Mercy from the Court. Witness Testimoney & William Taylors Letter to Ken Harmon dated June 20, 2014 Proves this also to be true At the very onset my Lawyers were Just so ineffective They took Ken Harmon & Kate Funk's word. They were so willing to Just let the Prosecution use at that time Perjured Testimony & Fraudelent and Falsefied documentation that was supposidly "Sealed". One would think after I Proved that over 75 units were sold they would be less likely to Just take the Prosecutions word. Simply put NO.

This was a prosecutor that was knowingly & willingly using Purgered Testimony to cause duress to force a Plea deal. Not to only Force a Plea but to cover up a bungled Investigation that Exposed a 12 year old Organised Scheme to defraud.

IN the past as I am sure they did in their most recent response The Government will make comment of "This already being settled" or the court heard all of this.

Frankly one can only make decisions on things based on the information given. Due to the fact none of my attorneys detailed this as I have and the Prosecution has alone Nothing but de-fraud the court by selling a bogus story that my Lawyers never challenged.

Why would the court not think the way it did. Its all to hard to believe this type of conduct happens in the DOJ or the FBI. As the news shows us this happens more then anyone would Like to believe.

Facts are the plea agreement (with stipulated facts) was nothing more then the product of gross incompetence, Perjured Testimoney the government knew to be False. Fraud, the withholding of material & Exculpatory Evidence that if had all been revealed as law requires instead of being used against me. Without deploying all these criminal Tactics the government would have Never gotten me to sign. These Tactics or Tools caused stress, duress and they were able to coerse a deal.

These Tools or acts the government readily Prosecute "Regular People" or CITIZENS on a daily basis for.

ANY CONTRACT that is ENTERED INTO Whereas the use of perjury, Fraud or the Withholding of Material Facts are used to induce signing of is NULL and VOID!

I testified at the trial for Guy Jean Pierre as required. I knew that Mr Sibert was expecting to have me lie for him. I did NOT! Nor did Scott Dittman, Nor Did Guy Jean Pierre. When I stated "I Never Knowingly & Willfully & Intentionally set out to defraud the Government". Mr Sibert came unglued. My truthful testimoney resulted in me getting NO cooperation credit Even tho I brought a wanted fugitive back to the United States. Also Mr Sibert the AUSA opens his statement with "William Sears is a Liar You honor" "Fred Lehrer Gave Good Advice" He used then at my sentencing as Ken Harmon used prior to cause duress and coerse a plea deal, Testimoney they knew to be False and perjered and the product of Fraudelent & Falsified documentation that was all withheld. Some of which was still being withheld at that very time. [Ex. Lehrer 302s]

All this happend to me with my then lawyers no where to be found. My new court appointed attorney was befuddled to say the least as testimony shows.

Rember winding back to when I discovered that I was lucky enough to be the one to uncover Kate Funks 12 year old & ongoing Organised Scheme to defraud Along with Fred Lehrers perjery & how Ken Harmon & he were Friends that worked together very closely for the DOJ.

They stated "We now have a conflict of interest" then promptly resigned.

How dare anyone say that inefficitive assistance of counsel does not apply here.

The Government knows all too well if this goes into a courtroom as it should have some 7 years ago. The Ex Prosecutor, the Agent in Charge and my Securities Lawyer Fred Lehrer will all have to testify. They will all either Purjer themselves then or I will prove they Purjered themselves prior. Either way this is a loss. The result will be the convictions being set aside & my freedom and Illegally Sized funds returned

I am as sure of that today as I am sure I would have been of the same thoughts some 7 years ago. If only then I was not the victim of the Blatent & obvious corruption in this case. The government has no winnable case here. Their entire case is built on Fraud, withholding of exculpatory Evidence and using perjured testimony they knew to be so against me.

Do think my then Attorneys never Pressed the Prosecution for FRed Lehrers 302 Interviews. As if the Securities Lawyer to whom advised, opined & Let what the government describes as a 12 million dollar Fraud happen? The only person to whom could have lifted restrictive legends or opine on affiliate status?

What competent & effective counsel lets their client enter into a plea deal without verifying these and other claims that the government state as fact? Only an ineffective and one that just wants out would.

So the prosecution has lied about sarents & Affadavits being sealed. They have falsified Evidence & withheld Exculpatory Evidence all favorable to me. They were really just making things up at that point. Why not as my Lawyers are buying into the bogus bag of goods they are selling

Bogus goods to include but not limited to the affadavits & search warrents being under seal. Search warrents & affadavits that ran so afoul they dared not to register them with the courts. They have withheld the SEC Testimony of my Securities Lawyer. Testimony they know to be purgered as why else hide them. Only to see them after a plea is signed. They withhold the FBI 302s never to be seen before October of 2020. Thats 5 years & 7 months after they happened.

They then use Agent Funks purgered fraudelent & fabricated affadavits once again so flawed they never register them with the courts Really why would they as they can make things up as they clearly did in this case. Im speaking to the Fabricated & Fraudelent "2" different First Pages of her affadavit for the same premesis for the same day. Oh what a Web she weaves. Along with withheld & Perjured Testimonies to create a bogus bill of goods to my Lawyers. In turn they look to me as there is no hope but to sign a deal.

I have yet to see the governments response as stated but how would having all this that I have shown & Laid out NOT Chance a Proceeding in My Favor?

How was any of this Knowingly & Willingly on my Behalf?

This entire case was and is a Product of Fraud. One started 12 plus years ago in an organized scheme to defraud the FBI, DOJ, SEC, Federal Courts & the American Tax Payer.

Quite Frankly this all happened and its all still happening.

The truth is if Kate Funk did NOT commit this Fraud on the FBI some 12 years ago. The very one she comitted in Judge Schaffers Court room in May of 2014. The very one she commits today with the DOJ's approval apparently. Maybe if someone Looked past the fact that she WAS T. Markus Funks wife, she would have Never gotten this far.

Then maybe a competent, liscensed, accredited investigator with real training & Expertise to to investigate complex securities related matter would have been assigned NOT someone to whom lied to get the Job in the First Place. NOT someone to whom only had 4 years with the FBI to include academy training & maternity Leave in between. Maternity Leave for Twins.

So the question Begs:

What real training or Experienced could this Non liscensed, Non accounting degreed, Fake Credentialed Fraudster Really Posess?

Definately NOT Enough to say 47 times in a fraudelent affadavit thru "My Knowledge, Training and Expertice from Experience"

How my then Lawyers never caught on to one of the things I have detailed I will never Know. They JUST Never Tried to. As you can clearly see there is NOT just one issue here There are so many things wrong here its mind Bogglng.

Again how does [redacted] Knowing & having all this information & proof of Governmental Wrong doing prior to signing an agreement NOT change the outcome of Events?

Without all their wrong doings they could have Never gained a conviction.

Witness Testimony & Email Traffic will Prove that my testimony on my change of Plea was a product of Ken Harmons creation. I vividly remember the day I was in my attorneys office when he called Harmon to ask "How does Martinez like his says to Plea" Ken then went on about taking full responsibility & such. He then went to tell a story of a woman in a tax case that did not take Full Responsibility & got the maximum Sentence. Email Traffic will show that my change of Plea testimony was scripted.

When I did not say Exactly what was scripted or as Ken Harmon said immediately after in a conference Room "You did not do what I told you to" "Thats not what you were suppose to say" He did not like how I described the notes & the fact I said on advice of counsel. In that same meeting is when he threatened me about Speaking to Brenda Hamilton. He also threatened me to stop all the "NONSENCE" about Fred Lehrer. "He'll deal with Fred" I asked why not now? He then ranted on how I was not cooperating Properly and such. I asked again why not now? My lawyer at that time interviewed & changed the subject. Ther were more witness's to that Exchange.

Prosecutorial Misconduct (1963)
is defined as:

A Prosectors improper or illegal act (or failure to act) ESP - involving an attempt to avoid required disclosures or to persuade to wrongly convict a defendent or assess a unjustified punishment.

The facts are that this ENTIRE case started with Fraud & Perjury by AGENT FUNK. The warrents & affadavits are illegal. So much so they had to change them. This I show in the exhibits. This is "Frait of the Poisionous Tree". A simple Franks Hearing would have then ended this ongoing Nightmare. The government knew this and Lied to say they were "Sealed". 6 attorneys will testify to this. A Simple call to the court as I did will prove they dont EXIST. If only my then attorneys would have made that call.

From that point the government started causing a plea agreement Negotiation to be "Permeated by the Systematic Consealment of Material & Exculpatory Evidence favorable to me." Evidence they knew to be perjered. They hid it & used it's supposid CONTEXT To manipulate my then Lawyers into coercing me to Sign a deal. The very testimoney that clearly shows that all the facts the government has claimed are a product of perjury. They knew my Securities Lawyer was lieing and they need him to. Otherwise this is a Civil Proceeding and NOT the Ponzi Drug Money Fraud they sold to the courts. The very claims he made about not knowing or I Lied to him about. Are the very things I was truthful about & he had Full knowledge about. Mr Lehrer has a history of this conduct as I can prove. Both before me and after. This the Prosecution knows!

A. Prosecutors Intentional Supression, withholding of evidence they know to be Purjured like Fred Lehrer's or the product of both Fraud & Perjury as in the case of Agent Funk is a TANTRAMOUNT TO OBSTRUCTION of Justice. This amounts to nothing but Subordination of Perjury & Fraud.

Those are felony offenses that Prosecutors readily Prosecute other people.

Why are people within the government protected from acts of dishonesty & Criminal behavior? Any criminal behavior such as Kate Funk's perjury & Fraud along with Fred Lehrer's numerous perjuries should warrent immediate Investigation.

This should include as in Mr. Harmon & Mr Sibert's case Lack of candor to a court or Justic Dept. The double standard here is as blatent as it is disturbing.

Let us not forget this entire mess was created & caused by a 12 year old & ongoing scheme to Defraud. A crime was comitted to investigate an alleged one. The investigation is a product of gross Incompetence to include perjured & Falsified affadavits. Which then left the Prosecution to have to Lie, withhold Exculpatory evidence then use Testimony they knew to be false against me. They used it to coerse a plea then again at my sentencing to get a maximum sentence This was all calculated & Malicious. To cause stress, duress and physical & Emotional exhaustion on me and my family.

They did all this without my then attorneys asking for the proof of their claims. Never doing the most basic of background Investigation as I have.

Every single claim of Fraud, Fabrication of and purjered Testimony was discovered by myself after I was coersed into signing a plea agreement.

I pray the court has read the entirety of this Filing and deems fit to set the convictions aside or at least grant an Evidentiary to cement these facts as they clearly as such are the facts.

The court is only now hearing the Truth and the Facts as they are. Only then can one Judge what is Just.

Respectfully

[redacted]

Exhibit - PAF - 1

This points out the Blatent Fraudelent claims of her credentials in one of her alleged affadavit pages.

Keeping in mind the real ones were destroyed or are still being hiddelen.

* Please note there are other documents she makes these claims.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

I, KATE E. FUNK, being duly sworn, depose and state the following:

1. I am a Special Agent employed by the Federal Bureau of Investigation ("FBI"). I have been so employed for approximately four years. I am currently assigned in Denver, Colorado, to investigate economic or white collar crimes. I have participated in several fraud investigations, with many of those investigations involving wire fraud, mail fraud, money-laundering and mortgage fraud. Prior to my employment with the FBI, I received an Accounting degree from the University of Kansas in 1995. I became a Certified Public Accountant in 1996 through the state of Kansas.

2. At all times during the investigation described in this affidavit, I have been acting in my official capacity as a Special Agent with the FBI and have conducted interviews, collected and reviewed documents, and obtained information from the sources outlined in the following paragraphs as they relate to the issue of probable cause.

3. I make this affidavit in support of applications for the issuance of a search warrant for the following premises described more fully herein and in Attachment A (incorporated herein by reference):

   a. Business of FusionPharm, 5850 East 58th Avenue, Unit F, and 5750 East 58th Avenue Unit J, Commerce City, Colorado, 80022 (hereinafter, the "Subject Premises").

4. The FBI, with the assistance of the Internal Revenue Service's Criminal Investigation Division ("IRS-CID"), is investigating an offering fraud and "pump and dump" microcap stock scheme believed to be perpetrated by Scott Dittman ("Dittman"),

NOTE 6

If She said "I Got my Certificate in 1999 on Her JOB APPLICATION, The FBI would have picked up on her Lie. They Go BACK 10 YEARS in Background

Exhibit - KU

This is From the Kansas University Alumni Association. Kate "EGAN" Funk as EGAN being her maiden name is highlighted along with her degree type.

She Lied: her degree is clearly NOT in accounting as she swore under oath in her affadavits. (the fake ones we got anyway) Kansas does not offer an accounting degree.

Step 2:

Find your name in the list below and click the radio button beside it, then click "Next."

If your record is marked as "Already Registered," please click here to log in. Tools are available to recover your password if you don't remember it.

In the KU Degree column, the first letter indicates the school that granted your degree, followed by the year of the degree. Below is a key to determining school codes.

~~*~~ No Accounting Degree offered

A	School of Architecture, Design & Planning
B	School of Business
C	College of Liberal Arts & Sciences
D	School of Education
E	School of Engineering
F	School of Fine Arts
G	Master's Degree
H	School of Health Professions
J	School of Journalism
L	School of Law
M	School of Medicine
N	School of Nursing
P	School of Pharmacy
PharmD	School of Pharmacy
S	School of Social Welfare
U	School of Music
AUD	Doctor of Audiology
DE	Doctor of Engineering
DMA	Doctor of Musical Arts
DNP	Doctor of Nursing Practice
DPT	Doctor of Physical Therapy
EdD	Doctor of Education
OTD	Doctor of Occupational Therapy
PhD	Doctor of Philosophy
SJD	Doctor of Juridical Science

If you don't see your name on the list, please use your browser's Back button to try searing again using alternate values, such as your legal name or a previous name. If you still do not see your name or have other questions about the account lookup

	First Name:	Last Name:	Birth or Former Last Name:	KU Degrees :
○	Aidan	Egan		
○	Ann	Egan		g'89
○	Anne	Cory	Egan	d'78 g'82
○	Brenda	Egan		PharmD'10
○	Brian	Egan		F05
○	Cassidy	Egan		c'10
○	Catherine	Fennelly	Egan	c'13
○	Chet	Egan		c'06 g'15
○	Drew	Egan		b'16 g'17
○	Elaine	Wilson	Egan	'72
○	F.	Egan		PhD'11
○	Georgine	Egan	Neuner	g'87
○	Gregory	Egan		C95
○	James	Egan		b'82
○	James	Egan		G85
○	Jaxon	Egan		
○	Jeanne	Binder	Egan	g'92
○	Jennifer	Egan		g'97
○	Jennifer	Egan	Clapper	s'13
Already registered	John	Egan		j'86
○	John	Egan		C99
○	Kate	Egan		B96
○	Katie	Egan		
○	Kristian	Eganhouse	Hamilton	l'96
○	Lawrence	Egan		C86
○	Lisa	Egan	Hardy	c'12
○	Lori	Egan	Wehr	d'83
○	Margaret	Egan		g'77
○	Mary	Egan	Hardman	c'42 g'44
○	Mary	Egan		'20
○	Michael	Egan		
○	Michael	Egan		g'93
○	Misti	Jones	Egan	'84
○	Mitchell	Egan		c'15
○	Patricia	Egan		g'86 PhD'94
Already registered	Philip	Egan		G72 G74 G81
○	Rebecca	Egan	Foster	f'87
○	Robert	Egan		e'86
○	Spencer	Egan		
○	Susan	Egan		
Already registered	Thomas	Egan		j'77

→ Business NOT ACCOUNTING DEGREE AS she swore uncle.- OATH!

Next >>

Contact Us

KU Alumni Association
Adams Alumni Center
1266 Oread Ave., Lawrence, KS 66045
Email: kualumni@kualumni.org
Phone: 800-584-2957

Current Issue

Shop

Featured Partner

Exhibit - WD-NC

This is an example of what happens to anyone but the life of T Markus Funk. Sounds all too familiar.

Department of Justice

U.S. Attorney's Office

Western District of North Carolina

FOR IMMEDIATE RELEASE

Tuesday, December 12, 2017

Atlanta Woman Is Handed Down Six-Month Sentence For Lying To Federal Judge

CHARLOTTE, N.C. – Tonya Leshun Hall, 43, of Atlanta, Georgia, was sentenced to six months in prison yesterday for lying in federal court, following her guilty plea to a criminal contempt charge, announced R. Andrew Murray, U.S. Attorney for the Western District of North Carolina. Chief U.S. District Judge Frank D. Whitney presided over the case.

According to court documents, Hall testified in August 2016 during a pair of hearings in a civil lawsuit between plaintiff Antonio Stukes and defendant Debra Antney filed in U.S. District Court. Stukes was shot in a shoot-out along Independence Boulevard in February 2011 by members of a security detail working for rapper Waka Flocka Flame, whose given name is Juaquin Malphurs. In connection with the civil suit, Stukes sought to enforce a judgment for compensatory and punitive damages obtained against Antney, who is Waka Flocka's mother, and various business entities allegedly under Antney's control.

Court documents show that Hall testified on Antney's behalf during the hearings on August 25 and August 30, 2016. During those hearings, Hall opined that, based on her review of Antney's finances, Antney had "no money" to satisfy the judgment entered against her in the civil suit. In support of her opinion, Hall represented she had graduated from Emory University with a degree in accounting and was licensed as a certified public accountant in Georgia.

In yesterday's hearing in federal court, Hall admitted that her claims about her credentials were not true. Hall did not graduate from Emory and was never licensed as a CPA. During the sentencing hearing, Judge Whitney explained that Hall's lies "misled" the court in its assessment of Antney's ability to satisfy the judgment in the civil suit. In announcing Hall's sentence, Judge Whitney highlighted the "need to promote respect for the law" and the importance of truthfulness in the justice system.

Hall pleaded guilty to one count of criminal contempt. She will be ordered to report to the Federal Bureau

Exhibit - FBI

This confirms the 10 year background check & why she never mentions her Bogus certificate in 1999. Had she been truthful the FBI would know she was a Fraud!

It is the policy of the Federal Bureau of Investigation (FBI) to share with Law Enforcement personnel pertinent information regarding terrorism. In the past, the primary mechanism for such information sharing was the Joint Terrorism Task Force (JTTF). In response to the terrorist attack on America on September 11, 2001, the FBI established the State and Local Law Enforcement Executives and Elected Officials Security Clearance Initiative. This program was initiated to brief officials with an established "need-to-know" on classified information that would or could affect their area of jurisdiction.

Most information needed by state or local law enforcement can be shared at an unclassified level. In those instances where it is necessary to share classified information, it can usually be accomplished at the Secret level. This brochure describes when security clearances are necessary and the notable differences between clearance levels. It also describes the process involved in applying and being considered for a clearance.

State and local officials who require access to classified material must apply for a security clearance through their local FBI Field Office. The candidate should obtain from their local FBI Field Office a Standard Form 86 (SF 86), Questionnaire for National Security Positions; and two FD-258 (FBI applicant fingerprint cards). One of two levels of security clearance, Secret or Top Secret, may be appropriate.

The background investigation and records checks for Secret and Top Secret security clearance are mandated by Presidential Executive Order (EO). The EO requires these procedures in order for a security clearance to be granted; the FBI does not have the ability to waive them.

SECRET CLEARANCES

A Secret security clearance may be granted to those persons that have a "need-to-know" national security information, classified at the Confidential or Secret level. It is generally the most appropriate security clearance for state and local law enforcement officials that do not routinely work on an FBI Task Force or in an FBI facility. A Secret security clearance takes the least amount of time to process and allows for escorted access to FBI facilities.

The procedure is as follows:

FBI performs record checks with various Federal agencies and local law enforcement, as well as, a review of credit history.

Candidate completes forms SF-86 and FD-258. Once favorably adjudicated for a Secret security clearance, the candidate will be required to sign a Non-Disclosure Agreement.

TOP SECRET CLEARANCES

A Top Secret clearance may be granted to those persons who have a "need-to-know" national security information, classified up to the Top Secret level, and who need unescorted access to FBI facilities, when necessary. This type of clearance will most often be appropriate for law enforcement officers assigned to FBI Task Forces housed in FBI facilities.

In addition to all the requirements at the Secret level, a background investigation, covering a 10-year time period, is required.

Once favorably adjudicated for a Top Secret security clearance, the candidate will be required to sign a Non-Disclosure Agreement.

QUESTIONS AND ANSWERS (Q&A):

Q: Who should apply for a security clearance?

A: State or local officials whose duties require that they have access to classified information, and who are willing to undergo a mandatory background investigation.

Q: What is the purpose of a background investigation?

A: The scope of the investigation varies with the level of the clearance being sought. It is designed to allow the government to assess whether a candidate is sufficiently trustworthy to be granted access to classified information. Applicants must meet certain criteria, relating to their honesty, character, integrity, reliability, judgement, mental health, and association with undesirable persons or foreign nationals.

Q: If an individual occupies an executive position with a law enforcement agency, must he or she still undergo a background investigation in order to access classified information?

A: An Executive Order (EO), issued by the President, requires background investigations for **all** persons entrusted with access to classified information. The provisions of the EO are mandatory, cannot be waived, and apply equally to all federal, state, and local law enforcement officers. This is true of both Secret and Top Secret security clearances.

Q: How long does it normally take to obtain a Secret security clearance?

A: It is the goal of the FBI to complete the processing for Secret security clearances within 45 to 60 days, once a completed application is submitted. The processing time for each individual case will vary depending upon its complexity.

Q: How long does it normally take to obtain a Top Secret security clearance?

