

No. 19-251

IN THE
Supreme Court of the United States

AMERICANS FOR PROSPERITY FOUNDATION,
Petitioner,

v.

XAVIER BECERRA, IN HIS OFFICIAL CAPACITY AS
THE ATTORNEY GENERAL OF CALIFORNIA,
Respondent.

**On Writ of Certiorari to the
United States Court of Appeals
for the Ninth Circuit**

JOINT APPENDIX

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February 22, 2021

PETITION FOR WRIT OF CERTIORARI FILED: AUGUST 26, 2019

CERTIORARI GRANTED: JANUARY 8, 2021

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Nos. 16-55727 & 16-55786
D.C. No. 2:14-cv-09448-R-FFM

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff-Appellee/Cross-Appellant,

v.

XAVIER BECERRA, in his official capacity as the
Attorney General of California,
Defendant-Appellant/Cross-Appellee.

Court of Appeals Docket Entries

DATE	DOCKET NUMBER	DESCRIPTION
05/18/2016	1	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 05/25/2016. Transcript ordered by 06/17/2016. Transcript due 09/15/2016. Appellant Kamala D. Harris,

DATE	DOCKET NUMBER	DESCRIPTION
06/01/2016	5	<p>Attorney General opening brief due 10/25/2016. Appellee Americans for Prosperity Foundation answering brief due 11/25/2016. Appellant's optional reply brief is due 14 days after service of the answering brief. [9981725] (BG) [Entered: 05/18/2016 02:05 PM]</p> <p>DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL ON CROSS APPEAL. SEND MQ: Yes. Setting cross-appeal briefing schedule as follows: Mediation Questionnaire due on 06/08/2016. First cross appeal brief due 10/25/2016 for Kamala D. Harris, Attorney General. Second brief on cross appeal due 11/25/2016 for Americans for Prosperity Foundation. Third brief on cross appeal due 12/27/2016 for Kamala D. Harris, Attorney</p>

DATE	DOCKET NUMBER	DESCRIPTION
		General. The optional reply cross appeal brief is due 14 days from service of third brief on cross appeal. [9997690] [16-55786, 16-55727] (BG) [Entered: 06/01/2016 09:18 AM]
11/23/2016	12	Submitted (ECF) First Brief on Cross-Appeal for review. Submitted by Appellee Kamala D. Harris in 16-55786, Appellant Kamala D. Harris in 16-55727. Date of service: 11/23/2016. [10210035] [16-55786, 16-55727] --[COURT UPDATE: Updated docket text to reflect correct brief type. 11/25/2016 by TYL] (Gordon, Alexandra) [Entered: 11/23/2016 05:31 PM]
11/23/2016	13	Submitted (ECF) excerpts of record. Submitted by Appellee Kamala D. Harris in 16-55786, Appellant Kamala D. Harris in 16-55727. Date of service:

DATE	DOCKET NUMBER	DESCRIPTION
		11/23/2016. [10210052] [16-55786, 16-55727] (Gordon, Alexandra) [Entered: 11/23/2016 05:41 PM]
12/02/2016	15	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Campaign Legal Center. Date of service: 12/02/2016. [10219038] [16-55727, 16- 55786] (Malloy, Tara) [Entered: 12/02/2016 02:19 PM]
01/20/2017	22	Submitted (ECF) Second Brief on Cross-Appeal for review. Submitted by Appellee Americans for Prosperity Foundation in 16-55727, Appellant Americans for Prosperity Foundation in 16-55786. Date of service: 01/20/2017. [10274461] [16-55727, 16-55786] (Shaffer, Derek) [Entered: 01/20/2017 08:55 PM]
01/20/2017	23	Submitted (ECF) supplemental excerpts of

DATE	DOCKET NUMBER	DESCRIPTION
		record. Submitted by Appellee Americans for Prosperity Foundation in 16-55727, Appellant Americans for Prosperity Foundation in 16-55786. Date of service: 01/20/2017. [10274463] [16-55727, 16-55786] (Shaffer, Derek) [Entered: 01/20/2017 09:04 PM]
01/26/2017	26	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Pacific Legal Foundation. Date of service: 01/26/2017. [10281988] [16-55727, 16-55786] (Talcott, Jeremy) [Entered: 01/26/2017 04:13 PM]
01/27/2017	30	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Electronic Privacy Information Center. Date of service: 01/27/2017. [10283591] [16-55727, 16-55786]

DATE	DOCKET NUMBER	DESCRIPTION
01/27/2017	31	(Butler, Alan) [Entered: 01/27/2017 11:52 AM] Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Philanthropy Roundtable. Date of service: 01/27/2017. [10284020] [16-55727, 16- 55786] (Harris, Sarah) [Entered: 01/27/2017 12:03 PM]
01/27/2017	36	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by BRIEF OF AMICI STATES ARIZONA, ALABAMA, LOUISIANA, MICHIGAN, NEVADA, TEXAS, AND WISCONSIN SUPPORTING PLAINTIFF- APPELLEE/CROSS- APPELLANT. Date of service: 01/27/2017. [10288585] [16-55786, 16- 55727] (Miller, Keith)

DATE	DOCKET NUMBER	DESCRIPTION
01/27/2017	37	[Entered: 01/27/2017 03:38 PM] Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by American Target Advertising Inc.. Date of service: 01/27/2017. [10288628] [16-55727, 16-55786]--[COURT ENTERED FILING to correct entry [35].] (SLM) [Entered: 01/27/2017 03:48 PM]
01/27/2017	42	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Free Speech Defense and Education Fund, Free Speech Coalition, Citizens United, Citizens United Foundation, National Right to Work Committee, U.S. Constitutional Rights Legal Defense Fund, U.S. Justice Foundation, Family Research Council, et al.. Date of service:

DATE	DOCKET NUMBER	DESCRIPTION
		01/27/2017. [10288975] [16-55727, 16-55786] (Titus, Herbert) [Entered: 01/27/2017 05:25 PM]
01/27/2017	43	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Pacific Research Institute, Cato Institute, and Competitive Enterprise Institute. Date of service: 01/27/2017. [10289014] [16-55727, 16-55786] (Ho, Allyson) [Entered: 01/27/2017 07:08 PM]
01/27/2017	44	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Alliance Defending Freedom. Date of service: 01/27/2017. [10289017] [16-55727, 16- 55786] (Sadeghi, Samuel) [Entered: 01/27/2017 07:27 PM]
01/27/2017	45	Submitted (ECF) Amicus brief for review (by government or with

DATE	DOCKET NUMBER	DESCRIPTION
		consent per FRAP 29(a)). Submitted by The NAACP Legal Defense and Educational Fund, Inc.. Date of service: 01/27/2017. [10289029] [16-55727, 16-55786] (Burgess, Brian) [Entered: 01/27/2017 08:09 PM]
01/27/2017	46	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Proposition 8 Legal Defense Fund. Date of service: 01/27/2017. [10289049] [16-55727, 16-55786] (Pugno, Andrew) [Entered: 01/27/2017 11:29 PM]
02/02/2017	65	Filed (ECF) Errata to Amicus Brief ([37] Brief Submitted for Review (ECF Filing)). Filed by Amicus Curiae American Target Advertising, Inc. in 16-55727, 16-55786. Date of service: 02/02/2017. [10300631] [16-55727, 16-55786]--

DATE	DOCKET NUMBER	DESCRIPTION
		[COURT UPDATE: Attached certificate of service. 02/03/2017 by SLM] (Fitzgibbons, Mark) [Entered: 02/02/2017 05:18 PM]
02/15/2017	71	Filed clerk order (Deputy Clerk: KS): Free Speech Defense and Education Fund, et al.'s motion to file an oversized amicus brief (Docket Entry No. [58]) is granted. The Clerk shall file the amicus brief submitted at Docket Entry No. [42]. [10320910] [16-55727, 16- 55786] (WL) [Entered: 02/15/2017 01:49 PM]
04/21/2017	74	Submitted (ECF) Third Brief on Cross-Appeal for review. Submitted by Appellant Kamala D. Harris in 16-55727, Appellee Kamala D. Harris in 16-55786. Date of service: 04/21/2017. [10407173] [16-55727, 16- 55786] (Gordon, Alexandra) [Entered: 04/21/2017 06:01 PM]
05/24/2017	79	Submitted (ECF) Cross-

DATE	DOCKET NUMBER	DESCRIPTION
		Appeal Reply Brief for review. Submitted by Appellee Americans for Prosperity Foundation in 16-55727, Appellant Americans for Prosperity Foundation in 16-55786. Date of service: 05/24/2017. [10447168] [16-55727, 16-55786] (Shaffer, Derek) [Entered: 05/24/2017 01:55 PM]
09/06/2017	86	Filed order (STEPHEN REINHARDT, RAYMOND C. FISHER and JACQUELINE H. NGUYEN): Oral argument in the above-captioned cases will be heard on the same day. The court will issue an order respecting the date, time and location of oral argument once briefing in Nos. 16-56855 and 16-56902 is completed. [10571474] [16-55727, 16-55786, 16-56855, 16-56902] (AF) [Entered: 09/06/2017 03:31 PM]
02/26/2018	87	Filed (ECF) Appellant

DATE	DOCKET NUMBER	DESCRIPTION
		Xavier Becerra in 16-55727, Appellee Xavier Becerra in 16-55786 citation of supplemental authorities. Date of service: 02/26/2018. [10777090] [16-55727, 16-55786] (Gordon, Alexandra) [Entered: 02/26/2018 12:19 PM]
02/28/2018	88	Filed (ECF) Appellee Americans for Prosperity Foundation in 16-55727, Appellant Americans for Prosperity Foundation in 16-55786 citation of supplemental authorities. Date of service: 02/28/2018. [10780944] [16-55727, 16-55786] (Shaffer, Derek) [Entered: 02/28/2018 11:59 AM]
04/09/2018	90	Filed clerk order (Deputy Clerk: AF): Pursuant to G.O. § 3.2.h, Judge Paez has been drawn as the replacement for Judge Reinhardt. The panel for these cases will now consist of: FISHER, PAEZ and NGUYEN,

DATE	DOCKET NUMBER	DESCRIPTION
		Circuit Judges. [10829034] [16-55727, 16-55786, 16-56855, 16-56902] (AF) [Entered: 04/09/2018 11:39 AM]
06/25/2018	100	ARGUED AND SUBMITTED TO RAYMOND C. FISHER, RICHARD A. PAEZ and JACQUELINE H. NGUYEN. [10920739] [16-55727, 16-55786] (Witt, Dusty) [Entered: 06/25/2018 12:45 PM]
06/26/2018	101	Filed Audio recording of oral argument. Note: Video recordings of public argument calendars are available on the Court's website, at http://www.ca9.uscourts.gov/media/[10922138] [16-55727, 16-55786] (Witt, Dusty) [Entered: 06/26/2018 10:19 AM]
09/11/2018	102	FILED OPINION (RAYMOND C. FISHER, RICHARD A. PAEZ and JACQUELINE H. NGUYEN) INJUNCTIONS VACATED;

DATE	DOCKET NUMBER	DESCRIPTION
		JUDGMENTS REVERSED; CASES REMANDED. The Law Center's motion for judicial notice, filed February 12, 2018 (Dkt. 45, No. 16-56855) is DENIED. The Attorney General's motion to strike, filed February 13, 2018 (Dkt. 47, No. 16- 56855), is DENIED. Judge: RCF Authoring. FILED AND ENTERED JUDGMENT. [11006860] [16-55727, 16-55786, 16- 56855, 16-56902] (RMM) [Entered: 09/11/2018 07:28 AM]
09/25/2018	106	Filed (ECF) Appellant Americans for Prosperity Foundation in 16-55786 petition for rehearing en banc (from 09/11/2018 opinion). Date of service: 09/25/2018. [11025269] [16-55727, 16-55786] (Shaffer, Derek) [Entered: 09/25/2018 04:02 PM]
10/05/2018	107	Submitted (ECF) Amicus brief for review (by

DATE	DOCKET NUMBER	DESCRIPTION
		government or with consent per FRAP 29(a)). Submitted by The Philanthropy Roundtable, Liberty Education Forum, Pacific Research Institute, and Alliance Defending Freedom. Date of service: 10/05/2018. [11036983] [16-55727, 16-55786] (Gooding, Robert) [Entered: 10/05/2018 12:41 PM]
10/05/2018	108	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Council on American-Islamic Relations. Date of service: 10/05/2018. [11037058] [16-55727, 16-55786] (Masri, Lena) [Entered: 10/05/2018 01:16 PM]
10/05/2018	109	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Pacific Legal Foundation. Date

DATE	DOCKET NUMBER	DESCRIPTION
		of service: 10/05/2018. [11037388] [16-55727, 16- 55786]--[COURT UPDATE: Attached corrected brief. 10/09/2018 by SLM] (Talcott, Jeremy) [Entered: 10/05/2018 02:51 PM]
10/05/2018	114	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Citizens United, Citizens United Foundation, Free Speech Defense and Education Fund, and Free Speech Coalition. Date of service: 10/05/2018. [11037584] [16-55727, 16-55786] (Titus, Herbert) [Entered: 10/05/2018 03:50 PM]
10/05/2018	115	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by American Target Advertising. Date of service: 10/05/2018. [11037601] [16-55727, 16-

DATE	DOCKET NUMBER	DESCRIPTION
10/05/2018	118	55786] (Fitzgibbons, Mark) [Entered: 10/05/2018 03:56 PM] Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by the States of Arizona, Alabama, Arkansas, Kansas, Louisiana, Michigan, Nebraska, Nevada, South Carolina, Texas, and Wisconsin. Date of service: 10/05/2018. [11037759] [16-55727, 16- 55786] (Miller, Keith) [Entered: 10/05/2018 04:41 PM]
10/05/2018	121	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Brief of the New Civil Liberties Alliance as Amicus Curiae in Support of the Petition for Rehearing En Banc. Date of service: 10/05/2018. [11037876] [16-55727, 16-55786] (Mitchell, Jonathan)

DATE	DOCKET NUMBER	DESCRIPTION
10/05/2018	122	[Entered: 10/05/2018 09:33 PM] Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Proposition 8 Legal Defense Fund. Date of service: 10/05/2018. [11037886] [16-55727, 16-55786] (Pugno, Andrew) [Entered: 10/05/2018 11:50 PM]
11/06/2018	128	Filed (ECF) Appellant Xavier Becerra in 16- 55727, Appellee Xavier Becerra in 16-55786 response to petition for rehearing en banc. Date of service: 11/06/2018. [11074202]. [16-55727, 16-55786]--[COURT UPDATE: Edited docket text to reflect content of filing. 11/06/2018 by RY] (Gordon, Alexandra) [Entered: 11/06/2018 04:14 PM]
02/06/2019	132	Filed (ECF) Amicus Curiae State of Michigan in 16-55727, 16-55786

DATE	DOCKET NUMBER	DESCRIPTION
		Motion for miscellaneous relief [Motion to Withdraw the State of Michigan from January 27, 2018, Amicus Brief in Support of Plaintiff-Appellee/Cross-Appellant]. Date of service: 02/06/2019. [11180410] [16-55727, 16-55786] (Hammoud, Fadwa) [Entered: 02/06/2019 06:21 AM]
02/08/2019	133	Filed order (RAYMOND C. FISHER, RICHARD A. PAEZ and JACQUELINE H. NGUYEN) Amicus Curiae State of Michigan's motion to withdraw from October 5, 2018 and January 27, 2018 amicus briefs in support of plaintiff-appellee / cross-appellant, filed February 6, 2019 (Dkt. [132]), is GRANTED. [11183869] [16-55727, 16-55786] (OC) [Entered: 02/08/2019 10:43 AM]
03/29/2019	136	Filed Order for

DATE	DOCKET NUMBER	DESCRIPTION
		<p>PUBLICATION (RAYMOND C. FISHER, RICHARD A. PAEZ and JACQUELINE H. NGUYEN) (Dissent by Judge Ikuta; Reply to Dissent by Judges Fisher, Paez, and Nguyen) Denying Petition for Rehearing En Banc (ECF Filing) filed by Appellant Americans for Prosperity Foundation in 16-55727, 16-55786, Denying Petition for Rehearing En Banc (ECF Filing) Judge Paez and Judge Nguyen have voted to deny the petitions for rehearing en banc and Judge Fisher has so recommended. The full court was advised of the petitions for rehearing en banc. A judge requested a vote on whether to rehear the matter en banc. The matter failed to receive a majority of the votes of the nonrecused active judges in favor of en banc consideration. Fed. R.</p>

DATE	DOCKET NUMBER	DESCRIPTION
		App. P. 35. The petitions for rehearing en banc (Nos. 16-55727 and 16-55786, filed September 25, 2018 - Dkt.[106]; and Nos. 16-56855 and 16-56902, filed September 26, 2018 - Dkt. [11025443-2]) are DENIED. [11246084] [16-55727, 16-55786, 16-56855, 16-56902] (RMM) [Entered: 03/29/2019 07:49 AM]
04/02/2019	137	Filed (ECF) Appellant Americans for Prosperity Foundation in 16-55786 Unopposed Motion to stay the mandate. Date of service: 04/02/2019. [11250856] [16-55727, 16-55786] (Shaffer, Derek) [Entered: 04/02/2019 04:55 PM]
04/03/2019	138	Filed order (RAYMOND C. FISHER, RICHARD A. PAEZ and JACQUELINE H. NGUYEN): Appellee's motion for stay of the issuance of the mandate pending application for

DATE	DOCKET NUMBER	DESCRIPTION
		<p>writ of certiorari, filed April 2, 2019 (Dkt. [137]), is GRANTED. Fed. R. App. P. 41(b). The mandate is stayed for a period not to exceed 90 days pending the filing of the petition for writ of certiorari in the Supreme Court. Should appellee file for a writ of certiorari, the stay shall continue until final disposition by the Supreme Court. [11251589] [16-55727, 16-55786] (AF) [Entered: 04/03/2019 12:06 PM]</p>

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

District Court Docket Entries

DATE	DOCKET NUMBER	DESCRIPTION
12/09/2014	1	COMPLAINT Receipt No: 0973-14897188 - Fee: \$400, filed by Plaintiff Americans for Prosperity Foundation. (Attachments: # 1 Exhibit Exhibits A-K of Complaint, # 2 Summons, # 3 Civil Cover Sheet, # 4 Notice of Interested Parties, # 5

DATE	DOCKET NUMBER	DESCRIPTION
		Notice of Pendency) (Attorney Harold A Barza added to party Americans for Prosperity Foundation(pty:pla))(Bar za, Harold) (Entered: 12/09/2014)
02/23/2015	33	ORDER GRANTING MOTION FOR PRELIMINARY INJUNCTION 15 by Judge Manuel L. Real It is hereby ORDERED that the Attorney General is preliminarily enjoined from demanding, and or from taking any action to implement or to enforce her demand for a copy of the Foundation's Schedule B to IRS Form 990 or any other document that would disclose the names and addresses of the Foundation's donors, until this Court issues a final judgment. (pj) (Entered: 02/23/2015)
03/16/2015	34	ANSWER filed by Defendant Kamala Harris. (Attachments: # 1

DATE	DOCKET NUMBER	DESCRIPTION
12/30/2015	85	<p>Certificate of Service)(Gordon, Alexandra) (Entered: 03/16/2015)</p> <hr/> <p>OPINION from Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals 35 filed by Kamala Harris. CCA # 15-55446 and 15-55911. We (9th CCA) vacate the district court's orders granting preliminary injunctions and instruct the district court to enter new orders preliminarily enjoining the Attorney General only from making Schedule B information public. ORDERS VACATED. [See document for all details] (mat) (Entered: 12/30/2015)</p>
01/05/2016	94	<p>ORDER ENJOINING ATTORNEY GENERAL FROM PUBLICLY DISCLOSING SCHEDULE B FORMS by Judge Manuel L. Real: IT IS HEREBY</p>

DATE	DOCKET NUMBER	DESCRIPTION
03/08/2016	164	<p>ORDERED that the Attorney General shall be permitted to obtain and use Plaintiff's Schedule B forms for its nonpublic enforcement purposes, but is strictly prohibited from making the Schedule B information public in any manner or under any circumstances. (gk) (Entered: 01/05/2016)</p> <p>TRANSCRIPT for proceedings held on 2/23/16 1:08 p.m. TRIAL DAY 1 VOLUME 2 Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due</p>

DATE	DOCKET NUMBER	DESCRIPTION
03/08/2016	165	<p>3/29/2016. Redacted Transcript Deadline set for 4/8/2016. Release of Transcript Restriction set for 6/6/2016. (Zurborg, Carol) (Entered: 03/08/2016)</p> <p>TRANSCRIPT for proceedings held on 2/24/16 10:56 a.m. TRIAL DAY 2 VOLUME 2 Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/29/2016. Redacted Transcript Deadline set for 4/8/2016. Release of Transcript Restriction set for 6/6/2016. (Zurborg, Carol) (Entered: 03/08/2016)</p>

DATE	DOCKET NUMBER	DESCRIPTION
		03/08/2016)
03/08/2016	166	TRANSCRIPT for proceedings held on 2/25/16 9:09 a.m. TRIAL DAY 3 VOLUME 1 Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/29/2016. Redacted Transcript Deadline set for 4/8/2016. Release of Transcript Restriction set for 6/6/2016. (Zurborg, Carol) (Entered: 03/08/2016)
03/08/2016	167	TRANSCRIPT for proceedings held on 3/3/16 1:09 p.m. TRIAL DAY 5 VOLUME 2 Court

DATE	DOCKET NUMBER	DESCRIPTION
		<p>Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/29/2016. Redacted Transcript Deadline set for 4/8/2016. Release of Transcript Restriction set for 6/6/2016. (Zurborg, Carol) (Entered: 03/08/2016)</p>
	168	<p>TRANSCRIPT for proceedings held on 3/4/16 10:27 a.m. TRIAL DAY 6 Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the</p>

DATE	DOCKET NUMBER	DESCRIPTION
03/08/2016	170	<p data-bbox="813 457 1198 1058">Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/29/2016. Redacted Transcript Deadline set for 4/8/2016. Release of Transcript Restriction set for 6/6/2016. (Zurborg, Carol) (Entered: 03/08/2016)</p> <p data-bbox="813 1079 1198 1724">TRANSCRIPT for proceedings held on 02/23/2016 - 10:01 A.M. TRIAL DAY 1 VOLUME 1 Court Reporter: Shayna Montgomery, E-mail: shaynamontgomery@yahoo.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be</p>

DATE	DOCKET NUMBER	DESCRIPTION
03/08/2016	171	<p>obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/29/2016. Redacted Transcript Deadline set for 4/8/2016. Release of Transcript Restriction set for 6/6/2016. (Montgomery, Shayna) (Entered: 03/08/2016)</p> <p>TRANSCRIPT for proceedings held on 02/24/2016 - 9:08 A.M. TRIAL DAY 2 VOLUME 1 Court Reporter: Shayna Montgomery, E-mail: shaynamontgomery@yahoo.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date.</p>

DATE	DOCKET NUMBER	DESCRIPTION
03/08/2016	172	<p>Redaction Request due 3/29/2016. Redacted Transcript Deadline set for 4/8/2016. Release of Transcript Restriction set for 6/6/2016. (Montgomery, Shayna) (Entered: 03/08/2016)</p> <p>TRANSCRIPT for proceedings held on 02/25/2016 - 1:36 P.M. TRIAL DAY 3 VOLUME 2 Court Reporter: Shayna Montgomery, E-mail: shaynamontgomery@yahoo.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/29/2016. Redacted Transcript Deadline set for 4/8/2016. Release of</p>

DATE	DOCKET NUMBER	DESCRIPTION
03/08/2016	173	<p>Transcript Restriction set for 6/6/2016. (Montgomery, Shayna) (Entered: 03/08/2016)</p> <p>TRANSCRIPT for proceedings held on 02/26/2016 - 10:02 A.M. TRIAL DAY 4 Court Reporter: Shayna Montgomery, E-mail: shaynamontgomery@yahoo.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/29/2016. Redacted Transcript Deadline set for 4/8/2016. Release of Transcript Restriction set for 6/6/2016. (Montgomery, Shayna)</p>

DATE	DOCKET NUMBER	DESCRIPTION
		(Entered: 03/08/2016)
03/08/2016	174	TRANSCRIPT for proceedings held on 03/03/2016 - 10:04 A.M. TRIAL DAY 5 VOLUME 1 Court Reporter: Shayna Montgomery, E-mail: shaynamontgomery@yahoo.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/29/2016. Redacted Transcript Deadline set for 4/8/2016. Release of Transcript Restriction set for 6/6/2016. (Montgomery, Shayna) (Entered: 03/08/2016)
03/14/2016	177	NOTICE OF LODGING filed containing Proposed

DATE	DOCKET NUMBER	DESCRIPTION
		Post-Trial Findings of Fact and Conclusions of Law re Bench Trial - Completed (Court Decision),,, 176 (Attachments: # 1 Proposed Post-Trial Findings of Fact and Conclusions of Law)(Shaffer, Derek) (Entered: 03/14/2016)
03/15/2016	178	NOTICE OF LODGING filed Containing Defendant's Post-Trial Proposed Findings of Fact & Conclusions of Law re Bench Trial - Completed (Court Decision),,, 176 (Attachments: # 1 Proposed Order Proposed Post-Trial Findings of Fact & Conclusions of Law)(Gordon, Alexandra) (Entered: 03/15/2016)
04/07/2016	182	ORDER from Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals 35 filed by Kamala Harris. CCA # 15-55446. Appellants'

DATE	DOCKET NUMBER	DESCRIPTION
		petition for panel rehearing and rehearing en banc, filed January 11, 2016, is DENIED. (mat) (Entered: 04/07/2016)
04/18/2016	183	MANDATE of Ninth Circuit Court of Appeals filed re: Notice of Appeal 35 CCA # 15-55446. The judgment of the 9th Circuit Court, entered December 29, 2015, takes effect this date. This constitutes the formal mandate of the 9th CCA issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. Each party shall bear its own costs on appeal. [See USCA Opinion 85 ORDERS VACATED](mat) (Entered: 04/18/2016)
04/21/2016	184	ORDER FOR JUDGMENT IN FAVOR OF PLAINTIFF by Judge Manuel L. Real: This Court grants Americans For Prosperity Foundation's ("AFP")

DATE	DOCKET NUMBER	DESCRIPTION
		<p> motion for a permanent injunction to enjoin the Attorney General of California from demanding its Schedule B form. After conducting a full bench trial, this Court finds the Attorney General's Schedule B disclosure requirement unconstitutional as-applied to AFP. IT IS HEREBY ORDERED that the Attorney General is Permanently Enjoined from Requiring AFP to File with the Registry a Periodic Written Report Containing a Copy of its Schedule B to IRS Form 990. AFP Shall No Longer Be Considered Deficient or Delinquent in its Reporting Requirement because it Does Not File its Confidential Schedule B with the Attorney General. Each Party Shall Bear its Own Costs. (MD JS-6. Case Terminated) (gk) </p>

DATE	DOCKET NUMBER	DESCRIPTION
		(Entered: 04/21/2016)
05/18/2016	189	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Defendant Kamala Harris. Appeal of Order on Motion in Limine to Exclude, Motion Hearing, 150 , Order on Motion to Compel, 77 , Permanent Injunction, 184 , Order on Motion to Compel, Order on Motion for Reconsideration of Discovery Matter, Motion Hearing, 115 . (Appeal fee of \$505 paid.) (Gordon, Alexandra) (Entered: 05/18/2016)
05/31/2016	192	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Plaintiff Americans for Prosperity Foundation. Appeal of Permanent Injunction, 184 . (Appeal Fee - \$505 Fee Paid, Receipt No. 0973-17907938.) (Shaffer, Derek) (Entered: 05/31/2016)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 131

Email from Belinda Johns Regarding Planned
Parenthood

From: Belinda Johns [Belinda.Johns@doj.ca.gov]
Sent: 7/3/2012 09:15:57 AM
To: Kevis Foley [Kevis.Foley@doj.ca.gov]
Subject: Fwd: Request to remove posted Form 990,
Schedule B
Attachments: rggcexlifixco.image.gif

Importance: High

asap, please!

>>> "Eric K. Gorovitz" egorovitz@adlercolvin.com
7/2/2012 5:19 PM >>>

Ms. Johns,

I hope this finds you well. I am contacting you directly at the suggestion of Rosemary Fei. We have a pressing concern that requires immediate attention, and we understand that the Registry of Charitable Trusts can take up to three business days to respond to inquiries made via phone or the online e-mail form.

We have discovered that the Registry has posted the complete Form 990, Schedule B (for FYE June 30, 2009), including all of the names and addresses of hundreds of donors, to the publically accessible record for our client, Planned Parenthood Affiliates of California, Inc. (registration number 017023).

You have indicated that although the Registry requires the complete unredacted Form 990, including Schedule B, to be submitted with Form RRF-1, the Registry's policy is to remove Schedule B before posting Form 990 online for public access. That did not happen in this case, perhaps because the information requested on Schedule B, though clearly labelled as such, was submitted in an atypical format.

We ask for your help in getting this information removed immediately from the publicly accessible

database. As you might imagine, the unintended public availability of this information is potentially damaging to both our client and its donors, and the longer it remains available, the greater the risk it poses.

Please let me know if you need any more information, and thank you for your help.

Best regards,

Eric

Any tax advice contained in this email was not intended to be used, and cannot be used, for the purpose of avoiding penalties that may be imposed under federal tax law. A taxpayer may rely on our advice to avoid penalties only if the advice is reflected in a more formal tax opinion that conforms to IRS standards. Please contact us if you would like to discuss the preparation of a legal opinion that conforms to these rules.

Eric Gorovitz
Adler & Colvin
235 Montgomery Street, Suite 1220
San Francisco, CA 94104
Phone: 415/421-7555
Fax: 415/421-0712
Email: egorovitz@adlercolvin.com
Web: www.adlercolvin.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 582

Sacramento Bee Blogpost Entitled “FPPC Says
Arizona Nonprofit Laundered Money to CA
Campaign”

THE SACRAMENTO BEE

The latest on California politics and government
November 5, 2012

FPPC says Arizona nonprofit laundered money to CA
campaign

The state’s campaign watchdog agency accused an
Arizona nonprofit today of “money laundering” to

donate \$11 million this month and announced that two other nonprofits – Americans for Job Security and The Center to Protect Patient Rights – routed the money.

The Americans for Job Security is a nonprofit “business league” that does not have to disclose its donors. The group has run millions of dollars in ads against President Barack Obama.

The Center to Protect Patient Rights also does not have to disclose its donors as a 501(c)4. The Center for Responsive Politics reported the group has spent millions of dollars attacking Democratic congressional candidates this year and in 2010.

The Fair Political Practices Commission said in a release this morning that Americans for Responsible Leadership “sent a letter declaring itself to be the intermediary and not the true source of the contribution.”

“Under California law, the failure to disclose this initially was campaign money laundering,” FPPC wrote. “At \$11 million, this is the largest contribution ever disclosed as campaign money laundering in California history.”

Americans for Responsible Leadership donated last month toward a business committee opposing Brown’s tax initiative, Proposition 30, and supporting a measure restricting union dues collection, Proposition 32. ARL attorneys argued that the FPPC was targeting the group because it opposed the governor’s initiative.

Matt Ross, spokesman for Americans for Responsible Leadership, said in a prepared statement, “After late night discussions, Americans for Responsible

Leadership and the FPPC reached a settlement. The Commission has received specific documents it requested.”

Although it could not be confirmed, the Center to Protect Patient Rights has been connected to Kansas-based Koch Industries, whose owners, **David H. Koch** and **Charles G. Koch**, are conservative advocates.

In a September interview with Bee columnist Dan Morain, Center to Protect Patient Rights president **Sean Noble** offered little explanation about where its money comes from.

“Our goal is to promote freedom, and we support groups that do the same,” said Noble, who once worked as chief of staff to an Arizona congressman and as a lobbyist opposing the federal health care overhaul. “It’s very straightforward. There is nothing to expand upon.”

Asked about reported ties to the Center to Protect Patient Rights, Koch Companies Public Sector spokeswoman **Melissa Cohlmi**a said in an email, “Contrary to some media reports, Koch Industries, Charles Koch, and David Koch have not provided any financial support in favor of Proposition 32 and are not involved in this issue.”

Asked further about Proposition 30, Cohlmi said, “Same goes for Prop 30 no – financial support and no involvement.”

Attorney General **Kamala Harris** said by phone this morning that her office must still review whether there are any civil or criminal violations related to money laundering, though it is not pursuing any as

of yet. Harris' office has represented the FPPC in its suit against Americans for Responsible Leadership.

"Whether it's the Koch brothers or Karl Rove, this was a brazen attempt to launder money through out-of-state shell organizations, and for the sole purpose of hiding it from the voters in California," Harris said.

Brown, who has kept up constant criticism of the Arizona donation for weeks, is campaigning for his initiative throughout the state today. Ace Smith, whose company, SCN Strategies, is running Brown's campaign, said on Twitter that the FPPC had unraveled a "truly evil money laundering scheme."

Editor's note: Updated throughout the morning to include comments from Harris, Ross, Smith and a Koch spokeswoman.

Posted by **Kevin Yamamura**

8:49 AM | Comments

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 581

New Yorker Article Entitled “The Koch Brothers in
California?”

OCTOBER 25, 2013

THE KOCH BROTHERS IN CALIFORNIA?

BY JANE MAYER

It’s now established that a secretive political group linked to the billionaire conservative activists Charles and David Koch has agreed to pay a record fine for violating California’s laws requiring the disclosure of campaign donations. But much else about these dark-money maneuvers remains shrouded in the mystery that inspired the title “Covert Operations” for the story I wrote about the

Koch brothers (http://www.newyorker.com/reporting/2010/08/30/100830fa_fact_mayer) in 2010.

How *are* the Kochs connected to the Center to Protect Patient Rights, which admitted to violating California's campaign-disclosure requirements? The group is based at a post-office box in Arizona—a state where neither Koch brother has his principal residence. According to its most recent tax filing, its president is the Phoenix-based Republican political consultant named Sean Noble. The name of the organization makes it sound as if it champions patients' rights—again, not a cause with which the conservative, libertarian, industrialist brothers have been especially identified. California's attorney general and its Fair Political Practices Commission, which oversees the state's campaign-finance laws, have fined the organization for failing to reveal that it was the true source of a stunning fifteen million dollars in 2012 contributions—aimed not at health-care matters but at scuttling a state initiative that would have raised taxes on high-income residents (while also modestly boosting the sales tax) and at promoting another initiative that would have curbed the political clout of unions in the state. (The donors' side lost on both measures, in part because the huge amounts of last-minute secret money became a toxic political liability.)

California hasn't been shy about mentioning the Koch connection. The Fair Political Practices Commission, chaired by Ann Ravel, described the Center to Protect Patient Rights as “part of the ‘Koch Brothers' Network' of dark money political non-profit corporations.”

And yet, yesterday, Melissa Cohlma, a spokeswoman for Koch Industries, insisted that the brothers were not involved in the California campaign scandal in any way. Asked about Ravel's statement, Cohlma said, "Ms. Ravel's comments were without any factual basis." She also noted that a redacted list of donors to the California effort, which has surfaced in connection with the investigation, has revealed no contributions from either of the Koch brothers. "You will note there is no mention of Koch among the donors We were not involved in any of the activities at issue in California," she said.

However, other documents that emerged yesterday in connection with the investigation suggest that many of those directly involved in the shady dealings believed that the Kochs were, too. Tony Russo, a longtime California political consultant who helped to raise funds to promote the union-curbing bill, and who later became a cooperating witness, told the state's attorneys, "We thought we were dealing with the Koch network," according to the Sacramento *Bee* columnist Dan Morain.

Russo told the attorneys that a donor to the Kochs' organizations introduced him to Noble, who was identified as the Kochs' "outside consultant." Noble "thought the Koch network would be interested in helping fund a campaign similar to the one in Wisconsin, where Gov. Scott Walker attacked public-employee unions and withstood a recall," Morain wrote, summarizing from Russo's testimony.

The Fair Political Practices Commission also released an e-mail to Charles Koch, dated October 11, 2012, from someone whose name was redacted, in

which the sender wrote, of the union-curbing bill, “It would be great if you could support the final effort with several million.” This person appeared to be on friendly enough terms with the magnate to chat breezily about getting together soon: “I look forward to seeing you on a golf course (<http://topics.sacbee.com/golf+course/>)—probably after the election.” The sender also wrote, “I must tell you that Sean Noble from your group has been immensely helpful in our efforts.”

Is Sean Noble part of what the sender called the Kochs’ “group”? Is the Center to Protect Patient Rights part of their political apparatus? Numerous news accounts have described Noble as having represented the Kochs’ political interests at meetings with Karl Rove’s group American Crossroads. Noble has also been widely reported to have attended and spoken at some of the semi-annual political seminars that the Kochs host for high-dollar donors. Recently, Peter H. Stone, of the Huffington Post, quoted a G.O.P. operative who described (http://www.huffingtonpost.com/2013/10/02/sean-noble-koch-brothers_n_4017578.html) Noble as “the wizard behind the screen” of the Koch brothers’ network.

Meanwhile, as recounted in Politico (<http://dyn.politico.com/printstory.cfm?uuid=2AAD0995-04D3-40D9-905F-CD3C0F06AD13>), records show that in 2012, a new, Koch-tied political nonprofit called “Freedom Partners” was by far the single largest source of cash to the controversial Center to Protect Patient Rights. And Stone reported that in 2011, according to I.R.S. records, “the largest chunk of the center’s funding to date has come from one

group, Freedom Partners . . . which contributed a hundred and fifteen million dollars to the organization.”

So what, precisely, is the relationship between the Kochs, Noble, and the Center to Protect Patient Rights? Noble didn't return numerous e-mails and phone calls asking about this. An attorney representing the Center to Protect Patient Rights issued a press release emphasizing that the group acted “in good faith” with “no intent to violate campaign reporting rules,” but leaving any connection to the Kochs unexplained. And when pressed on this, Cohlma, after answering several other e-mailed questions, simply ceased to respond.

According to California's attorney general, Kamala D. Harris, finding out any more will require a change in campaign-finance laws. In a statement, Harris said, “This case demonstrates in clear terms that California's campaign-finance laws are in desperate need of reform. California law currently contains a loophole for certain groups to evade transparency by maintaining the anonymity of their donors.”

Above: A rally in Beverly Hills. Photograph by Joe Klamar/AFP/Getty.

Jane Mayer has been a *New Yorker* staff writer since 1995.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 220

Washington Free Beacon Article Entitled "Official:
Kochs Not Involved in California Campaign Finance
Violation"

- Washington Free Beacon - <http://freebeacon.com> -

**Official: Kochs Not Involved in California
Campaign Finance Violation**

Posted By Elizabeth Harrington On November 4,
2013 @ 4:40 pm In Politics | No Comments

Former Chair of the California Fair Political
Practices Commission (CFPPC) Ann Ravel admitted
this weekend that the Koch brothers were not
involved with campaign finance violations that
resulted in a record fine levied by the agency.

Ravel had attempted to link violations by two Arizona-based nonprofit groups to libertarian philanthropists Charles and David Koch, saying the Kochs funneled “dark money” into two 2012 ballot initiatives.

However, during an interview with *KNBC* on Saturday Ravel conceded that the Kochs were not involved.

“It was not the Koch brothers, it was Eli Broad, and there were some others,” Ravel said when asked if she believed that the Kochs were responsible for making the donations.

The Center to Protect Patient Rights (CPPR) and Americans for Responsible Leadership (ARL) reached a civil settlement with the California Commission last month for failing to disclose financial contributions during the 2012 campaign cycle, resulting in a record \$1 million fine.

The groups did not properly report \$15 million given to two California committees. Some of the contributions were spent in support of Proposition 32, which would have prohibited unions from using payroll-deducted funds for political purposes.

Koch Industries denied that they were involved in the campaign, and actually opposed Proposition 32.

“We did not support, either directly or indirectly, this ballot initiative, which would have restricted public and private sector employees’ rights to contribute to candidates,” Koch Industries said in a statement.

“In addition, we did not give directly or indirectly to any non-profit group in support of this ballot initiative,” they said.

Ravel had said during a press conference on Oct. 24 that the money was sent to the “Koch network,” which has “tentacles all over the country,” despite having no evidence that any of the funding was from the Kochs.

Numerous news reports followed Ravel’s lead, tying the Kochs to one of the biggest campaign finance violations in California history, because the founder of the Center to Protect Patient Rights had worked as a consultant to Koch Industries in the past. The group has no formal ties to the Koch brothers.

Ravel, a Democrat, is now a commissioner for the Federal Election Commission(FEC).

Article printed from Washington Free Beacon:
<http://freebeacon.com>

URL to article: **[http://freebeacon.com/politics/
official-kochs-not-involved-incalifornia-
campaign-finance-violation/](http://freebeacon.com/politics/official-kochs-not-involved-incalifornia-campaign-finance-violation/)**

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 31

Letter From Attorney General To Americans For
Prosperity Foundation Dated October 29, 2014

KAMALA D. HARRIS, Attorney General
State of California, DEPARTMENT OF JUSTICE
1300 I Street P.O. Box 903447 Sacramento, CA
94203-4470
Telephone: (916) 445-2021 Ext 6 Fax: (916) 444-3651
E-Mail Address: Delinquency@doj.ca.gov

October 29, 2014

CT FILE NUMBER: 116822

AMERICANS FOR PROSPERITY FOUNDATION
2111 WILSON BOULEVARD, SUITE 350
ARLINGTON VA 22201-3001

**RE: WARNING OF ASSESSMENT OF
PENALTIES AND LATE FEES, AND
SUSPENSION OR REVOCATION OF
REGISTERED STATUS**

The Registry of Charitable has not received the Schedule Bs as previously requested in our letter dated **June 25, 2014**, (copy enclosed) for the captioned organization. Pursuant to that letter, the following required filings are considered delinquent.

1. The IRS Form 990, 990-EZ or 990-PF submitted for the fiscal year ending **12/31/11 and 12/31/12** does not contain the copy of Schedule B, Schedule of Contributors, as required. The copy of the IRS Form 990, 990-EZ or 990-PF, including all attachments, filed with the Registry must be identical to the document filed by the organization with the Internal Revenue Service. The Registry retains Schedule B as a confidential record for IRS Form 990 and 990-EZ filers.

***NOTE:** *The Schedule B for the year ending 12/31/13 was not included with the 990 submitted. Please submit the Schedule B along with the items above.*

Failure to timely file required reports violates Government Code section 12586.

Unless the above-described report(s) are filed with the Registry of Charitable Trusts within

thirty (30) days of the date of this letter, the following will occur:

1. The California Franchise Tax Board will be notified to disallow the tax exemption of the abovenamed entity. The Franchise Tax Board may revoke the organization's tax exempt status at which point the organization will be treated as a taxable corporation (See Revenue and Taxation Code section 23703) and may be subject to the minimum tax penalty.
2. Late fees will be imposed by the Registry of Charitable Trusts for each month or partial month for which the report(s) are delinquent. Directors, trustees, officers and return preparers responsible for failure to timely file these reports are **also personally liable** for payment of all late fees.

PLEASE NOTE: Charitable assets **cannot** be used to pay these avoidable costs. Accordingly, directors, trustees, officers and return preparers responsible for failure to timely file the above-described report(s) are **personally liable** for payment of all penalties, interest and other costs incurred to restore exempt status.

3. In accordance with the provisions of Government Code section 12598, subdivision (e), the Attorney General **will suspend the registration** of the above-named entity.

If you believe the above described report(s) were timely filed, they were not received by the Registry and another copy must be filed within thirty (30) days of the date of this letter. In addition, if the address of the above-named entity

differs from that shown above, the current address must be provided to the Registry prior to or at the time the past-due reports are filed.

In order to avoid the above-described actions, please send all delinquent reports to the address set forth above, within thirty (30) days of the date of this letter.

Thank you for your attention to this correspondence.

Sincerely,

Registry of Charitable Trusts

For KAMALA D. HARRIS
Attorney General

Detailed instructions and forms for filing can be found on our website at <http://ag.ca.gov/charities>.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 237
Blank IRS 2015 Form 990, Schedule B

Schedule B
(Form 990, 990-EZ, or 990-PF)

Department of the Treasury
Internal Revenue Service

Schedule of Contributors

▶ Attach to Form 990, Form 990-EZ, or Form 990-PF.