A: It is the goal of the FBI to complete the processing for Top Secret security clearances within 6 to 9 months, once a completed application is submitted. The processing time for each individual case will vary depending upon its complexity

Q: What kind of inquiries will the FBI make into my background?

A: Credit and criminal history checks will be conducted on all applicants. For a Top Secret security clearance, the background investigation includes additional record checks which can verify citizenship for the applicant and family members, verification of birth, education, employment history, and military history. Additionally, interviews will be conducted of persons who know the candidate, and of any spouse divorced within the past ten years. Additional interviews will be conducted, as needed, to resolve any inconsistencies. Residences will be confirmed, neighbors interviewed, and public records queried for information about bankruptcies, divorces, and criminal or civil litigation. The background investigation may be expanded if an applicant has resided abroad, or has a history of mental disorders, or drug or alcohol abuse. A personal interview will be conducted of the candidate.

Q: If I have a poor credit history, or other issues in my background, will this prevent me from getting a security clearance?

A: A poor credit history, or other issues, will not necessarily disqualify a candidate from receiving a clearance, but resolution of the issues will likely take additional time. If the issues are significant, they may prevent a clearance from being approved.

Exhibit AF1 & AF2

Falsified Affadavit Pages

You will notice "2" different pages that are supposed to be the first page of the affadavit in support for Search Warrent for the Same premisis for the same day. Seems Agent Funk lost track of which Fake document she sent to whom. There are more Examples to prove the Claim of the Affadavit being Falsified like this one. However the point is made here.

Its no wonder the Prosecution claimed they were sealed & never registered them. One Lie leads to another.

EXHIBIT AF-1

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

I, KATEE. FUNK, being duly sworn, depose and state the following:

1. I am a Special Agent employed by the Federal Bureau of Investigation ("FBI"). I have been so employed for approximately four years. I am currently assigned in Denver, Colorado, to investigate economic or white collar crimes. I have participated in several fraud investigations, with many of those investigations involving wire fraud, mail fraud, money-laundering and mortgage fraud. Prior to my employment with the FBI, I received an Accounting degree from the University of Kansas in 1995. I became a Certified Public Accountant in 1996 through the state of Kansas. At all times during the investigation described in this affidavit, I have been acting in my official capacity as a Special Agent with the FBI and have conducted interviews, collected and reviewed documents, and obtained information from the sources outlined in the following paragraphs as they relate to the issue of probable cause.

2. I make this affidavit in support of applications for the issuance of a search warrant for the following premises described more fully herein and in Attachment A (incorporated herein by reference):

   a. Business of FusionPharm, 5850 East 58th Avenue, Unit F, and 5750 East 58th Avenue Unit J, Commerce City, Colorado, 80022 (hereinafter, the "Subject Premises").

3. The FBI, with the assistance of the Internal Revenue Service's Criminal Investigation Division ("IRS-CID"), is investigating an offering fraud and "pump and dump" microcap stock scheme believed to be perpetrated by Scott Dittman ("Dittman"),

EXHIBIT AF-2

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

I, KATE E. FUNK, being duly sworn, depose and state the following:

1. I am a Special Agent employed by the Federal Bureau of Investigation ("FBI"). I have been so employed for approximately four years . I am currently assigned in Denver, Colorado, to investigate economic or white collar crimes. I have participated in several fraud investigations, with many of those investigations involving wire fraud, mail fraud, money-laundering and mortgage fraud. Prior to my employment with the FBI, I received an Accounting degree from the University of Kansas in 1995. I became a Certified Public Accountant in 1996 through the state of Kansas.

2. At all times during the investigation described in this affidavit, I have been acting in my official capacity as a Special Agent with the FBI and have conducted interviews, collected and reviewed documents, and obtained information from the sources outlined in the following paragraphs as they relate to the issue of probable cause.

3. I make this affidavit in support of applications for the issuance of a search warrant for the following premises described more fully herein and in Attachment A (incorporated herein by reference):

   a. Business of FusionPharm, 5850 East 58th Avenue , Unit F, and 5750 East 58th Avenue Unit J, Commerce City, Colorado, 80022 (hereinafter, the "Subject Premises").

4. The FBI, with the assistance of the Internal Revenue Service's Criminal Investigation Division ("IRS-CID"), is investigating an offering fraud and "pump and dump" microcap stock scheme believed to be perpetrated by Scott Dittman ("Dittman"),

Exhibit - NRW - 1 of 2

This is proof the Affadavits and warrents are Illegal. They ran so afoul the Prosecution Never registered them with the courts as Required by Federal Laws of Procedure. Instead they withheld these Fraudelent & Purgered Evidence. Only to use the supposid content to cause duress & coerse a plea.

AO 442 (Rev. 01/09) Arrest Warrant

* Sealed * Registered !

Guy Jean Pierre's

Example

UNITED STATES DISTRICT COURT

Example

for the

District of Colorado

United States of America
v.

GUY M. JEAN-PIERRE
a/k/a Marcelo Dominguez de Guerra

Defendant

Case No. 16-mj-01103-KMT

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) GUY M. JEAN-PIERRE a/k/a Marcelo Dominguez de Guerra,

who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☑ Complaint

☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18 USC § 1956(a)(3) - Conducting a financial transaction in property represented to be the proceeds of specified unlawful activity.

Date: ***Jun 13, 2016 3:04 pm***

Issuing officer's signature

City and state: **Denver, CO**

Kathleen M. Tafoya, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____

at *(city and state)* _____.

Date: _____

Arresting officer's signature

Printed name and title

AO 106 (Rev. 04/10) Application for a Search Warrant NOT SEALED, NOT Registered, NOT Legal

UNITED STATES DISTRICT COURT

for the
District of Colorado

In the Matter of the Search of *(Briefly describe the property to be searched or identify the person by name and address)* Premises located at: 5850 East 58th Ave., Unit F 5750 East 58th Avenue, Unit J Commerce City, Colorado more fully described in Attachment A, attached hereto.	)	Case No.

APPLICATION FOR A SEARCH WARRANT

I, Kate E. Funk, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location):*

SEE "ATTACHMENT A", which is attached to and incorporated in this Application and Affidavit

located in the State and District of Colorado, there is now concealed *(identify the person or describe the property to be seized)*:

SEE "ATTACHMENT B", which is attached to and incorporated in this Application and Affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☑ evidence of a crime;
- ☑ contraband, fruits of crime, or other items illegally possessed;
- ☑ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
18 U.S.C. § 1343	Wire Fraud
15 U.S.C. §§ 78j(b), 78ff(a)	Securities Fraud

The application is based on these facts:

X Continued on the attached affidavit, which is incorporated by reference.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

s/Kate E. Funk
Applicant's signature

Kate E. Funk, Special Agent, Federal Bureau of Investigation
Printed name and title

Sworn to before me and: ☐ signed in my presence.
☒ submitted, attested to, and acknowledged by reliable electronic means.

Date: *4:38 pm, May 15, 2014*

Judge's signature

City and state: Denver, CO

Craig B. Shaffer
United States Magistrate Judge
Printed name and title

Exhibit NCPA - 1-12

These all clearly show KATE EGAN FUNK is NOT and Never WAS a cpa. She lied TO the courts TO Influence a Judge. She purgers herself as she has been for some 12 years Now!.

Why is this woman NOT being Prosecuted?

From: Professional Ethics - Submissions <ProfessionalEthicsSubmissions@aicpa.org>
Date: Friday, November 8, 2019 at 9:46 AM
To: Bill S <bill@bmails.biz>, Professional Ethics - Submissions <ProfessionalEthicsSubmissions@aicpa.org>
Cc: Peter Bornstein <pbornstein@prblegal.com>, Jeannette Wolf <jwolf@prblegal.com>
Subject: RE: Attention Unlicensed Individual Practicing

Hello William,

This individual is neither an AICPA member nor a member of the Kansas State Society of CPAs so we don't have jurisdiction to perform any investigation. You may want to contact the State Board of Accountancy to see if they have any provisions.

Thank you.
Aradhana

Aradhana Aggarwal, CPA
Manager - Professional Ethics
Professional Ethics Hotline: 888.777.7077 or ethics@aicpa.org
AICPA Member Service: 888.777.7077 or service@aicpa.org
CIMA: cimaglobal.com/Contact-us/

From: AccountancyBoard, DORA
Sent: Friday, February 9, 2018 11:41 AM
To: tessa-noel@hotmail.com
Subject: Fwd: Licensure Requirements in Colorado

Ms. Noel,

Anyone who has been residing in Colorado for 4 years and completing CPA work would be violating the Colorado Board of Accountancy Rules by not having a Colorado CPA License. That would be considered as "Holding Out". Mobility only covers you when have another license in another state and you temporarily completing work in Colorado but do not reside in Colorado. I hope this clarifies your inquiry. Thank you

Kind Regards,

Colorado Department of Regulatory Agencies
Division of Professions and Occupations
Board of Accountancy
1560 Broadway, Suite 1350
Denver, CO 80202
P 303.894.7800 I F 303.869.7764
Email dora_accountancyboard@state.co.us
www.dora.colorado.gov/professions/accounting

COLORADO
Department of
Regulatory Agencies
Division of Professions and Occupations

---------- Forwarded message ----------
From: **Tessa Noel** <tessa-noel@hotmail.com>
Date: Wed, Jan 31, 2018 at 8:53 AM
Subject: Licensure Requirements in Colorado
To: "DORA_Customercare@state.co.us" <DORA_Customercare@state.co.us>

Hello . .

Thank you for your time and I was unable to find the answer to this question on your website, so I decided to write to see if you might be able to provide me an answer to my question regarding Certified Public Accountancy licensing in Colorado. In Kansas it has a two-tiered system where you are issued a certificate first then you apply for a permit to practice which requires continuing education, verifiable work experience and payment of the fee....If someone does not have a permit in Kansas to practice certified public accountancy would this be acceptable to hold themselves out to be a certified public accountant in Colorado...The person is a resident of Colorado and has been for 4 years, so I am not sure how that would work here.

Thank you for your time it is greatly appreciated...

Tessa Noel

Sent from Mail for Windows 10

--
DORA Customer Care

COLORADO
Department of
Regulatory Agencies
Consumer protection is our mission.

P 303.894.7855 | dora_customercare@state.co.us
1560 Broadway, Suite 110, Denver, CO 80202

12/24/17 11:16:00

CPAVerify Individual Report Results

Please Note AGENT FUNK living in Colorado for 7 years Now

NAME: **KATE EGAN**
STATE OF LICENSE: **KS**
LAST UPDATED: **2017-12-24**

Address:	**Mail** CHICAGO, IL,
License/Permit/Certificate Number:	8757
Registration Number:	
License/Permit/Certificate Status:	ACTIVE CERTIFICATE
License/Certificate Status Details:	The certificate is in good standing.
License Type:	CPA.
License Type Details:	CPA Certificate. In Kansas, a certificate is not a license so therefore, a certificate holder who does not also have an active permit may not hold out, perform or offer to perform services as a CPA. The person may use the title CPA in connection with their employment in industry.
Basis for License:	
Issue Date:	1999-08-04
Expiration Date:	
Enforcement, Non-Compliance or Disciplinary Actions:	None Reported To This Site By The Board
Other Information:	IN KANSAS, A CERTIFICATE IS NOT A LICENSE. ONLY THOSE WHO HAVE PERMITS (ALSO KNOWN AS LICENSES) ARE ALLOWED TO HOLD OUT AND PROVIDE OR OFFER TO PROVIDE SERVICES TO THE PUBLIC AS A CPA. IF THE PERMIT STATUS DOES NOT REFLECT "ACTIVE", THAT INDIVIDUAL IS NOT LICENSED TO PRACTICE. CPAVERIFY INCLUDES ALL CERTIFICATE HOLDERS AND PERMIT HOLDERS. If an individual has a permit, their permit record and their certificate record will show. Only a certificate record will show for non-licensed certificate holders. If Permit Number shows N/A that means this person had a permit to practice at one point, but let it lapse. When the permit lapses in that case, so does the permit number. If permit shows Lapsed it means that this person once had a permit (license) to practice, but has since let them lapse. This individual is not licensed to practice as a CPA in Kansas.

Contact the Board for official verification of information.

State Board Contact Information:

KANSAS BOARD OF ACCOUNTANCY
LANDON STATE OFFICE BUILDING
900 SW JACKSON, SUITE 556
TOPEKA, KS 66612-1239

Phone: 785-296-2162
Fax: 785-291-3501
Email: INFO@KSBOA.KS.GOV
Licensee Lookup: http://www.da.ks.gov/boa/searchforindividual.aspx

Details of Enforcement, Non-Compliance or Disciplinary Actions:

1. If "Contact State Board For Details" is displayed then the State Board has reported some type of enforcement, non-compliance or disciplinary action to this site and the State Board should be contacted for full details about the action reported.
2. If "None Reported To This Site By The Board" is displayed then the State Board provides enforcement, non-compliance and disciplinary action data to this site and none was indicated for this record.
3. If "State Does Not Provide This Type of Data At This Site" is displayed then CPAverify is not currently receiving enforcement, non-compliance or disciplinary action data for licensees in this state. Some states are limited to sharing this type of data with third party websites due to privacy laws or policies, but most State Boards offer this information on their official State Board websites.
4. Contact the State Board for official verification of all enforcement, non-compliance and disciplinary activity.

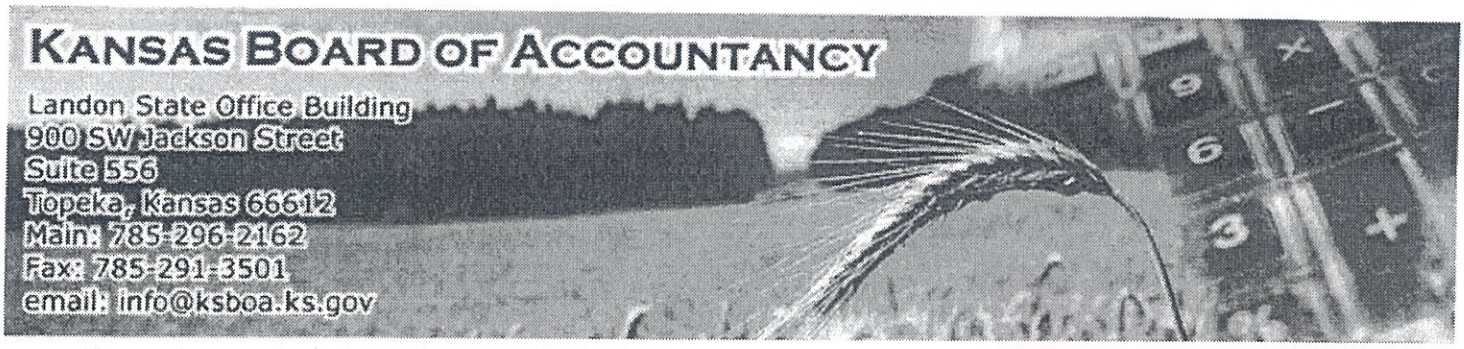
The results shown here include all data made available by participating states. Additional data about the individual or firm may exist and is not shown here for other states that are not yet participating in the CPAverify website. Please refer to the Participating States tab for more information about which states are currently sharing their licensing data for use with this website and for clarification about which states these results do not include. If

>> Home >> Search for Firms

Individual Information [Back to Search Results | Search Again]

Please Note Agent Fink Living in Colorado 8 years

Name:	Kate Elizabeth Egan	**Certificate Status:**	Active
Address:	22 N Morgan Unit 210 Chicago, IL 60607-0000	**Permit Status:**	
Firm/Employer:	Sprint	**Discipline and/or Board Action:**	NO
Certificate Issue Date:	08/04/1999		
Certificate Number:	8757		
Permit Number:			
Permit Issue/Renew Date:	/ /		
Permit Expiration Date:	/ /		



>> Home >> Search for Firms

Individual Information

[Back to Search Results | Search Again]

"Only changed when contacted"

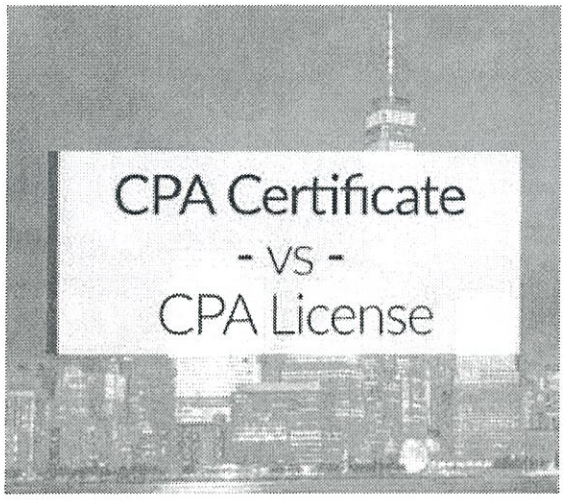
Name:	Kate Elizabeth Funk	**Certificate Status:**	Active
Address:	8000 E. 36th Ave. Denver, CO 80238-0000	**Permit Status:**	
Firm/Employer:	Federal Bureau of Investigation	**Discipline and/or Board Action:**	NO
Certificate Issue Date:	08/04/1999		
Certificate Number:	8757		
Permit Number:			
Permit Issue/Renew Date:	/ /		
Permit Expiration Date:	/ /		

CPA Certificate vs CPA License: What's the Difference?

Updated: Dec. 30, 2019 Kenneth W. Boyd Best CPA Review Courses Advertiser Disclosure

Contents

CPA Exam, Careers



There always tends to be a lot of confusion between a **CPA certificate vs license**. They both mean completely different things. Furthermore, they give you different amounts of legal authority and responsibility although they seem like the same thing.

A CPA certificate, in most cases, is simply an acknowledgment. It means that you passed the CPA examination and fulfilled the minimum requirements to take it. A CPA license, on the other hand, is issued when you complete all the requirements from a board of accountancy to become a CPA. Consequently, you are granted

Search ...

Kenneth W. Boyd is a former Certified Public Accountant (CPA) and the author of several popular accounting books including 'CPA Exam for Dummies' and 'Cost Accounting for Dummies'.

permission by the state to practice public accounting.

Let's take a look at some of the differences between these two designations and why you would want one over the other.

CPA Certificate vs CPA License

What's the Different between a CPA Certificate vs CPA License?

Let's look at a few key differences between a license and certificate.

What's a CPA Certificate?

- No work experience requirements
- No continuing education requirements
- Cannot sign tax returns, audit reports, or use the title CPA on any official or legal report
- Cannot be an owner or partner of a public accounting firm
- Some states allow you to use the designation CPA after your name on unofficial documents, like resumes, while others expressly forbid using the acronym altogether
- Requires a small fee to renew each year

What's a CPA License?

- Most states require at least 1-2 years of relevant accounting experience under a CPA
- Most states require at least 40 hours of continuing education each year

- You have all the legal rights of a CPA including signing tax returns and audit reports
- You are allowed to own a CPA firm
- You can use the title in any public or official setting
- Requires a significant fee to renew each year

CPA Certificate vs CPA License

Remember that each state board of accountancy has different rules and regulations to become a CPA. Most have common requirements, but all of them are different in some way, shape, or form.

That being said, most states back in the day had a two-tiered certification process. This meant that once you fulfilled the requirements to sit for the uniform CPA exam and you passed it, you were issued a certificate. This simply meant that you completed the first step to becoming a CPA, but you weren't all the way there yet.

Often candidates still had to complete a lengthy work experience program, additional education requirements, or an ethics exam in order to fulfill the licensure requirements of the state, but they were able to call themselves a CPA in the meantime because they had a certificate. Thus, on resumes and job applications, they could indicate that they had passed the exam and were on their way to becoming licensed.

Keep in mind that this certificate is not a license to practice. Candidates who only have a certificate are not allowed to practice publicly because they are not licensed. Only after you complete the rest of the requirements are you able to obtain your license and truly become a practicing CPA with all of the designations rights intact.

Most states have gotten rid of this two-tiered system and now don't issue you a certificate upon completing the exam. Instead, they

She has done zero hours

What Is CPE Accounting?

CPE accounting is continued professional education for accountants. Accounting is a highly specialized field. Since tax laws and regulations can change rapidly, accountants participate in continuing education programs to keep abreast of developments in laws and accounting practices. They need to be aware of the CPE requirements of the jurisdictions in which they work. Schools offering Accounting degrees can also be found in these popular choices.

CPE Requirements

View Schools

According to the American Institute of Certified Public Accountants, each state has specific continuing education requirements accountants must follow in order to maintain their licenses. The CPA Journal states that accountants should be concerned about licensing requirements if they maintain such credentials in more than one jurisdiction.

Important Facts About CPE Accounting

Work Environment	Office or classroom setting
Key Skills	Accounting, Math, Reading Comprehension, Communication
Training	There are no mandatory subjects or lessons for CPE, so accountants are free to choose the program that best fits their needs. Acceptable programs include courses offered by the accountant's own firm, accounting-focused conferences or conventions, and any university courses that offer CEUs (Continuing Education Units).
Common Courses	Accounting and Finance for Business Operations, Fair Value Accounting, IFRS in the USA: An Implementation Guide
Median Salary (2018)	$70,500 *(Accountants and Auditors)*
Job Outlook (2016-2026)	10% *(Accountants and Auditors)*

Source: U.S. Bureau of Labor Statistics (BLS)

Comparing CPE Requirements

Almost every jurisdiction requires an average of 40 hours of CPE per year for Certified Public Accountants (CPA). Other variations are 80 hours required each 2-year period or 120 hours each 3-year period. Many jurisdictions do not allow carryover of surplus CPE credits from one period to the next.

In some jurisdictions, required CPE hours depend on either specific duties or job classifications. For example, New York reduces the amount of required hours of CPE credits if an accountant takes continuing education courses in a specialized area. Kentucky reduces the number of required hours if an accountant works less than 3,000 hours every two years.

Each state has different CPE accounting requirements. A CPA must take the required numbers of CPE credits for the jurisdiction where her or she works, and must be aware of the requirements of other jurisdictions if he or she wishes to maintain a license in that jurisdiction.

To continue researching, browse degree options below for course curriculum, prerequisites and financial aid information. Or, learn more about the subject by reading the related articles below:

1. Degree Options:

Accounting

Accounting & Management

Bookkeeping

View All Degree Options

2. More Articles

What Schools Offer Accounting Degrees in Phoenix, Arizona?

What Schools Have Accounting Degrees in Philadelphia, PA?

Where in Vermont Can I Take Courses in Accounting?

By JAMES CHEN Updated Apr 25, 2019

What is Forensic Accounting? https://www.investopedia.com/terms/f/forensicaccounting.asp

Forensic accounting utilizes accounting, auditing and investigative skills to conduct an examination into the finances of an individual or business. Forensic accounting provides an accounting analysis suitable to be used in legal proceedings. Forensic accountants are trained to look beyond the numbers and deal with the business reality of a situation. Forensic accounting is frequently used in fraud and embezzlement cases to explain the nature of a financial crime in court.

Understanding Forensic Accounting
Forensic accountants analyze, interpret and summarize complex financial and business matters. They may be employed by insurance companies, banks, police forces, government agencies or public accounting firms. Forensic accountants compile financial evidence, develop computer applications to manage the information collected and communicate their findings in the form of reports or presentations.

Along with testifying in court, a forensic accountant may be asked to prepare visual aids to support trial evidence. For business investigations, forensic accounting entails the use of tracing funds, asset identification, asset recovery and due diligence reviews. Forensic accountants may seek out additional training in alternative dispute resolution (ADR) due to their high level of involvement in legal issues and familiarity with the judicial system.

Forensic Accountants Follow the Money https://www.fbi.gov/news/stories/financial-fraud

In complex financial fraud investigations, FBI agents have an invaluable resource—the Bureau's core of forensic accountants. These highly trained professionals are located in all 56 field offices and are experts at following the money.

The relationship between agents and forensic accountants "is a vital partnership," said Special Agent Kevin Legleiter, who relied on Forensic Accountant Janetta Maxwell in the Willard Leonard Jones investigation and has partnered with her for two decades in other financial fraud investigations.

The Bureau's forensic accounting program was established in 2009 to advance the FBI's financial investigative capabilities. There are more than 500 forensic accountants in the program, and nearly half are certified public accountants. Many have additional training such as being certified fraud examiners.

Agent Funk is Neither

Besides the ability to analyze complex financial records and documents, forensic accountants can testify to their findings in court and assist investigators in many other ways. "As a forensic accountant, I have the ability to issue subpoenas and conduct interviews," Maxwell said.

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Apply for a Certificate

PURSUANT TO 5 U.S.C. 552a, THE KANSAS BOARD OF ACCOUNTANCY ADVISES YOU THAT SOCIAL SECURITY NUMBERS PROVIDED TO THE BOARD PURSUANT TO K.S.A. 74-148 AND 74-139 MAY BE PROVIDED TO THE KANSAS DEPARTMENT OF REVENUE, UPON REQUEST, OR MAY BE USED FOR CHILD SUPPORT ENFORCEMENT PURPOSES.

NOTE: KANSAS IS A TWO-TIERED STATE. YOU MUST OBTAIN A CPA CERTIFICATE BEFORE YOU CAN APPLY FOR A PERMIT TO PRACTICE. THE CERTIFICATE DOES NOT ALLOW YOU TO PRACTICE OR HOLD OUT AS A CPA.

Below are the forms required to be submitted to obtain a Kansas CPA Certificate:

CPA Certificate by passing the exam in Kansas--Fee: $50.00

- http://www.ksboa.org/pdf/app_exam.pdf
- http://www.ksboa.org/pdf/oath.pdf
- http://www.ksboa.org/pdf/ethics.pdf

CPA Certificate by reciprocity, or for transfer of grades—Fee: $250.00

- http://www.ksboa.org/pdf/app_recip.pdf
- http://www.ksboa.org/pdf/app_transfer.pdf
- http://www.ksboa.org/pdf/auth_exch.pdf
- http://www.ksboa.org/pdf/oath.pdf
- http://www.ksboa.org/pdf/ethics.pdf (If you have never taken the AICPA ethics exam, or an ethics exam approved by the Kansas Board, or if another State Board of Accountancy cannot verify that you have taken an acceptable ethics exam, you will be required to--this is the order information)

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1-316. Unlawful acts; penalty. (a) It is unlawful for any person to practice certified public accountancy unless the person holds a Kansas certificate and a valid permit to practice issued by the board pursuant to K.S.A. 1-310 and amendments thereto, or is entitled to practice pursuant to K.S.A. 1-322 and amendments thereto.

(b) It is unlawful for any firm to practice certified public accountancy as a certified public accounting firm or CPA firm unless the firm is registered with the board pursuant to K.S.A. 1-308 and amendments thereto, or meets the requirements to be exempt from such registration.

(c) It is unlawful for any person, except the holder of a valid certificate or practice privilege pursuant to K.S.A. 1-322, and amendments thereto, to use or assume the title "certified public accountant" or to use the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card or device likely to be confused with "certified public accountant." The use of the term "public accountant" without the word "certified" shall not be interpreted as implying that one is a certified public accountant.

(d) Except as provided by this subsection, no person holding a permit or practice privilege or a firm holding a registration under this act or meeting the requirements to be exempt from such registration shall use a professional or firm name or designation that is misleading as to: (1) The legal form of the firm; (2) the persons who are partners, officers, members, managers or shareholders of the firm; or (3) any other matter. The names of one or more former partners, members or shareholders may be included in the name of a firm or its successor unless the firm becomes a sole proprietorship because of the death or withdrawal of all other partners, officers, members or shareholders. The use of a fictitious name by a firm is permissible if the fictitious name is registered with the board and is not otherwise misleading. The name of a firm may not include the name of an individual who is neither a present nor a past partner, member or shareholder of the firm or its predecessor. The name of the firm may not include the name of an individual who is not a certified public accountant.

(e) It is unlawful for any person, except the holder of a Kansas permit to practice or practice privilege pursuant to K.S.A. 1-322, and amendments thereto, or a valid Kansas firm registration, to issue a report with regard to any attest or compilation service under standards adopted by the board. A reference in a report to auditing standards generally accepted in the United States of America is deemed to be a reference to standards adopted by the board. The practice of public accountancy by persons not required to hold a permit to practice, including public accountants, is not prohibited or regulated by the provisions of this act, except for the provisions of this section, K.S.A. 1-308, 1-318 and 1-319, and amendments thereto and K.S.A. 1-319, and amendments thereto. The title "enrolled agent" may only be used by individuals so designated by the federal internal revenue service.

(f) Any person who violates any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than $5,000, or to imprisonment for not more than one year, or by both such fine and imprisonment.

course. Once a candidate has successfully completed the ethics course and has been issued a Kansas CPA certificate, a person may use the CPA as a credential only. (In other words, CPA may appear after a person™s name if they are working in an industry that is not related to the practice of public accountancy.) **CAUTION: Financial Planning, litigation support, broker/dealer services, investment advisory, consulting, management advisory and business valuation services, ALL fall under the definition of non-attest practice, and in order to use the CPA designation in connection with these services, a person must also hold a valid Kansas permit to practice.** The CPA Certificate allows a person to use the designation as a credential, not hold out or sign reports for the public as a CPA. If a person wants to reflect this information on a resume, then we strongly suggest that the CPA designation is explained by saying, "not licensed to practice in Kansas". For the definition of practice of certified public accountancy, please go to www.ksboa.org/statutes/1_321.pdf The definition is broken out into two categories: attest and non-attest.

12. What if I sat for the exam before the education requirement changed in May of 1997--do I now have to meet the 150-hour education requirement to sit for the exam in the future?
If you sat for the CPA Exam in Kansas as a Kansas candidate prior to July of 1997, you do not have to meet the 150 hour education requirement to sit for the exam as a Kansas candidate in the future.

CERTIFICATION QUESTIONS

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NOTE: KANSAS IS A TWO-TIERED STATE, WHICH MEANS A PERSON MUST APPLY FIRST FOR A CPA CERTIFICATE AND THEN A PERMIT (LICENSE) TO PRACTICE AFTER MEETING AN EXPERIENCE REQUIREMENT. ONLY AFTER OBTAINING A PERMIT TO PRACTICE, MAY A PERSON HOLD OUT, PERFORM OR OFFER TO PEFORM SERVICES AS A CPA FOR THE PUBLIC. SEE PERMIT QUESTIONS FOR INFORMATION ON OBTAINING A PERMIT.

1. How do I obtain a CPA certificate by exam, or by transfer of grades, in Kansas?
A Kansas exam candidate need only complete the Application for Certificate by Passing Examination in Kansas, and pay a $25.00 application fee, after the candidate has successfully completed the CPA exam as a Kansas candidate and the AICPA ethics exam. A person transferring their grades to Kansas is required to meet Kansas' specific education requirements at the time of transfer and be a resident of Kansas.

2. How do I obtain a CPA certificate by reciprocity in Kansas?
A person whose original certificate is from another state may be issued a certificate by reciprocity if the applicant passed the exam with grades that would have been passing grades that time in this state and the applicant meets all current requirements in this state for issuance of a certificate at the time application is made, and at the time of the issuance of the applicant's certificate in the other state met all such requirements applicable in this state, or the applicant had four years of experience after passing the exam upon which the applicant's certificate was based and within the 10 years immediately preceding the application.

PERMIT (LICENSE) TO PRACTICE QUESTIONS

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A PERSON WHOSE PRINCIPAL PLACE OF BUSINESS IS IN KANSAS AND WHO HOLDS OUT OR PERFORMS OR OFFERS TO PERFORM SERVICES AS A CPA MUST HAVE A VALID KANSAS PERMIT TO PRACTICE.

1. What is the experience requirement for a permit to practice?
One year of accounting experience obtained through employment in government, industry, academia or public practice, providing any type of service or advice involving the use of attest or nonattest skills, all of which was verified by a CPA holding an active license to practice.

2. Does the person verifying my experience have to be a supervisor?
The experience no longer has to be under the direct supervision of a licensed CPA; however, a licensed CPA must verify that a person has the experience necessary to obtain a permit to

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Action No. 16-cr-00301-WJM

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. WILLIAM J. SEARS,

Defendant.

AFFIDAVIT OF STEVEN R. ANDERSON, CPA, JD

Steven R. Anderson, being of lawful age and upon his oath, deposes and states:

1. I am an attorney licensed to practice law in the State of Colorado since 1987, and co-founder and managing partner of Anderson & Jahde, PC, 5800 South Nevada Street, Littleton, Colorado 80120.

2. I also hold an inactive certified public accountant license in Colorado, having received my certification and license to practice public accounting in the State of Colorado in 1984.

3. My practice focuses on Federal & State, civil and criminal tax controversies and trials; and, on representing accountants, tax return preparers and CPAs in all professional facets, to include CPA malpractice defense, representing CPAs before the Colorado State Board of Accountancy (and other state licensing boards), representing CPAs before the American Institute of Certified Public Accountants, and representing accountants before the IRS' Office of Professional Responsibility. I have represented and

consulted between 150 and 200 CPAs in cases before the Colorado State Board of Accountancy.

4. I do not have an exact number on how many, but a portion of the Board of Accountancy cases I have worked on involved CPAs who had relocated from other states to Colorado and were defending complaints before Colorado's Board of Accountancy (the "Board") because they did not understand Colorado's rules pertaining to holding out as a CPA in Colorado. I frequently work with Colorado's statutes governing CPAs and with the Rules of the Board. I have reviewed the CPA rules and statutes in Kansas.

5. I was asked to review the propriety of Special Agent Kate Funk's use of a CPA designation on search warrant applications related to cases involving William Sears, Scott Dittman, and Fusion Pharm, LLC, which were filed in the United States District Court for the District of Colorado.

6. Colorado's rules deem this a holding out as a CPA in Colorado that requires qualifications Ms. Funk does not have. She is not a CPA in Colorado and may not hold herself out to be a CPA in Colorado.

7. Ms. Funk passed the CPA exam in Kansas, but never completed the Kansas requirement of having one year of qualified work experience to earn a Kansas "permit" to practice as a CPA. Kansas and Colorado have different legal structures for becoming a CPA authorized to practice as a CPA. In Kansas you obtain a CPA "certificate" (which Ms. Funk has) by meeting educational requirements and passing the CPA exam. Then, you must have the year of qualified work experience after which you may obtain a Kansas "permit" to practice as a CPA. Ms. Funk does not have a "permit" to practice as a CPA in Kansas.

8. Colorado combines education, passing the CPA exam and one year of qualified work experience before you can obtain a CPA "certificate." Colorado does not issue "permits" for individual CPAs See, *C.R.S. §§ 12-2-108 and 12-2-109, and Rule 4.1 Colorado Board of Accountancy*. This difference between the states is key. Colorado does not allow someone from another state without one year of qualified work experience to hold themselves out as a Certified Public Accountant or use "CPA." *C.R.S. § 12-2-115(3).*

9. Within the last year, I represented *a* Kansas CPA before the Board who was fully licensed in Kansas, with a Kansas permit, who used "CPA" on a business card handed to one client. The Board held this individual in violation of Colorado's statutes for improperly holding herself out as a CPA in Colorado. She did not first get reciprocity from Colorado. Ms. Funk's holding out was more egregious because she has no Kansas permit.

10. On the Affidavit for Search Warrant, Special Agent for the Federal Bureau of Investigation, Kate E. Funk, wrote, "[p]rior to my employment with the FBI, I received an accounting degree from the University of Kansas in 1995. I became a certified public accountant in 1996 through the State of Kansas." Again, Ms. Funk has a Kansas certificate, not a permit to practice as a CPA. Clearly, Ms. Funk wanted the Court and others to rely on her statements in her affidavit as if they were provided by a CPA who had met Colorado's requirements to be a CPA. She is not recognized as a CPA in Colorado. I also checked the Kansas Board of Accountancy website and found an FAQ that addresses whether Ms. Funk could provide litigation support services (which is what

she did by submitting the affidavit) without having a permit in Kansas. She cannot. Here is the Q&A from the Kansas Board of Accountancy website:

6. I don't provide any attest services. Am I required to hold a permit to practice to provide non-attest services as a CPA?
Yes. Financial Planning, litigation support, broker/dealer services, investment advisory, consulting, management advisory and business valuation services, all fall under the definition of non-attest practice, and in order to use the CPA designation in connection with these services, requires a person to hold a valid Kansas permit to practice. For the definition of practice of certified public accountancy, please go to www.ksboa.org/statutes/1_321.pdf The definition is broken out into two categories: atttest and non-attest.

Ms. Funk violated the laws of Colorado by claiming she is a Certified Public Accountant, intending for the Court and others to rely on her statements with the full level of trust, training and competence those statements would have had they been made by a CPA. Even under Kansas law she could not provide the litigation support services she provided here in Colorado.

11. She made the same statement in an affidavit to support an application for search warrant to search email accounts for William Sears, Scott Dittman, and others.

12. According to the records of the University of Kansas, Kate Egan graduated in 1996, not 1995.

13. According to the records of the State Board of Accountancy for the State of Kansas dated December 24, 2017, Kate Egan was issued a CPA certificate on August 4, 1999, not in 1996 as she claimed in Affidavits filed.

14. I am informed, and therefore do believe, that Kate Egan is the same person as Kate Funk. I also have been informed and do believe that Kate Funk has moved to and does reside in Denver, Colorado and not in Chicago, Illinois, and has done so for many years.

15. Once one becomes a resident of the State of Colorado, and desires to hold themselves out as a CPA in Colorado, they must obtain reciprocity and a license from the Board to hold themselves out as a CPA in Colorado. Ms. Funk could not have accomplished this because she had no Kansas permit. According to the Board's website: "To apply for a license in Colorado one must satisfy the following:

* Holds an active license from a substantially equivalent jurisdiction and/or possesses the requirements necessary for issuance of a license in Colorado.
* Attests to having completed all CPE required by the other state as of the application receipt date"

Kate Funk formerly known as Kate Egan could not obtain reciprocity because her Kansas certificate is not the equivalent to being a CPA in the State of Colorado.

16. Kate Funk has no professional CPA credential in Colorado. Therefore, she is not qualified as a CPA to offer opinion testimony on the appropriateness of revenue recognition or other applications of Generally Accepted Accounting Principles (GAAP) and Generally Accepting Auditing Standards (GAAS). I have reviewed an Affidavit drafted containing opinions by Kate Funk regarding revenue recognition and disclosure requirements for FusionPharm, and it is my opinion as a licensed lawyer and licensed inactive CPA in the State of Colorado, that Kate Funk was not qualified to render said opinions in her Affidavit as a CPA and violated Colorado's laws by doing so.

17. Colorado Revised Statute § 12-2-129 makes it a Class 2 Misdemeanor to use the CPA designation in Colorado when one is not authorized to do so; and a class 6

felony for any subsequent offense. Kate Funk appears to have violated this criminal statute.

FURTHER AFFIANT SAYETH NAUGHT.

Steven R. Anderson

6-18-19
Date

STATE OF COLORADO)
) ss.
COUNTY OF Arapahoe)

Subscribed and sworn to before me by Steven R. Anderson this 18th day of June, 2019.

Witness my official hand and seal.

MARCIE J MORTON
NOTARY PUBLIC
STATE OF COLORADO
Notary ID 20034028692
My Commission Expires 08/26/2019

Notary Public

My commission expires: 8-26-2019

Exhibit KFAFBS

Kate Funks affadavit Highlighted where she was acting as a Certified Public Accountant as she Fraudelently claims to be.

Along with notes to her assumptions where as there is no doubt she was and is clearly unqualified & Incompetent.

* Please note this is a unofficial copy of her affadavit. The real one was never registered with the court as required. As show in Exhibit AF-1 & AF-2 the document was changed after the fact. Never to reveal the True Affadavit. To think she got to change it & still got it all wrong?

The "four Corners Rule" comes to mind here as the entire document is Falsified & Perjured.

* You will also notice the reference number to the Section in the Auditors Comments may not correspond. The auditors comments were made on the version Given to Scott Dittmans Lawyers. The version provided here is the version Sent to my Lawyers. There for the same warrent. Mysteriously my version is longer.

How is this not Fraud & Malicious Prosecution?

#23 : False statement. Chris Haddad & Kelly Blume were Independent Contractors for Both Mead Point & Vertifresh. No withholding tax ever paid as they were 1099. Agent Funk not understanding the labor Pool expertise being shared as Part of Mead Points Distribution agreement

#27 : False Statement. A reverse split DOES NOT increase over all holdings 10 Fold. Only the cost of the Individual share.

If in Footnote #9 on page 8 a preferred shareholder to convert significant shares to common, any attempt to liquidate would bring the stock price down to conversion price or lower. At very least the price prior to reverse or conversion.

"This is a silly Statement and shows the Agent has NO CONCEPT of the Public markets.

#42 : False Statement. The units were built on site for Meadpoint For Rental to Mile High green cross. The certificate of Occupancy took Longer then Expected. Thus prompting Mile High Green Cross to secure their own Building & Purchased them instead of Leasing them.

The 2012 multiple-year lease proved to be with Meadpoint NOT Fusion Pharm as the Agent Claims.

B - "Can Not be a basis for Revenue Recognition"
The above is another False Statement

C - Was not a Related Party Transaction as proved. All the units went to 3rd Parties.
Another False Statement

48° False Statement. "Fusion can not recognize revenue to Meadpoint without there being a 3rd party customer ahead of time" This is a absurd & ridiculous statement! Since when are distribution companies illegal in the United States? In addition as documentation proves, MeadPoint always had customers identified prior as MeadPoint did not have the means to simply purchase Inventory and Sell off the Floor.

Just another example of Agent Funk having no concept of accounting.

49° False Statement. CWI is wrong & could not opine on events that transpired 2 years prior to his employment The 85% calculation is IMPOSSIBLE to adhere as she has done. MeadPoint did NOT always receive a commission/discount, as is displayed in other transactions of the same. MeadPoint did not receive a commission on the Mile High Green Cross Transaction. MeadPoint did not source that customer. There are more & better documented Examples of these type of transactions that show this Commission Vs No Commission issue.

53° The 5% is only applicable to Nasdaq & Higher Exchange listed Companies. FusionPharm was quoted on the OTC Pink Sheets. The threshhold is 10% not 5%.

More Evidence Agent Funk has NO CONCEPT of The Public Markets.

58° False Statement. Not one single cash deposit was made! Not 1! These were ALL Inter-bank transfers From One Wells Fargo Customer to another.

"Agent Funk does not even have the knowledge of a First year bank teller." Any first year bank teller knows this.

#74° False Statement. FusionPharm NEVER recieved any money NOT 1 cent From the Growth of Marijuana. NOT 1.

#76° False Statement. All Sales went to 3rd Parties There are None.

#77° False Statement. More of the same.

#78° More Proof Agent Funk has no Grasp of Accounting.

#79° False Statement. Revenue is Fine to be booked once unit is shipped / delivered

#80° More of the same. Units sold to Meadpoint and Immediately rented to Groundswell From June of 2013 To February 2014 when Groundswell Exercised the Purchase option in the Lease Purchase Agreement.
Agent Funk has no concept of a lease Purchase Agreement

#84° False Statement. FusionPharm Never took or recieved money From direct cannabus participation "Never"

#85° False Statement. It did NOT As advised by counsel & as 302 interviews prove that advice. There was a Seperate ENTITY For a reason as advised The Agreement had NOTHING To do With FusionPharm.