▶ Information about Schedule B (Form 990, 990-EZ, or 990-PF) and its instructions is at www.irs.gov/form990.

OMB No. 1545-0047

2015

Name of the organization

Employer identification number

Organization type (check one):

Filers of:

Section:

Form 990 or 990-EZ

501(c)() (enter number) organization

4947(a)(1) nonexempt charitable trust **not** treated as a private foundation

527 political organization

501(c)(3) exempt private foundation

4947(a)(1) nonexempt charitable trust treated as a private foundation

501(c)(3) taxable private foundation

TX NO. 237

Case No. 2:14-CV-09448
Americans for Prosperity Foundation

v.
Kamala Harris

Date F'D: _____ Date Adm: _____

Check if your organization is covered by the **General Rule** or a **Special Rule**.

Note. Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.

General Rule

For an organization filing Form 990, 990-EZ, or 990-PF that received, during the year, contributions totaling \$5,000 or more (in money or property) from any one contributor. Complete Parts I and II. See instructions for determining a contributor's total contributions.

Special Rules

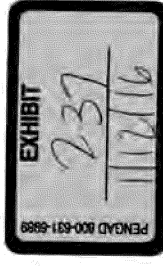
For an organization described in section 501(c)(3) filing Form 990 or 990-EZ that met the 33¹/₃% support test of the regulations under sections 509(a)(1) and 170(b)(1)(A)(v), that checked Schedule A (Form 990 or 990-EZ), Part II, line 13, 16a, or 16b, and that received from any one contributor, during the year, total contributions of the greater of (1) \$5,000 or (2) 2% of the amount on (i) Form 990, Part VIII, line 1h, or (ii) Form 990-EZ, line 1. Complete Parts I and II.

For an organization described in section 501(c)(7), (8), or (10) filing Form 990 or 990-EZ that received from any one contributor, during the year, total contributions of more than \$1,000 *exclusively* for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. Complete Parts I, II, and III.

For an organization described in section 501(c)(7), (8), or (10) filing Form 990 or 990-EZ that received from any one contributor, during the year, contributions *exclusively* for religious, charitable, etc., purposes, but no such contributions totaled more than \$1,000. If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Do not complete any of the parts unless the **General Rule** applies to this organization because it received *nonexclusively* religious, charitable, etc., contributions totaling \$5,000 or more during the year \$

Caution. An organization that is not covered by the General Rule and/or the Special Rules does not file Schedule B (Form 990, 990-EZ, or 990-PF), but it **must** answer "No" on Part IV, line 2, of its Form 990; or check the box on line H of its Form 990-EZ or on its Form 990-PF, Part I, line 2, to certify that it does not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

For Paperwork Reduction Act Notice, see the Instructions for Form 990, 990-EZ, or 990-PF. Cat. No. 30613X Schedule B (Form 990, 990-EZ, or 990-PF) (2015)



General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Schedule B (Form 990, 990-EZ, or 990-PF), such as legislation enacted after the schedule and its instructions were published, go to www.irs.gov/form990.

Note. Terms in **bold** are defined in the *Glossary* of the Instructions for Form 990.

Purpose of Schedule

Schedule B (Form 990, 990-EZ, or 990-PF) is used to provide information on contributions the organization reported on:

- Form 990, Return of Organization Exempt from Income Tax, Part VIII, *Statement of Revenue*, line 1;
- Form 990-EZ, Short Form Return of Organization Exempt from Income Tax, Part I, line 1; or
- Form 990-PF, Return of Private Foundation, Part I, line 1.

Who Must File

Every organization must complete and attach Schedule B to its Form 990, 990-EZ, or 990-PF, unless it certifies that it does not meet the filing requirements of this schedule by taking the following action:

- Answering "No" on Form 990, Part IV, *Checklist of Required Schedules*, line 2, or
- Checking the box on
 - Form 990-EZ, line H, or
 - Form 990-PF, Part I, *Analysis of Revenue and Expenses*, line 2.

See the separate instructions for these lines on those forms.

If an organization is not required to file Form 990, 990-EZ, or 990-PF but chooses to do so, it must file a complete return and provide all of the information requested, including the required schedules.

Accounting Method

When completing Schedule B (Form 990, 990-EZ, or 990-PF), the organization must use the same accounting method it checked on Form 990, Part XII, *Financial Statements and Reporting*, line 1; Form 990-EZ, line G; or Form 990-PF, line J.

Public Inspection

Note. Do not include social security numbers of contributors as this information may be made public.

- Schedule B is open to public inspection for an organization that files Form 990-PF.

- Schedule B is open to public inspection for a section 527 political organization that files Form 990 or 990-EZ.

- For all other organizations that file Form 990 or 990-EZ, the names and addresses of contributors are not required to be made available for public inspection. All other information, including the amount of contributions, the description of **noncash contributions**, and any other information, is required to be made available for public inspection unless it clearly identifies the contributor.

If an organization files a copy of Form 990 or 990-EZ, and attachments, with any state, it should not include its Schedule B (Form 990, 990-EZ, or 990-PF) in the attachments for the state, unless a schedule of contributors is specifically required by the state. States that do not require the information might inadvertently make the schedule available for public inspection along with the rest of the Form 990 or 990-EZ.

See the Instructions for Form 990, 990-EZ, or 990-PF for information on telephone assistance and the public inspection rules for these forms and their attachments.

Contributors to be Listed on Part I

A contributor (person) includes individuals, fiduciaries, partnerships, corporations, associations, trusts, and exempt organizations. In addition, section 509(a)(2), 170(b)(1)(A)(v), and 170(b)(1)(A)(vi) organizations must also report **governmental units** as contributors.

Contributions

Contributions reportable on Schedule B (Form 990, 990-EZ, or 990-PF) are contributions, grants, bequests, devises, and gifts of money or property, whether or not for charitable purposes. For example, political contributions to section 527 political organizations are included. Contributions do not include fees for the performance of services. See the Instructions for Form 990, Part VIII, line 1, for more detailed information on contributions.

General Rule

Unless the organization is covered by one of the *Special Rules* below, it must list in Part I every contributor who, during the year, gave the organization, directly or indirectly, money, **securities**, or any other type of property that total \$5,000 or more for the organization's tax year. In determining the total amount,

separate and independent gifts of less than \$1,000 can be disregarded.

Include each contribution included on Form 990, Part VIII, line 1, in calculating a contributor's total contributions and determining whether that contributor must be reported on Schedule B under this General Rule (or one of the following Special Rules, if applicable). For example, if an organization that uses the accrual method of accounting reports a pledge of noncash property in Part VIII, line 1, it must include the value of that contribution in calculating whether the contributor meets the General Rule (or one of the Special Rules, if applicable), even if the organization did not receive the property during the tax year.

Special Rules

Section 501(c)(3) organizations that file Form 990 or 990-EZ. For an organization described in section 501(c)(3) that meets the 33 $\frac{1}{3}$ % support test of the regulations under sections 509(a)(1) and 170(b)(1)(A)(vi), and not just the 10% support test (whether or not the organization is otherwise described in section 170(b)(1)(A)), list in Part I only those contributors whose contribution is \$5,000 or more during the tax year is greater than 2% of the amount reported on Form 990, Part VIII, line 1h(A), or Form 990-EZ, line 1. An organization that claims the benefit of this special rule must either (1) establish on Schedule A (Form 990 or 990-EZ), Part II, that it met the 33 $\frac{1}{3}$ % support test for the current year or prior year, or (2) check the box on Schedule A (Form 990 or 990-EZ), Part I, line 7 or 8, and the box on Schedule A, Part II, line 13, as a section 170(b)(1)(A)(vi) organization in its first five years.

Example. A section 501(c)(3) organization, of the type described above, reported \$700,000 in total contributions, gifts, grants, and similar amounts received on Form 990, Part VIII, line 1h. The organization is only required to list in Parts I and II of its Schedule B each person who contributed more than the greater of \$5,000 or 2% of \$700,000 (\$14,000) during the tax year. Thus, a contributor who gave a total of \$11,000 would not be reported in Parts I and II for this section 501(c)(3) organization. Even though the \$11,000 contribution to the organization was greater than \$5,000, it did not exceed \$14,000.

Section 501(c)(7), (8), or (10) organizations. For contributions to these social and recreational clubs, fraternal societies, orders, or fraternal beneficiary and domestic associations that were not for an exclusively religious, charitable, etc., purpose, list in Part I each contributor who contributed \$5,000 or more during the tax year, as described under *General Rule*, earlier.

For contributions to a section 501(c)(7), (8), or (10) organization received for use exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals (sections 170(c)(4), 2055(a)(3), or 2522(a)(3)), list in Part I each contributor whose aggregate contributions for an exclusively religious, charitable, etc., purpose were more than \$1,000 during the tax year. To determine the more-than-\$1,000 amount, total all of a contributor's gifts for the tax year (regardless of amount). For a noncash contribution, complete Part II.

All section 501(c)(7), (8), or (10) organizations that listed an exclusively religious, charitable, etc., contribution in Part I or II must also complete Part III to provide further information on such contributions of more than \$1,000 during the tax year and show the total amount received from such contributions that were for \$1,000 or less during the tax year.

However, if a section 501(c)(7), (8), or (10) organization did not receive total contributions of more than \$1,000 from a single contributor during the tax year for exclusively religious, charitable, etc., purposes and consequently was not required to complete Parts I through III with respect to these contributions, it need only check the third *Special Rules* box on the front of Schedule B and enter, in the space provided, the total contributions it received during the tax year for an exclusively religious, charitable, etc., purpose.

Specific Instructions



CAUTION Do not attach substitutes for Schedule B or attachments to Schedule B with information on contributors. Parts I, II, and III of Schedule B may be duplicated as needed to provide adequate space for listing all contributors. Number each page of each part (for example, Page 2 of 5, Part II).

Part I. In column (a), identify the first contributor listed as No. 1 and the second contributor as No. 2, etc. Number consecutively. In column (b), enter the contributor's name, address, and ZIP code. Identify a donor as "anonymous" only if the organization does not know the donor's identity. In column (c), enter the amount of total contributions for the tax year for the contributor listed.

In column (d), check the type of contribution. Check all that apply for the contributor listed. If a cash contribution came directly from a contributor (other than through payroll deduction), check the "Person" box. A cash contribution

includes contributions paid by cash, credit card, check, money order, electronic fund or wire transfer, and other charges against funds on deposit at a financial institution.

If an **employee's** cash contribution was forwarded by an employer (indirect contribution), check the "Payroll" box. If an employer withholds contributions from employees' pay and periodically gives them to the organization, report only the employer's name and address and the total amount given unless you know that a particular employee gave enough to be listed separately.

Check the "Noncash" box in column (d) for any contribution of property other than cash during the tax year, and complete Part II of this schedule. For example, if an organization that uses the accrual method of accounting reports a pledge of noncash property on Form 990, Part VIII, line 1g, it must check the "Noncash" box and complete Part II even if the organization did not receive the property during the tax year.

For a section 527 organization that files a Form 8871, Political Organization Notice of Section 527 Status, the names and addresses of contributors that are not reported on Form 8872, Political Organization Report of Contributions and Expenditures, do not need to be reported in Part I if the organization paid the amount specified by section 527(j)(1). In this case, enter "Pd. 527(j)(1)" in column (b) instead of a name, address, and ZIP code, but you must enter the amount of contributions in column (c).

Part II. In column (a), show the number that corresponds to the contributor's number in Part I. In column (b), describe the **noncash contribution** received by the organization during the tax year, regardless of the value of that noncash contribution. Note the public inspection rules discussed earlier.

In columns (c) and (d), report property with readily determinable market value (for example, marked quotations for securities) by listing its **fair market value (FMV)**. If the organization immediately sells securities contributed to the organization (including through a broker or agent), the contribution still must be reported as a gift of property (rather than cash) in the amount of the net proceeds plus the broker's fees and expenses. See the instructions for Form 990, Part VIII, line 1g, which provide an example to illustrate this point. If the property is not immediately sold, measure market value of marketable securities registered and listed on a recognized securities exchange by the average of the highest and lowest quoted selling prices (or the average between the *bona fide* bid and

asked prices) on the contribution date. See Regulations section 20.2031-2 to determine the value of contributed stocks and bonds. When FMV cannot be readily determined, use an appraised or estimated value. To determine the amount of a noncash contribution subject to an outstanding debt, subtract the debt from the property's FMV. Enter the date the property was received by the organization, but only if the donor has fully given up use and enjoyment of the property at that time.

The organization must report the value of any **qualified conservation contributions** and contributions of **conservation easements** listed in Part II consistently with how it reports revenue from such contributions in its books, records, and financial statements and in Form 990, Part VIII, Statement of Revenue.

For more information on noncash contributions, see the instructions for Schedule M (Form 990), Noncash Contributions.

If the organization received a partially completed Form 8283, Noncash Charitable Contributions, from a donor, complete it and return it so the donor can get a charitable contribution deduction. Keep a copy for your records.

Original (first) and successor donee (recipient) organizations must file Form 8282, Donee Information Return, if they sell, exchange, consume, or otherwise dispose of (with or without consideration) charitable deduction property (property other than money or certain publicly traded securities) within 3 years after the date the original donee received the property.

Part III. Section 501(c)(7), (8), or (10) organizations that received contributions for use exclusively for religious, charitable, etc., purposes during the tax year must complete Parts I through III for each person whose gifts totaled more than \$1,000 during the tax year. Show also, in the heading of Part III, the total of gifts to these organizations that were \$1,000 or less for the tax year and were for exclusively religious, charitable, etc., purposes. Complete this information only on the first Part III page if you use duplicate copies of Part III.

If an amount is set aside for an exclusively religious, charitable, etc., purpose, show in column (d) how the amount is held (for example, whether it is commingled with amounts held for other purposes). If the organization transferred the gift to another organization, show the name and address of the transferee organization in column (e) and explain the relationship between the two organizations.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 731

Excerpts from the Deposition of Steven Bauman
October 29, 2015

* * *

[Page 7]

THE VIDEOGRAPHER: Thank you.

Will the court reporter please swear in the
witness.

STEVEN BAUMAN, called as a deponent and
sworn in by the deposition reporter, was examined
and testified as follows:

DEPOSITION REPORTER: Right hand, please.

Do you solemnly swear that the testimony you are about to give in this matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE DEPONENT: Yes.

* * *

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[BY MR. FORST]

Q. I want to go back to our discussion of, again, your concern that charities might reach out to donors and coach them into giving a certain scripted testimony in connection with the audit. Do you remember that discussion, generally?

A. Yes.

Q. Okay. Is there a rule in place when you need to alert a charity to when it's being investigated and/or audited?

A. No.

Q. So is there any general rule of thumb or written protocol in your performance that you follow when you alert a charity?

A. No.

Q. Okay. What's your experience, then?

A. When we get a case assigned to us, I can tell you the general practice is that the charity is alerted very early on in the process, because one of the things we do is send out an audit letter requesting documents, or informing them that we would like come and do a field audit and what's a good date for you. We're going to -- follow this up with a letter that will explain the documents we're looking for.

That usually happens fairly quick, because the bulk of the information we get is from the charity, but there is nothing written that says, you know, you get the complaint and within two days you've got to notify the charity.

Q. But it happens, again, in your words, very early in the process, typically?

A. Yes.

Q. Okay. So your concern about coaching donors or tampering with evidence only comes into play for audits that you're trying to keep secret for a period of time?

A. No.

Q. Why not?

A. Just because we contact a charity and we're looking at you and here's documents we want or what have you, I don't know that that gives them a head's up to contact all donors and everyone that they've dealt with to coach them who we may ask for. If -- or who we may contact, I mean.

If we contact a charity and specifically say, "We want the contact information for Donor A," I think that's a much bigger head's up.

Q. Got it. You're telegraphing your next move; right?

A. Yes.

Q. But you don't have any idea, understandably, what a charity does in response to receiving an audit letter from you; right?

A. In their entirety, no.

Q. Yeah. So for all you know, they contact donors or they don't; right? You just don't know what happens?

A. Correct.

Q. And I guess as you sit here today, it's conceivable that they would alert their largest contributors, specifically those listed on a Schedule B?

A. Anything is possible.

Q. Okay. How many of -- talking about your audit letters, how specific are they? Do they specifically clue them in to the type of violation, the issue on Form 990 or what exactly you're looking at?

A. Depends on the complaint. It certainly can.

Q. Okay. And I mean is there a form letter that goes out, or is it something more than that, a form letter followed by a description of what the audit is about?

A. There is a form letter that lists out the more common documents that we request. That form letter is a start. We go through there and -- I mean I don't recall -- let's just say, for example, there's 20 items on there. We'll go through that and say, "Well, this request isn't pertinent to this investigation," so we delete it, and we will add others that we deem appropriate.

Q. Okay. I'm sure I've asked this, so forgive me, it might draw an objection, but have you personally ever contacted a donor before alerting to a charity that you were investigating them or auditing them?

A. Prior to notifying them that they were being audited? No.

Q. Okay. And that's over your entire tenure at the charitable trust division; right?

A. Yes –

Q. Okay.

A. -- to my recollection.

Q. The Schedule B, in particular in the foundations case which only lists donors who are above the 2 percent threshold for the time being, would it be your expectation if you called them that they would alert the charity that they had been reached -- contacted by an auditor and you're asking questions?

A. Would I expect the donor to contact the charity and let them know we called?

Q. Uh-huh.

A. Probably.

Q. Okay. Would you have the expectation that large contributors who really back these charities would be forthcoming and answer all your questions without lawyering up or without alerting the charity and just spill the beans?

A. I have no idea what they would do. It would probably depend on the questions.

Q. Okay. So, again, your -- in your declaration when you said they may tamper with evidence, charities, by coaching witnesses, you have no personal experience of that happening in connection with an audit you performed?

A. Correct

* * *

EXAMINATION (Resumed)

BY MR. FORST:

Q. Great. Welcome back, Mr. Bauman. There are two things that I want to circle back to just to revisit, and I promise just those two, and then we'll move forward with other things. But the first is: Do you guys perform random audits at any time?

A. No.

Q. Okay. So there's no procedure in which you'll pluck or identify a charity, pull their Form 990 and perform an audit?

A. No.

* * *

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[Q.] That doesn't relate to Schedule B, does it?

A. Solicitations? No.

Q. Okay. Let me short-circuit it this way and to figure it out. Which of these in your mind implicates Schedule B?

A. Implicates Schedule B or where Schedule B may be of help?

Q. Well, what's the difference, in your mind?

A. Well, I guess looking at this, if you were to say implicates Schedule B, Schedule B would be one of the first things I'd go to and I'd take a look at, versus Schedule B helps out, we can go back to Schedule L, and say, "Well, looking at Schedule L with Schedule B, it looks like there may be something going on."

Q. Okay. So let's start with the former, then, where Schedule B would be one of the first places

you'd go to look. Is that the first place or one of the first places you'd go for the first bullet, self-dealing transactions by directors or trustees?

A. No.

Q. Okay. What about -- is it one of the first places you'd go to for loans to a director or an officer?

A. No.

Q. Is it one of the first places you'd go to for losing money through speculative investments?

A. No.

Q. Is it a place that you'd go to for a charity that is overspending for salaries, benefits, travel, et cetera?

A. No.

Q. Is it the first place you might go for the next bullet, sales of charitable assets or conversion of corporations for-profit?

A. No.

Q. What about for the next one, illegal use of charitable funds?

A. No.

Q. The next one, diversion of charitable trust funds from their intended purpose?

A. The first place? No.

Q. And the last one we already covered, but false or misleading solicitations?

A. No.

Q. Okay. I want to stick to --

THE VIDEOGRAPHER: Mic.

THE DEPONENT: But there are a couple here that I could see where Schedule B would be useful, even if it's not the first place we go to.

* * *

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Q. I see. Do you recall in that instance whether you had -- I think maybe I asked this -- the unredacted Schedule B in your possession without having to ask for it were from the charity?

A. I don't recall.

Q. Okay. This is the one you were involved in; right?

A. Yes.

Q. So could you go back and figure that out?

A. Yes.

Q. And, again, this complaint came to you how, from a news media story?

A. I believe this was from media.

Q. Okay. Did that media story, or as it came to you, suggest that the charity was receiving large donations from the for-profit organization?

A. I don't recall that being part of the story. It may have been. I don't recall.

Q. Okay. And so, again, in this scenario, like the one before it, Schedule B was used in a substantiation way or a corroborating way; right?

A. Yes.

Q. Do you ever reach out to the people who write the news stories or various media reports to ask for information in connection with wrongdoing?

A. No.

Q. Why not?

A. I -- well, the auditors are not -- the policy is we are not to contact the media. If there's going to be a request made, it's going to be from one of the DAGs.

Q. Do you know if the DAGs have ever done it?

A. I don't know if they have or haven't. I think it's something they tend to shy away from.

Q. Okay. So the next one, three -- I'm not sure what to call this on the list -- 8 through 10, 8, 9 and 10; right?

A. Correct.

Q. Why are these lumped together here?

A. Because they are three examples of the same thing.

Q. Isn't it just one investigation into three charities? In other words, you've got a lead about a founder improperly something with three charities and so you did the investigation?

A. It was an investigation into three different charities.

Q. Kicked off at one time?

A. I don't know if it was kicked off at the same time or not.

Q. Sir, do you understand what I'm asking? I'm asking whether these are three separate instances, one in 2010, 2012, 2014 and you put them together because they're similar in nature, or whether this was an investigation led by one person into three charities in which they used the Schedule B.

A. I don't know the timing of these three, whether we were put on notice that this individual was operating in three charities and therefore looked at the three charities at the same time, whether we were put on notice that there was one charity going on and then from there found the other two. I -- I don't know the timing of that.

Q. Okay. Who was responsible for this one, or -- I don't know. This one?

A. The investigation into these three charities was Joe Zimring and Debra Phillips.

Q. Okay. And do you know when that kicked off?

A. I don't recall. It's been, I don't know, five, six years.

Q. And do you know the genesis of this investigation?

A. No.

Q. Was it the Schedule B, the triggering document?

A. I don't know what triggered this.

Q. Okay. And so if I understand this, this is saying that something about a consistent lack of Schedule B donors clued you in to that they were a sham organization?