#87° False Statement. The agents revenue calculation is Wrong, in addition a settlement was reached in 2015 For additional money owed.
False Statement. it did NOT end until February of 2014 When CG bought The units as The settlement Agreement Clearly shows!

#88 ° False Statement

#89 ° False Statement

#90 ° False Statement. No comission of John Scott. Scott Ditman Sourced that Transaction Not Sears.

#91 ° False Statement. No comission on that Transaction either

#94 ° True Statement. Sears & Ditman were 50/50 Partners in VF Management. "Not Fusion Pharm as Agent Funk Falsely States"

These were but a few examples. I think the point is made here. If an evidentiary were granted we will prove all of the above plus many more.

Please Note #74 #84 & #55. These all speak to the fact of the governments money laundering scheme theory. Couple that with all her false claims of no 3rd party sales. Put those together & you have the Ponzi scheme theory.

You cant make this up. If it was not happening to me, I would not believe it possible.

#96 * Yes Ditman disclosed Sears relationship to the company and his backround to all potential Investors. How is this wrong? The under cover video proves this fact. The agent just spent more then 3/4 of the document saying Ditman hid Sears.

#97 What would CWI know or opine about how many units FusionPharm would or could sell? The figure in question was based on 2 large orders that were in the pipeline

1. Agripharm in Canada to whom Bought 46 only to start recieving them until March/April of 2014 due to construction delays in Canada.

2. The Greenway who signed a LOI to produce 108 units for. They were going thru final stages of licensing Procurement in Massachusetts.

#100. Complete False STATEMENT

#104. How could a 8 month employment as a 1099 Independent Construction contractor opine on a percentage of a publically traded company's share holdings as 50/50. The statement is absurd.

Once again. The affadavit starts as purjured & False and continues as the same. These were but a few as I dont want to overload this Filing.

38. In 2011, FusionPharm purportedly focused on two aspects of the organic produce and agriculture market: (1) growing and selling produce (almost always lettuce); and (2) selling PharmPods in the organic produce industry. According to FusionPharm's 2011 Annual Report, FusionPharm claimed to have made $256,895 in revenues during the 2011 fiscal year. Notably, your affiant's review of FusionPharm's 2011 Annual Report reveals $0 in Accounts Receivable, suggesting that any revenue generated by FusionPharm during the 2011 fiscal year (January 1, 2011 through December 31, 2011) should be supported by incoming deposits in FusionPharm's bank accounts.

39. In the same report, FusionPharm represented to investors that it derived its revenue from organic food sales. FusionPharm touted its relationship with Circle Fresh Farms as its main partner and revenue driver in 2011. Based on your affiant's review of the SEC Produced Records, SEC Analyses, statements by CW-2 and your affiant's independent investigation, FusionPharm did not generate any significant revenue from: (a) Circle Fresh Farms directly; or (b) agriculture-related business. Moreover, it did not generate anywhere close to $256,895 in revenues during the 2011 fiscal year.

40. FusionPharm reported its "successful harvest and sale of its initial crop through its collaboration agreement with Circle Fresh Farms." Your affiant's review of the SEC's Analyses and the Bank Records reveals only one check from Circle Fresh Farms at any time between 2011 and 2013 across the bank accounts of FusionPharm and the Sears Controlled Entities – for $30.60 in 2012. Accordingly, Circle Fresh Farms did not generate any revenue for FusionPharm in 2011.

41. Moreover, CW-2 estimated that FusionPharm only made $3,000 - $5,000 in organic produce sales from 2011 through 2013. Your affiant's review of the Bank Records along with the SEC Analyses of the same corroborates the statements made by CW-2. Your affiant found, and the SEC Analyses confirmed, that there was less than $4,000 worth of organic produce sales across the bank accounts of FusionPharm and the Sears Controlled Entities – and those sales were all in 2012 and 2013. Once again, these sales could not be a basis for claimed 2011 revenue.

42. Furthermore, your affiant's review of the Bank Records and the SEC's Analyses regarding the same provide no evidence of any FusionPharm sales of PharmPods to third parties in 2011. Of the almost $600,000 of incoming funds into FusionPharm's bank account in 2011, nearly 100% of the funds can be traced to: (a) the Sears Controlled Entities; (b) cash or cashier's checks deposits; or (c) investor deposits. I have reviewed the SEC Analyses of the Bank Records, wherein the SEC was able to trace the majority of cash deposits and cashier's checks directly back to a corresponding withdrawal from one of the accounts for the Sears Controlled Entities for the same dollar amount on the same day. Your affiant's review of the Bank Records confirms these findings.

43. To ensure that payments from third party customers were not made to one of the Sears Controlled Entities, your affiant reviewed the SEC Analyses concerning the incoming wires and deposits into the Sears Controlled Entities' accounts for 2011. Your affiant found no evidence of any FusionPharm PharmPods sales to third parties in 2011 based upon the following: (a) Sears did not open VertiFresh's bank account until 2012; (b) The Meadpoint account only had a single $100 deposit into the account during 2011

from another Sears Controlled Entity; and (c) Bayside's account was almost wholly funded from incoming wires and deposits from Microcap.

44. Microcap, meanwhile, received over $1.2 million in incoming wires and deposits in 2011. Of that amount, approximately 99% came from wire transfers. Based on my review of the Bank Records and Brokerage Records, these wire transfers originated from Microcap's brokerage account. The Brokerage Records confirm that nearly all of the money coming into Microcap's brokerage account in 2011 came from sales of FusionPharm common stock. The remaining 1% that came into Microcap's bank account is 2011 was comprised almost entirely of a single deposit from Bayside.

45. As a result, there is no evidence that the money coming into FusionPharm's accounts or the accounts in the name of the Sears Controlled Entities was the result of legitimate sales of produce or PharmPods. Rather, the source of the money appears to the sale of FusionPharm stock, which was then funneled between and among the Sears Controlled Entities.

MISREPRESENTING SALES REVENUE IN 2012

46. In its 2012 Annual Report, FusionPharm represented that its net revenues for the year ended December 31, 2012 were $808,398 an increase of 250+% compared to 2011. When asked if these figures seemed accurate, CW-2 said this revenue figure was "impossible" as the most revenue that could have come into FusionPharm from PharmPod sales in 2012 was $160,000. CW-2 was aware of only one deal in 2012 to a customer in Arizona for eight PharmPods. CW-2 helped load the PharmPods for delivery. CW-1 said these figures were "bullshit" and "crazy." Based on your affiant's

review of the Bank Records and SEC Analyses regarding the same, FusionPharm did make anywhere close to $825,594 – or even $160,000 – in revenue in 2012.

47. In comparison to 2011, the 2012 Annual Report did disclose significant accounts receivable – over $500,000. Accordingly, your affiant and the SEC analyzed the Bank Records to determine if there was evidence to support approximately $300,000 in incoming revenues in 2012.

48. Based on your affiant's review of the Bank Records and the SEC's Analyses regarding the same, FusionPharm had approximately $400,000 in incoming wires and deposits into its accounts in 2012. As in 2011, nearly 100% of the funds can be traced to: (a) Sears Controlled Entities; (b) cash or cashier's checks deposits; or (c) investor deposits. As with 2011, the SEC was able to trace most of the cash deposits back to corresponding cash withdrawals at other Sears Controlled Entities. Your affiant reviewed the Bank Records and the SEC's Analysis on this point and corroborated this conclusion.

49. The SEC and your affiant also reviewed the Bank Records for the Sears Controlled Entities in 2012. The Meadpoint and VertiFresh accounts in 2012 had a very similar pattern – significant deposits and wires coming in to the accounts from other Sears Controlled Entities with little-to-no evidence of any incoming deposits or wires coming into the account from unaffiliated third parties. Consistent with 2011, the majority of the funds coming in to the VertiFresh and Meadpoint accounts were from Bayside and Microcap. More importantly, your affiant's review of the Bank Records reveals evidence of only one possible third-party sale of a PharmPod, with

approximately $70,000 worth of incoming deposits and wires potentially related to this transaction.

50. In turn, your affiant and the SEC analyzed the Bayside and Microcap accounts in 2012. Based on your affiant's review of the Bank Records and the SEC Analyses regarding the same:

a. Bayside received more than $500,000 in deposits and incoming wires in 2012. Of that amount, more than 80% of the incoming funds came from Microcap Management or William Sear's personal accounts. The remaining deposits were from Sears Controlled Entities, cash or investors. Importantly, there was not any evidence of third-party purchases of PharmPods.

b. Microcap had more than $550,000 in deposits and incoming wires in 2012. Of that amount, your affiant and the SEC traced more than 85% of those funds back to Microcap's brokerage accounts. Based on your affiant's review of the Brokerage Records and Blue Sheet Data, Microcap made all of its money in its brokerage accounts between January 2012 and August 2012 selling FusionPharm stock. Based on your affiant's analysis of the Blue Sheet Data, as well as the SEC's Analyses of the same, it appears that Microcap continued this practice throughout the remainder of 2012 in a different brokerage account. The remaining 15% of incoming deposits and wires in Microcap's account came from FusionPharm investors and cash. Once again, there was not any evidence of a third-party sale of PharmPods.

51. Based on my review, investigation and analysis above, the money coming into FusionPharm's and the Sear Controlled Entities' bank accounts was ultimately the result of Microcap selling FusionPharm stock on the open market, and re-circulating portions of those proceeds to the other Sears Controlled Entities.

RESTATEMENT TO 2012 SALES REVENUE STILL INCLUDES MISREPRESENTATIONS

52. On April 15, 2014, FusionPharm issued its 2013 Annual Report, which included a restatement of 2012 annual revenue, reversing $500,000 of 2012 revenue. The newly stated revenue with the reversal was $308,398. The restatement clarified that $750,000 of initial claimed revenue was purportedly attributable to an "exclusive licensing arrangement with [VertiFresh] for the use of PharmPods growing technologies for agricultural products."

53. The restatement claimed that VertiFresh paid $250,000 in 2012 in connection with the purported licensing agreement mentioned above, but that the remaining $500,000 was reflected as revenue in error under GAAP. With the restatement, FusionPharm claimed that it only made an additional $58,398 ($308,398 - $250,000) outside of the licensing revenue from VertiFresh – a figure far more consistent with actual 2012 PharmPod sales based on your affiant's review of the Bank Records, statements made by CW-2 and CW-1 and the SEC's Analyses.

54. However, based on my review of the SEC Produced Records, the SEC Analyses and your affiant's experience and background in accounting, the reported revenue remains inaccurate for at least three reasons:

What background in accounting? What experience?

a. First, as detailed herein ¶¶68-72, nowhere in the Restatement does FusionPharm disclose that VertiFresh is an affiliate owned, operated and controlled by Sears, a FusionPharm control person.

b. Second, even if the revised $250,000 figure could be a legitimate third party transaction, and even if the revenue could be properly recognized under GAAP, FusionPharm misrepresented the basis for possibly recognizing this amount as revenue. In Note 4 to FusionPharm's 2013 Annual Report, FusionPharm claims that "The restatement was based on reevaluating the arrangement with VertiFresh which required $250,000 be paid during 2012 for the licensing of the Colorado territory (on a nonrefundable basis), and the remaining $500,000 to be due in equal installments of $250,000 during 2013 and 2014 for the rights to two additional territories. The initial $250,000 was paid during 2012 and was reflected as earned revenue. Yet, according to the SEC analyses of the Bank Records, and my review of the same, VertiFresh only contributed approximately $128,000 in deposits and wires to FusionPharm in 2012.

c. Third, CW-2 said that FusionPharm did not sell any licenses or receive any licensing income while she worked at FusionPharm, which includes 2012.

MISREPRESENTING 2013 SALES REVENUE AND BUSINESS DEALS

55. In its 2013 Annual Report, FusionPharm claimed that it made $594,397 in revenue in 2013. Based on your affiant's review of FusionPharm's 2013 Annual Report, FusionPharm did not have any accounts receivable at the end of 2013. In an email

conversation with UC-1 on April 30, 2014, Dittman confirmed the 2013 revenue was all from the sale of PharmPods. In a subsequent meeting on May 1, 2014, Dittman stated that FusionPharm delivered 34 PharmPods in 2013.

56. CW-1 said that it was "impossible" that the company could have earned these revenues in 2013. Although CW-1 only worked at FusionPharm until October 2013, your affiant's comparison of FusionPharm's September 2013 quarterly financial disclosure comparison, which claimed a cumulative revenue figures of $549,725 through the company's third quarter, with the year-end revenue claimed in FusionPharm's 2013 Annual Report, $594,397, reveals that FusionPharm only claimed to make $44,672 in revenue in the last quarter of 2013. Accordingly, the bulk of the revenue purportedly came during the time that CW-1 worked at FusionPharm.

57. Furthermore, there were only three PharmPods at the warehouse when CW-1 arrived in January 2013: (a) two were used to grow lettuce; and (b) one was not functioning. Additionally, according to CW-1, there were not any deals in place to sell any PharmPods in 2013 when he started. Throughout 2013, CW-1 was responsible for: (a) preparing PharmPods for sales to customers; and (b) constructing the PharmPods kept at the warehouse where FusionPharm would grow cannabis. This meant that any FusionPharm PharmPod 2013 sales required CW-1 to be involved in the refurbishing and retrofitting of the shipping containers prior to delivery. CW-1 did not believe it was possible for FusionPharm to have sold anywhere close to 34 PharmPods while he was employed without his knowledge.

58. According to CW-1, there were two possible revenue sources in 2013: (a) sales of PharmPods; and (b) sales of marijuana. CW-1 said that the most revenue that

Fusion never sold Marijuana!

could be derived from PharmPod sales in 2013 was $200,000-$250,000 – and CW-1 stated that those figures were a high estimates. CW-1 identified, at most, two possible sales between January – October 2013: (a) FusionPharm sold two PharmPods to a customer in California; and (b) FusionPharm sold five PharmPods to Local Products, a Denver company.[8]

a. CW-1 said there might have been an additional, single PharmPod sale to Mile High Green Cross in 2013, but he could not be sure. Dittman told CW-1 that FusionPharm "gave away" a PharmPod to Mile High Green Cross so CW-1 was not sure that this could be classified as a "sale." Based on your affiant's review of the Bank Records, Mile High Green Cross did provide funds to Meadpoint – but this was in 2012. There is no evidence that Mile High Green Cross made any payments to FusionPharm or the Sears Controlled Entities in 2013.

59. Based on the statements from CW-1, FusionPharm did not sell more than 7 PharmPods between January – October 2013. Yet FusionPharm continued to make representations to the contrary to the public. For example, on February 6, 2013 the company issued a press release claiming it "completed the sale of 8 PharmPod High Intensity containers under its licensing agreement with Meadpoint Venture Partners." CW-1 said there were multiple problems with this: (a) since Dittman and Sears operated the Sears Controlled Entities and FusionPharm as one entity, this release was basically claiming a sale to itself; and (b) as noted above, CW-1 could recall, at most, 7 PharmPod sales *total* in 2013.

[8] As noted in ¶8, CW-1 originally complained that FusionPharm had not made any sales during his time with the company. CW-1 has revised that statement to match the sales highlighted in ¶58.

60. Additionally, Sears's company, Meadpoint directly participated in the misrepresentations. For example, on July 29, 2013, Meadpoint issued a press release that appears on the FusionPharm web page announcing that it "reached the $200,000 mark for sales in the past 30 days, including its first ever sale into the California medical cannabis marketplace." The press release also claimed that Meadpoint was "optimistic that we will reach our annual sales goal of 100 PharmPods by the end of the year." CW-1 said that delivering 100 PharmPods to customers in 2013 was "ridiculous" and not even close to actual figures. Moreover, CW-1 said that the $200,000 figure may have been an annual amount, but certainly not in the last 30 days. Furthermore, based on affiant's review of the Bank Records, there is no evidence of $200,000 coming in to FusionPharm's or Meadpoint's bank accounts between June 2013 and July 2013 from companies that are not affiliated with Sears or Dittman.

61. For the second possible revenue stream, FusionPharm grew cannabis and sold it to Groundswell, a licensed marijuana retailer on record with the Medical Marijuana Enforcement Division in Colorado, in the latter part of 2013.

62. Based on your affiant's review of the Bank Records, SEC's Analyses of the same, and CW-1's statements, there is little evidence that Groundswell made up the remainder of the claimed 2013 revenue. In fact, there is only one check or incoming wire from Groundswell in 2013: a $50,000 check to FusionPharm on August 15, 2013.

63. While your affiant observed some significant transactions in the fourth quarter of 2013, Dittman told UC-1 a portion of the December orders were not recognized as revenue because they were not yet delivered. FusionPharm's 2013

Annual Report confirms this statement. Importantly, as noted above in ¶56, FusionPharm made, at most, $44,672 in revenue in the last quarter of 2013.

64. For the first three quarters of 2013 when CW-1 worked at FusionPharm, based on your affiant's review of the Bank Records and SEC's Analyses regarding the same, as well as statements from CW-1, there is no evidence that FusionPharm made $549,725 or sold 34 PharmPods.

ADDRESSING CONCERNS OF CASH PAYMENTS

65. Dittman told UC-1 on May 1, 2014 that one of FusionPharm's vendors made cash payments between 2011 and 2013. In an effort to ensure that cash payments were not dismissed as a potential legitimate revenue source, the SEC conducted an analysis of FusionPharm's bank accounts and the accounts in the name of the Sears Controlled Entities to determine if a conservative analysis of the cash transactions could provide sufficient revenue to match the numbers claimed by FusionPharm in its financial disclosures.

66. Even after including all cash deposits that could not be directly traced back to a corresponding withdrawal from an affiliated Sears Controlled Entity account, based on a review of the Bank Records and SEC Analyses regarding the same, your affiant was unable to get anywhere near the revenues that FusionPharm included in the Financial Statements for 2011, 2012 or 2013.

a. 2011: Your affiant found less than $25,000 worth of incoming deposits and wires that could be considered from unaffiliated third parties.

b. 2012: Your affiant uncovered approximately $200,000 in incoming wires and deposits. Of that amount, approximately $128,000 came from

VertiFresh (discussed above in ¶¶ 52-54), approximately $35,000 in cash and approximately $47,000 from Bayside, MeadPoint and a missing check with the notation "container deposit."

c. 2013: Your affiant uncovered approximately $425,000 in incoming wires and deposits in 2013. More than 50% of this amount was cash deposits, with many of these traceable back to Meadpoint. The majority of the remaining checks were from Sears Controlled Entities.

67. Accordingly, even if it were to be assumed that every cash deposit which could not be traced back to a corresponding withdrawal from an affiliated Sears Controlled Entity account was the byproduct of a legitimate, arms-length transaction, the maximum possible revenue under my conservative approach was still more than $100,000 short every year of the revenue claimed by FusionPharm.

OTHER MISREPRESENTATIONS TO INVESTORS

68. As noted in ¶¶19-20 above, Sears handled numerous responsibilities at FusionPharm that are often reserved for a company officer. Yet, based on statements from CW-1 and CW-2, Sears refused to put his name on any FusionPharm documents or accounts. Rather, Sears attempted to get FusionPharm employees (including CW-1 and CW-2) to open up bank accounts and businesses in their names.

69. Based on affiant's review of the FINRA Records, Dittman authored FusionPharm's press releases and reviewed its financial statements. Yet, based on affiant's review of the same, Dittman never made any disclosures about Sears's involvement with FusionPharm or the connection between Sears, the Sears Controlled Entities and FusionPharm.

70. By way of example, based on affiant's review of FusionPharm's Financial Disclosures dating back to 2012, FusionPharm has repeatedly emphasized that the vast majority of its PharmPod sales are through Meadpoint and VertiFresh. FusionPharm claimed in its 2012 Annual Report that 100% of its 2012 revenue came from Meadpoint and VertiFresh. Yet, there is no disclosure anywhere in the financial disclosures dating back to 2012 that Sears controlled and operated these entities while handling the responsibilities detailed in ¶¶19-20, above. Additionally, according to CW-1, he never heard Sears or Dittman disclose to investors that Meadpoint and VertiFresh were being run by themselves.

71. Moreover, based on affiant's review of multiple FusionPharm Financial Disclosures throughout 2012, FusionPharm repeatedly represented a lack of inside or related parties that had "any material interest, direct or indirect, in any transaction with [FusionPharm] or in any presently proposed transaction that has or will materially affect" the company, including (1) any executive officer; (2) any person who beneficially owns, directly or indirectly, shares carrying more than 5% of the voting rights attached to our outstanding shares of common stock; and (3) any member of the immediate family (including spouse, parents, children, siblings and in-laws) of any of the foregoing persons." According to CW-1 and CW-2, and based on your affiant's review of FusionPharm's 2012 Financial Disclosures and the SEC Produced Records:

a. Sears is not listed as an officer;

b. Through the Sears Controlled Entities, Sears indirectly owned more than 5% of FusionPharm's common stock shares in 2012. Based on affiant's review of the Transfer Agent Records, the Sears Controlled Entities

10% NOT 5% → NO CONCEPT of Public Markets

Exhibit - SB-1

Letter dated 6-20-14 From Scott Dittmans Lawyer William Taylor to Ken Harmon. This confirms the Prosecutions initial theory of a money laundering Ponzi scheme. This was a result From a meeting in May of 2014 Whereas the government flat out stated "We know they Never sold a can"

Strangly enough I had just sent 13 units to Canada 5 months Before. US Customs comes to mind as a verification Source?

Once again who to second guess the Wife of TMarkus Funk!

SIDEMAN & BANCROFT

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Admitted only in Colorado & the District of Columbia
wtaylor@sideman.com
(415) 733-3995

June 20, 2014

VIA HAND DELIVERY

AUSA Kenneth Harmon
United States Attorney's Office
District of Colorado
1225 Seventeenth Street, Suite 700
Denver, CO 80202

Re: Scott Dittman / Fusion Pharm, Inc.

Dear Ken:

During our recent meeting together, you suggested that I take a hard look at the sales revenues for Fusion Pharm, Inc. As promised earlier this week, with this letter I am transmitting to you a compilation of documents yielded by our preliminary efforts to review transactions for sales of pods manufactured by Fusion Pharm since 2011.

By my count, the attached records and materials document a total of sixty seven (67) pods sold. Fifty nine (59) pods appear to have been delivered to buyers, and eight (8) have yet to be delivered.

Attached hereto you will find a series of tabs, each of which corresponds to a customer of the company during that period, and under which you will find records or other evidence documenting such sales transactions. The records attached are not complete - - the government has seized most of the company's records, so it has been difficult to assemble complete records sets for each sale. What you will find, however, depending on availability of records for various transactions, are copies of proposals, contracts, excerpts of bank records, copies of checks, shipping, customs, and inspection documents, and photographs of pods. In most cases, signed copies of documents were not available because the government seized the signed copies, so we have had to make do with copies attached to email messages. Most of these records came from Scott Dittman's email records, banking records available online, or from Fusion Pharm customers who were interviewed by my investigator, and who sent us photos of pods or records upon my investigator's request.

I apologize that it has taken us a couple of weeks to put together this (admittedly incomplete) set of documents evidencing these sales transactions, but you have the company's records, and I needed to hire an investigator to conduct interviews of customers. Even though the records are not complete, I am fairly well satisfied that the company sold north of five dozen pods, and got paid for them, either directly by the purchaser, or by Mead Point, the company publicly disclosed as the contract sales agency for Fusion Pharm.

I confess that in light of what we have been able to document readily even without the benefit of the company's full business records (with more substantiation available from public sources), I am puzzled as to why the government would believe that these sales had not taken place. I would like to discuss the matter further with you when you have time.

Very truly yours,

William L. Taylor

Enclosures

cc: Ian Karpel, Assistant Director
United States Securities and Exchange Commission

Exhibit - PD - 1 thru 5

These are comments made by Investors in a online Public forum. You will notice the are saying the opposite of what Agent Funk attests to. Fusion Pharm did 10 Press Releases in 4 years. In a Pump & Dump 4 to 8 Press Releases are done in a month or 2.

falsified quarterly and annual financial disclosures and press releases ("the pump") in order to increase and/or sustain the price of the common stock of FusionPharm, thereby allowing them to make millions of dollars when dumping their company's stock in the secondary OTC market ("the dump"); and

b. Evidence and instrumentalities of these crimes, as described in Attachment B, are likely to be located at the Subject Premises.

s/Kate E. Funk
Kate E. Funk, Special Agent
Federal Bureau of Investigation

Reviewed by Scott T. Mascianica, Special Assistant U.S. Attorney, and submitted by Kenneth M. Harmon, Assistant U.S. Attorney.

Sworn telephonically and signed electronically on this 15th day of May, 2014 at Denver, CO.

UNITED STATES MAGISTRATE JUDGE

talisman49

Followed By	1
Posts	114
Boards Moderated	0
Alias Born	04/10/13

talisman49 Monday, 04/21/14 02:41:59 PM

Re: strategicinvest post# 5942

Post # 5943 of 9502

Go

the lack of PR is the reason why you know FSPM isn't bs.

if the company was trying to pump and dump its shares on investors, it would be coming out with daily/weekly non-substantial, bs PRs. FSPM doesn't do that. it only reports real news.

patience is the key here. i'm long. this company will be $10+

FUSION MANAGEMENT: Put out a pr already. Us

sunnyrn

Followed By	0
Posts	79
Boards Moderated	0
Alias Born	03/18/14

sunnyrn

Monday, 04/21/14
04:05:14 PM

Re: None

Post # 5945 of 9502 Go

FUSION MANAGEMENT: Put out a pr already. Us shareholders have no idea what you are doing. New shareholders wont discover your company.
So aggrevating!!!!!!!!!!!!!!!!!!

Which stock are you referring to? FSPM rarely

WinnerAlright	
Followed By	16
Posts	444
Boards Moderated	0
Alias Born	04/07/14

WinnerAlright Tuesday, 04/22/14 08:59:17 PM

Re: Jarnism post# 6046

Post # 6048 of 9502 Go

Which stock are you referring to? FSPM rarely even puts out PR's for significant news, let alone "fluff" PR's.

FSPM as far as PRzz go are very

stockseekerok

Followed By	762
Posts	88,596
Boards Moderated	2
Alias Born	03/13/04

stockseekerok Tuesday, 04/22/14 09:38:36 PM

Re: WinnerAlright post# 6048

Post # 6050 of 9502 Go

FSPM as far as PRzz go are very lacking in Fluff, Most do not really even detail enough to grasp what the Company has done or is doing, I suspect some Teaching on PR writing would serve FSPM very well.

The PRz are very short and to the Point, I personally would like to see more details about what the company is doing and progress reports . I mean Geez they didnt even PR the Tacoma Show of the 5th and 6th. I think that was a big missed opportunity for would be investors near the Tacoma area to go and check them out, But hell no one really knew about it LoL

Exhibit - BLH - 1

This is a letter sent to the second in command at the DOJ. It details Fred Lehrers Purgery and Tod D Tomasso's Purgery. Still no investigation - Just the malicious prosecution and use of testimony the government knew to be purgered against me.

Please note at this time no one had ever seen Fred Lehrers purjured 302s that were withheld till October of 2020.

XXXXXXXXXXXXXXXXXXXXXXXXX.

Attorneys Counselors Consultants

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

www.xxxxxxx.com

April 24, 2017

Matthew Kirsch
United States Attorney
Department of Justice
1801 California Street
Suite 1600
Denver Colorado 80202

Re: Kenneth Harmon

Dear Mr. Kirsch

My name is xxxxxxxxxxxxxx. I am a securities attorney admitted to and in good standing with the xxxxxxxState Bar. I routinely handle matters before the Securities and Exchange Commission (the "SEC") and have had a long history of satisfactory dealings with the SEC and Federal Bureau of Investigation. I bring these matters to your attention and respectfully request that you investigate the handling of the case Fusion Pharm, Inc, ("FSPM") Guy M. Jean-Pierre ("Jean-Pierre'), Scott Dittman ("Dittman"), William Sears ("Sears"), Tod Ditommaso ("Ditommaso") and Frederick M. Lehrer ("Lehrer"), by Assistant United States Attorney, Kenneth Harmon.

I was a whistleblower to the SEC and Department of Justice in connection with a matter captioned Securities & Exchange Commission v Big Apple Consulting USA et al (Civil Action No. 09-cv-1963 (M.D. Fla.) (JA). In connection with that matter, among other things I was approached by Marc Jablon ("Jablon") and Mark Kaley ("Kaley") who controlled a stock promotion firm known as Big Apple Consulting to engage in criminal activity as lawyer for an issuer and its principal. Jablon, Kaley, and Big Apple Consulting are referred to herein as "Big Apple". I refused to engage in the crimes proposed. This advice included that opinions rendered by Jean-Pierre were baseless and unlawful. The client became a whistleblower to the SEC and provided the SEC and FBI with information about Big Apple. In the course of my review of the Big Apple matter, I found hundreds of penny stock companies/tickers manipulated by Big Apple. In connection therewith, Jean-Pierre and other complicit attorneys provided baseless opinions as to the legality of the transactions.

It also is clear that because of the mishandling of the Big Apple and FSPM investigations by Kenneth Harmon, I will never have retribution.

After the baseless civil suit and Florida Bar complaint filed against me by Big Apple were dismissed, I was asked to be a government witness during the penalty phase of the case against Big Apple to discuss the retaliation I endured. During the Big Apple matter, I was represented by another lawyer and Lehrer who assisted me in reporting issuers, attorneys including Jean-Pierre and other Big Apple associates to regulators. I have not had meaningful communications with Lehrer for almost five years because of among other things, his long history of erratic and unethical behavior and abuse of prescription drug medication.

My referrals resulted in the discovery and reporting of Jean-Pierre's forgery of more than 100 baseless legal opinions. It also resulted in an SEC judgment against him in the Southern District of New York (Civil Action No. 12-CV-8886). The referrals also led to enforcement actions by FINRA against two brokerage firms who accepted the forged opinions, one of which was expelled from the industry, SEC actions against issuers and other attorneys.

that matter. These are "Tradability Opinions" to remove legends from shares so that they can be sold to investors and the "Disclosure Opinions" which relate to the adequacy of the information a public company provides to investors. Disclosure Opinions are posted on the OTC Markets and viewable by the public at large to inform investors that a company's disclosures comply with federal securities laws.

In defense of the bar grievance against Jean-Pierre, he provided a statement from Dittman, the president of FSPM (Available upon request). Complainant and Lehrer's referral of Jean-Pierre to the Florida Bar resulted in his disbarment as well as other investigations. (Supporting Documents Available upon request).

From November 2010 until June 2013, Jean-Pierre was a corporate officer and legal counsel for FSPM and Dittman is its Chief Executive Officer and sole director. Sears is Dittman's brother-in- law, and a consultant for and shareholder of FSPM.

During his representation of Complainant, Lehrer as Complainant's attorney, assisted her in reviewing the opinions and disclosures of Jean- Pierre's clients that were listed on the OTC Markets website at www.otcmarkets.com. This was done to evaluate the Disclosure Opinions rendered by Jean-Pierre.

In late 2012, Complainant and Lehrer had a falling out and have not had meaningful communication since such time. During and after his representation of Complainant, Lehrer, repeatedly disclosed confidential attorney-client privileged information about Complainant, including the bar grievance against her which was dismissed with a finding of no probable cause.

Shortly after his falling out with Complainant, Lehrer became counsel to Dittman, Sears and FSPM. Lehrer was engaged to draft FSPM's Tradability Opinions and Disclosure Opinions. At no time did Lehrer obtain a conflict waiver from Complainant as to his representation of FSPM, Sears or Dittman despite that he provided legal advice to Complainant concerning FSPM and Jean-Pierre's other clients.

From the inception of his representation of Sears, Dittman and FSPM, Lehrer was dishonest. For example, on August 28, 2013, Lehrer sent an email to Sears, with a link to the SEC enforcement action against Jean-Pierre, asking if Jean-Pierre was still involved with FSPM. At no time did Lehrer discuss his role as Complainant's attorney or advise Sears that he had assisted Complainant in reporting Jean-Pierre to the Florida Bar, SEC or FBI in connection with his baseless legal opinions and forgeries. Further, Lehrer did not obtain a conflict waiver from Sears. Lehrer rendered at least 19 Tradability Opinions for FSPM's shares and rendered a Disclosure Opinion (Available upon request).

In May of 2014, the SEC suspended trading of FSPM's shares. Dittman, Sears and Jean-Pierre were indicted. Sears and Dittman's indictments stem from the public disclosures and stock sales opined upon by Lehrer.

Lehrer was asked to testify at the SEC about FSPM. In connection with his proposed testimony, Lehrer requested that Sears waive the attorney client privilege and they agreed believing that Lehrer would testify truthfully about the advice he had provided to them. At no time did Lehrer disclose to Sears and Dittman that he had represented Complainant in the referral of Jean-Pierre to the Florida Bar, SEC and FBI. Further, Lehrer did not disclose to Sears and Dittman that the Assistant U.S. Attorney in their case was his former supervisor for 4 years and personal friend, Kenneth Harmon.

Lehrer failed to provide Sears with information necessary for him to have provided "informed consent" as to the waiver of the attorney-client privilege. Further, Lehrer failed to obtain a waiver of his conflict of interest from Complainant, FSPM and Sears.

Lehrer also failed to obtain a waiver of the attorney client privilege from Complainant despite that Jean-Pierre (FSPM's corporate officer). Dittman and FSPM had been an adversarial party to her in a matter

where Lehrer represented her.

The Tradability Opinions

The SEC pleadings discuss the significance of the Tradability Opinions of FSPM:

> "First, utilizing backdated convertible notes and preferred FSPM stock, FSPM issued common stock to three entities controlled by Sears. Second, Sears, through these entities, illegally sold the FSPM stock into the market. Third, Sears transferred some of the proceeds from the illegal stock sales back to FSPM, where the money was fraudulently recognized and reported as revenue. Fourth, FSPM issued press releases and financial reports claiming the false revenues, and failed to disclose Sears' identity, role, and background in FSPM's quarterly and annual reports posted on the OTC Markets Group, Inc.'s website." in FSPM's quarterly and annual reports posted on the OTC Markets Group, Inc.'s website... ***In order to ensure that his entities could sell their FSPM shares without a restrictive legend, Sears needed attorney opinion letters opining that Microcap, Bayside and Meadpoint were not affiliates of FSPM, and consequently opining that the transactions were exempt from the registration requirements of Section 5 of the Securities Act [15 U.S.C. § 77(e)].***"

Between approximately August 2013 and April 2014, Lehrer provided at least 19 attorney opinion letters as to the tradability of FSPM shares (Opinions available upon request). Lehrer's opinions covered almost all of the shares sold in the FSPM scheme. Without Lehrer's opinions, investors would not have been able to purchase FSPM shares and would not have been harmed. According to pleadings filed by the SEC, FSPM caused approximately $12 million of investor losses from approximately 5,575,000 shares unlawfully sold using baseless legal opinions. The chart below demonstrates the significance of Lehrer's opinions:

Date	Name	No. of Shares
8/28/2013	Myron Thaden	500,000
8/28/2013	Sharryn Thaden	500,000
8/28/2013	Richard Scholz	500,000
9/10/2013	Black Arch Opportunity Fund LP	28,562
9/10/2013	Starcity Capital LLC	313,703
9/12/2013	Starcity Capital LLC	313,703
9/12/2013	Black Arch Opportunity Fund LP	28,562
1/6/2014 0	Meadpoint Venture Partners	800,000
1/16/2014	Alexandra Mauriello	61,437
1/16/2014	Vera Group, LLC	29,625
1/16/2014	SGI Group LLC	29,625
1/23/2014	Vera Group, LLC	29,625
1/23/2014	SGI Group LLC	29,625
1/23/2014	Alexandra Mauriello	61,437
2/14/2014	Meadpoint Venture Partners from $88,000 Note	600,000
3/4/2014 0	Craig Dudley	20,000
3/6/2014 0	Meadpoint Venture Partners from $88,000 Note	370,000
3/26/2014	Meadpoint Venture Partners from $88,000 Note	600,000
4/16/2014	Meadpoint Venture Partners from $88,000 Note	900,000
	Total Shares Opined Upon By Lehrer	5,715,904

Lehrer's Testimony

Lehrer's representation of Complainant spanned years and involved thousands of pages of materials. In his sworn SEC testimony, Lehrer lied about how he learned that Jean-Pierre had been banned from issuing opinion letters and stated it was "through a computer search, not necessarily in reference to him in particular, you know, but banned opinion writers." (Exhibit A at 96:8-98:24.) In stark contrast to that statement, Lehrer described, in an August 7, 2011 declaration signed under penalty of perjury, Guy Jean-Pierre's forgeries. (Exhibit B.) In his October 16, 2011 declaration, Lehrer states that he "assisted substantially with drafting the [bar] grievances filed against Jean-Pierre ..." (Exhibit C at ¶11.) In email communication on August 28, 2013, a mere 4 minutes after Sears first introduces him to FSPM/FSPM, Lehrer refers to an SEC.gov link and asks Sears whether Jean-Pierre is still the Secretary. (Exhibit D.) The SEC link was to the Jean-Pierre case which Lehrer assisted the Complainant in investigating and reporting to the FBI, SEC and Florida Bar. Even then Lehrer did not come clean and advise Sears of his conflict of interest and he did not obtain a conflict waiver from Complainant, FSPM or Sears.

Lehrer's representation of FSPM, Sears and Dittman interfered with the whistleblower referrals to regulators that Complainant made with Lehrer's assistance. Complainant lost all credibility in those proceedings because of Lehrer's double dealings.

In his SEC testimony, Lehrer admitted that he knew that Sears controlled Meadpoint during the time Lehrer was issuing tradability opinions. (Exhibit E at 316: 8-16). Lehrer lied in his testimony and stated that he did not know that Sears had transferred control of Meadpoint to his mother, Sandra Sears, until April 2014 (Exhibit F at 282:15 - 284:9; Exhibit G at 316:19 - 317:20), that claim is belied by, among other things, an October 22, 2013 email in which Sears told Lehrer "FYI no conflict with Meadpoint *as a family member out of state owns the company.*" (Exhibit H) (emphasis added). Sears also stated in that email that the ownership change would be reflected on the Nevada Secretary of State's website. Consistent with that statement, the Nevada Secretary of State's website identifies Sandra Sears as Meadpoint's only officer. (Exhibit I).

Lehrer stated in his SEC testimony that he learned from a newspaper article after DOJ's raid of FSPM's office that Sears had a prior criminal conviction for securities fraud. (Exhibit K at 236: 15-23.) Lehrer's other testimony on that subject, however, made clear that he knew about Sears' conviction long before that. (Exhibit L at 71:23-74:21; Exhibit M at 231:19-236:14). An October 10, 2013 email exchange, in fact, shows Lehrer and Sears discussing that very issue. (Exhibit N.)

Lehrer even instructed Sears to sign his name on legal opinions used to create the shares that the SEC says were unlawfully sold. (See Exhibit 0)

> "OK My scanner is not working If the latest draft covers it, can you sign my name similar to how I signed the other opinion letters?"

FSPM did not disclose in its OTC Markets Annual Report that Sears and/or his mother controlled Meadpoint and that Sears had a criminal conviction. Despite that Lehrer had knowledge that Sears and or his mother controlled Meadpoint and Sears had a criminal conviction, Lehrer rendered a Disclosure Opinion (Exhibit J) that states that FSPM's disclosure:

> (i) constitutes "adequate current public information" (the "Information") concerning the Securities and the Issuer and "is available" within the meaning of Rule 144(c)(2) under the Securities Act, (ii) includes all of the information that a broker-dealer would be required to obtain from the Issuer to publish a quotation for the Securities under Rule 15c2-11 under the Securities Exchange Act of 1934, as amended, (iii) complies as to form with the OTC Markets Group's OTC Pink Disclosure

Guidelines, which are located on the Internet at www.otcmarkets.com, and (iv) has been posted through the OTC Disclosure and News Service.

To fully explain Lehrer's conflict, a timeline of the overlapping referrals of Complainant and the indictment and SEC charges against Sears, Dittman and FSPM is below:

- On March 29, 2013, the SEC received penalties against Marc Jablon in the case in which Lehrer represented Complainant. Jean Pierre was general counsel to Jablon and provided baseless legal opinions many of which were forged.
- In August 2013, begins representing Sears, Dittman and FSPM where Jean-Pierre was a corporate officer and general counsel.
- In approximately September of 2013, the SEC and FBI in Denver begin investigating FSPM.
- On January 13, 2014, Jean-Pierre is disbarred by the Florida Supreme Court based upon Complaint's referral – Lehrer was Complainant's attorney.
- In May of 2014, the Denver SEC suspended trading of FSPM.
- On January 29, 2015, Lehrer provided testimony in the Denver SEC case.
- On March 9, 2015, the New York SEC obtained a civil judgment and life time penny stock bar against Jean-Pierre in connection with his forged opinions that Lehrer assisted Complainant in reporting.
- On May 29, 2015, Lehrer provided testimony a second time in the Denver SEC case.
- On August 16, 2016, FINRA filed a case against Delaney Capital, the broker-dealer who accepted Jean-Pierre's forged opinions based upon Complainant's referral that Lehrer had assisted Complainant in investigating and reporting.
- In September of 2016, Sears and Dittman were indicted for securities fraud by the U.S. Attorney's Office in Denver.
- On December 15, 2016, FINRA entered into a settlement with Gary Hume and ACAP financial who accepted the forged opinions of Jean-Pierre that Lehrer had assisted Complainant in investigating and reporting.

Lehrer should be sanctioned for his myriad of conflicts and dishonest behavior particularly the lies in his SEC testimony. His testimony "evade[d] the proper functioning of the legal system[,which] has been found to constitute clearly dishonest conduct that adversely reflects on a lawyer's fitness to practice law" Fla. Bar v. Cohen, 908 So.2d 405, 411 (Fla.2005). His flagrant abuse of the law demonstrates a serious character flaw and merits a severe sanction such as disbarment. The harm to the public is demonstrated by the harm he caused Plaintiff's ongoing whistleblower referrals, the approximately $10 million of investor losses caused by Lehrer's baseless FSPM tradability opinions and the indictment of Sears and Dittman who relied upon Lehrer's advice.

I respectfully request that you take appropriate action against Lehrer.

Thank You,

. For the Firm

EXHIBIT A

letters or whether they were denoted for a retainer for FusionPharm, I don't recall. But I -- but the import of the statements – of the statement was that, you know, you're hired, and in my mind it was FusionPharm.

Q Okay.

MR. KARPEL: Kim, let's go off the record for a moment.

(Short recess from 10:22 a.m. to 10:28 a.m.)

MS. GREER: Let's go back on the record, please, at 10:28, a.m.

BY MS. GREER:

Q Mr. Lehrer, during the break, did we have any substantive conversations about the case?

A No.

Q Going back to the meeting that was held in Orlando between yourself, Mr. Sears, and Mr. Scholz, how long was the meeting?

A Maybe an hour.

Q And was there any legal advice sought during the meeting?

A No. It was very general about the company, what my experience is.

Q And what did -- what did -- what did Mr. Sears say about FusionPharm?

A I really don't recollect. I mean, it was just

very general stuff about what the business is.