A. Correct.

Q. Okay. So help me understand that. You looked at the Schedule B to understand what?

A. These entities had been around for a little while. They weren't brand new entities. Entities that are brand new tend to not have a donor base. Entities that have been around for a while and have

-- I don't know if "create" is the right word, but they'll have a donor base, and it would be typical to see these donors, if they're donating or not, on Schedule B. The fact that there were no Schedule B donors on this led him to believe that this was just a situation where the charities were just telemarketing, soliciting, and the purpose of these charities were really to create funds for the fundraisers.

Q. Okay. So it was just a sham organization to where the founder could funnel money through and fund -- I mean was the charity itself performing telemarketing activities?

A. No, they were hiring out.

Q. They were hiring out.

Okay. So he was taking a tax deduction by giving money and then, ultimately -- right? I mean if he's donating -- was the founder like the sole donor of these charities?

A. No. The founder was running the charities and also making money on the telemarketing aspect of it.

Q. So what were the Form 990s showing in terms of the revenue for these charities?

A. I -- if you're asking for dollars, I don't recall.

Q. Because I guess I'm not understanding -- I mean some Schedule Bs, for example, we have AFP foundations for 2011 and 2012. I don't know if they list -- one might list five donors; correct? But they can be a small number; right?

A. Of donors --

Q. Listed on Schedule B.

A. Yes.

Q. Right. I mean, especially if they're applying the 2 percent threshold and the revenues are large; right?

A. Yes, yes.

Q. Right. Then, conceivably, you could have a Schedule B with nobody for a perfectly legitimate charity?

A. Yes.

Q. So I guess that in and of itself isn't all that telling; right?

A. The fact that there is a Schedule B with nothing reported on it by itself may not necessarily be all that telling.

Q. Right. So do you know whether these charities checked the box that said they were filing -- they needed to submit a Schedule B; that they were receiving funds from, let's say, the special exception 33 percent rule?

A. I do not know.

Q. Again, going back, do you know what triggered this investigation?

A. No.

Q. Okay. For any of these, do you know whether it was necessary to consult the Schedule B in order to successfully complete the audit?

A. I'm not really sure I understand the question in that we use Schedule B in various ways and assisted in completing the audit, and if you're asking me if you had taken away the Schedule B if that would have stopped us from doing the audit, I don't

know that it would have stopped us. We would have continued to work, and whether we were able to connect the dots otherwise, I -- I don't know how to answer that. Maybe, maybe not.

Q. What about the one you worked on, Number 7, this one where Schedule B confirmed that donations were coming from the public, which I think again, by definition, that's what Schedule B means.

A. We probably could have completed that without it.

Q. Okay. Are you ever aware of an investigation that your team or you have done where, upon consultation of the Schedule B, that resolved the need or resolved the investigation? In other words, you looked at the Schedule B and that told you, "You know what? There's nothing here. We don't need to continue with an audit or an enforcement action"?

A. Would looking at Schedule B stopped us from doing an investigation. Are you asking me if that's possible it could have happened, or am I aware --

Q. Are you aware.

A. -- of any specific cases?

No, I'm not aware of it.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 56

Excerpted List of Publicly Linked Schedule Bs
(Set 1 of 5)

Charity Name	document_title
18TH STREET ARTS COMPLEX	IRS Form 990 2007
3 WAY THRIFT STORE, INC.	IRS Form 990 2007
3 WAY THRIFT STORE, INC.	IRS Form 990 2006
3 WAY THRIFT STORE, INC.	IRS Form 990 2002
5 - CITIES MEALS ON WHEELS, INC.	IRS Form 990 2003
A BETTER L.A.	IRS Form 990 2006
ABLE DISABLED ADVOCACY, INC.	IRS Form 990 2003

ABODE SERVICES	IRS Form 990 2007
ACADEMY OF BUSINESS LEADERSHIP	IRS Form 990 2004
ACADEMY OF BUSINESS LEADERSHIP	IRS Form 990 2002
ACADEMY OF BUSINESS LEADERSHIP	IRS Form 990 2001
ACCESS ANAHEIM, INC.	IRS Form 990 2009
ACCESS FUND	Founding Documents
ACCION USA, INC.	IRS Form 990 2005
ADOPTAPLATOON SOLIDER SUPPORT EFFORT	IRS Form 990 2005
ADOPT-A-SCHOOL COUNCIL	IRS Form 990 2005
ADULT CONGENITAL HEART ASSOCIATION, INC	IRS Form 990 2010
ADVOCACY FOR PATIENTS WITH CHRONIC ILLNESS, INC.	IRS Form 990 2010
AFFORDABLE COMMUNITY HOUSING TRUST - BETA	IRS Form 990 2002
AFFORDABLE COMMUNITY HOUSING TRUST - GAMMA	IRS Form 990 2005
AFFORDABLE COMMUNITY HOUSING TRUST - THETA	IRS Form 990 2001
AFFORDABLE LIVING FOR THE AGING	IRS Form 990 2010
AIDS ALLIANCE	IRS Form 990 2005
AIDS ALLIANCE	IRS Form 990 2004
AIDS ALLIANCE	IRS Form 990 2003

ALA-COSTA CENTER, A PROGRAM FOR THE DEVELOPMENTALLY DISABLED	IRS Form 990 2006
ALA-COSTA CENTER, A PROGRAM FOR THE DEVELOPMENTALLY DISABLED	IRS Form 990 2004
ALA-COSTA CENTER, A PROGRAM FOR THE DEVELOPMENTALLY DISABLED	IRS Form 990 2003
ALAMEDA COUNTY MEALS ON WHEELS, INC.	IRS Form 990 2010
ALBANIAN HEALTH FUND	IRS Form 990-EZ 2008
ALBERT L. SCHULTZ AND JANET A. SCHULTZ 1991 SUPPORTING FOUNDATION	IRS Form 990 2004
ALBERT L. SCHULTZ AND JANET A. SCHULTZ 1991 SUPPORTING FOUNDATION	IRS Form 990 2003
ALCOHOLISM COUNCIL OF ANTELOPE VALLEY/NCA.	RRF-1 2009
ALDEA, INC.	IRS Form 990 2005
ALETHEIA PSYCHO-PHYSICAL FOUNDATION	IRS Form 990-EZ 2012
ALLIANCE FOR COLLEGE-READY PUBLIC SCHOOLS	IRS Form 990 2011
ALLIANCE ON AGING INC	RRF-1 2013
ALPA EMERGENCY RELIEF FUND, INC	IRS Form 990 2005

ALPHA CRISIS PREGNANCY CENTER	RRF-1 2009
ALPHA HOUSE, A PLACE FOR NEW BEGINNINGS	IRS Form 990 2010
ALPHA OMICRON PI FOUNDATION	IRS Form 990 2009
ALS THERAPY DEVELOPMENT FOUNDATION	IRS Form 990 2004
ALS THERAPY DEVELOPMENT FOUNDATION	IRS Form 990 2003
ALTERNATIVE VOCATIONAL SERVICES	IRS Form 990 2004
ALUMNI ASSOCIATION, CALIFORNIA STATE UNIVERSITY, SACRAMENTO	IRS Form 990 2004
ALVAREZ TITANS YOUTH ACTIVITIES, INC.	IRS Form 990 2001
ALZHEIMER'S DISEASE RESEARCH FOUNDATION	IRS Form 990 2005
AMADOR-TUOLUMNE COMMUNITY RESOURCES	IRS Form 990 2006
AMAZING GRACE CONSERVATORY INC.	IRS Form 990 2010
AMERICAN BAPTIST HOMES FOUNDATION OF THE WEST, INC.	IRS Form 990 2011
AMERICAN CENTER FOR LAW AND JUSTICE, INC.	IRS Form 990 2010
AMERICAN CONSTITUTION SOCIETY FOR LAW AND POLICY	IRS Form 990 2011

AMERICAN COUNCIL OF THE BLIND	IRS Form 990 2007
AMERICAN COUNCIL ON SCIENCE AND HEALTH, INC.	Miscellaneous Documents
AMERICAN FRIENDS OF THE CZECH REPUBLIC	IRS Form 990 2007
AMERICAN FRIENDS OF THE HEBREW UNIVERSITY, INC.	IRS Form 990 2005
AMERICAN INDIAN FILM INSTITUTE	IRS Form 990 2008
AMERICAN INDIAN HEALTH & SERVICES CORPORATION	IRS Form 990 2007
AMERICAN LEPROSY MISSIONS, INC.	IRS Form 990 2008
AMERICAN LEPROSY MISSIONS, INC.	IRS Form 990 2001
AMERICAN SOCIAL HEALTH ASSOCIATION	IRS Form 990 2006
AMERICAN SOCIAL HEALTH ASSOCIATION	IRS Form 990 2008
AMERICAN SOCIETY FOR BARIATRIC SURGERY FOUNDATION, INC.	RRF-1 2009
AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE	IRS Form 990 2008
AMERICAN THEATRE ORGAN SOCIETY	IRS Form 990 2011
ANAHEIM MEMORIAL MANOR	IRS Form 990 2005
ANALY HIGH SCHOOL EDUCATION FOUNDATION	IRS Form 990-EZ 2011

ANDERSON VALLEY AMBULANCE SERVICE	IRS Form 990 2009
ANDERSON VALLEY EDUCATION FOUNDATION	IRS Form 990-EZ 2011
ANDERSON 'Y' CENTER	IRS Form 990 2003
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ANDRES DUARTE TERRACE	IRS Form 990 2006
ANIMAL CANCER FOUNDATION	IRS Form 990 2006
ANIMAL FRIENDS OF THE VALLEYS, INC.	IRS Form 990 2003
ANIMAL HELPLINE	IRS Form 990 2009
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ANTELOPE VALLEY CONSERVANCY	IRS Form 990 2012
ARC OF THE UNITED STATES	IRS Form 990 2009
ARCADIA PUBLIC LIBRARY FOUNDATION	IRS Form 990 2004
ARCATA COMMUNITY RECYCLING CENTER, INC.	IRS Form 990 2005
ARCATA COMMUNITY RECYCLING CENTER, INC.	IRS Form 990 2003
ARCATA COMMUNITY RECYCLING CENTER, INC.	IRS Form 990 2002
ARCATA ENDEAVOR, INC	IRS Form 990-EZ 2009
ARICA INSTITUTE, INC.	IRS Form 990 2010

ARIZONA MEMORIAL MUSEUM ASSOCIATION	IRS Form 990 2007
ARTHUR E. WRIGHT MIDDLE SCHOOL PARENT FACULTY CLUB	IRS Form 990 2007
ARTS AND CULTURAL FOUNDATION OF ANTIOCH	IRS Form 990 2004
ASDL SERVICES, INC.	IRS Form 990 2006
ASIAN AND PACIFIC ISLANDER AMERICAN HEALTH FORUM	IRS Form 990 2007
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ASIANWEEK FOUNDATION	IRS Form 990 2010
ASOCIACION MAYAB	IRS Form 990-EZ 2012
ASSE INTERNATIONAL, INC.	IRS Form 990 2007
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ASSISI INTERNATIONAL ANIMAL INSTITUTE	IRS Form 990 2006
ASSISTANCE LEAGUE OF ARCADIA	IRS Form 990 2011
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ATHLETES FOR EDUCATION	IRS Form 990 2008
ATSC ASSESSMENT AND TREATMENT SERVICES CENTER	IRS Form 990 2006
ATSC ASSESSMENT AND TREATMENT SERVICES CENTER	IRS Form 990 2005
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AUTISM SOCIETY OF AMERICA SAN DIEGO CHAPTER	IRS Form 990 2005
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AVEDIS INCORPORATED	IRS Form 990 2004
AZAHAR DANCE FOUNDATION	IRS Form 990 2005
BAKERSFIELD WEST ROTARY FOUNDATION	IRS Form 990 2008
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BARRIO STATION	IRS Form 990 2010
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BAY AREA OUTREACH & RECREATION PROGRAM, INC.	IRS Form 990 2004
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BAY CHORAL GUILD	IRS Form 990 2009
BAY EAST ASSOCIATION OF REALTORS FOUNDATION	IRS Form 990 2004
BAY LAUREL ELEMENTARY SCHOOL PARENT FACULTY ASSOCIATION	IRS Form 990 2003
BEACON HOUSE	IRS Form 990 2003
BEAUTIFUL DAY FOUNDATION	IRS Form 990 2005
BENSON HOUSE, INC.	IRS Form 990 2008
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BERKELEY COMMUNITY FUND	IRS Form 990 2002
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BERKLAND FOUNDATION, INC.	IRS Form 990 2012
BET TZEDEK	IRS Form 990 2007
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BETHESDA FOUNDATION	RRF-1 2009
BEVERLY HILLS MEALS ON WHEELS	IRS Form 990 2011
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BEVERLY HILLS SENIOR CITIZEN HOUSING CORPORATION	IRS Form 990 2009
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BINGHAM, OSBORN & SCARBOROUGH FOUNDATION	IRS Form 990 2010
BIRTH CHOICE OF TEMECULA, INC.	IRS Form 990 2006
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BLACK ADOPTION PLACEMENT AND RESEARCH CENTER	IRS Form 990 2007
BODY WISDOM, INC.	IRS Form 990 2002
BOLINAS COMMUNITY LAND TRUST, INC.	IRS Form 990 2004
BOLSA CHICA LAND TRUST	IRS Form 990 2007
BOOJUM INSTITUTE FOR EXPERIENTIAL EDUCATION	IRS Form 990 2003
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BORREGO COMMUNITY HEALTH SOCIETY, INC.	IRS Form 990 2006

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CALIFORNIA AGAINST SLAVERY	IRS Form 990-EZ 2011
CALIFORNIA ASSOCIATION TO AID UKRAINE	IRS 990 Form 2006
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CENTER FOR INQUIRY HOLDING CORPORATION	IRS Form 990 2010
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CENTER FOR JEWISH CULTURE AND CREATIVITY	IRS Form 990 2012
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CENTER FOR VENTURE EDUCATION, INC.	IRS Form 990 2010
CENTER ON JUVENILE AND CRIMINAL JUSTICE	IRS Form 990 2012
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CENTRAL COAST WINE GROWERS ASSOCIATION FOUNDATION, INC.	IRS Form 990 2005
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CENTRAL VALLEY SENIOR HOUSING CORPORATION	IRS Form 990 2011
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CHICO THEATER COMPANY, INCORPORATED	IRS Form 990 2004
CHILD ABUSE PREVENTION CENTER OF THE INLAND EMPIRE EXCHANGE CLUBS, INC.	IRS Form 990 2003
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CHILD GUIDANCE CENTER, INC.	IRS Form 990 2005

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CHILDREN AWAITING PARENTS, INC.	IRS Form 990 2011
CHILDREN OF ARMENIA FUND, INC.	IRS Form 990 2010
CHILDREN, NATURE AND YOU	IRS Form 990 2011
CHILDREN'S BOOK PRESS/ EDITORIAL LIBROS PARA NINOS	IRS Form 990 2003
CHILDREN'S BOOK PROJECT	IRS Form 990 2008
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CHILDREN'S CARDIOMYOPATHY FOUNDATION INC	IRS FORM 990-2003
CHILDRENS CHAIN OF CHILDRENS HOSPITAL	IRS Form 990-EZ 2012
CHILDREN'S CRISIS CENTER OF STANISLAUS COUNTY, INC.	IRS Form 990 2011
CHILDREN'S DIABETES FOUNDATION AT DENVER, COLORADO	IRS Form 990 2006
CHINESE PROGRESSIVE ASSOCIATION, INC.	IRS Form 990 2009

CHRISTIAN APPALACHIAN PROJECT INC	IRS Form 990 2006
CHRISTIAN CARE FOUNDATION FOR CHILDREN WITH DISABILITIES USA (CCD- USA)	IRS Form 990-EZ 2011
CINEQUEST, INC.	IRS Form 990 2008
CITY OF WILLITS PUBLIC FACILITIES CORPORATION	IRS Form 990 2008
CLAREMONT MANOR CLUB, INC.	IRS Form 990 2008
CLEAN TECH LOS ANGELES	IRS Form 990-EZ 2011
CLOVIS COMMUNITY FOUNDATION	IRS Form 990 2008
COACHELLA VALLEY COMMUNITY TRUST	IRS Form 990 2004
COACHELLA VALLEY RESCUE MISSION	IRS Form 990 2008
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COALITION FOR URBAN/RURAL ENVIRONMENTAL STEWARDSHIP	IRS Form 990 2003
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COLETTE'S CHILDREN HOME, INC.	IRS Form 990 2009
COLLECTIVE IMPACT	IRS Form 990 2011
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COMMON GROUND THEATRE	IRS Form 990 2010
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COMMUNITY FOUNDATION OF NEW JERSEY	IRS Form 990 2009
COMMUNITY HOME BUILDERS AND ASSOCIATES	IRS Form 990 2002
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COMMUNITY LINKS INTERNATIONAL, INC.	IRS Form 990 2009
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SURVIVORS, INC.	
CONGRESS FOR THE NEW URBANISM, INC.	IRS Form 990 2003
CONSERVATION FARMS & RANCHES	IRS Form 990 2003
CONSERVATION SERVICES GROUP, INC.	RRF-1 2012
CONSORTIUM FOR COMMUNITY CARE	IRS Form 990 2004
CONSUMERS UNION OF UNITED STATES, INC.	IRS Form 990 2004
COOPERATIVE DEVELOPMENT FOUNDATION	Founding Documents
COPD FOUNDATION INC	IRS Form 990 2004
CORA (COMMUNITY OVERCOMING RELATIONSHIP ABUSE)	IRS Form 990 2003
CORAZON	IRS Form 990 2007
COSUMNES LEGACY FOUNDATION	IRS Form 990 2006
COUNCIL ON RELIGIOUS & CIVIL LIBERTY, INC.	IRS Form 990 2007
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COVINA DEVELOPMENT CENTER	IRS Form 990 2008
CRAFTON HILLS COLLEGE FOUNDATION	IRS Form 990 2003
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CULTURAL AND EDUCATIONAL MEDIA	IRS Form 990 2004
CUNHA INTERMEDIATE SCHOOL PARENT TEACHER ORGANIZATION	IRS Form 990-EZ 2010
CUPERTINO EDUCATIONAL ENDOWMENT FOUNDATION	IRS Form 990 2002
CYSTINOSIS RESEARCH FOUNDATION	IRS Form 990 2003
D.A.R.E. AMERICA	IRS Form 990 2010
D.E.A.F. MEDIA, INC.	IRS Form 990 2008
D.E.A.F. MEDIA, INC.	IRS Form 990 2002
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DAVID S WYMAN INSTITUTE FOR HOLOCAUST STUDIES	IRS Form 990-EZ 2010
DAYLE MCINTOSH CENTER FOR THE DISABLED	IRS Form 990 2009

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DIABLO REGIONAL ARTS ASSOCIATION, INC.	IRS Form 990 2010
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DIAMOND COMMUNITY DEVELOPMENT CORPORATION	IRS Form 990 2005
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EAST OAKLAND SWITCHBOARD	IRS Form 990 2003
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FORCE-FACING OUR RISK OF CANCER EMPOWERED, INC.	IRS Form 990 2010
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FRESNO ARTS COUNCIL, INC.	IRS Form 990 2003
FRIENDS ASSOCIATION OF SERVICES FOR THE ELDERLY	IRS Form 990 2004
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FRIENDS OF LEVITT PAVILION - GREATER LOS ANGELES & PASADENA	IRS Form 990 2007
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FRIENDS OF THE EASTERN CALIFORNIA MUSEUM	IRS Form 990 2005
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FRIENDS OF THE LOS ANGELES RIVER	IRS Form 990 2004
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FRIENDS OF THE READING PROGRAM	IRS Form 990 2003
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FRIENDS OF THE WATSONVILLE PUBLIC LIBRARY	IRS Form 990-EZ 2006
FRIENDS OF YAD SARAH, INC.	IRS Form 990 2012
FRIENDS OUTSIDE IN LOS ANGELES COUNTY	IRS Form 990 2008
FRONTIER GIRLS	IRS Form 990-EZ 2007
FTM ALLIANCE OF LOS ANGELES, INC.	RRF-1 2004
FULFILLMENT FUND	IRS Form 990 2011
FULLERTON EDUCATION FOUNDATION	IRS Form 990-EZ 2012
GATEHELP, INC.	IRS Form 990-EZ 2008
GEMS FOR KIDS	IRS Form 990-EZ 2012
GEEKIDS	IRS Form 990 2010
GEYSERVILLE VOLUNTEER FIREFIGHTERS' ASSOCIATION, INC.	IRS Form 990 2007
GIRL SCOUTS OF CALIFORNIA'S CENTRAL COAST	IRS Form 990 2006
GIRLS AFTER SCHOOL ACADEMY	IRS Form 990 2002

GIRLS INCORPORATED OF ALAMEDA COUNTY	IRS Form 990 2004
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GIVE A DOG A BONE	IRS Form 990-EZ 2007
GIVE A DOG A BONE	IRS Form 990-EZ 2006
GIVE A DOG A BONE	IRS Form 990-EZ 2005
GIVE A DOG A BONE	IRS Form 990-EZ 2009
GIVE A DOG A BONE	IRS Form 990-EZ 2004
GIVE A DOG A BONE	IRS Form 990-EZ 2003
GIVE TO COLUMBIA	IRS Form 990 2006
GLAUCOMA RESEARCH AND EDUCATION GROUP	IRS Form 990 2005
GLAUCOMA RESEARCH AND EDUCATION GROUP	IRS Form 990 2004
GLOBAL CITIZEN YEAR, INC.	IRS Form 990 2011
GLOBAL COLLEGE FOR BEHAVIORAL MODIFICATION	IRS Form 990 2004
GLOBAL MAPPING PROJECT INCORPORATED	IRS Form 990 2003
GLOBAL WOMEN INTACT	IRS Form 990 2007
GO CAMPAIGN	IRS Form 990 2010
GO NEXT GENERATION	IRS Form 990-EZ 2009
GOD SQUAD PRODUCTIONS, INC.	IRS Form 990 2006