Q What did he tell you their business was?

A Selling these pharmpods for cultivation.

Q Did Mr. Scholz tell you anything about FusionPharm?

A I don't really recall him saying anything about FusionPharm. He was really there as an introduction to Mr. Sears.

MR. KARPEL: What else do you recall about the meeting? Can you just sort of describe what was said generally?

THE WITNESS: I can't really recall. I mean, it was just very general about what the company did, what its prospects were. That was about it.

MR. KARPEL: Did he talk about the future? Did he talk about what -- you know, what FusionPharm's plans were for expansion or growth, those kinds of things?

THE WITNESS: Well, I think they talked about the opportunity -- he talked about the opportunity in other states where marijuana was medically approved and/or would be recreationally permitted. Again, very general kind of information.

MR. KARPEL: Did he speak about Mr. Dittman at all, the CEO?

THE WITNESS: I believe so, just that he was a

very competent CEO.

MR. KARPEL: Any more that you recall?

THE WITNESS: No.

MR. KARPEL: Anything about the facilities or what customers? Anything --

THE WITNESS: No.

MR. KARPEL: -- along those lines?

THE WITNESS: Nothing about that. Generally about what these pharmpods were.

MR. KARPEL: That's what you remember? So talking through this, it's not jogging your memory as to any other parts of the conversation?

THE WITNESS: No.

MR. KARPEL: Okay.

BY MS. GREER:

Q Did Mr. Sears indicate that he, through his company, was a shareholder of FusionPharm?

A I don't recall.

MR. KARPEL: And was it at this meeting you talked about a registration statement?

THE WITNESS: Yes.

MR. KARPEL: Can you tell us about that?

THE WITNESS: Yeah. The information was that the company wanted to do an S-1 registration statement.

MR. KARPEL: It was Mr. Sears who was telling

you that?

THE WITNESS: Yes.

BY MS. GREER:

Q Did you have an understanding as to why FusionPharm wanted to do an S-1?

A Well, yes. They wanted to become an SEC-reporting company.

Q Do you know an individual by the name of Guy Jean-Pierre?

A Yes.

Q And how do you know Mr. Jean-Pierre?

A I knew him in connection with my ex-wife's practice.

Q Was he a member of your ex-wife's firm?

A No, absolutely not.

Q Can you explain what you mean when you say you knew him in connection with your ex-wife's practice?

A Well, I believe I only met him once; but prior to that, there was -- I believe it had something to do with my ex-wife contesting something about his opinion letters.

Q Do you recall when that happened?

A I think it was around 2007 or 2008.

Q And you said you met him once?

A Yeah. I can't even recall why I met him, but,

you know, I found out -- I was with my son, and I found out his office was right there, and I walked in and introduced myself. And I just don't recall what it was, an introduction or I was inquiring about something in particular that my ex-wife had told me to inquire about. This was quite a while ago. I don't recall. And it was an extremely brief, no more than one minute, situation.

Q Did you ever speak with Mr. Jean-Pierre about FusionPharm?

A No, absolutely not.

Q Did you ever become aware at any point that Mr. Jean-Pierre was involved with FusionPharm?

A I don't recall.

Q You don't recall ever knowing that, or you don't recall either way?

A I really don't recall either way. I mean, it's conceivable, but it's certainly not at the forefront of my mind that he was involved in any way.

MR. SALLAH: Is that something you would have remembered, having this prior incident with him, met him, had this, you know, brief incident if his name would have come up in the context of FusionPharm? You would have --

THE WITNESS: Yeah, I would have, because at some point I had learned that he had been banned from

issuing opinion letters.

BY MS. GREER:

Q When did you learn that?

A I don't recall. It was probably, you know, just through a computer search, not necessarily in reference to him in particular, you know, but banned opinion writers.

Q Is there a reason that you were doing that search?

A I really don't recall.

MR. KARPEL: Did -- did you do that search during the time period that you still represented FusionPharm?

THE WITNESS: No.

MR. KARPEL: After?

THE WITNESS: No, this is way before.

MR. KARPEL: Before?

THE WITNESS: Yes.

MR. KARPEL: Okay. So you know before --

THE WITNESS: I believe so.

MR. KARPEL: You knew before you began representing FusionPharm that Guy Jean-Pierre had been banned?

THE WITNESS: Yes.

MR. KARPEL: And ...

BY MS. GREER:

Q Do you know an individual by the name of Tod DiTommaso?

A Tod DiTommaso? What -- I'm not sure. I think he may have been involved as an officer or one of these shareholders. I'm not sure. I don't recall his name in particular other than perhaps in connection with his opinion letters.

Q I'm sorry. I don't understand that. So you recognize his name or you don't recognize his name?

A I'm thinking perhaps that one of these slices of debt that was sold, that that particular person was representing one of the entities that was trying to free up shares.

Q Okay.

A But I don't -- other than that, I never met the guy, never -- you know, I don't even know --

Q Okay. So I'll represent to you -- we'll get to those -- your attorney opinion letters.

A Yeah.

Q Right. None of those relate -- none of the entities who purchased Bayside debt related to Tod DiTommaso at all. So --

A You're telling me this?

Q I'm telling you this.

A Okay. All right.

Q So knowing that, I mean, does --

A No, I --

Q -- do you know his name?

A I don't know his name.

Q And I'll represent to you he's an attorney practicing in California. Does that refresh your recollection or ring any bells?

A Oh, I'm sorry. You mean the gentleman that had issued opinion letters before me?

Q So you do know --

A No, I do.

Q Okay.

A Yeah, because I remember -- I apologize. I didn't get the name right in my mind. I had reviewed an opinion letter that he issued. It was provided to me.

Q Who provided that to you?

A Bill Sears.

Q And when did Mr. Sears provide Mr. DiTommaso's opinion letter to you?

A I don't recall exactly, but it was early on in the engagement.

Q Was it before you drafted and issued your first FusionPharm --

A I believe so --

EXHIBIT

B

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO. 502011CA007165XXXXMB-AE

BIG APPLE CONSULTING USA, INC., a Delaware corporation; BIG APPLE EQUITIES, LLC., a New York Limited Liability Corporation, MANAGEMENT SOLUTIONS INTERNATIONAL, INC., a Florida corporation, and MARC JABLON, an individual,

Plaintiffs,

vs.

BRENDA LEE HAMILTON, an individual; HAMILTON & ASSOCIATES LAW GROUP, P.A., and HAMILTON & LEHRER, P.A.

Defendants.
_____/

Declaration

My name is Frederick M. Lehrer. I am a Florida licensed attorney. On or about July 15, 2011, I was assisting Hamilton & Associates Law Group, P.A. in various matters and accepted a telephone call from Leslie Jean Pierre ("L Pierre"), who identified herself as an attorney licensed to practice law in Texas and the niece of Guy Jean-Pierre ("GJP"). L. Pierre informed me that she wished to discuss matters pertaining to a June 15, 2011 letter to the Texas Bar in matter number S00411125140 (hereafter referred to as the "Texas Bar Matter"), a copy of which letter is attached hereto as Exhibit A. L. Pierre told me the following:

1. In or about March or April of 2010, her uncle, Guy Jean-Pierre ("GJP"), asked her for a copy of my driver's license and signature, which he said was required to form a corporation, Complete Legal Solutions, Inc. ("CLS'). GJP also asked L Pierre to assist him with his law firm because he had more legal work than he could do. This work included drafting legal opinions in securities-related matters.
2. L. Pierre advised GJP that she knew nothing about such legal opinions, the SEC, or the OTC Markets. GJP responded, "Don't worry about it". At the conclusion of this conversation, L. Pierre made it clear to GJP that she did not have any experience in securities or corporate law.
3. In compliance with GJP's request, L. Pierre provided GJP with a copy of her driver's license and signature for the purpose of forming CLS. In hindsight, after realizing that her signature has been forged on legal opinions, L. Pierre realized that this was an ill-

advised action on her part. However, at the time she trusted her uncle completely, and never imagined he would violate this trust.

4. L. Pierre had had no further contact with GJP until approximately one year later, when she received notification of the Texas Bar Matter, relating to Brenda Hamilton's concerns about legal opinions that purport to have been authored and signed by L. Pierre under the CLS letterhead. L. Pierre identified those letters as forgeries and L. Pierre did not author or sign them, or authorize GJP or anyone else to sign her name to these letters.
5. L. Pierre called GJP to discuss these circumstances. GHP told L. Pierre said that Ms. Hamilton filed the Texas Bar Matter against him in retaliation against him, which made no sense to L. Pierre. Ms. Hamilton provided L. Pierre with the legal opinions in question and there is no doubt they are forgeries of her signature.
6. L. Pierre confronted GJP about the forged letters, and advised him that she never authorized him to sign her name to the legal opinion letters. In response, GJP told L. Pierre that he thought that she had understood "how things would work." L. Pierre interpreted this remark to be an admission that he her uncle had forged her name to these letters, but explained that he believed she had somehow been complicit in his plan to do so.
7. L. Pierre immediately responded to GJP that he never gave her any idea of "how things would work," and specifically never told her that he would be signing her name to opinion letters. L. Pierre also told him that she never would have agreed to allow him or anyone else to use her signature or name in such a manner.
8. Based on this conversation with GJP, L. Pierre has come to the conclusion that GJP forged her signature to, or used a copy of her signature on the legal opinions that are the subject of the Texas Bar Matter. .
9. Before learning of the Texas Bar Matter, L. Pierre was unaware that OTC Markets had banned GJP from providing any opinion letters to OTC Markets. In hindsight, she has concluded that GJP used her to form CLS because the OTC Markets would not accept any opinion letters authored by his firm, or any new firm he might create, since he had been banned. Instead, he used CLS and L. Pierre's name -- without her knowledge or permission -- to continue sending opinion letters to OTC Markets and evade the ban, by not using his own name.
10. L. Pierre has never had any contact with Marc Jablon, Mark Kaley, Big Apple Consulting or anyone acting on her behalf. L. Pierre has never provided a copy of her driver's license or signature to Marc Jablon, Mark Kaley, Big Apple Consulting or anyone on his or her behalf. L. Pierre has never provided a legal opinion, or legal opinion bearing her signature, to Marc Jablon, Mark Kaley, Big Apple Consulting or anyone acting on their behalf. L. Pierre has never authorized Marc Jablon, Mark Kaley, Big Apple Consulting or anyone acting on their behalf to provide her driver's license or any legal opinion bearing her signature to anyone, including the OTC Markets.

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

Frederick M. Lehrer

Executed on August 7 2011

EXHIBIT

C

DECLARATION OF FREDERICK M. LEHRER

The undersigned, Frederick M. Lehrer, hereby declares that:

1. I am an attorney licensed to practice law in the state of Florida.

2. I am a former attorney with the Division of Enforcement of the US Securities and Exchange Commission and a Special Assistant US Attorney with the United States Attorney's Office for the Southern District of Florida.

3. I have a son, Brandon Lehrer, with my ex-wife, Brenda Hamilton.

4. Since he was born, Brandon has suffered various illnesses, which last for weeks and sometimes more than a month. During May of 2010, Brenda and I were told that our son, Brandon's immune system was not functioning properly, which was particularly traumatic for Brenda because her sister's first son died of a rare immune disorder when he was 3 years of age and her sister's second son recently was diagnosed with Stage 4 nasopharyngeal cancer.

5. Because we were advised by our physician at Miami Children's Hospital that Brandon could literally die from a cold, whenever Brandon was ill, Brenda missed work to care for our son, instead of arranging for a babysitter or other childcare.

6. Shortly after learning of our son's illness, in July of 2010, Brenda learned her mother (now deceased) was diagnosed with cancer of an unknown primary region, a terminal form of cancer with a 100% mortality rate. Brenda also assisted in the care of her mother regarding her illness.

7. Because it was impossible for Brenda to maintain a normal work schedule for almost a year, until her mother's death in late April 2011, as summarized above in 4-6, I provided her with assistance in her work with multiple client matters during such time including her representation of Cloud Centric, Inc. ("Cloud Centric") and David Lovatt ("Lovatt"). At times I provided representation to Cloud Centric and Lovatt including the appropriate steps Cloud Centric should take to correct its prior illegal public disclosures, which are available on the OTCMarkets.com website, which Guy Jean Pierre ("Jean Pierre") and Kimberly Graus ("Graus") opined upon.

8. I substantially assisted in drafting the Cloud Centric remedial disclosures (the "Remedial Disclosures") posted on the OTC Markets website pertaining to Big Apple Consulting and its related corporate egos and control persons (collectively "Big Apple"), including Marc Jablon ("Jablon") which are the subject of the Florida Bar grievance (the "Grievance") filed by Jablon against Brenda.

9. When assisting with the drafting of the Remedial Disclosures, I confirmed ALL of the factual disclosures concerning Big Apple by reviewing executed contracts, publicly available information, filings on www.sunbiz.org & OTC Markets website and Cloud Centric's corporate documents and did not rely upon any factual representations made by Lovatt, Brenda or any other person. I also conducted a legal analysis of the securities law issues related to the matters involving Big Apple and assisted with the drafting of the legal analysis contained within the

Remedial Disclosures.

10. It is my opinion that the Remedial Disclosures are factually and legally accurate and are disclosures required by the securities laws.

11. In December of 2010, I assisted David Lovatt in drafting the bar grievance against Carl N. Duncan for the theft of shares held in escrow by Duncan after Duncan provided me with what I believe are false accountings of Cloud Centric's common shares he purportedly held in Escrow. I also assisted substantially with drafting the grievances filed against Jean Pierre and Graus as well as the UPL grievance concerning Connectyx Technologies, Inc. during the time when Brenda's mother was in the final stages of her cancer.

12. It is my firm belief that there are no confidential communications of any type (including between Jablon and Brenda), which were disclosed in the Remedial Disclosures because I independently verified the information concerning Big Apple contained within the Remedial Disclosures from publicly available documents from the internet, transfer agent documents, or contracts and corporate documents provided by Lovatt.

13. I have never spoken with Marc Jablon or anyone at Big Apple about any portion of the information contained within the Remedial Disclosures.

14. It is my opinion that Brenda's only objective and role in drafting the Remedial Disclosure was to protect the interests of her clients, Cloud Centric and Lovatt and provide truthful disclosure of the public to protect her clients' interests and prevent them from being the subject of an SEC enforcement action based upon improper and illegal disclosures drafted by Big Apple and opined upon by Graus and Jean Pierre, neither understood or undertaken by Cloud Centric and Lovatt.

15. It is a travesty of just that Brenda has spent more than a year and dedicated literally hundreds of hours defending herself against fabricated allegations made by Jablon during a period of her life when she had devastating personal matters requiring her attention.

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

Frederick M. Lehrer

Executed this 16th^{h} day of October 2011

EXHIBIT

D

Private Email <william@williamjsears.com>
To: William Sears
FW: Introduction

September 8, 2016 8:08 AM

From: Lehrer, Fred [mailto:flehrer@securitiesattorney1.com]
Sent: Wednesday, August 28, 2013 11:04 AM
To: William Sears
Subject: Re: Introduction

OK
Thanks

On Wed, Aug 28, 2013 at 1:02 PM, William Sears <william@williamjsears.com> wrote:
No he has not been secretary since the beginning of 2012 when this came to light

Regards,

William Sears
(303) 518-3895

From: Lehrer, Fred [mailto:flehrer@securitiesattorney1.com]
Sent: Wednesday, August 28, 2013 11:02 AM
To: William Sears
Subject: Re: Introduction

Bill

I have reviewed some of the otcmarkets' flings for Fusion Pharm, Inc.

Can you please inform me whether the link below is the same person appointed to Secretary and whether he still is the Secretary?

http://www.sec.gov/litigation/litreleases/2012/lr22562.htm

Thank you

On Wed, Aug 28, 2013 at 10:58 AM, William Sears <william@williamjsears.com> wrote:
Fred,
We will be in town next week. I would love to have lunch to discuss. We are looking to do a form 10 and S1. I assume you have reasonable auditors you work with along with a BD that will do the 2-11 for the BB? The symbol is FSPM. I look forward to meeting next week and have a great holiday.

Regards,

William Sears
(303) 518-3895

From: Lehrer, Fred [mailto:flehrer@securitiesattorney1.com]
Sent: Wednesday, August 28, 2013 8:40 AM
To: William Sears
Subject: Introduction

Bill:

I understand that Rich Scholz has provided you with an introduction to my services. In further explanation, I have some of the lowest rates in the business for registration statements, opinion letters, periodic reports, securities disclosure matters and other securities related matters.

I charge $350 for opinion letters. Because Rich referred you I would lower that amount for you to $250 (most opinion letters are from $500 to $1,250). My hourly rate is $300/hour. I accept low retainers of $2,500. On registration statements, I charge $10,000 to $15,000 plus a block of stock from 200,000 shares to 400,000 shares. All registration statement quotes are open to negotiation. I have a deep regulatory background with 15 years at the SEC and 3 1/2 years as a Special Assistant United States Attorney. My legal practice since 2000 has been predominately in the area of corporate finance. My ultimate goal in any engagement is to provide full and accurate disclosure to the public and the SEC to protect the shareholders and to provide liability protection to the issuer and its officers and directors. Kindly review my website below or my linked in page for further information pertaining to my background and services.

I look forward to discussing these matters with you further and working with you in the future.

Thank you.

--
Frederick M. Lehrer, Esq.
Attorney and Counselor at Law
285 Uptown Blvd, 402
Altamonte Springs, Florida 32701
Office: (321) 972-8060
Cell: (561) 706-7646
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Altamonte Springs, Florida 32701
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Cell: (561) 706-7646
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EXHIBIT E

Dudley came to you or called you –
A Correct.
Q – and said I've seen Sears in the office every day for the past two months.
A Correct.
Q And at a later point in time, Mr. Dittman told you Sears has nothing to do with FusionPharm and I'd never let him have anything to do with FusionPharm?
A Correct.
Q Do I have the timeline right so far?
A Correct. And then Mr. Dudley informed me that pursuant to discussions with Mr. Dittman, that there would not be any disclosure because -- regarding Mr. Sears or Meadpoint being an affiliate because based upon Mr. Dittman's representations, he was not.
Q Did Mr. Dudley express to you any indication that he might not agree with Mr. Dittman's characterization of Mr. Sears' involvement with FusionPharm?
A Only from the standpoint that he saw him there every day. I really apologize I had too much coffee this morning.
Q Do you need to take a break?
A Yes.
MR. LYMAN: Let's go off the record.

(A break was had from 11:04 to 11:10 a.m.)
MR. LYMAN: All right. Let's go back on the record.
BY MR. LYMAN:
Q Mr. Lehrer, while we were on the break, did we have any substantive conversations about the case?
A No.
Q Okay. In your previous day's testimony we had asked you whether you had an understanding that Meadpoint was one of Bill Sears' companies and you had refused to answer that question on privilege grounds. In light of the agreement we now have with Mr. Sears' counsel, will you now answer whether you were aware that Meadpoint was one of Bill Sears' companies during the time you were issuing Rule 144 letters?
A Yes.
Q And how did you come to be aware of that information?
A In a meeting with Mr. Sears, he told me that he was in control of Meadpoint, but that he was transferring it to a third party unrelated to him or in any family context, including his mother.
Q So when you first had the conversation about Sears' ownership in Meadpoint, he mentioned specifically that he wasn't going to transfer Meadpoint to his mother?
A Very specifically.
Q And was that on your prompting, did you ask him whether he was going to transfer it to his mother or did he just volunteer that particular family member?
A I did ask him.
Q And why his mother? Why did that come up?
A I don't remember why it came up, you know, we were having a conversation back and forth. And, you know, through questioning or otherwise about whether it was going to be transferred to a family member, He said, no, it's not going to be transferred to a family member. And I may have asked him, you know, is it going to be transferred to your wife, to your mother, you know, you're saying it's not going to be transferred to a family member. Does that include "X" and "Y"? I don't remember specifically if I asked that, but certainly in the conversation it was communicated to me that it would not be transferred to his mother specifically.
Q Did you ever have an understanding of whether any of the other entities for which you wrote Rule 144 opinion letters or which were involved in any of the opinion letters were owned by Mr. Sears' mother?
A Yes.

Q Okay. And which entities were those?
A When I had that conversation with Mr. Sears in or about April, 2014, when he said he transferred it to his mother.
Q But prior to that, when you had the conversation with Mr. Sears, which I believe you thought was in October, 2013, about him transferring Meadpoint, at that point in time were you aware of any other entities that were owned by, managed by or included as an officer, Mr. Sears' mother?
A No.
Q Okay. And other than Meadpoint, did you ever become aware of any other entities that were owned by or directed by or had as an officer Mr. Sears' mother?
A No. Again, apart from that conversation in April, 2014, with Mr. Sears.
Q Okay. So what about Bayside Realty Holdings, did you ever come to understand that Mr. Sears's mother was involved with that company?
A No.
Q Okay. But you knew that there was a Sandra Sears who was involved with Bayside?
A My understanding, it was the Sandra Sears that was Bill Sears' wife.
Q Okay. And what did you understand the person

A Correct.

Q 2013. So the date of the e-mail is October 10, 2013. Thank you for that. And at your prior day of testimony we had asked you if you had an engagement letter with Mr. Sears and you said that you did, but we didn't yet have it. So is this document that begins on page Bates number FLWS00291 the engagement letter between you and Mr. Sears?

A Yes, however, I do recall that Mr. Sears signed that document and if in fact, we did not produce that, we produced a copy with the signature of Mr. Sears.

(SEC Exhibit No. 122 was marked for identification.)

BY MR. LYMAN:

Q Let's mark this 122. Exhibit 122, Bates number FLWS00298. And if you take a look at the third page of this document, unfortunately, this doesn't include every page of the agreement, but the third page of this document appears to be the signature page of Mr. Sears.

A That's correct.

Q Okay. And as this was produced it's missing every other page. Any reason to think that this agreement, this signed agreement, is any different from

the agreement that's attached to Exhibit 121?

A No.

Q The letter is dated October 10, 2013 and it states in the first paragraph, I'm happy that we could agree on mutually acceptable fee agreement. Do you recall what date you reached a mutually acceptable fee agreement with Mr. Sears?

A Presumably, I really don't know. Presumably, it would have been within a couple weeks prior to October 10, 2013.

Q Okay. Did you recall when you first started -- and we looked at some documents in your previous day's testimony, but when you first started performing work at Mr. Sears's request relating to opinion letters touching on FusionPharm stock --

A I apologize. I didn't catch your question.

Q So this is dated October 10, 2013, and I'm wondering if -- you said that you came to a fee agreement maybe a couple weeks before this.

A Right.

Q But your first letter relating to FusionPharm stock was in August of 2013 and my question is: Did you have a fee agreement with him at that point in time?

A No.

Q And what was the sort of payment arrangement that you had for those first initial opinion letters?

A Well, the payment arrangement was $250 an opinion.

Q And was that ever sort of memorialized in an engagement letter similar to this?

A No. The first meeting with Mr. Sears wa and I think I already testified to this that it was about preparing a registration statement. As a re of the first testimony refreshed my recollection th you know, there were matters prior to that meeting involving those August 28, 2013, opinions. I don't specifically recall the conversations, but it's apparent to me that I did have conversations with him, you know, as a result of my looking at transmittal information regarding those opinion letters.

Q Okay. If we take a look at Exhibit 121, on this second page, it says engagement and scope of legal work. The client hereby retains FML, which is you, to research various issues pertaining to certain disclosure issues and other related matters under the federal securities laws. And then the next sentence says that the scope of the representation shall be limited to that set forth in this agreement. Would writing attorney opinion letters fall under the scope

of what's described here as your engagement with Mr. Sears?

A Indirectly.

Q And how is that?

A Can I consult with my counsel? I don't know whether I'm getting into any attorney-client privilege.

Q You can consult with your counsel.

THE WITNESS: What was the question again?

MR. LYMAN: Could you repeat the last question, please.

(The reporter read back the record.)

THE WITNESS: As I said, indirectly.

BY MR. LYMAN:

Q And how is that?

A There was an issue involving Meadpoint -- and Mr. Sears affiliation with FusionPharm. He informed me that he was in control of Meadpoint, but that Meadpoint was going to be transferred to an unrelated third party, not a family relationship, not his mother.

Q Who did he say Meadpoint was going to be transferred to?

A He did not. He said it was going to be transferred to an unrelated third party.

Q And -- go ahead?

A There was also discussions about Mr. Sears's

EXHIBIT F

affiliation with FusionPharm and my questioning him in a very detailed fashion, whether he had any kind of control or affiliate relationship with FusionPharm, whether he engaged in any management decisions, whether he had any participation in any shape, form or manner in management decisions. To which he responded, absolutely not. I have nothing to do with management. Those are the issues that were discussed.

Q And did he tell you that he had never had anything to do with management issues at FusionPharm?

A Yes.

Q Did he mention whether his mother, Sandra Sears, had anything to do with FusionPharm?

A Not at that meeting, no.

Q At a subsequent meeting?

A In a telephone conversation.

Q And what did he say to you about that topic?

A I believe that was either in March or April, 2014, he had informed me that Meadpoint was transferred to his mother. I was shocked to learn that. And I said you informed me that Meadpoint was being transferred to an unrelated third party, not a relative. And that was the substance of that conversation.

Q Why were you shocked to hear that Meadpoint

was being transferred to his mother?

A It wasn't -- the statement wasn't that Meadpoint was being transferred to his mother. He said it had been transferred.

Q And why was that shocking?

A It was shocking because during the meeting with him in October, 2013, he said that he was transferring to an unrelated third party, not a relative, including his mother.

Q Did he respond to your expression that that seemed inconsistent with what he had told you in October?

A He may very well have. I can't recall.

Q So when you spoke with him in October, 2013 about Meadpoint, he expressed to you or left you with the understanding that Meadpoint was his company at that point?

A Correct.

Q And did he leave you with the impression in March or April of 2014 that Meadpoint was now his mother's company and no longer his company?

A Correct.

Q Did he give you any indication of whether he had any dealings on behalf of Meadpoint after he transferred it to his mother?

A Well, he didn't give me any indication as such, but again, he was acting as a facilitator for these opinions.

Q Do you have an understanding of when he transferred -- when he told you he transferred Meadpoint to his mother?

A As I said, it was in March or April of 2014.

Q Well, I understand that that's when he told you, but do you have a sense of when the transfer actually occurred?

A No, I don't. And if he did, I don't recall, you know, if he gave me a specific date or an approximate time period.

MS. GREER: Going back to the engagement letter that we were just looking at that's part of Exhibit 121, I just want to clarify. This is an engagement letter between yourself and Mr. Sears; is that correct?

THE WITNESS: Yes.

MS. GREER: Does it in any way reflect an engagement between yourself and FusionPharm?

THE WITNESS: No.

MS. GREER: So the reference in this engagement letter to the scope being -- pertaining to certain disclosure issues and other related matters

under the federal securities laws, that was solely as it related to your engagement with Mr. Sears?

THE WITNESS: Correct. However, obviously, indirectly, as I testified previously, it would have something to do with my opinion letters.

BY MR. LYMAN:

Q What disclosure issues just generally was Mr. Sears interested in you assisting him with, if not related to FusionPharm?

A Having to do with Meadpoint.

Q So Meadpoint disclosures under the federal securities laws?

A As referenced in the FusionPharm obligations.

Q Could you explain that a little bit more? I didn't follow you.

A Sure. I'm sorry. That was very ambiguous. Okay. The subject of our discussions was Meadpoint. He informed me that he controlled Meadpoint, but he was transferring it to an unrelated party, not his mother, not a family relationship. Coupled with that, what I had raised with him was -- were discussions about whether he had any participation in management of the company.

Q Of FusionPharm or Meadpoint?

A I'm sorry. Of FusionPharm. That although

EXHIBIT G

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(A break was had from 11:04 to 11:10 a.m.)
MR. LYMAN: All right. Let's go back on the record.
BY MR. LYMAN:
Q Mr. Lehrer, while we were on the break, did we have any substantive conversations about the case?
A No.
Q Okay. In your previous day's testimony we had asked you whether you had an understanding that Meadpoint was one of Bill Sears' companies and you had refused to answer that question on privilege grounds. In light of the agreement we now have with Mr. Sears' counsel, will you now answer whether you were aware that Meadpoint was one of Bill Sears' companies during the time you were issuing Rule 144 letters?
A Yes.
Q And how did you come to be aware of that information?
A In a meeting with Mr. Sears, he told me that he was in control of Meadpoint, but that he was transferring it to a third party unrelated to him or in any family context, including his mother.
Q So when you first had the conversation about Sears' ownership in Meadpoint, he mentioned specifically that he wasn't going to transfer Meadpoint

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to his mother?
A Very specifically.
Q And was that on your prompting, did you ask him whether he was going to transfer it to his mother or did he just volunteer that particular family member?
A I did ask him.
Q And why his mother? Why did that come up?
A I don't remember why it came up, you know, we were having a conversation back and forth. And, you know, through questioning or otherwise about whether it was going to be transferred to a family member. He said, no, it's not going to be transferred to a family member. And I may have asked him, you know, is it going to be transferred to your wife, to your mother, you know, you're saying it's not going to be transferred to a family member. Does that include "X" and "Y"? I don't remember specifically if I asked that, but certainly in the conversation it was communicated to me that it would not be transferred to his mother specifically.
Q Did you ever have an understanding of whether any of the other entities for which you wrote Rule 144 opinion letters or which were involved in any of the opinion letters were owned by Mr. Sears' mother?
A Yes.

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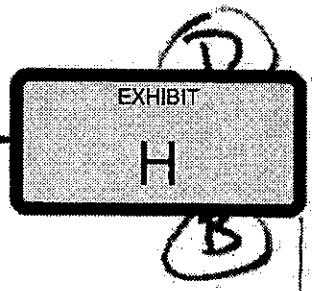
Q Okay. And which entities were those?
A When I had that conversation with Mr. Sears in or about April, 2014, when he said he transferred it to his mother.
Q But prior to that, when you had the conversation with Mr. Sears, which I believe you thought was in October, 2013, about him transferring Meadpoint, at that point in time were you aware of any other entities that were owned by, managed by or included as an officer, Mr. Sears' mother?
A No.
Q Okay. And other than Meadpoint, did you ever become aware of any other entities that were owned by or directed by or had as an officer Mr. Sears' mother?
A No. Again, apart from that conversation in April, 2014, with Mr. Sears.
Q Okay. So what about Bayside Realty Holdings, did you ever come to understand that Mr. Sears's mother was involved with that company?
A No.
Q Okay. But you knew that there was a Sandra Sears who was involved with Bayside?
A My understanding, it was the Sandra Sears that was Bill Sears' wife.
Q Okay. And what did you understand the person

Private Email



To: wjsears66@icloud.com
Subject: FW: Meeting tomorrow

From: Lehrer, Fred [mailto:flehrer@securitiesattorney1.com]
Sent: Tuesday, October 22, 2013 6:30 AM
To: William Sears
Subject: Re: Meeting tomorrow

No worries
We will discuss at length during our meeting

On Tue, Oct 22, 2013 at 8:28 AM, William Sears <william@williamjsears.com> wrote:
~~No I do not own Meadpoint any more~~ I do understand however we need to implement practices to ensure not having a conflict regardless

Regards,
Bill Sears

On Oct 22, 2013, at 6:15 AM, "Lehrer, Fred" <flehrer@securitiesattorney1.com> wrote:

> This will require more drilling down on this subject. That the company is out of state and you own the company only represents a small part of the relevant factors that we need to analyze. The crucial aspects of this will depend on your participation in Fusion Pharm. No worries - we will cover the subject adequately during our meeting.
>
> On Tue, Oct 22, 2013 at 8:06 AM, William Sears <william@williamjsears.com> wrote:
> FYI no conflict with Meadpoint as a [redacted] owns the company and it's asserts now
> Nevada registration should reflect the change any day now
>
> Regards,
> Bill Sears
>
> On Oct 22, 2013, at 6:04 AM, "Lehrer, Fred" <flehrer@securitiesattorney1.com> wrote:
>
> > I mean Wed...correct?
> >
> > Do I need to change the conference room reservation for Thursday???
> >
> > On Tue, Oct 22, 2013 at 8:02 AM, William Sears
> > <william@williamjsears.com> wrote:
> > Fred

Meeting for Thursday. I only land at four pm

Regards,
Bill Sears

On Oct 22, 2013, at 6:00 AM, "Lehrer, Fred" <flehrer@securitiesattorney1.com> wrote:

> Plan for tomorrow:
>
> Discuss Meadpoint agreement, historical background of your relationship with Fusion Pharm, nature of related party transaction and appropriate disclosure, plan going forward to ensure that you have no participation with management.
>
> Review draft registration statement with emphasis on:
> (a) Business section, plan of operations, marketing, distribution, patent information, product information and any other matters pertaining to the business and operations.
> (b) Information and documents needed
>
> --
> Frederick M. Lehrer, Esq.
> Attorney and Counselor at Law
> 285 Uptown Blvd, 402
> Altamonte Springs, Florida 32701
> Office: (321) 972-8060
> Cell: (561) 706-7646
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> Websites: www.securitiesattorney1.com; www.secdefenselaw.com
> <fps1@10-22-13.docx>

--
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MEADPOINT VENTURE PARTNERS

EXHIBIT
I

Business Entity Information

Status:	Default	File Date:	10/24/2011
Type:	Domestic Limited-Liability Company	Entity Number:	E0580232011-5
Qualifying State:	NV	List of Officers Due:	10/31/2015
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20111669192	Business License Exp:	10/31/2015

Additional Information

Central Index Key:	

Registered Agent Information

Name:	INCORP SERVICES, INC.	Address 1:	3773 HOWARD HUGHES PKWY STE 500S
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89169-6014
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - Corporation		
Jurisdiction:	NEVADA	Status:	Active

Financial Information

No Par Share Count:	0	Capital Amount:	$ 0

No stock records found for this company

Officers

☑ Include Inactive Officers

Manager - SANDRA L SEARS			
Address 1:	13762 COLORADO BLVD #124-203	Address 2:	
City:	THORNTON	State:	CO
Zip Code:	80602	Country:	USA
Status:	Historical	Email:	
Manager - SANDRA L SEARS			
Address 1:	13762 COLORADO BLVD #124-203	Address 2:	
City:	THORNTON	State:	CO
Zip Code:	80602	Country:	USA
Status:	Active	Email:	

Actions\Amendments

Action Type:	Articles of Organization		
Document Number:	20110759943-21	# of Pages:	2
File Date:	10/24/2011	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20110846367-98	# of Pages:	1
File Date:	11/30/2011	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20130084907-14	# of Pages:	1
File Date:	2/7/2013	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20130708196-47	# of Pages:	1
File Date:	10/30/2013	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20140824744-66	# of Pages:	1
File Date:	12/26/2014	Effective Date:	
(No notes for this action)			

something like that. But by saying --
MS. GREER: Yeah. I'm just trying to figure out if we have a date or an approximate date.
THE WITNESS: I understand that, but by --
MR. SALLAH: By doing that, we are -- you know -- because you said at some point you Googled it.
THE WITNESS: Correct.
MR. SALLAH: Right. And that is not privileged because you're not waiving --
THE WITNESS: Right.
MR. SALLAH: -- any work product. You're waiving all work product --
THE WITNESS: But the characterization of your question is such that it almost implies that you're going to learn the actual communication.
MR. SALLAH: Yeah, and the date of the actual communication.
MS. GREER: But I --
THE WITNESS: The date is not privileged.
MS. GREER: But I'm allowed to ask the date.
THE WITNESS: I understand that, but you're asking when did I learn about this or something.
MR. SALLAH: If you're saying -- I guess -- I guess -- I guess he would be -- it presupposes that a communication took place between the two where one

conveyed to the other that they had some kind of a criminal background or one asked the other one if they had some kind of criminal background. And by asking that, it -- it invades that communication. That's my -- that's my --
MS. GREER: Okay.
MR. SALLAH: Do you see what I'm saying?
MR. LYMAN: Yeah, but we're not asking about the communication or the context or what else was in the meeting. All we're asking is --
MR. SALLAH: Well, I don't know.
MR. LYMAN: We know that you have told us that you are aware that Mr. Sears had a criminal conviction for a securities-related matter. And our question is, when did you become aware of that, and there's nothing privileged in that --
MR. SALLAH: I think he said --
MR. LYMAN: -- information.
MR. SALLAH: -- he Googled it. He Googled it and became aware he had a conviction.
THE WITNESS: No.
MR. SALLAH: He clicked on it, and there was no information.
THE WITNESS: That's not what I'm saying.
MR. SALLAH: You guys asked if he was aware it

was for securities fraud. He didn't say that.
THE WITNESS: This is what I'm saying. I'm saying that --
MR. SALLAH: See, that's w
issues get -- because it creates is
THE WITNESS: If I can sta
circle back here. I already provid
this Google search. Now, you're
learned, you know, that he had a criminal conviction for securities fraud. I can't answer that question because that's a -- you know --
MR. SALLAH: If he says no, it implies that no such communication took place. If he says he can't answer because it's privileged, then it presupposes a communication --
THE WITNESS: Exactly.
MR. SALLAH: -- took place.
MS. GREER: Wait. I think you've already -- I think you've already testified that at some point you knew that.
MR. SALLAH: No, not that, that he had a conviction. He found on the Internet and then clicked on it, and he couldn't -- it was like some nonsense. Fred, you testify. I don't want to mischaracterize.
THE WITNESS: Okay.

EXHIBIT K

MR. SALLAH: What did you find when you Googled it?
THE WITNESS: I did the Google search, as I testified before. It went to -- the link, you know -- I mean the facing page said William Sears. Then I went to the link, and it didn't correspond anything about William Sears.
Anything else that I may have had about what you're talking about, you know, may have been privileged communications. I'm not going to, you know, tell you what the -- you know, what the substance of that conversation was or --
Q Certainly.
A -- or --
Q I mean, do you know now at this point -- and I'm not asking you how you learned it -- that Mr. Sears had a prior conviction --
A Yes.
Q -- for securities fraud?
MR. SALLAH: Now it could invade on our privilege.
A Yes. No. I learned from a newspaper article, you know, after the search warrant.
BY MS. GREER:
Q I believe you said this morning, however, you

EXHIBIT L

FusionPharm?
A Well, I don't specifically remember, so I don't generally remember.
Q And do you recall Mr. Scholz telling you anything about Mr. Sears' connection to any other company?
A No.
(SEC Exhibit 88 was marked for identification.)
BY MS. GREER:
Q Mr. Lehrer, I'm handing you what's been marked as Exhibit 88. It's a document with the Bates number FLPA 373 through 374. Do you recognize Exhibit 88?
And if you need time to read through it, feel free to take as much time as you need.
A Yes, I recognize this.
Q And what is Exhibit 88?
A It's a communication by e-mail from me to Richard Scholz.
Q And are you --
A And then --
Q Sorry. Go ahead.
A And then an e-mail from me to William Sears.
Q And the bottom e-mail in the chain that begins on the first page of Exhibit 88 and continues on to the

second page of Exhibit 88, was that an e-mail you sent to Mr. Sears first reaching out to him about your legal services?
A Yes.
Q In your August 28, 2013, e-mail to Mr. Sears, at the -- it starts at the bottom, the first page of Exhibit 88. In the second paragraph, you say: I charge $350 for attorney letters -- sorry -- for opinion letters.
A Right.
Q Do you see that?
A Right.
Q And was that, at this time in August of 2013, your normal price for doing opinion letters?
A Yes, but there were some that were 250.
Q And for those that were 250, how did they -- how did they differ from those that were 350?
A Negotiation. Negotiation.
Q Was there some difference in negotiation or difference in clients between those clients who you charged 250 versus those who you charged 350?
A Yeah. I mean, there may have been a couple of clients that I got, you know, several opinions that I charged a deal. It would be 250.
Q So based more on volume, you would give people

a discount?
A Well, yeah. No, it was not per se volume. It was negotiation.
Q The next sentence of your e-mail to Mr. Sears says: Because Rich referred you, I would lower that amount for you to $250.
Do you see that?
A Yes.
Q And so why were you -- why were you offering to lower Mr. Sears' amount to 250?
A It was just a selling point.
Q What do you mean by "it was just a selling point"?
A Yeah. Well, I had not been retained as of yet and went ahead and, you know, said I'll lower it to 250.
Q Prior to sending this e-mail to Mr. Sears about your services, did you do any research about Mr. Sears?
A At what point?
Q Prior to sending this e-mail --
A No.
Q -- to Mr. Sears.
A No.
Q After sending this e-mail to Mr. Sears, did you do any research about Mr. Sears and his background?
A On one occasion, yes.

Q And when was that?
A I honestly do not recall.
Q Was it shortly after this time period or --
A I don't recall.
Q -- 2014?
A I don't recall.
Q Okay. And what further research did you do about Mr. Sears?
A I Googled his name.
Q And upon Googling his name, what results did you get?
A I had a -- there was a link to some kind of -- it was a criminal indictment or a conviction or something like that. And when I pressed on the link, it went to information or a document that had nothing to do with William Sears, but it did list it in the link.
Q Did you do any further investigation then to try to find what that reference was to a criminal conviction?
A No.
(Discussion off the record.)
A Other than attorney-client privilege.
BY MS. GREER:
Q Did you become aware at any point that Mr. Sears has a prior conviction for securities fraud?

MR. SALLAH: Again, to the extent you learned it through a privileged communication with Mr. Sears, that would be privileged. At least that's our position at this point.

A That's correct.

MR. KARPEL: Are you willing to tell us the timing of that privileged communication?

MR. SALLAH: Yeah. I think we have to tell you the timing of the privileged communication.

If you remember. Do you remember when the conversation was, the client that --

THE WITNESS: Yeah. I believe in the production there -- well, I'm not sure if there's some communication about -- I don't know the date, but it was the day that I met Mr. Sears in my conference room.

MR. KARPEL: So it was before issuing any FusionPharm attorney opinion letters?

THE WITNESS: I'm pretty sure it was after.

MR. SALLAH: It was the day he met him. He -- they had the conversation personally, he remembers.

THE WITNESS: No, no, it wasn't the day I met him.

MR. SALLAH: No. That's what I'm saying. It was the day you met him.

THE WITNESS: Correct.

MS. GREER: In person.

MR. SALLAH: -- a personal conversation --

THE WITNESS: Correct.

MR. SALLAH: -- he remembers. He just doesn't remember what day. It was after.

THE WITNESS: I may be able to determine that by looking at documents. I don't know.

MR. SALLAH: Your notepad for DayTimer or something like that?

THE WITNESS: No.

MR. SALLAH: But you're confident it was after the opinion?

THE WITNESS: It was after at least the August opinions. I don't know when it was.

BY MS. GREER:

Q Can you be any more specific? Was it 2014? Was it --

A Again --

Q -- the end of 2013?

A -- I do not remember. I would be happy to research the matter to make a determination.

MR. KARPEL: Okay. We would appreciate that. But just generally, did -- were -- do you recall, were there any opinion letters relating to FusionPharm that you issued after that conversation that we've been

talking about?

THE WITNESS: Yes.