GOKID.ORG, INC.	IRS Form 990-EZ 2010
GOLDEN GATE RAILROAD MUSEUM, INC.	IRS Form 990 2003
GOLDEN GATE RAILROAD MUSEUM, INC.	IRS Form 990 2002
GOLDEN STATE LAND CONSERVANCY	IRS Form 990-EZ 2009
GOLETA VALLEY GIRLS SOFTBALL ASSOCIATION	IRS Form 990 2009
GOODWILL INDUSTRIES OF THE REDWOOD EMPIRE	IRS Form 990 2010
GOSPEL MESSENGERS	IRS Form 990 2006
GOSPEL MESSENGERS	IRS Form 990 2005
GRAND VISION FOUNDATION	IRS Form 990 2011
GRASSROOT SOCCER, INC.	IRS Form 990 2010
GRASSROOT SOCCER, INC.	IRS Form 990 2009
GRAZIDE ELEMENTARY PTA	IRS Form 990-EZ 2012
GREAT OAK ACADEMIC LEADERSHIP SOCIETY ("GOALS")	IRS Form 990 2006
GREATER BAY AREA MAKE-A-WISH FOUNDATION, INC.	IRS Form 990 2005
GREENBELT ALLIANCE/PEOPLE FOR OPEN SPACE	IRS Form 990 2009
GSH MINISTRIES, INC.	IRS Form 990-EZ 2011
H.E.A.R.T.S. CONNECTION	IRS Form 990 2005
HABITAT FOR HUMANITY CALAVERAS	IRS Form 990 2005

HABITAT FOR HUMANITY OF GREATER LOS ANGELES	IRS Form 990 2005
HABITAT FOR HUMANITY OF SONOMA COUNTY	IRS Form 990 2006
HABITOT CHILDREN'S MUSEUM	IRS Form 990 2008
HAKONE FOUNDATION	IRS Form 990 2004
HAMILTON FOUNDATION	IRS Form 990 2009
HANDS 4 HUMANITY, INC.	Founding Documents
HARC, INC.	IRS Form 990 2012
HAROLD AND LIBBY ZIFF FOUNDATION	IRS Form 990 2008
HARRIS MYCFO FOUNDATION, INC.	IRS Form 990 2010
HARVARD BUSINESS SCHOOL ASSN SO CALIF SCHOLARSHIP...	IRS Form 990 2005
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HAY FOUNDATION	IRS Form 990 2008
HEALDSBURG FUTURE FARMERS COUNTRY FAIR	IRS Form 990 2009
HEALTH CONNECTED	IRS Form 990-EZ 2010
HEALTH IMPROVEMENT PARTNERSHIP OF SHASTA	IRS Form 990 2007
HEALTH IMPROVEMENT PARTNERSHIP OF SHASTA	IRS Form 990 2003
HEALTH RESEARCH ASSOCIATION, INC.	IRS Form 990 2006

HEALTHRIGHT 360	RRF-1 2008
HEALTHRIGHT 360	IRS Form 990 2004
HEATHER FARM GARDEN CENTER ASSOCIATION, INCORPORATED	IRS Form 990 2006
HEATHER FARM GARDEN CENTER ASSOCIATION, INCORPORATED	IRS Form 990 2004
HEATHER FARM GARDEN CENTER ASSOCIATION, INCORPORATED	IRS Form 990 2002
HELKEINU FOUNDATION	IRS Form 990-EZ 2010
HELP OF CARPINTERIA	IRS Form 990-EZ 2010
HELPING HAND FOR RELIEF AND DEVELOPMENT INC	IRS Form 990 2008
HEREDITARY DISEASE FOUNDATION	IRS Form 990 2005
HERITAGE COMMUNITY HOUSING INC.	IRS Form 990 2004
HERMOSA BEACH FIREFIGHTERS FOUNDATION	IRS Form 990 2005
HIGHER GROUND FOR HUMANITY	IRS Form 990 2003
HIGHWAY 50 ASSOCIATION	IRS Form 990 2009
HIS SHELTERING ARMS INC.	IRS Form 990 2008
HOLLYWOOD INDIES LITTLE LEAGUE	IRS Form 990 2005
HOLLYWOOD POLICE ACTIVITIES LEAGUE	IRS Form 990 2006

HOME OWNERSHIP MADE EASY	IRS Form 990 2007
HOMELESS CARE FORCE, INCORPORATED	IRS Form 990 2004
HOMELESS HEALTH CARE LOS ANGELES	IRS Form 990 2008
HOMICIDE VICTIMS MEMORIAL FOUNDATION	IRS Form 990 2005
HOOPS THAT HELP	IRS Form 990 2004
HOPE INTERNATIONAL	IRS Form 990 2010
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HOPE WORLDWIDE, LTD.	IRS Form 990 2005
HORSEPLAY THERAPEUTIC RIDING CENTER	IRS Form 990 2008
HORSES IN THE HOOD	IRS Form 990 2011
HOSPICE OF AMADOR & CALAVERAS	IRS Form 990 2011
HOSPICE OF PALM BEACH COUNTY FOUNDATION, INC.	IRS Form 990 2010
HOSPICE OF SANTA BARBARA, INC.	IRS Form 990 2010
HOUSE EAR INSTITUTE	IRS Form 990 2008
HOUSING CORPORATION OF AMERICA	IRS Form 990 2004
HOUSING RIGHTS, INC.	IRS Form 990 2002
HUMANE SOCIETY OF THE NORTH BAY	IRS Form 990 2010
HUMBOLDT SENIOR RESOURCE CENTER, INCORPORATED	IRS Form 990 2004

HUMBOLDT SENIOR RESOURCE CENTER, INCORPORATED	IRS Form 990 2003
ICAPS, INC.	IRS Form 990-EZ 2009
ICAPS, INC.	IRS Form 990 2007
ICLEI - LOCAL GOVERNMENTS FOR SUSTAINABILITY U.S.A., INC.	IRS Form 990 2010
IEF EDUCATION FOUNDATION	IRS Form 990 2012
ILSI HEALTH AND ENVIRONMENTAL SCIENCES INSTITUTE	IRS Form 990 2009
IN SPIRIT	IRS Form 990 2005
INFACIT DBA CORPORATE ACCOUNTABILITY INTERNATIONAL	IRS Form 990 2005
INLAND TEMPORARY HOMES	IRS Form 990 2002
INNVISION SHELTER NETWORK	RRF-1 2007
INSPIRED LEGACIES	IRS Form 990 2003
INSTITUTE FOR EVIDENCE-BASED CHANGE	IRS Form 990 2011
INSTITUTE FOR THE STUDY OF FAMILIES, WORK, AND COMMUNITY	IRS Form 990 2003
INTERNATIONAL ANIMAL RESCUE, US	IRS Form 990-EZ 2010
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INTERNATIONAL FOUNDATION FOR APPLIED RESEARCH IN THE NATURAL SCIENCES	IRS Form 990 2007
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INTERNATIONAL POLYTECHNIC HIGH SCHOOL FOUNDATION	IRS Form 990 2007
INTERNATIONAL PSORIASIS COMMUNITY, INC.	IRS Form 990 2005
INTERNATIONAL SOCIETY FOR THE PROTECTION OF MUSTANGS AND BURROS	IRS Form 990 2008
INTERNATIONAL SOCIETY OF AUTOMATION	IRS Form 990 2006
INTERNATIONAL SPORTS HEROES	IRS Form 990 2004
INTERSTITIAL CYSTITIS ASSOCIATION OF AMERICA, INC.	IRS Form 990 2012
INTERVAL HOUSE	IRS Form 990 2006
IRIS CENTER: WOMEN'S COUNSELING AND RECOVERY SERVICES	IRS Form 990 2009
ISRAEL VENTURE	IRS Form 990 2003

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J PAUL GETTY TRUST	IRS Form 990 2007
JAMES EMMI AND VELMA W. EMMI FOUNDATION	IRS Form 990 2001
JERRY RICE 127 FOUNDATION	IRS Form 990 2004
JEWISH COMMUNITY RELATIONS COUNCIL OF SAN FRANCISCO, MARIN AND THE PENINSULA	IRS Form 990 2007
JEWISH FAMILY SERVICES OF SILICON VALLEY	IRS Form 990 2005
JOE GOODE PERFORMANCE GROUP	IRS Form 990 2006
JUI RAJADHYAKSHA MEMORIAL FOUNDATION	IRS Form 990 2002
JUNIOR ACHIEVEMENT OF SAN DIEGO COUNTY, INC.	IRS Form 990 2003
JUNIOR ACHIEVEMENT OF SOUTHERN CALIFORNIA, INC.	IRS Form 990 2010
JUNIOR LEAGUE OF BAKERSFIELD	IRS Form 990 2006
JUST TRANSITION ALLIANCE	IRS Form 990-EZ 2011
KARA	IRS Form 990 2011

KEEP AMERICA BEAUTIFUL INC	IRS Form 990 2010
KERN ECONOMIC DEVELOPMENT CORPORATION	IRS Form 990 2012
KETTLEMAN CITY FOUNDATION	IRS Form 990 2006
KETTLEMAN CITY FOUNDATION	IRS Form 990 2005
KETTLEMAN CITY FOUNDATION	IRS Form 990 2004
KETTLEMAN CITY FOUNDATION	IRS Form 990 2003
KETTLEMAN CITY FOUNDATION	IRS Form 990 2002
KETTLEMAN CITY FOUNDATION	IRS Form 990 2000
KID STOCK, INC.	IRS Form 990 2005
KIDS 4 EVER, INC.	RRF-1 2012
KIDS CHARITIES	IRS Form 990 2007
KID'S HEADQUARTERS	IRS Form 990 2008
KID'S HEADQUARTERS	IRS Form 990 2001
KINGS MOUNTAIN ASSOCIATED PARENTS, INC.	IRS Form 990-EZ 2010
KIWANIS CAL-NEV-HA FOUNDATION	IRS Form 990 2008
KIWANIS CAL-NEV-HA FOUNDATION	IRS Form 990 2003
KIWANIS CLUB OF RANCHO MURIETA FOUNDATION	IRS Form 990-EZ 2008
KIWANIS CLUB OF SAN JOSE, CALIFORNIA	IRS Form 990 2007

KLAAS KIDS FOUNDATION	IRS Form 990 2010
KLAMATH RIVER INTER-TRIBAL FISH AND WATER COMMISSION	IRS Form 990 2005
KLAMATH RIVER INTER-TRIBAL FISH AND WATER COMMISSION	IRS Form 990 2004
KNIGHTS VALLEY VOLUNTEER FIRE DEPARTMENT	IRS Form 990 2008
KNIGHTS VALLEY VOLUNTEER FIRE DEPARTMENT	IRS Form 990 2007
KOINONIA FOSTER HOMES, INC.	IRS Form 990 2007
KOREA CREATIVE CONTENT AGENCY	IRS Form 990 2011
KOREA UNIFICATION RESEARCH FOUNDATION OF ORANGE SAN DIEGO, INC.	IRS Form 990-EZ 2010
KOREAN IMMIGRANT WORKERS ADVOCATES OF SOUTHERN CALIFORNIA	IRS Form 990 2009
KOREATOWN YOUTH AND COMMUNITY CENTER, INC.	IRS Form 990 2007
KOREATOWN YOUTH AND COMMUNITY CENTER, INC.	IRS Form 990 2006
L.A.THEATRE WORKS	IRS Form 990 2009
L.A.THEATRE WORKS	IRS Form 990 2003
LA CASA DE SAN GABRIEL COMMUNITY CENTER	IRS Form 990 2003

LA JOLLA GOLDEN TRIANGLE ROTARY CLUB FOUNDATION	IRS Form 990 2004
LA JOLLA MUSIC SOCIETY	IRS Form 990 2007
LA POSADA OF LOS ANGELES, INC.	IRS Form 990 2010
LABOR PROJECT FOR WORKING FAMILIES	IRS Form 990 2008
LADIES BIKUR CHOLIM OF LOS ANGELES ESTABLISHED 1977	IRS Form 990-EZ 2011
LAGUNA BEACH SENIORS, INC.	IRS Form 990 2007
LAKE TAHOE MARATHON, INC.	IRS Form 990 2001
LAKESWOOD MEALS ON WHEELS	IRS Form 990 2008
LANCASTER MUSEUM AND PUBLIC ART FOUNDATION	IRS Form 990 2008
LAO IU MIEN CULTURE ASSOCIATION, INC.	IRS Form 990 2006
LAS VECINAS	IRS Form 990 2006
LATINO CENTER OF ART AND CULTURE	IRS Form 990 2009
LATINO DIABETES ASSOCIATION	IRS Form 990-EZ 2009
LATINO THEATRE COMPANY	IRS Form 990 2009
LEAGUE OF RESIDENTIAL NEIGHBORHOOD ADVOCATES	IRS Form 990 2008
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LEAGUE OF RESIDENTIAL NEIGHBORHOOD ADVOCATES	IRS Form 990 2004
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LEAGUE OF WOMEN VOTERS OF CALIFORNIA	IRS Form 990 2008
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LEAGUE OF WOMEN VOTERS OF SANTA BARBARA	IRS Form 990 2009
LEARNING FORUM INTERNATIONAL	IRS Form 990-EZ 2011
LEARNING THROUGH DOING ADVENTURES	IRS Form 990 2011
LEGACY BEHAVIORAL SERVICES, INC.	IRS Form 990 2003
LEUKEMIA RESEARCH FOUNDATION, INC.	IRS Form 990 2011
LEUKEMIA RESEARCH FOUNDATION, INC.	IRS Form 990-EZ 2007
LEVITT & QUINN FAMILY LAW CENTER, INC.	IRS Form 990 2000
LIBERTY GYMNASTICS PARENT CLUB	IRS Form 990-EZ 2011
LIFE MANAGEMENT INSTITUTE	IRS Form 990 2009
LIFE SAIL, INC.	IRS Form 990 2007
LIFE SAIL, INC.	IRS Form 990 2006
LIFE SAIL, INC.	IRS Form 990 2005
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LIFE SAIL, INC.	IRS Form 990 2003

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LINC HOUSING CORPORATION	IRS Form 990 2011
LITHUANIAN NATIONAL FOUNDATION, INC.	IRS Form 990 2005
LIVE OAK HIGH SCHOOL ATHLETIC BOOSTER CLUB, INC.	IRS Form 990 2007
LIVE OAK HIGH SCHOOL ATHLETIC BOOSTER CLUB, INC.	IRS Form 990 2006
LIVING WATER INTERNATIONAL	IRS Form 990 2011
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LOBSTER THEATER PROJECT, INC.	IRS Form 990 2004
LOCAL 39 EDUCATIONAL SCHOLARSHIP FUND	IRS Form 990 2005
LOCKS OF LOVE INC	IRS Form 990 2003
LOMA LINDA UNIVERSITY PHYSICIANS MEDICAL GROUP, INC.	IRS Form 990 2008
LONG BEACH COMMUNITY PLAYERS, INC.	IRS Form 990 2011
LONG BEACH LESBIAN AND GAY PRIDE, INC.	IRS Form 990 2008
LONG BEACH SYMPHONY ASSOCIATION, INCORPORATED	IRS Form 990 2011
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LONG BEACH YOUTH ACTIVITIES AND D.A.R.E. INC.	IRS Form 990 2003
LONG TERM CARE OMBUDSMAN SERVICES OF SAN LUIS OBISPO COUNTY	IRS Form 990 2005
LOS ANGELES COUNTY BAR ASSOCIATION CONTINUING LEGAL EDUCATION, INC.	IRS Form 990 2007
LOS ANGELES COUNTY EDUCATION FOUNDATION	IRS Form 990 2010
LOS ANGELES HILLEL COUNCIL	IRS Form 990 2012
LOS ANGELES NEIGHBORHOOD INITIATIVE	IRS Form 990 2002
LOS ANGELES OPERA COMPANY	IRS Form 990 2007
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LOS ANGELES POLICE K-9 FUND	IRS Form 990 2006
LOS ANGELES POLICE K-9 FUND	IRS Form 990 2005
LOS ANGELES UNIVERSAL PRESCHOOL	IRS Form 990 2005
LOS ANGELES WOMEN'S SHAKESPEARE COMPANY	IRS Form 990 2005
LOS ANGELES/VENTURA CHAPTER ABC TRAINING TRUST FUND	IRS Form 990 2009
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FOUNDATION, INC.	
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LOS PADRES FOREST WATCH, INC.	IRS Form 990 2005
LOVE LITTLE CHILDREN, INC.	IRS Form 990 2005
LOVE RIDE FOUNDATION	IRS Form 990 2007
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LOVE RIDE FOUNDATION	IRS Form 990 2004
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LOWELL OBSERVATORY	Miscellaneous Documents
LYTTON GARDENS SENIOR COMMUNITIES	IRS Form 990 2010
M.A.C.T. HEALTH BOARD, INCORPORATED	IRS Form 990 2010
M3 FOUNDATION	IRS Form 990 2008
M3 FOUNDATION	IRS Form 990 2007
MAJOR LEAGUE BASEBALL PLAYERS TRUST	IRS Form 990 2006
MAJOR LEAGUE BASEBALL PLAYERS TRUST	IRS Form 990 2003
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MAKING HOPE HAPPEN FOUNDATION	IRS Form 990 2003
MANTECA C.A.P.S. CORPORATION	IRS Form 990 2003

MARANATHA VOLUNTEERS INTERNATIONAL, INC.	IRS Form 990 2006
MARIN MUSEUM OF CONTEMPORARY ART, INC.	IRS Form 990 2003
MARIN OPEN SPACE TRUST	IRS Form 990-EZ 2011
MARINSPACE	IRS Form 990 2005
MARPLE MANOR, INC.	IRS Form 990 2004
MARSHALL-WYTHE SCHOOL OF LAW FOUNDATION	IRS Form 990 2009
MARTIN LUTHER KING JR CENTER SOCIALCHANGE	IRS Form 990 2009
MARTIN TRUEX, JR. FOUNDATION, INC.	IRS Form 990 2010
MARY'S KITCHEN	IRS Form 990 2004
MARY'S KITCHEN	IRS Form 990 2003
MARY'S KITCHEN	IRS Form 990 2002
MATTOLE RESTORATION COUNCIL	IRS Form 990 2011
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MAYACAMAS VILLAGE, INC.	IRS Form 990 2004
MAYFLOWER GARDENS II	IRS Form 990 2008
MENDOCINO FOOD AND NUTRITION PROGRAM	IRS Form 990 2005
MENTORING - A TOUCH FROM ABOVE	IRS Form 990 2010
MERCY HOUSING NORTHWEST	IRS Form 990 2006
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MERCY HOUSING, INC., WHICH WILL DO BUSINESS IN CALIFORNIA AS NEBRASKA MERCY HOUSING, INC.	IRS Form 990 2011
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MERCY PROPERTIES CALIFORNIA	IRS Form 990 2007
MERRITT COMMUNITY CAPITAL CORPORATION	IRS Form 990 2000
MFI RECOVERY CENTER	IRS Form 990 2008
MICHAEL AIELLO MEMORIAL AGRICULTURAL SCHOLARSHIP FUND	Founding Documents
MIDDLE AMERICAN INSTITUTE, INC.	IRS Form 990 2010
MIGRATION POLICY INSTITUTE	IRS Form 990 2010
MIND TREASURES	IRS Form 990 2012
MIRACLES FOR KIDS, INC.	IRS Form 990 2003
MISSION PRESERVATION FOUNDATION	IRS Form 990 2012
MISSIONARY KIDS MINISTRIES, INC.	IRS Form 990 2004
MOBILIZING AMERICA'S YOUTH, INC.	IRS Form 990 2009
MODESTO AFFILIATED CHURCH HOUSING CORPORATION	IRS Form 990 2003

MONTEBELLO FIREFIGHTERS ASSOCIATION	IRS Form 990 2004
MONTECITO FRIENDS OF THE LIBRARY	IRS Form 990 2011
MONTECITO TRAILS FOUNDATION	IRS Form 990 2005
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MOSES HOUSE MINISTRIES	IRS Form 990 2007
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MOSES HOUSE MINISTRIES	IRS Form 990 2005
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MOSQUITO RESEARCH FOUNDATION	IRS Form 990 2005
MOUNT WILSON INSTITUTE	IRS Form 990 2004
MT. SAC AUXILIARY SERVICES	IRS Form 990 2005
MULTIPLE MYELOMA RESEARCH FOUNDATION, INC	IRS Form 990-EZ 2010

MUSEUM OF CONTEMPORARY ART, SAN DIEGO	IRS Form 990 2008
MUSEUM OF PERFORMANCE & DESIGN	IRS Form 990 2006
MUSEUM OF PERFORMANCE & DESIGN	IRS Form 990 2003
MUSTANG SOCCER LEAGUE, INC.	Miscellaneous Documents
NAMI MONTEREY COUNTY	IRS Form 990 2009
NAPA CITY FIREFIGHTERS ASSOCIATION	IRS Form 990 2000
NAPA SOLANO SANE/SART	IRS Form 990-EZ 2010
NAPA VALLEY EDUCATION FOUNDATION	IRS Form 990 2008
NAPA VALLEY LITTLE LEAGUE, INC.	IRS Form 990 2008
NAPA VALLEY LITTLE LEAGUE, INC.	IRS Form 990 2006
NARCONON INTERNATIONAL	IRS Form 990 2010
NARRATIVE MAGAZINE, INC.	IRS Form 990 2005
NATIONAL ASSOCIATION OF BLACK ACCOUNTANTS	IRS Form 990 2005
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NATIONAL ASSOCIATION OF COLLEGE ADMISSIONS COUNSELORS	IRS Form 990 2010