BY MS. GREER:

Q Looking back again at Exhibit 88, the next e-mail up in the chain, sort of in the middle of the first page from yourself. It appears to be back again to Mr. Sears. You say: Bill, did you say you were paying for the opinion letters?

Do you see that?

A Yes.

Q And what opinion letters were you referring to there?

A The opinion letters that are in your possession.

Q Okay. And so --

A I mean, there was no -- I didn't note what opinion letters they were but just generally speaking.

Q So at least as of this point, August 28, 2013, you understood that the work that you were discussing with Mr. Sears was to issue attorney opinion letters?

A Yes.

Q And did you understand at this point what company those attorney opinion letters would relate to?

A Yeah, FusionPharm.

Q Okay. And how did you come to learn that those

attorney opinion letters related to FusionPharm shareholders?

A Through the documents that I was provided.

Q Okay. Prior to that, I mean, did Mr. Scholz say to you -- and, actually, one of the first attorney opinion letters we'll look at when we get to it --

A Yeah.

Q -- is from Mr. Scholz himself.

A Yeah.

Q So did Mr. Scholz say to you, hey, I'm a shareholder of FusionPharm. You know, I have an attorney opinion letter, and there are others that -- other FusionPharm shareholders that will need attorney opinion letters?

A No. No. He may very well have talked about an opinion for him individually, but I don't recall a statement to the effect that there will be a bunch of others or any others.

Q And what was your understanding at this point when you -- on August 28, 2013, when you sent the e-mail to Mr. Sears? I mean, what was your understanding as to why Mr. Sears was going to be involved at all in the FusionPharm shareholder attorney opinion letters?

A What was my understanding of the involvement?

Q Why was -- why was Mr. Sears involved, yes.

Q There -- so you're saying there may have been communications with Mr. Dittman that you relied upon in determining for this opinion letter, February 14, 2014, Meadpoint's nonaffiliate status?
A No. What I'm saying is that I don't have any specific recollection of having a privileged communication in the form of a telephone conversation with Mr. Dittman, but in general it's conceivable that I did, not necessarily with respect to this particular opinion letter as reflected in Exhibit 115 but perhaps some other --
MR. SALLAH: Just --
A -- opinion letters.
MR. SALLAH: Just show you.
A There was one on March 17, 2014, in written form with Mr. Dittman.
BY MS. GREER:
Q That you're asserting privilege over?
A Correct. And March 24, 2014.
Q And that you're also asserting privilege over?
A Correct. And --
MR. SALLAH: There's a lot.
THE WITNESS: I'm sorry?
MR. SALLAH: There's a lot.
THE WITNESS: Okay.

MR. SALLAH: Relative to -- not relative to --
THE WITNESS: Yeah. I'm saying generally, yeah.
MR. SALLAH: But some of these are just general questions.
(Discussion off the record.)
A Another one on April 15, 2014.
BY MS. GREER:
Q Okay. And are --
A Another one -- I'm sorry. Go ahead.
Q Go ahead.
A Another one on the same date.
Q And are those attorney-client privileged communications you had with Mr. Dittman communications that you relied upon in determining that Meadpoint was not an affiliate?
A Let me go back, if I could, please.
Yes, but not ...
(Discussion off the record.)
A Let me just go back and review this, please.
(Discussion off the record.)
A There was a communication on March 24, 2014, with Mr. Dittman having to do with Meadpoint, which is, you know -- had no reference to any particular opinion letter. There was an April 15, 2014, communication.

That one had to do with the OTC Markets opinion. There was another one on April 15, 2014, having to do with the OTC Markets opinion; April 15th, the same OTC Markets opinion.
MR. SALLAH: But they generally
the Meadpoint and relationships with ca
Meadpoint?
THE WITNESS: Well, no, not all of them.
MR. SALLAH: Not all of them.
THE WITNESS: No. The March 24th one does, the first April 15, 2014, one does not; the next April 15th one does not; and the next April 15th one does have to do with Meadpoint.
BY MS. GREER:
Q And these are all -- these communications are all e-mails over which you're asserting FusionPharm's privilege?
A Yes.
Q Mr. Lehrer, earlier this morning during your testimony, you testified at some point you became aware of Mr. Sears' prior securities fraud conviction, correct?
A Yes.
Q And I think you were struggling to recall exactly when that happened. Seeing a number of these

opinion letters -- you had the three in the August 2013 timeframe, and then, you know, we've seen a few in early January and February of 2014. Having those sort of data points for time, does that refresh your recollection as to when you learned that?
A I'm not sure when I learned that. It was a privileged communication. But it may have been in a meeting that I had with him in my conference room downstairs where I live.
Q And do you recall when that meeting took place?
A I believe in preparation for this testimony I had determined an approximate date, but --
Q What's --
A -- I don't recall what it is. I would certainly --
Q What's that approximate date?
A I don't recall, but can we provide ...
(Discussion off the record.)
MR. SALLAH: Yeah. What I'm concerned about is -- what I'm concerned about is, in essence, reverse engineering -- and I know it's not your intention. I don't think it's your intention -- to try to kind of circumvent the privilege. Because, again, you're allowed to learn about when privileged communications are, the general -- you know, was it legal advice or

EXHIBIT M

something like that. But by saying --
MS. GREER: Yeah. I'm just trying to figure out if we have a date or an approximate date.
THE WITNESS: I understand that, but by --
MR. SALLAH: By doing that, we are -- you know -- because you said at some point you Googled it.
THE WITNESS: Correct.
MR. SALLAH: Right. And that is not privileged because you're not waiving --
THE WITNESS: Right.
MR. SALLAH: -- any work product. You're waiving all work product --
THE WITNESS: But the characterization of your question is such that it almost implies that you're going to learn the actual communication.
MR. SALLAH: Yeah, and the date of the actual communication.
MS. GREER: But I --
THE WITNESS: The date is not privileged.
MS. GREER: But I'm allowed to ask the date.
THE WITNESS: I understand that, but you're asking when did I learn about this or something.
MR. SALLAH: If you're saying -- I guess -- I guess -- I guess he would be -- it presupposes that a communication took place between the two where one

conveyed to the other that they had some kind of a criminal background or one asked the other one if they had some kind of criminal background. And by asking that, it -- it invades that communication. That's my -- that's my --
MS. GREER: Okay.
MR. SALLAH: Do you see what I'm saying?
MR. LYMAN: Yeah, but we're not asking about the communication or the context or what else was in the meeting. All we're asking is --
MR. SALLAH: Well, I don't know.
MR. LYMAN: We know that you have told us that you are aware that Mr. Sears had a criminal conviction for a securities-related matter. And our question is, when did you become aware of that, and there's nothing privileged in that --
MR. SALLAH: I think he said --
MR. LYMAN: -- information.
MR. SALLAH: -- he Googled it. He Googled it and became aware he had a conviction.
THE WITNESS: No.
MR. SALLAH: He clicked on it, and there was no information.
THE WITNESS: That's not what I'm saying.
MR. SALLAH: You guys asked if he was aware it

was for securities fraud. He didn't say that.
THE WITNESS: This is what I'm saying. I'm saying that --
MR. SALLAH: See, that's why these privilege issues get -- because it creates issues like this.
THE WITNESS: If I can state -- you know, circle back here. I already provided testimony about this Google search. Now, you're asking about whether I learned, you know, that he had a criminal conviction for securities fraud. I can't answer that question because that's a -- you know --
MR. SALLAH: If he says no, it implies that no such communication took place. If he says he can't answer because it's privileged, then it presupposes a communication --
THE WITNESS: Exactly.
MR. SALLAH: -- took place.
MS. GREER: Wait. I think you've already -- I think you've already testified that at some point you knew that.
MR. SALLAH: No, not that, that he had a conviction. He found on the Internet and then clicked on it, and he couldn't -- it was like some nonsense. Fred, you testify. I don't want to mischaracterize.
THE WITNESS: Okay.

MR. SALLAH: What did you find when you Googled it?
THE WITNESS: I did the Google search, as I testified before. It went to -- the link, you know -- I mean the facing page said William Sears. Then I went to the link, and it didn't correspond anything about William Sears.
Anything else that I may have had about what you're talking about, you know, may have been privileged communications. I'm not going to, you know, tell you what the -- you know, what the substance of that conversation was or --
Q Certainly.
A -- or --
Q I mean, do you know now at this point -- and I'm not asking you how you learned it -- that Mr. Sears had a prior conviction --
A Yes.
Q -- for securities fraud?
MR. SALLAH: Now it could invade on our privilege.
A Yes. No. I learned from a newspaper article, you know, after the search warrant.
BY MS. GREER:
Q I believe you said this morning, however, you

EXHIBIT

N

From: **William Sears** william@williamjsears.com
Subject: FW:
Date: Today at 8:10 AM
To: William Sears wjsears66@icloud.com

From: William Sears
Sent: Thursday, October 10, 2013 11:04 AM
To: Lehrer, Fred
Subject: Re:

Hmmmm One says no one says yes. I think we stay clear till ten years

Regards,
Bill Sears

On Oct 10, 2013, at 10:58 AM, "Lehrer, Fred" <flehrer@securitiesattorney1.com> wrote:

http://www.sec.gov/info/smallbus/secg/bad-actor-small-entity-compliance-guide.htm

http://www.corporatecrimereporter.com/news/200/secexemptsbadactors02192013/

Item 404 -- Transactions with Related Persons, Promoters and Certain Control Persons

1. **Transactions with related persons.** Describe any transaction, since the beginning of the registrant's last fiscal year, or any currently proposed transac any related person had or will have a direct or indirect material interest. Disclose the following information regarding the transaction:

    1. The name of the related person and the basis on which the person is a related person.
    2. The related person's interest in the transaction with the registrant, including the related person's position(s) or relationship(s) with, or ownership
    3. The approximate dollar value of the amount involved in the transaction.
    4. The approximate dollar value of the amount of the related person's interest in the transaction, which shall be computed without regard to the am
    5. In the case of indebtedness, disclosure of the amount involved in the transaction shall include the largest aggregate amount of principal outstand date, the amount of principal paid during the periods for which disclosure is provided, the amount of interest paid during the period for which di
    6. Any other information regarding the transaction or the related person in the context of the transaction that is material to investors in light of the

2.

Instructions to Item 404(a):

1. For the purposes of paragraph (a) of this Item, the term related person means:

    1. Any person who was in any of the following categories at any time during the specified period for which disclosure under paragraph (a) o

        1. Any director or executive officer of the registrant;
        2. Any nominee for director, when the information called for by paragraph (a) of this Item is being presented in a proxy or information
        3. Any immediate family member of a director or executive officer of the registrant, or of any nominee for director when the informati election of that nominee for director, which means any child, stepchild, parent, stepparent, spouse, sibling, mother-in-law, father-in- director, and any person (other than a tenant or employee) sharing the household of such director, executive officer or nominee for

    2.

    3. Any person who was in any of the following categories when a transaction in which such person had a direct or indirect material interest

        1. A security holder covered by Item 403(a); or
        2. Any immediate family member of any such security holder, which means any child, stepchild, parent, stepparent, spouse, sibling, m

        any person (other than a tenant or employee) sharing the household of such security holder.

Tod A Ditommaso Background

DiTommaso was licensed to practice law in California on December 14, 1987
http://members.calbar.ca.gov/fal/Member/Detail/130564

DiTommaso had his license suspended on April 13, 1997 for 2 years stayed, placed on probation with an actual nine-month suspension for multiple DUI arrests. Didn't meet the criteria to get reinstated until June 27, 2000
http://archive.calbar.ca.gov/calbar/2cbj/97jul/art04.htm

While the SEC Civil case against Guy M Jean-Pierre for forged opinion letters was going on, the SEC and FBI in Denver began investigating Fusion Pharm Inc (FSPM) at least as early as August of 2013.

On May 16, 2014, the SEC suspended trading in FSPM.
https://www.sec.gov/litigation/suspensions/2014/34-72177.pdf

On September 16, 2016, the SEC filed an Administrative Proceeding against the main FSPM insiders.
https://www.sec.gov/litigation/admin/2016/33-10210.pdf

In that document we get an explanation about what the government claims was going on. According to the government, William Sears was an undisclosed control person of FSPM with Scott Dittman allegedly acting as a puppet CEO.

On September 16, 2016, the SEC also brought an Administrative Proceeding against one of the FSPM attorneys, Tod A Ditommaso.
https://www.sec.gov/litigation/admin/2016/33-10215.pdf

According to the SEC document, Tod A Ditommaso assisted in the share selling scheme and provided at least 10 legal opinion letters between July 2012 and August 2013. The SEC further alleges that the letters provided by Tod A DiTommaso were drafted by Guy M Jean-Pierre then emailed from Jean-Pierre to DiTommaso who put the letters on his letterhead, signed them, and sent them back to Jean-Pierre to be put into use. Jean-Pierre paid DiTommaso approximately $175 per legal opinion. According to the SEC, Tod A DiTommaso's sole contact for FSPM was Guy M Jean-Pierre.

On March 21, 2017, the SEC's motion for Summary Disposition was granted.
https://www.sec.gov/alj/aljorders/2017/ap-4698.pdf

In that document we are told DiTommaso was introduced to Guy Jean-Pierre in 2012 and was unaware of any penny stock ban against Jean-Pierre until the SEC contacted DiTommaso as part of their investigation into FSPM in 2014. The following chart shows that information to most likely be false as DiTommaso had previously taken over as legal counsel for 3 other Jean-Pierre Issuers (AGCZ, NWGC, and EHSI) in 2010 immediately after Jean-Pierre was added to the prohibited attorney list, a full 2 years before DiTommaso got involved in FSPM. The chart shows that the first 5 public Issuers to hire DiTommaso (AGCZ, NWGC, EHSI, FSPM, and IJJP) had all previously hired Guy Jean-Pierre for legal services. At least 4 of the 8 Issuers that hired DiTommaso had links to Roy Meadows (AGCZ, NWGC, IJJP, and RSCF) 2 of the 8 Issuers that hired DiTommaso had links to William Sears (FSPM and PIHN)

Issuer	Free Trading Stock	Litigation – DiTomasso Scam Alert	Opinions
Polaris International Holdings (PIHN)	William Sears; James Douglas Pulver; Takeshi Someya; Tomohiro Wakabayashi	The SEC and DOJ charged William Sears for FSPM; Sears had previously pleaded guilty to federal charges involving securities fraud and bribery in 2007 following a 2004 Indictment; Diane Dalmy was charged by the SEC in 2013 then charged again in 2015, she was suspended from practicing in 2016; Jackson L Morris was charged by the SEC in 2001	DiTommaso wrote Attorney Letters
Andes Gold Corp (AGCZ) **Sub of NWGC Below**	Roy Meadows; Donna Rayburn; Jean-François Amyot; Dan Ryan; Dennis Ruggeri; Tillerman Securities; Karisa Augustus	SEC Litigation against Amyot; SEC litigation against Ryan; In April 2016 an independent consultant declared AGCZ a fraud from 2011 - 2015 (lying about its business operations); OTC ban SEC, DOJ Guy Jean-Pierre **Public Filings and Marketing Materials reflect the same address and telephone for ZRSCG, NWGC and AGCZ. DiTomasso rendered opinions throughout the fraud**	DiTommaso wrote Attorney letters from May of 2010 – 2015 Jean Pierre wrote opinions for sub NWGC
New World Gold Corporation (NWGC)	Roy Meadows; Donna Rayburn; Dennis Ruggeri; Keithley Lake; Karisa Augustus	In April 2016 an independent consultant declared NWGC a fraud from 2011 - 2015 (lying about its business operations); OTC ban SEC and DOJ Jean-Pierre **Public Filings and Marketing Materials reflect the same address for ZRSCG, NWGC and AGCZ. DiTomasso rendered opinions throughout the fraud. Also a former address used by Frederick M. Lehrer**	DiTommaso wrote Attorney Letters from May of 2010 Guy Jean-Pierre (from 2008 - 2010)
Zoloto Resources Ltd (ZRSCF)	Karisa Augustus (T&S Inestments Limited); NWGC	ZRSCF was well linked to AGCZ and NWGC and had common participants **ZRSCF DID IR ACTIVITY/PUMP AROUND NWGC - AGCZ JOINT VENTURE PINK – NO INFORMATION STOP SIGN Company address, phone and management appear to be fabricated. Public Filings and Marketing Materials reflect the same address for ZRSCG, NWGC and AGCZ. DiTomasso rendered opinions throughout the fraud**	DiTommaso wrote opinion letters- Jean Pierre Clients Note SEC Revoked Ticker used same address SFAZ

EQ Labs, Inc (EQLB)	The outstanding share count grew a ton between 2015 - 2017, but EQLB never discloses who received the shares or held the debt	**DiTomasso rendered opinions**	In 2015 DiTommaso showed up authoring the Attorney letters for the ticker. He did the most recent letter in June 2016
Emerging Healthcare Solutions Inc (EHSI)	Joe Schmoe (obviously a fake name); Jack Uselton; Darrel Uselton; Jonathan Gilchrist; Maurice Stone; John Austin, Andrew Farmer	SEC Suspension on June 7, 2011; Jack and Darrell Uselton were named in SEC litigation in 2001 then again in 2009 – they criminally Indicted in 2007; Eddie Austin was named in an SEC Complaint in 2012; Jonathan Gilchrist was charged by the SEC in 2013; Andrew Farmer was named in an SEC Complaint in 2013; Samuel E Whitley was named in an SEC Complaint in 2014; OTC ban, SEC & DOJ Guy M. Jean Pierre	DiTommaso wrote Attorney Letter in May of 2010- Guy Jean-Pierre (from 2009 - 2010);
Fusion Pharm Inc	William Sears, Scott Dittman	SEC Trading Suspension, SEC Action and DOJ against Sears, Dittman and Jean-Pierre	Guy Jean-Pierre 2009 opinion- Corporate officer DiTommaso Attorney Letters, July 2011 - August 2014 Frederick Lehrer wrote 1 OTC Market Opinion and 19 tradability legal opinions.
Artfest International	Big Apple Consulting, Roy Meadows, Marc Jablon, Edward Bronson Joseph Blumenthal	SEC Trading Suspension Dilution Scam	Jean Pierre then DiTommaso rendered tradability opinions
IJJP	Big Apple Consulting, Roy Meadows, Marc Jablon, Edward Bronson Joseph Blumenthal	Dilution Scam/ Stop Sign	Jean Pierre then DiTommaso rendered opinions

Exhibit - JT 1

This is proof the SEC KNEW of Fred Lehrers purjured TESTIMONY. INSTEAD of INVESTIGATING they use it JUST LIKE the DOJ did against me.

JUSTICE WAS Never an OPTION for me. Only a CONVICTION

From: Jeffrey Thomas <jthomas@thomaslawllc.com>
Subject: RE: follow up
Date: January 26, 2017 at 12:10:08 PM EST
To: 'Scott Dittman' <sdittman69@icloud.com>

Scott,

Kim called to let me know that they received a call from Brenda Hamilton, who detailed some of her knowledge about Fred Lehrer. I pressed Kim as to what this meant in terms of their case, and she made it clear that it didn't mean anything. Because their case is technically still open, she just believed that she had an obligation to inform me of the call.

Thanks.

Jeffrey R. Thomas
Thomas Law LLC
50 S. Steele Street, Suite 250
Denver, Colorado 80209

Exhibit CD1

This is taken from Craig Dudley's 302 interview. Mr Dudley is a CPA (a real one) that was Mr Dittmans CFO at that time. Mr Dudley has worked for many Publicly Traded Fortune 500 Companies prior to Fusion Pharm.

This is proof Fred Lehrer advised that my daily actions did not rise to a disclosure Level.

Fred Lehrer lies about this very conservation in his Testimony.

QUOTE TAKEN FROM CRAIG DUDLEYS 302.

Sears is engaged with and works very closely with FusionPharm because Meadpoint is the sales arm. Meadpoint was out "humping for sales" at trade shows and such. Sears has been an advisor and helped Dittman along the way. With regards to the relationship between Sears and FusionPharm, Dudley advised that is was a "muddy situation." It is close but not over the line. Dudley brought up the disclosure of this relationship with their securities counsel, Fred Last Name Unknown (LNU). Dudley raised this when he was finishing the 2013 financials. While it is a muddy situation, the decision was made that it did not rise to the level of disclosure.

Exhibit FL-302s

These are material and exculpatory! These were withheld for 5 years & 7 months after they occured.

There are far too many false statements & purjaries to list in this Filing. The fact that they were hidden & withheld for all this time speaks volumes.

If required to do so email traffic can be produced to support this claim!

Exhibit - KFDRS

In this instance in June of 2015, my wife was employed by Frontier Airlines. She was with Frontier for some 16 years at that time. As a Flight Attendent she structured her schedule for that month whereas she would be off the first three weeks or 23 days to be exact. On or about June 26th (My Wifes First Day Back to Work), she was seated in Take off position as the plane was on the runway & cleared for take off.

Then comes a call across the planes communication system Homeland Security called the plane back to the gate. So Take off is aborted and they taxi back to the gate. Once secured at the gate homeland security informes the Captain that Sandra Sears is to be escorted off the plane. So as my wife & the Captain leave the plane, midway down the Jet way is Kate Funk. She did this to serve a subpeona! She immediately starts pepperig Sandy with questions. Ultimately the Captain Interviews and takes my wife back on board. He called Agent Funks conduct "Disgraceful."

Agent Funk got that subpeona 20 days prior. My wife was home all that time. She could have easily served her there. This was to cause, stress, aburess, fear and emotional & physical exhaustion. She would have had to research Employment Supervisiers & access schedules. Then to purposely wait till the plane was on the runway only to pull it back How is this NOT Abuse.

My wife never recovered from that. She left Frontier that October. She said she could not cope with the thought of that happening again PTSD she still has to this day.

Witness's can be called to verify this abusive event.