NATIONAL ASSOCIATION OF STATE EMERGENCY MEDICAL SERVICES DIRECTORS	IRS Form 990 2006
NATIONAL CAPTIONING INSTITUTE, INC.	IRS Form 990 2008
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NATIONAL CENTER FOR STATE COURTS	IRS Form 990 2004
NATIONAL CHARITY LEAGUE, INC., PALM SPRINGS CHAPTER	IRS Form 990 2008
NATIONAL HISPANA LEADERSHIP INSTITUTE	IRS Form 990 2009
NATIONAL HOUSING CORPORATION	Founding Documents
NATIONAL LATINO PEACE OFFICERS ASSOCIATION	IRS Form 990-EZ 2008
NATIONAL LIFE CENTER, INC.	IRS Form 990 2003
NATIONAL SAFETY COUNCIL	IRS Form 990 2005
NATIVE DIRECTIONS, INC.	IRS Form 990 2003
NAVY LEAGUE OF THE UNITED STATES	IRS Form 990 2003
NCB CAPITAL IMPACT	IRS Form 990 2007
NEGATIVE POPULATION GROWTH, INC.	IRS Form 990 2011
NEHEMIAH CORPORATION OF AMERICA	IRS Form 990 2007
NESTLDOWN THERAPEUTIC RIDING CENTER	Founding Documents

NETZ 4 LIFE INC.	IRS Form 990 2005
NEW DIRECTIONS FOR WOMEN FOUNDATION	IRS Form 990 2011
NEW DOOR VENTURES	IRS Form 990 2008
NEW EDUCATION OPTIONS	IRS Form 990 2003
NEW HOPE FOR ANIMALS FOUNDATION	IRS Form 990-EZ 2011
NEW VILLAGE ARTS, INC.	IRS Form 990 2007
NEW VISION PARTNERS, INC.	IRS Form 990 2009
NEW WAYS TO WORK PALO ALTO	IRS Form 990 2002
NEW WEST SYMPHONY ASSOCIATION	IRS Form 990 2008
NEW YORK PUBLIC RADIO	IRS Form 990 2003
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NEWPEAK FOUNDATION	IRS Form 990 2010
NEWPORT BEACH LITTLE LEAGUE	IRS Form 990 2007
NEXT VISTA FOR LEARNING	IRS Form 990 2006
NIHONMACHI LITTLE FRIENDS	IRS Form 990 2003
NINE GIRLS ASK	IRS Form 990-EZ 2011
NIPOMO AREA RECREATION ASSOCIATION, INC.	IRS Form 990 2010
NIRVANA DRUG AND ALCOHOL TREATMENT PROGRAM	IRS Form 990 2004
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NISEI WEEK FOUNDATION	IRS Form 990-EZ 2009
NISHKAAM FOUNDATION	IRS Form 990 2004
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NORTH AMERICAN EDUCATIONAL FOUNDATION	IRS Form 990 2003
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NORTH LAKE TAHOE RESORT ASSOCIATION, INC.	IRS Form 990 2003
NORTH OF MARKET NEIGHBORHOOD IMPROVEMENT CORPORATION	IRS Form 990 2007
NORTH VALLEY SPONSORING COMMITTEE, A CALIFORNIA NONPROFIT CORPORATION	IRS Form 990-EZ 2011
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NORTHERN CALIFORNIA PLANNED GIVING COUNCIL	IRS Form 990 2006
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NTC FOUNDATION	IRS Form 990 2005
OAKLAND COMMUNITY HOUSING, INC.	IRS Form 990 2004
OAKLAND METHODIST FOUNDATION	IRS Form 990 2008
OBA, INC.	IRS Form 990 2007
OCCUR	IRS Form 990 2010
OCEAN FUTURES SOCIETY, INC.	IRS Form 990 2010
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OFFICE OF THE AMERICAS	IRS Form 990-EZ 2012
OJAI VALLEY LIBRARY FRIENDS AND FOUNDATION, INC.	IRS Form 990 2008
OLD SKOOL CAFE	Founding Documents
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OLYMPIC RHF HOUSING, INC.	IRS Form 990 2004
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OPERA PICCOLA	IRS Form 990 2004
OPERATION GRATITUDE, INC.	RRF-1 2006
OPERATION YOUTH EDUCATIONAL SERVICES	IRS Form 990 2005
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ORANGE COUNTY ASIAN AND PACIFIC ISLANDER COMMUNITY ALLIANCE, INC.	IRS Form 990 2006
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ORGANIZACION EN CALIFORNIA DE LIDERES CAMPELINAS, INC.	IRS Form 990 2006
ORGANIZATION OF HUMANITARIAN SERVICE FOR ARMENIA	IRS Form 990 2011
OUTDOOR RECREATION HERITAGE FUND, INC.	IRS Form 990 2009
OUTSIDE THE BOWL	IRS Form 990-EZ 2009
OVERSEAS MEDICAL AND HEALTH EDUCATION FOUNDATION	IRS Form 990-EZ 2010
OXFAM-AMERICA INC	IRS Form 990 2004
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PACIFIC COUNCIL ON INTERNATIONAL POLICY	IRS Form 990 2007
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PACIFIC MANOR, INC.	IRS Form 990 2011
PALO ALTO VETERANS INSTITUTE FOR RESEARCH	IRS Form 990 2003
PARENT PROJECT FOR MUSCULAR DYSTROPHY RESEARCH, INC.	IRS Form 990 2006
PARKINSON RESEARCH FOUNDATION, INC	IRS Form 990 2011
PASADENA KIWANIS FOUNDATION	IRS Form 990 2006
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PASO ROBLES MAIN STREET, INC.	IRS Form 990 2004
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PHCC EDUCATIONAL FOUNDATION	IRS Form 990 2005
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SAN CARLOS EDUCATIONAL FOUNDATION	IRS Form 990 2008
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SAN DIEGO BOWL GAME ASSOCIATION	IRS Form 990 2005
SAN DIEGO CHINESE HISTORICAL SOCIETY AND MUSEUM	IRS Form 990 2009
SAN DIEGO COUNTY BAR FOUNDATION	IRS Form 990 2009
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SAN DIEGO YOUTH SYMPHONY AND CONSERVATORY	IRS Form 990 2004
SAN DIEGUITO HERITAGE MUSEUM	IRS Form 990 2006
SAN DIEGUITO RIVER VALLEY LAND CONSERVANCY	IRS Form 990 2006
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SAN FRANCISCO ADULT DAY SERVICES NETWORK	IRS Form 990 2010
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SAN FRANCISCO BOYS CLUB ENDOWMENT TRUST	IRS Form 990 2011
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SAN FRANCISCO LYRIC CHORUS	IRS Form 990 2008
SAN FRANCISCO MARITIME NATIONAL PARK ASSOCIATION	IRS Form 990 2004
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SAN JOAQUIN COUNTY HISTORICAL SOCIETY	IRS Form 990 2009
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SAN JOAQUIN VALLEY FOUNDATION, INC.	IRS Form 990-EZ 2011
SAN JOSE FIREFIGHTERS BURN FOUNDATION, INC.	IRS Form 990 2004
SAN JOSE GRAIL FAMILY SERVICES	IRS Form 990 2007
SAN JOSE STATE UNIVERSITY HOSPITALITY ADVISORY BOARD	IRS Form 990 2005
SAN LUIS OBISPO COUNTY AGRICULTURAL EDUCATION COMMITTEE, INC.	IRS Form 990 2006

SAN LUIS OBISPO COUNTY AIDS SUPPORT NETWORK	IRS Form 990 2006
SAN LUIS OBISPO MOTHERS FOR PEACE, INC.	IRS Form 990 2006
SAN MARINO ROTARY CHARITIES	IRS Form 990 2006
SAN MATEO COUNTY COMMUNITY COLLEGES FOUNDATION	IRS Form 990 2004
SAN MATEO HIGH SCHOOL FOUNDATION	IRS Form 990 2006
SAN MATEO HIGH SCHOOL FOUNDATION	IRS Form 990 2004
SAN PASQUAL ACADEMY FOUNDATION	IRS Form 990 2011
SAN PASQUAL SCHOOL FOUNDATION	IRS Form 990-EZ 2011
SAN RAMON ARTS FOUNDATION	IRS Form 990 2003
SAN RAMON HISTORIC FOUNDATION	IRS Form 990 2009
SAN RAMON VALLEY HIGH SCHOOL ATHLETIC BOOSTER CLUB, INC.	IRS Form 990 2008
SAN RAMON VALLEY HIGH SCHOOL ATHLETIC BOOSTER CLUB, INC.	IRS Form 990 2007
SAN RAMON VALLEY HIGH SCHOOL ATHLETIC BOOSTER CLUB, INC.	IRS Form 990 2006
SAN RAMON VALLEY HIGH SCHOOL ATHLETIC BOOSTER CLUB, INC.	IRS Form 990 2005
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AND TAX SERVICE	Documents
SANTA BARBARA BASEBALL PARENTS ASSOCIATION	IRS Form 990-EZ 2011
SANTA BARBARA INTERNATIONAL FILM FESTIVAL, INC.	IRS Form 990 2005
SANTA BARBARA MARITIME MUSEUM	IRS Form 990 2011
SANTA BARBARA VOLLEYBALL CLUB	IRS Form 990 2011
SANTA CLARA COUNTY SOCIAL ADVOCATES FOR YOUTH	IRS Form 990 2005
SANTA CLARA COUNTY SOCIAL ADVOCATES FOR YOUTH	IRS Form 990 2003
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SANTA CLARITA VALLEY FOOD PANTRY	IRS Form 990 2003
SANTA CLAUS, INC. OF GREATER SAN BERNARDINO	IRS Form 990 2009
SANTA LUCIA CONSERVANCY	IRS Form 990 2004
SANTA MARIA MUSEUM OF FLIGHT, INC.	IRS Form 990 2002
SANTA ROSA COMMUNITY MEDIA ACCESS CENTER, INC.	IRS Form 990 2010
SANTA ROSA YOUTH SOCCER LEAGUE	IRS Form 990 2006

SANTA YNEZ VALLEY HISTORICAL SOCIETY	IRS Form 990 2011
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SATURDAY AFTERNOON CLUB OF SANTA ROSA	IRS Form 990 2008
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SAUSALITO ROTARY EDUCATIONAL SCHOLARSHIP FUND	IRS Form 990-EZ 2010
SAUSALITO WOMAN'S CLUB SCHOLARSHIP RECOGNITION FUND	IRS Form 990 2009
SCHUMAN-LILES CLINIC, INC.	IRS Form 990 2010
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SEA STUDIOS FOUNDATION	IRS Form 990 2011
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SECOND CHANCE 4 PETS	IRS Form 990 2007
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SEEING EYE, INC.	IRS Form 990 2008
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SENIOR AFFORDABLE HOUSING CORP. NO. 1	IRS Form 990 2009
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SEQUOIA FOUNDATION	IRS Form 990 2004
SERVICES FOR BRAIN INJURY	IRS Form 990 2012
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SHAKESPEARE AT PLAY, INC.	IRS Form 990 2007
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SILICON VALLEY INDEPENDENT LIVING CENTER	IRS Form 990 2010
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SIMI VALLEY DAYS FOUNDATION	IRS Form 990-EZ 2011
SINGLE MOTHERS OUTREACH, INC.	IRS Form 990 2004
SISKIYOU FAMILY YMCA, INC.	IRS Form 990 2009
SKY LAKES MEDICAL CENTER FOUNDATION, INC.	RRF-1 2002
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SKYLINE POP WARNER FOOTBALL YOUTH ASSOCIATION INC.	IRS Form 990 2000
SOAR FOUNDATION FOR RESEARCH AND EDUCATION	IRS Form 990-EZ 2011
SOCCER FOR HOPE	IRS Form 990-EZ 2010
SOCIEDADE FILARMONICA 'NOVA ALIANCA'	IRS Form 990 2002

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THE FOUNDATION FOR AIDS RESEARCH	IRS Form 990 2006
THE FOUNDATION FOR AIDS RESEARCH	IRS Form 990 2003

THE FOUNDATION OF PALM SPRINGS UNIFIED SCHOOL DISTRICT	RRF-1 2009
THE FREEDOM WRITERS FOUNDATION	IRS Form 990 2003
THE FREEDOM WRITERS FOUNDATION	IRS Form 990 2002
THE GARDEN HOUSE WORKSHOP, INC.	RRF-1 2009
THE GARDEN PROJECT	IRS Form 990 2005
THE GENERAL ASSOCIATION OF THU-DUC & NAM-DINH FORMER OFFICERS, INC.	IRS Form 990 2006
THE GENTLE BARN FOUNDATION	IRS Form 990 2006
THE GENTLE BARN FOUNDATION	IRS Form 990 2005
THE GENTLE BARN FOUNDATION	IRS Form 990 2004
THE GENTLE BARN FOUNDATION	IRS Form 990 2003
THE GENTLE BARN FOUNDATION	IRS Form 990 2002
THE GLENWOOD SCHOOL FOUNDATION	IRS Form 990 2003
THE GOOD NEIGHBORS CLUB OF DEL PASO HEIGHTS, CALIFORNIA	IRS Form 990 2006
THE HARMONY PROJECT	IRS Form 990 2002
THE HARMONY PROJECT	RRF-1 2001
THE HARMONY PROJECT	RRF-1 2000
THE HEMET POLICE ACTIVITIES LEAGUE, INC.	IRS Form 990 2004

THE HOPE STREET GROUP	IRS Form 990 2004
THE INSTITUTE FOR LAW AND POLICY PLANNING	IRS Form 990 2006
THE INSTITUTE FOR LAW AND POLICY PLANNING	IRS Form 990 2003
THE INSTITUTE OF CULTURAL AFFAIRS	IRS Form 990 2000
THE INTERNATIONAL ASSOCIATION OF CANCER VICTORS AND FRIENDS	IRS Form 990 2003
THE IRISH ARTS FOUNDATION	IRS Form 990 2003
THE JAPAN SOCIETY OF NORTHERN CALIFORNIA	IRS Form 990 2011
THE JASON PROJECT	IRS Form 990 2009
THE JEWISH COMMUNITY FREE CLINIC	IRS Form 990-EZ 2011
THE JUSTICE PROJECT, INC.	IRS Form 990 2000
THE KIDS' BREAKFAST CLUB	IRS Form 990 2004
THE KILGORIS PROJECT	IRS Form 990 2011
THE LACE MUSEUM, INC.	IRS Form 990 2008
THE LANTERMAN HISTORICAL MUSEUM FOUNDATION	IRS Form 990 2004
THE LAURASIAN INSTITUTION	IRS Form 990 2010
THE LAZARUS PROJECT, INC.	IRS Form 990 2005
THE LINDEN CENTER	IRS Form 990 2003
THE LINKS, SACRAMENTO CHAPTER	IRS Form 990-EZ 2010

THE LYCEUM OF MONTEREY COUNTY	IRS Form 990-EZ 2010
THE MARCH FIELD MUSEUM FOUNDATION, INCORPORATED	IRS Form 990 2004
THE MARIN BOCCE FEDERATION	IRS Form 990 2006
THE MARTIN V. AND MARTHA K. SMITH FOUNDATION	IRS Form 990 2005
THE MESOTHELIOMA APPLIED RESEARCH FOUNDATION, INC.	IRS Form 990 2009
THE NATIONAL HEMOPHILIA FOUNDATION	IRS Form 990 2004
THE NATIONAL MUSEUM OF WOMEN IN THE ARTS, INC.	IRS Form 990 2005
THE NATURE CORPS.	IRS Form 990 2008
THE NATURE CORPS.	IRS Form 990 2007
THE NATURE OF WILDWORKS	IRS Form 990 2008
THE NEBRASKA LAWYERS FOUNDATION	IRS Form 990 2009
THE NORWOOD KIDS FOUNDATION, INC.	IRS Form 990 2006
THE OC MARATHON FOUNDATION	IRS Form 990 2005
THE OJAI FOUNDATION	IRS Form 990 2006
THE PACIFIC FOREST TRUST, INCORPORATED	IRS Form 990 2010
THE PASADENA PLAYHOUSE STATE	IRS Form 990 2009

THEATRE OF CALIFORNIA, INC.	
THE PEACH FOUNDATION	IRS Form 990 2002
THE PIERSON-LOVELACE FOUNDATION	IRS Form 990 2005
THE POPULATION COUNCIL, INC.	IRS Form 990 2009
THE PRISON LAW OFFICE	IRS Form 990 2012
THE RANCHO CORDOVA POLICE ACTIVITIES LEAGUE, INC.	IRS Form 990 2011
THE REDWOOD PIGSKIN CLUB	IRS Form 990 2003
THE RHYTHMIC ARTS PROJECT, INC.	IRS Form 990-EZ 2011
THE ROOSEVELT ELEMENTARY EDUCATIONAL FOUNDATION	RRF-1 2013
THE RUTH BANCROFT GARDEN, INC.	IRS Form 990 2008
THE RUTH BANCROFT GARDEN, INC.	IRS Form 990 2004
THE SABIN CHILDREN'S FOUNDATION	IRS Form 990 2002
THE SACRAMENTO RIVER PRESERVATION TRUST	IRS Form 990 2009
THE SAHANDAYWI FOUNDATION	IRS Form 990 2003
THE SAM AND ALFREDA MALOOF FOUNDATION FOR ARTS AND CRAFTS	IRS Form 990 2002
THE SAN CARLOS PARKS AND RECREATION	IRS Form 990-EZ 2008

FOUNDATION, INC.	
THE SAN DIEGO SOCIETY OF NATURAL HISTORY	IRS Form 990 2004
THE SAN JOSE PUBLIC LIBRARY FOUNDATION	IRS Form 990 2011
THE SANTA BARBARA BIRD SANCTUARY	IRS Form 990 2006
THE SANTA BARBARA-VENTURA COUNTIES DENTAL CARE FOUNDATION, INC.	IRS Form 990 2010
THE SHASTA COLLEGE FOUNDATION	IRS Form 990 2004
THE SHOTGUN PLAYERS, INC.	IRS Form 990 2009
THE SKAGGS INSTITUTE FOR RESEARCH	IRS Form 990 2005
THE SOCIETY OF ST. VINCENT DE PAUL DIOCESAN COUNCIL OF SAN DIEGO	IRS Form 990 2005
THE SOCIETY OF ST. VINCENT DE PAUL DIOCESAN COUNCIL OF SAN DIEGO	IRS Form 990 2003
THE SONORA AREA FOUNDATION	IRS Form 990 2010
THE STUDENT CONSERVATION ASSOCIATION, INC.	IRS Form 990 2007
THE STUDENT CONSERVATION ASSOCIATION, INC.	IRS Form 990 2006

THE THEATRE AT BOSTON COURT	IRS Form 990 2004
THE TOMALES BAY WATERSHED COUNCIL FOUNDATION	IRS Form 990 2011
THE TREVARNO FOUNDATION	IRS Form 990 2003
THE UNITARIAN UNIVERSALIST SERVICE COMMITTEE, INC.	IRS Form 990 2008
THE VACAVILLE NEIGHBORHOOD BOYS AND GIRLS CLUB	IRS Form 990 2006
THE VALLEY ECONOMIC ALLIANCE	IRS Form 990 2012
THE VISION OF CHILDREN	IRS Form 990 2004
THE WILLIAM JAMES ASSOCIATION	IRS Form 990 2007
THE WOMAN'S CLUB OF LAGUNA BEACH, CALIFORNIA	IRS Form 990 2009
THE WOMENSHELTER OF LONG BEACH, CALIFORNIA	IRS Form 990 2007
THE WORKFORCE DEVELOPMENT COLLABORATIVE	IRS Form 990 2005
THESECONDOPINION	IRS Form 990 2001
THIRD MARINE DIVISION ASSOCIATION, INC.	IRS Form 990 2008
THOMAS HOUSE TEMPORARY SHELTER	IRS Form 990 2007
THURGOOD MARSHALL COLLEGE FUND	IRS Form 990 2009
TIBETAN LANGUAGE	IRS Form 990 2006

INSTITUTE	
TIBETAN LANGUAGE INSTITUTE	IRS Form 990 2005
TIBETAN LANGUAGE INSTITUTE	IRS Form 990 2002
TOM FLORES YOUTH FOUNDATION	IRS Form 990 2008
TOPANGA ENRICHMENT PROGRAMS, INC., A NONPROFIT CORPORATION	IRS Form 990-EZ 2010
TORRANCE CULTURAL ARTS CENTER FOUNDATION	IRS Form 990 2011
TOWARDS MAXIMUM INDEPENDENCE	IRS Form 990 2008
TRAINING AND HEALTH EDUCATION CENTER FOR YOUTH	IRS Form 990 2009
TREASURE ISLAND HOMELESS DEVELOPMENT INITIATIVE, INC.	IRS Form 990 2012
TREEPEOPLE, INC.	IRS Form 990 2002
TREEROOTS, INC.	IRS Form 990 2006
TRIBAL ECONOMIC AND SOCIAL SOLUTIONS AGENCY	IRS Form 990-EZ 2009
TRI-CITY VOLUNTEERS, INC.	IRS Form 990 2009
TRITON MUSEUM OF ART	IRS Form 990 2009
TRI-VALLEY CONSERVANCY	IRS Form 990 2004
TULARE SENIOR	IRS Form 990-EZ

SERVICES, INC.	2010
TURKISH EDUCATIONAL FOUNDATION	IRS Form 990-EZ 2010
UNITED CEREBRAL PALSY ASSOCIATION, INC. OF STANISLAUS COUNTY	IRS Form 990 2002
UNITED IN HARMONY	IRS Form 990 2011
UNITED LATINO FUND	IRS Form 990 2007
UNITED NEIGHBORHOOD IMPROVEMENT ASSOCIATION, INC.	IRS Form 990 2002
UNITED RELIGIONS	IRS Form 990 2010
UNITED WAY OF FRESNO COUNTY	IRS Form 990 2006
UNIVERSALGIVING	IRS Form 990 2010
UNIVERSITY OF THE WEST	IRS Form 990 2003
URBAN CREEKS COUNCIL	IRS Form 990 2009
URBAN PRESERVATION FOUNDATION	IRS Form 990 2011
URBAN TREE FOUNDATION	IRS Form 990 2010
URDC HUMAN SERVICES CORPORATION	IRS Form 990 2008
US DREAM ACADEMY, INC.	IRS Form 990 2003
USC HEAD AND NECK GROUP, INC.	IRS Form 990 2005
VACAVILLE CHAMBER OF COMMERCE FOUNDATION	IRS Form 990 2005
VACAVILLE POLICE ACTIVITIES LEAGUE	IRS Form 990-EZ 2012
VACAVILLE YOUTH SOCCER LEAGUE	IRS Form 990 2002

VALLEY ECONOMIC DEVELOPMENT CENTER, INC.	IRS Form 990 2005
VALLEY ECONOMIC DEVELOPMENT CENTER, INC.	IRS Form 990 2005
VALLEY VETERINARY CLINIC CHARITABLE NONPROFIT CORPORATION	IRS Form 990 2010
VENTURA COUNTY ARTS COUNCIL	IRS Form 990-EZ 2011
VENTURA COUNTY MEDICAL RESOURCE FOUNDATION	IRS Form 990 2005
VENTURA COUNTY MEDICAL RESOURCE FOUNDATION	IRS Form 990 2003
VERMONT-SLAUSON ECONOMIC DEVELOPMENT CORPORATION	IRS Form 990 2009
VETERANS AND FAMILIES FOUNDATION	IRS Form 990-EZ 2008
VETERANS REMEMBRANCE COMMITTEE	IRS Form 990 2003
VIA REHABILITATION SERVICES, INC.	IRS Form 990 2013
VISITING NURSE AND HOSPICE CARE OF SANTA BARBARA FOUNDATION	IRS Form 990 2005
VISTA DE LA TERRAZA COOPERATIVE, INC.	IRS Form 990 2008

VISTA GUIDANCE CENTERS, INC.	IRS Form 990 2008
VISUAL EFFECTS SOCIETY	IRS Form 990 2010
VITAL LINK EDUCATION-BUSINESS CONSORTIUM	IRS Form 990 2010
VITAL LINK EDUCATION-BUSINESS CONSORTIUM	IRS Form 990 2009
VOLUNTEER SAN DIEGO	IRS Form 990 2010
VOTERPUNCH	IRS Form 990 2006
VOTERPUNCH	IRS Form 990 2004
WAR CASUALTY FAMILY ASSISTANCE FUND	IRS Form 990 2005
WAR CASUALTY FAMILY ASSISTANCE FUND	IRS Form 990 2006
WASHINGTON TOWNHOUSES, INC.	Miscellaneous Documents
WE CARE ANIMAL RESCUE, INC.	Founding Documents
WE CARE FOR YOUTH	IRS Form 990 2004
WEATHERBY FOUNDATION INTERNATIONAL	IRS Form 990 2006
WEED REVITALIZATION COALITION	IRS Form 990-EZ 2011
WELCOME HOME HOUSING, INC.	IRS Form 990 2004
WEST MARIN LITTLE LEAGUE	IRS Form 990 2005
WEST SIDE FOOD BANK, A NON-PROFIT CORPORATION	IRS Form 990 2004
WEST SIDE FOOD BANK, A NON-PROFIT CORPORATION	IRS Form 990 2003

WEST SIDE FOOD BANK, A NON-PROFIT CORPORATION	RRF-1 2002
WEST SIDE FOOD BANK, A NON-PROFIT CORPORATION	IRS Form 990 2001
WEST VALLEY BOYS & GIRLS CLUB, INC.	IRS Form 990 2011
WESTERN ALLIANCE OF FARMWORKER ADVOCATES, INC.	IRS Form 990 2008
WESTERN KENTUCKY UNIVERSITY FOUNDATION, A CORPORATION	IRS Form 990 2005
WESTSIDE BALLET, A NONPROFIT CORPORATION	IRS Form 990 2008
WESTSIDE BALLET, A NONPROFIT CORPORATION	IRS Form 990 2007
WESTSIDE HOUSING AND ECONOMIC NETWORK, INC.	IRS Form 990 2004
WHITTIER PREGNANCY CARE CLINIC, INC.	RRF-1 2012
WILDFLOWERS INSTITUTE	IRS Form 990-EZ 2009
WILDLAND RESIDENTS ASSOCIATION	IRS Form 990 2005
WILDLAND RESIDENTS ASSOCIATION	IRS Form 990 2004
WILDWOOD MUSIC ASSOCIATES, INC.	IRS Form 990 2011

WILLIAM L. VALENTINE PARENT TEACHER ASSOCIATION OF SAN MARINO, CALIFORNIA	IRS Form 990 2003
WISEBURN EDUCATION FOUNDATION	IRS Form 990 2008
WITTENBERG MANOR, INC.	IRS Form 990 2003
WIZO – WOMEN’S INTERNATIONAL ZIONIST ORGANIZATION	IRS Form 990 2010
WOMEN HELPING ALL PEOPLE	IRS Form 990 2001
WOMEN OF ENTERPRISE, INCORPORATED	IRS Form 990 2001
WOMEN’S CAMPAIGN FORUM	IRS Form 990 2006
WOMEN’S CIVIC IMPROVEMENT CLUB OF SACRAMENTO	IRS Form 990 2006
WOMEN’S EMPOWERMENT	IRS Form 990 2010
WOOD GLEN HALL ENDOWMENT TRUST	IRS Form 990 2005
WOODBIDGE CHILDREN’S CENTER	IRS Form 990 2003
WOODSIDE VAULTERS, INC.	IRS Form 990 2011
WORLD AFFAIRS COUNCIL OF THE DESERT	IRS Form 990 2007
WORLD LUNG FOUNDATION	IRS Form 990 2006
WORLD SAVVY, INC.	IRS Form 990 2010
X PRIZE FOUNDATION, INC.	IRS Form 990 2005

XERODERMA PIGMENTOSUM FAMILY SUPPORT GROUP	IRS Form 990 2011
YELLOWSTONE BOYS AND GIRLS RANCH FOUNDATION	IRS Form 990 2010
YIDDISHKAYT LOS ANGELES	IRS Form 990-EZ 2010
YOLO FAMILY SERVICE AGENCY	IRS Form 990 2006
YOLO FAMILY SERVICE AGENCY	IRS Form 990 2004
YOLO FAMILY SERVICE AGENCY	IRS Form 990 2003
YOUNG MEN'S CHRISTIAN ASSOCIATION OF METROPOLITAN LOS ANGELES	IRS Form 990 2007
YOUNG MUSICIANS FOUNDATION	IRS Form 990 2007
YOUR OWN GREATNESS AFFIRMED	IRS Form 990 2002
YOUTH HOMES AUXILIARY, INC.	IRS Form 990 2007
YOUTH VENTURE INC	IRS Form 990 2004
ZAYTUNA COLLEGE	IRS Form 990 2005
ZETA RHO FOUNDATION, INC.	IRS Form 990 2001
ZIONIST ORGANIZATION OF AMERICA	IRS Form 990 2006
ZIONIST ORGANIZATION OF AMERICA	IRS Form 990 2005
ZIONIST ORGANIZATION OF AMERICA	IRS Form 990 2004

ZIONIST ORGANIZATION OF AMERICA	IRS Form 990 2003
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 345
Field Audit Form Letter Dated November 25, 2015

KAMALA D. HARRIS, Attorney General
State of California, DEPARTMENT OF JUSTICE
300 SOUTH SPRING STREET, SUITE 1702
LOS ANGELES, CA 94203-4470
Public: (213) 897-2000
Telephone: (213) 897-2184
Fax: (213) 897-7605
E-Mail: steve.bauman@doj.ca.gov

November 25, 2015

RE: [insert charity name] (CT No.)

Dear: [insert Mr. or Ms. and surname]

The Office of the Attorney General has the duty to supervise charitable organizations under California Corporations Code section 5250, and Government Code sections 12580 through 12599.7. One of the ways the Office performs this duty is by conducting audits of charitable organizations. We have selected [insert charity name] for a field audit. Unless otherwise stated, our audit will cover the period from [insert date], to [insert date], and is scheduled to begin on [insert date] at [insert time] at [insert location]. Please contact me as soon as possible to confirm the date, time, and place of the audit. To facilitate our audit, please make the following records available:

[Delete any of the below which do not apply and add others which do apply.]

1. Articles of Incorporation;
2. Bylaws;
3. IRS Form 1023 and related correspondence;
4. IRS Forms 990, 990EZ, or 990PF, and Questionnaires;
5. Registry of Charitable Trusts Form RRF -1;
6. Financial statements (audited or unaudited); Management Letters, Auditor's Engagement Letters, and Withdrawal Letters from Auditors;
7. Budgets and Budget Variances;
8. General Ledgers;
9. Cash Receipts and Disbursement Journal;
10. Bank statements for all bank accounts;

11. Canceled checks for all bank accounts;
12. Contracts for goods and/or services;
13. Provider invoices or bills for goods and/or services received;
14. Correspondence related to donations received from the public;
15. Names, addresses, and telephone numbers of all past and current members of the board of directors and officers;
16. Minutes of the proceedings of corporate members, board of directors, board committees, and any board resolutions;
17. Records of all grant applications received and grants made;
18. Reports or accountings made to or received from any other state agency, grantor or grantee, and fundraisers;
19. Written information regarding the policies or criteria used in selecting the grant recipients;
20. Names, addresses, and telephone numbers of persons and organizations who have received grants;
21. Copies of all employment contracts, including employees or independent contractors;
22. Names and addresses of all fundraisers;
23. Copies of any agreements or contracts with fundraisers;
24. Conflict of Interest Policy, Whistleblower Policy and Logs, and Record Retention Policy;

25. Policies and procedures related to fiscal controls; and

26. Policies and procedures related to governance.

If you have any questions, I can be reached at the above telephone number.

Sincerely,

STEVEN B. BAUMAN
Supervising Investigative Auditor

For KAMALA D. HARRIS
Attorney General

SBB

LA2015401093
Document in ProLaw

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 134

Excerpted List of Publicly Linked Schedule Bs
(Set 2 of 5)

Charity Name	document_title
ACTION AGAINST CRIME & VIOLENCE EDUCATION FUND	IRS Form 990 2012
AFRICAN WILDLIFE FOUNDATION	IRS Form 990 2012
AIR FORCE AID SOCIETY	IRS Form 990 2010
AMERICAN CONSTITUTION SOCIETY FOR LAW AND POLICY	IRS Form 990 2010

AMERICAN PSYCHIATRIC FOUNDATION INC	IRS Form 990 2009
AMERICANS FOR MEDICAL PROGRESS EDUCATIONAL FOUNDATION	IRS Form 990 2010
BLADDER CANCER ADVOCACY NETWORK INC	IRS Form 990 2011
CALIFORNIA HIGH SCHOOL ACADEMIC BOOSTERS	IRS Form 990 2012
CHALLENGER CENTER FOR SPACE SCIENCE EDUCATION	IRS Form 990 2012
COMPASSION WITHOUT BORDERS	IRS Form 990-EZ 2011
CONGRESSIONAL SPORTSMENS CAUCUS FOUNDATION	IRS Form 990 2011
CULTURE TO CULTURE FOUNDATION, INC	IRS Form 990-EZ 2010
EPILEPSY FOUNDATION OF AMERICA	IRS Form 990 2010
EPILEPSY FOUNDATION OF AMERICA	IRS Form 990 2011
FAITH AND PUBLIC LIFE, INC.	IRS Form 990 2011
FOUNDATION FOR THE HUMANITIES IN MEDICINE	IRS Form 990 2006
FOUNDATION FOR THE NATIONAL ARCHIVES	IRS Form 990 2010

FOUNDATION FOR THE NATIONAL ARCHIVES	IRS Form 990 2011
FOUNDATION FOR THE NATIONAL ARCHIVES	IRS Form 990 2012
GOODWILL INDUSTRIES INTERNATIONAL, INC.	IRS Form 990 2012
GREENPEACE FUND, INC.	IRS Form 990 2010
GREENPEACE FUND, INC.	IRS Form 990 2012
GREENPEACE, INC.	IRS Form 990 2010
HEALTHWELL FOUNDATION	IRS Form 990 2010
HUNTERS POINT AFFORDABLE HOUSING, INC.	IRS Form 990 2008
KENNEDY'S DISEASE ASSOCIATION	IRS Form 990-EZ 2011
KIDSAVE INTERNATIONAL	IRS Form 990 2010
LANDMINE SURVIVORS NETWORK	IRS Form 990 2009
LIGHTHOUSE FOR THE BLIND AND VISUALLY IMPAIRED	IRS Form 990 2004
MONTEVIDEO EDUCATION FOUNDATION	IRS Form 990-EZ 2013
NATIONAL PSORIASIS FOUNDATION	IRS Form 990 2013
NATIONAL VETERANS LEGAL SERVICES PROGRAM, INC.	IRS Form 990 2010
PBS FOUNDATION	IRS Form 990 2009
RIDE TO WALK, INC.	IRS Form 990-EZ 2009

SECURITIES AND EXCHANGE COMMISSION HISTORICAL SOCIETY	IRS Form 990 2010
SHARE OUR STRENGTH	IRS Form 990 2010
SIGMA XI THE SCIENTIFIC RESEARCH SOCIETY INC.	IRS Form 990 2012
SOJOURNERS	IRS Form 990 2010
THE AMA FOUNDATION	IRS Form 990 2012
THE AMERICAN ASSOCIATION FOR PEDIATRIC OPHTHALMOLOGY AND STRABISMUS	IRS Form 990 2009
THE AMERICAN CIVIL WAR CENTER AT HISTORIC TREDEGAR	IRS Form 990 2010
THE DESMOID TUMOR RESEARCH FOUNDATION, INC.	IRS Form 990 2012
THE GLOBAL FUND FOR CHILDREN	IRS Form 990 2010
THE GLOBAL FUND TO FIGHT AIDS TUBERCULOSIS AND MALARIA	IRS Form 990 2010
THE NATIONAL ROWING FOUNDATION INC	IRS Form 990 2011
UNIVERSITY OF SOUTH DAKOTA FOUNDATION	IRS Form 990 2013
WASHINGTON INSTITUTE FOR NEAR EAST POLICY	IRS Form 990 2012

WOMEN IN MILITARY SERVICE FOR AMERICA MEMORIAL FOUNDATI	IRS Form 990 2012
THEODORE ROOSEVELT CONSERVATION PARTNERSHIP INC	IRS Form 990 2010
THEATREWORKS SILICON VALLEY	IRS Form 990 2007

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 187

Excerpted List of Publicly Linked Schedule Bs
(Set 3 of 5)

Charity Name	document_title
ACTERRA: ACTION FOR A HEALTHY PLANET	IRS Form 990 2004
AFFORDABLE COMMUNITY HOUSING TRUST - BETA	IRS Form 990 2001
ALICE: ARTS AND LITERACY IN CHILDREN'S EDUCATION	IRS Form 990 2008

ALICE: ARTS AND LITERACY IN CHILDREN'S EDUCATION	IRS Form 990-EZ 2010
ALLIANCE FOR RURAL COMMUNITY HEALTH	IRS Form 990 2009
ALZHEIMER'S ASSOCIATION OF ORANGE COUNTY, INC.	IRS Form 990 2004
AMERICAN ASSOCIATION OF CRITICAL CARE NURSES	IRS Form 990 2008
AMERICAN FRIENDS OF THE CZECH REPUBLIC	IRS Form 990 2006
AMERICAN HERBAL PHARMACOPOEIA	IRS Form 990 2003
AMERICAN LAW INSTITUTE	IRS Form 990 2010
AMERICAN MEDICAL ASSOCIATION FOUNDATION	IRS Form 990 2010
AMERICAN NEAR EAST REFUGEE AID	RRF-1 2007
AMERICAN REFUGEE COMMITTEE	IRS Form 990 2006
ASIAN AND PACIFIC ISLANDER AMERICAN HEALTH FORUM	IRS Form 990 2005
ASIAN PACIFIC HEALTH CARE VENTURE, INC.	IRS Form 990 2008
ASSE INTERNATIONAL, INC.	IRS Form 990 2009

ASSISI INTERNATIONAL ANIMAL INSTITUTE	IRS Form 990 2004
AVENIDAS	IRS Form 990 2008
BALANCE 4 KIDS	IRS Form 990 2003
BALANCE FOUNDATION	RRF-1 2003
BAY AREA ASSOCIATION OF DISABLED SAILORS	IRS Form 990 2005
BAY AREA CABARET	IRS Form 990-EZ 2010
BBB WISE GIVING ALLIANCE	IRS Form 990 2012
BEING ALIVE SAN DIEGO	RRF-1 2004
BEING ALIVE SAN DIEGO	RRF-1 2005
BERKELEY BALLROOM FOUNDATION	IRS Form 990 2006
BERKELEY COMMUNITY FUND	IRS Form 990 2004
BERKELEY COMMUNITY FUND	IRS Form 990 2005
BEYOND BASICS, INC.	RRF-1 2009
BEYOND SHELTER	IRS Form 990 2007
BOYS & GIRLS CLUBS OF OAKLAND	IRS Form 990 2009
BREAD OF LIFE EPA	IRS Form 990-EZ 2010
CALIFORNIA COALITION FOR PUBLIC HIGHER EDUCATION	RRF-1 2012

CALIFORNIA INSTITUTE FOR FEDERAL POLICY RESEARCH	IRS Form 990 2002
CALIFORNIA INSTITUTE FOR FEDERAL POLICY RESEARCH	IRS Form 990 2003
CALIFORNIA INSTITUTE FOR FEDERAL POLICY RESEARCH	IRS Form 990 2004
CALIFORNIA TENNIS ASSOCIATION FOR UNDERPRIVILEGED YOUTHS	IRS Form 990 2005
CALIFORNIA VEHICLE FOUNDATION	IRS Form 990 2005
CAREER CLOSET OF SANTA CLARA COUNTY	IRS Form 990 2008
CENTRO DE SALUD DE LA COMUNIDAD DE SAN YSIDRO, INC.	IRS Form 990 2009
CHAMBER MUSIC IN NAPA VALLEY, INC.	IRS Form 990 2009
CHAPEL OF OMKARA MULTICULTURAL SOCIETY OF USA	Miscellaneous Documents
CHICO FRIENDS OF THE BUTTE COUNTY LIBRARY	IRS Form 990 2005
CHILD DEVELOPMENT RESOURCES OF VENTURA COUNTY INCORPORATED	RRF-1 2004

CHINATOWN ALLEYWAY IMPROVEMENT ASSOCIATION	IRS Form 990 2004
CITIZENS CLEARINGHOUSE FOR HAZARDOUS WASTE, INC.	IRS Form 990 2007
CLINICAS DE SALUD DEL PUEBLO, INC.	IRS Form 990 2007
COMMUNITY HEALTH AFRICA - A POVERTY SOLUTION (CHAPS), INC.	IRS Form 990-EZ 2010
COOPERATIVE DEVELOPMENT FOUNDATION	IRS Form 990 2006
CROATIAN SCHOLARSHIP FUND	IRS Form 990 2001
CULTURAL AND EDUCATIONAL MEDIA	IRS Form 990 2005
DESERT HEALTHCARE FOUNDATION	IRS Form 990 2005
DESERT WILDLIFE UNLIMITED, INC.	RRF-1 2007
DINING FOR WOMEN	IRS Form 990 2010
DOUBLE CHECK RETREAT	IRS Form 990 2002
EASTER SEALS, INC.	IRS Form 990 2006
EIMAGO, INC	IRS Form 990 2005
ELECTRICORE, INC.	IRS Form 990 2006

ENVIRONMENTAL PROTECTION INFORMATION CENTER, INCORPORATED	IRS Form 990 2003
EQUUS RESCUE AND SANCTUARY	IRS Form 990 2002
ERNEST GALLO CLINIC AND RESEARCH CENTER	IRS Form 990 2003
ERNEST GALLO CLINIC AND RESEARCH CENTER	IRS Form 990 2007
FAR WEST NORDIC SKI EDUCATION ASSOCIATION	IRS Form 990 2003
FLIGHT PATH LEARNING CENTER OF SOUTHERN CALIFORNIA	IRS Form 990 2005
FOOD & WATER WATCH	IRS Form 990 2011
FOOTLOOSE DANCE COMPANY, INC.	IRS Form 990 2009
FRIENDS OF CYPRESS CULTURAL ARTS	RRF-1 2008
FRIENDS OF CYPRESS CULTURAL ARTS	RRF-1 2009
FRIENDS OF CYPRESS CULTURAL ARTS	RRF-1 2010
FRIENDS OF THE CARPINTERIA PUBLIC LIBRARY	IRS Form 990 2008
FRIENDS OF THE SARATOGA LIBRARIES	IRS Form 990 2004

GOLETA VALLEY BEAUTIFUL	IRS Form 990 2009
GREENE HOME FOR BOYS	IRS Form 990 2004
HALCYON CLUB	IRS Form 990 2001
HANDSON BAY AREA	IRS Form 990 2007
HEARING RESEARCH, INC.	IRS Form 990 2008
HISTORICAL SOCIETY OF SOUTH SAN FRANCISCO INC.	IRS Form 990 2007
INSTITUTE OF INTERNATIONAL EDUCATION, INC.	RRF-1 2002
INTERVAL HOUSE	IRS Form 990 2003
JURUPA JUNIOR ALL AMERICAN FOOTBALL	IRS Form 990 2004
KID'S TURN, SAN DIEGO	IRS Form 990 2007
KITKA, INC.	RRF-1 2008
KITKA, INC.	IRS Form 990 2003
KIWANIS CLUB OF ALPINE	IRS Form 990-EZ 2008
LARTA INSTITUTE	RRF-1 2002
LATIN BUSINESS ASSOCIATION INSTITUTE	IRS Form 990 2005
LEARNING ALLY, INC	RRF-1 2008

LEGAL SELF HELP CENTER OF MARIN, INC.	IRS Form 990 2008
LIKHA-PILIPINO FOLK ENSEMBLE	IRS Form 990 2007
LOS ALTOS HIGH SCHOOL ATHLETIC BOOSTERS CLUB	IRS Form 990 2007
LOS ALTOS HIGH SCHOOL ATHLETIC BOOSTERS CLUB	IRS Form 990 2008
LOS ANGELES LOMOD SOUTH, INC.	IRS Form 990 2008
LOS ANGELES POLICE MUSEUM	IRS Form 990 2006
LOS ANGELES SECTION 8 APPERSON LOMOD CORPORATION - 4	IRS Form 990 2007
LOS ANGELES SECTION 8 APPERSON LOMOD CORPORATION - 4	IRS Form 990 2008
LOS ANGELES SECTION 8 APPERSON LOMOD CORPORATION - 4	IRS Form 990-EZ 2009
LOS ANGELES SECTION 8 CORONADO LOMOD CORPORATION - 2	IRS Form 990-EZ 2009
LOS ANGELES SECTION 8 JEFFERSON LOMOD CORPORATION	IRS Form 990 2007
LOS ANGELES SECTION 8 JUANITA LOMOD CORPORATION - 8	IRS Form 990-EZ 2009

LOS ANGELES SECTION 8 SIMPSON LOMOD CORPORATION - 6	IRS Form 990-EZ 2009
LUTHERAN WORLD RELIEF INC.	IRS Form 990 2004
MALIBU ADAMSON HOUSE FOUNDATION	IRS Form 990 2006
MALIBU ADAMSON HOUSE FOUNDATION	IRS Form 990 2007
MARY MAGDALENE PROJECT, INC.	IRS Form 990 2003
MARY MAGDALENE PROJECT, INC.	IRS Form 990 2004
MERCY CORPS	IRS Form 990 2010
MERCY HOUSING NORTHWEST	IRS Form 990 2008
MILL VALLEY SCHOOLS COMMUNITY FOUNDATION	IRS Form 990 2006
MINISTRY OF MERCY INC.	IRS Form 990 2004
MONTECITO TRAILS FOUNDATION	IRS Form 990 2007
MONTECITO TRAILS FOUNDATION	IRS Form 990 2008
MONTECITO TRAILS FOUNDATION	IRS Form 990 2006
MONTEREY COUNTY AGRICULTURAL & RURAL LIFE MUSEUM	IRS Form 990 2005

MORRO BAY FRIENDS OF THE LIBRARY	IRS Form 990 2003
MOSES HOUSE MINISTRIES	RRF-1 2008
MOUNTAIN HEALTH & COMMUNITY SERVICES, INC.	IRS Form 990 2009
NATIONAL PARK TRUST, INC.	IRS Form 990 2012
NAVY MARINE COAST GUARD RESIDENCE FOUNDATION	IRS Form 990 2003
O'CONNOR WOODS HOUSING CORPORATION	IRS Form 990 2004
OPERATION INTERDEPENDENCE	IRS Form 990 2004
OPTIONS RECOVERY SERVICES	RRF-1 2009
PALO ALTO ROTARY CLUB ANNUAL CHARITIES, INC.	IRS Form 990 2008
PATHWAYS TO YOUR FUTURE	IRS Form 990-EZ 2010
PENINSULA INTERFAITH ACTION	IRS Form 990 2002
PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC.	IRS Form 990 2004
RADY CHILDREN'S HEALTH SERVICES- SAN DIEGO	IRS Form 990 2008

RE/MAX RELIEF FUND, INC	IRS Form 990-EZ 2012
READING TO KIDS	RRF-1 2006
RETURN TO FREEDOM INC.	IRS Form 990 2003
RICHARD NIXON LIBRARY & BIRTHPLACE FOUNDATION	IRS Form 990 2007
RIDGECREST REGIONAL HOSPITAL FOUNDATION	IRS Form 990 2006
RIO HONDO-VERNON ROTARY CLUB FOUNDATION	Founding Documents
RIVERSIDE-SAN BERNARDINO COUNTY INDIAN HEALTH, INC.	IRS Form 990 2002
SACRAMENTO EDUCATIONAL CABLE CONSORTIUM	RRF-1 2002
SALMONID RESTORATION FEDERATION	RRF-1 2009
SALMONID RESTORATION FEDERATION	RRF-1 2012
SAN CARLOS EDUCATIONAL FOUNDATION	IRS Form 990 2003
SAN CLEMENTE ROTARY CLUB	IRS Form 990 2006
SAN DIEGO BRAIN TUMOR FOUNDATION	IRS Form 990-EZ 2010

SAN DIEGO CONVENTION CENTER CORPORATION, INC.	IRS Form 990 2008
SAN FRANCISCO ARTS EDUCATION PROJECT	IRS Form 990 2007
SAN FRANCISCO ARTS EDUCATION PROJECT	IRS Form 990 2008
SAN FRANCISCO ARTS EDUCATION PROJECT	IRS Form 990 2005
SAN FRANCISCO ARTS EDUCATION PROJECT	IRS Form 990 2006
SANTA BARBARA COTTAGE HOSPITAL FOUNDATION	IRS Form 990 2005
SANTA BARBARA COTTAGE HOSPITAL FOUNDATION	IRS Form 990 2006
SANTA BARBARA COTTAGE HOSPITAL FOUNDATION	IRS Form 990 2007
SANTA CLARA VALLEY PERFORMING ARTS ASSOCIATION	IRS Form 990-EZ 2009
SANTA MARIA PHILHARMONIC SOCIETY	IRS Form 990 2004
SAUSALITO ROTARY EDUCATIONAL SCHOLARSHIP FUND	IRS Form 990-EZ 2009
SHASTA COUNTY ARTS COUNCIL	RRF-1 2004
SIMA HUMANITARIAN FUND	IRS Form 990-EZ 2009

SONOMA COUNTY LEGAL SERVICES FOUNDATION, INC.	IRS Form 990 2003
SOUTHERN CALIFORNIA CENTER FOR NONPROFIT MANAGEMENT	IRS Form 990 2004
STREET LEVEL HEALTH PROJECT	IRS Form 990-EZ 2007
SUTTER SOLANO CHARITABLE FOUNDATION	IRS Form 990 2002
THE AMERICAN CONSERVATORY THEATRE FOUNDATION	IRS Form 990 2008
THE AMERICAN CONSERVATORY THEATRE FOUNDATION	IRS Form 990 2009
THE BAY AREA VIDEO COALITION, INCORPORATED	IRS Form 990 2004
THE COMMUNITY NETWORK FOR APPROPRIATE TECHNOLOGIES	IRS Form 990 2008
THE FOUNDATION FOR ADVANCEMENTS IN SCIENCE AND EDUCATION	IRS Form 990 2007
THE FRIENDS OF THE ESPARTO REGIONAL LIBRARY	IRS Form 990 2003

THE HEALY SENIOR CENTER OF SOUTHERN HUMBOLDT INC.	RRF-1 2010
THE HEALY SENIOR CENTER OF SOUTHERN HUMBOLDT INC.	RRF-1 2012
THE LAS LOMITAS EDUCATION FOUNDATION	IRS Form 990 2004
THE NATIONAL CENTER FOR SCIENCE EDUCATION, INC.	IRS Form 990 2005
THE NATOMAS BASIN CONSERVANCY, A CALIFORNIA NON- PROFIT PUBLIC BENEFIT	IRS Form 990 2004
THE SAN FRANCISCO BAY TRAIL PROJECT	IRS Form 990 2006
THE SINO-JUDAIC INSTITUTE	IRS Form 990-EZ 2007
TIBETAN LANGUAGE INSTITUTE	IRS Form 990 2004
TIBETAN NUNS PROJECT	IRS Form 990 2008
UNITED CEREBRAL PALSY ASSOCIATION OF SAN LUIS OBISPO COUNTY	RRF-1 2004
UNITED STATES FUND FOR UNICEF	IRS Form 990 2007
UNITED STATES FUND FOR UNICEF	IRS Form 990 2009

UNITED STATES SOCCER FEDERATION FOUNDATION, INC.	IRS Form 990 2002
UNITED WAYS OF CALIFORNIA	IRS Form 990-EZ 2008
UNIVERSITY CAMPS	IRS Form 990 2006
UNIVERSITY CAMPS	IRS Form 990 2003
UP VALLEY FAMILY CENTERS OF NAPA COUNTY	IRS Form 990 2003
UPWARDLY GLOBAL	Miscellaneous Documents
VAUGIRARD	IRS Form 990-EZ 2009
VISTA COMMUNITY CLINIC	IRS Form 990 2010
WEST ANGELES COMMUNITY DEVELOPMENT CORPORATION	IRS Form 990 2008
WISTAR INSTITUTE OF ANATOMY AND BIOLOGY	IRS Form 990 2006
WORLDWIDE FOUNDATION FOR CREDIT UNIONS INC	Founding Documents

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 188

Excerpted List of Publicly Linked Schedule Bs
(Set 4 of 5)

Charity Name	document_title
AMERICAN LAW INSTITUTE	IRS Form 990 2013
BEIT T'SHUVAH	RRF-1 2014
BONITA GARDEN CLUB	
CHRON'S & COLITIS FOUNDATION OF AMERICA, INC.	Miscellaneous Documents

COMMUNITY AWARENESS & TREATMENT SERVICES, INC.	RRF-1 2014
COMMUNITY HOSPICE, INC.	RRF-1 2014
FRIENDS OF CORTE MADERA CREEK WATERSHED	IRS Form 990 2014
FRIENDS OF THE BLANCHARD COMMUNITY LIBRARY	IRS Form 990 2014
FRIENDS OF THE LIBRARIES OF NEVADA COUNTY	IRS Form 990-EZ 2014
GLENN COMMUNITIES WORKING TOGETHER	IRS Form 990-EZ 2009
HINDU SWAYAMSEVAK SANGH USA, INC.	IRS Form 990 2013
HOME AND HOPE	RRF-1 2012
I HAVE A DREAM FOUNDATION - LOS ANGELES	RRF-1 2014
JAY N. SCHAPIRA MD MEDICAL RESEARCH FOUNDATINO, INC.	IRS Form 990 2014
JUNIOR GOLF ASSOCIATION OF NORTHERN CALIFORNIA	IRS Form 990 2010
LAST HOPE CAT KINGDOM	IRS Form 990-EZ 2014

LOCKS OF LOVE INC.	IRS Form 990 2010
LOCKS OF LOVE, INC.	IRS Form 990 2014
NATIONAL MENTORING PARTNERSHIP INC	Miscellaneous Documents
PACT, PLAN OF ACTION FOR CHALLENGING TIMES, INC.	RRF-1 2014
REDWOOD HEIGHTS SCHOOL PARENTS' FUND ASSOCIATION	IRS Form 990-EZ 2012
SAMAHAN FILIPINO AMERICAN PERFORMING ARTS AND EDUCATION CENTER, INCORPORATED	IRS Form 990-EZ 2013
SANTA BARBARA YOUTH SAILING FOUNDATION	IRS Form 990 2013
SANTA CLARA VALLEY PERFORMING ARTS ASSOCIATION	IRS Form 990-EZ 2013
SHINE ON SIERRA LEONE	IRS Form 990 2014
SOUTHWEST CHAMBER MUSIC SOCIETY	IRS Form 990 2014
THE CARPINTERIA VALLEY HISTORICAL SOCIETY	IRS Form 990 2011
THE PROTECT OUR COMMUNITIES FOUNDATION	IRS Form 990-EZ 2009

THE RIVER PROJECT	IRS Form 990 2013
THE STUDENT CONSERVATION ASSOCIATION, INC.	IRS Form 990 2014
UFCW LOCAL 770 ICAZA FOUNDATION	IRS Form 990-EZ 2011
VETERANS EQUITY CENTER	IRS Form 990 2014
VIEWPOINT PHOTOGRAPHIC ART CENTER, INC.	IRS Form 990-EZ 2014
WEIGHT CITY PRODUCTIONS	IRS Form 990 2013
WEPERFORM.ORG	RRF-1 2014

UNITED STATES DISTRICT COURT
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KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 737

Excerpts from the Deposition of Tania Ibanez
January 6, 2016

* * *

[Page 6]

THE VIDEOGRAPHER: Thank you.

Will the court reporter please swear in the
witness.

TANIA IBANEZ, called as a deponent and sworn
in by the deposition reporter, was examined and
testified as follows:

DEPOSITION REPORTER: Right hand, please.

Do you solemnly swear that the testimony you are about to give in this matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE DEPONENT: I do.

* * *

[Page 208]

Q. Gladly. At the time that you wrote this letter, did you or anyone else under your supervision, to the best of your knowledge, harbor any specific suspicions about the Americans for Prosperity Foundation and its compliance with California's laws governing nonprofits?

A. I didn't even know who Americans for Prosperity Foundation were when I wrote this letter.

Q. Do you today have any specific suspicions about the Americans for Prosperity Foundation?

MS. GORDON: Objection; vague.

THE DEPONENT: You're suing us, so -- and you don't want to give us your Schedule B, so that has put my suspicions somewhat on alert.

BY MR. SHAFFER

Q. The fact that the organization does not want to provide its Schedule B is ground of suspicion, in your mind?

A. Well, I -- I have to wonder why.

Q. Does -- is that degree of suspicion any greater or different than what it was for each of the other organizations we were looking at that wrote you letters questioning the requirements of filing a Schedule B?

A. No, I did not have any suspicion of any of these organizations at all. Maybe I'm not answering your question, I don't know, but there wasn't -- it wasn't as if I was thinking, "Oh, jeez, these charities must be, you know, having problems."

Q. That's what you are thinking, though, about the Americans for Prosperity Foundation?

MS. GORDON: Objection; misstates testimony, assumes facts.

THE DEPONENT: Yeah, I basically don't have any specific suspicions, per se, but the litigation causes me to have some concerns.

BY MR. SHAFFER

Q. Am I correct that those concerns would persist following the conclusion of litigation?

A. I don't know.

Q. They may?

A. They may.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 732

Excerpts from the Deposition of Jami Cantore
January 21, 2016

* * *

[Page 6]

THE VIDEOGRAPHER: Thank you.

Will the court reporter please swear the witness.

JAMI CANTORE, called as a deponent and sworn
in by the deposition reporter, was examined and
testified as follows:

DEPOSITION REPORTER: Right hand, please.

Do you solemnly swear that the testimony you are
about to give in this matter shall be the truth, the

whole truth, and nothing but the truth, so help you God?

THE DEPONENT: Yes, I do.

* * *

[Page 75]

Q. Do you recall if you got it from your system or if you had to go and ask for the Schedule B?

A. It could have been both. I think we had it, but I always ask for them anyway. I ask for the Form 990, not the Schedule B specifically.

Q. Why do you ask for the Form 990 and not the Schedule B specifically?

A. I ask for the complete Form 990, which includes all the schedules.

* * *

[Page 85]

Q. How many audit letters have you sent out requesting a complete Form 990?

A. I have no idea. I always ask for that in my audit letters, so every audit letter.

Q. Okay. And you can't recall any instances where the response to that audit letter has included a Form 990 but not a Schedule B?

A. When I receive the responses, I assume that this is their complete 990.

Q. Okay. How about when you receive a response from an organization that, with your eight years of experiences in this, you know there should be an Exhibit B -- excuse me -- a Schedule B.

Has that ever happened?

A. I'm not that concerned -- you know, I assume that they're giving me their complete filed 990 when I receive it.

Q. Okay.

A. I assume that when I get it if there's no Schedule B that they didn't file a Schedule B.

* * *

[Page 89]

Q. So an organization that you would expect to file a Schedule B, they don't send you a Schedule B in response to your audit letter, you then just assume, "Oh, they must not have filed a Schedule B. I'm wrong"?

A. Schedule B is merely a component of the Form 990. I don't send out my audit letter fishing for a Schedule B. I want the 990 form in its complete form. If they give me a 990 that has no Schedule B, it does not concern me that they're withholding that document from me. I assume that they did not file it. I look at the rest of the 990 and the other schedules and the rest of the financials I requested.

If there is -- I suppose if it was something significant, if there was some issue, I would follow up on it, but, you know, I don't assume that they're just not giving it to me.

Q. What about in those situations where they were organizations you would have expected to file a Schedule B so it doesn't make sense that you didn't get one.

Did you follow up in those circumstances?

A. My investigations are not Schedule B driven. Schedule B is a tool of the investigation. It doesn't --

what you're saying is not making sense to me; that I would be on this hunt for the Schedule B.

Q. Turning back to Exhibit 11 and Investigation Number 3, okay?

A. Yes.

Q. The interrogatory in Exhibit 11 asks the Attorney General to identify instances in which an unredacted Schedule B enabled them to determine that a specific organization has violated the law.

Do you see that?

A. I have seen that on the interrogatory, yes.

Q. Okay. And you've identified Investigation Number 3 as one in which a Schedule B enabled you to determine that a specific organization had violated the law; correct?

A. Uh-huh, yes.

Q. Are there any other investigations in which the Schedule B enabled you to determine that specific organization had violated the law?

A. I'm sure that there have been. The Schedule B is useful.

Q. Okay. I'm -- I've got your point on efficiency. I've got your point on usefulness.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day One, Volume I

Excerpts from the Trial Testimony of
Lucas Hilgemann
February 23, 2016

* * *

[Day One, Vol. I: Page 38]

THE COURT: All right. Call your first witness.

MR. FORST: Your Honor, plaintiffs call Mr. Lucas Hilgemann. And, Your Honor, we provided you with a direct witness binder that I think is to your left with only the documents that we propose or intend to use for Mr. Hilgemann.

THE COURTROOM DEPUTY: Please raise your right hand. (The witness, LUCAS ANTHONY HILGEMANN, was sworn.)

THE COURTROOM DEPUTY: Thank you. Please take a seat. And please state your full and true name for the record, and spell your last name.

THE WITNESS: Lucas Anthony Hilgemann, H-I-L-G-E-M-A-N-N.

DIRECT EXAMINATION

Q (BY MR. FORST) Good morning, Mr. Hilgemann.

A Good morning.

Q Are you currently employed, sir?

A I am.

Q And where is that?

A I am the chief executive officer of Americans for Prosperity Foundation.

Q And how long have you worked there, Mr. Hilgemann?

A I've been with AFP Foundation since 2012.

Q And did you join -- or what was your title when you joined, sir?

A I was Wisconsin state director.

* * *

[Day One, Vol. I: Page 40]

Q And can you describe the content of your typical communications with them and what they say to you?

A Sure. A lot of the communications are around, again, the mission, goals, objectives, some of the accomplishments that we've seen at the Foundation. One of the topics that often comes up is their confidentiality.

Q And that's a concern that they raise, the donors, with you?

A Yes, especially prospective donors and currently the donors who have that concern.

Q And how do you address that Mr. Hilgemann?

A I stress the importance and the systems protocols that we have in place to make sure that their anonymity is something that we see as one of our top priorities for partnerships with our donors.

Q And what are the practices that the Foundation does put in place regarding that anonymity?

A So we have very limited exposure to the names, identities and interests of those donors. It's something that we take very serious precautions to prevent being leaked or being discussed outside of a small group of people internally. We also stress the importance with all of our employees of keeping that confidentiality as something that is a top priority, not just within the institution but outwardly as well.

Q And you personally as CEO, is that something that you do and undertake?

A Yes, absolutely.

Q In what ways?

A Again, it's something that, you know, we -- I rarely have access to a full list of our donors. It is a very small group of people, again, that I operate with

or communicate with. And I can honestly say that as CEO for the last year and a half, I've yet to see a full list of our donors.

Q Okay. And why is, as CEO, protecting that donor information so important to you and the organization?

A Because they really are the lifeblood of our organization. We are a donor-driven institution that receives donations across the board. And again, they are the folks that keep the lights on and the machines going.

Q And so when these conversations come up about anonymity with donors, what do you specifically tell them?

A I walk them through the process and the priority that we place on it; that each one of the dollars that they invest with us is something we see as our duty and an expectation from them to make sure that we keep their identities secret; and that it's not something that is broadly shared in the institution.

Q Now, sir, as CEO, are you familiar with the Schedule B Form 990?

A Yes, I am.

Q And what is that?

A It is an IRS document that we share that lists the names of our top donors to our foundation.

Q And have you ever discussed, you yourself, Schedule B with donors?

A Yes, I have.

Q And in what context?

A Just a couple weeks ago -- this is a conversation that comes up quite frequently -- but they referenced this case. I was at an event, invite-only event in Utah, multiple donors who were first-time attendees at an AFP Foundation event. One of them asked specifically about this case and the priority we were placing on keeping the names of our donors private.

Q And what did you say to the donors?

A Again, I explained to them the importance and the priority that we place on that information; that it is not only an expectation, but it's also a process and protocol situation that we constantly and consistently are looking to keep those things private.

Q And has the donor who asked the question about the litigation contributed to the foundation to date?

A No.

Q How have donors expressed to you their concerns about appearing on Schedule B, if at all?

A It's something that comes up quite frequently. Again, with the leaks that we've seen at the IRS, groups like ours being targeted, individuals being targeted by government entities, it's a concern that's always on their mind. And I think the biggest concern that I've seen is from the donor group that I had interactions with in Wisconsin where a group of those folks were targeted by the opposition who were outed and were boycotted; their businesses were boycotted. There were personal threats that were lobbied against themselves, their businesses and their employees.

Q And in what ways were they outed, sir?

A It was something that the opposition had pulled together a list of suspected donors to the Foundation because of their interactions with groups like ours in the past that had been publicized. They boycotted their businesses. They made personal and private threats against them, their families and their businesses and their employees.

Q And was this in a certain geographic location?

A It was. It was localized to generally across the state of Wisconsin folks that they had, again, believed were supporters of the AFP Foundation.

Q And what time frame was that?

A That was approximately in 2012.

Q Do you know, sir, of instances where purported donors of the Foundation have actually been identified publicly beyond this instance that you just described?

A Yes. There was a National Law Journal story that came out in 2012 or 2013 when I was chief operating officer of AFP Foundation that listed the names of multiple top donors, including the amounts of money that they had given our organization.

Q And, Mr. Hilgemann, I think there's a binder -- or if somebody can ask -- the binder there.

MR. FORST: Your Honor, I also believe that you have a witness binder for Mr. Hilgemann.

THE COURT: Yes, I do.

MR. FORST: Okay, great.

Q (BY MR. FORST) Mr. Hilgemann, if you can turn to the first tab in your binder, which should be

labeled Exhibit Number 396. Do you recognize that document?

A Yes, I do.

Q And what is it?

A The story that I referenced about one of our Schedule Bs that a reporter had received and outed the names of multiple donors to our Foundation.

Q And do you recall reading it at the time?

A I do.

Q And discussing it within the Foundation?

A Yes, I do.

MR. FORST: Your Honor, we would respectfully move Exhibit Number 396 for admission into evidence.

MS. GORDON: No objection, Your Honor.

THE COURT: 396 in evidence. (Exhibit No. 396 received into evidence.)

Q (BY MR. FORST) And here, this article that you described, did it, in fact, link to the Foundation's Schedule Bs?

A There was a link that it was included from a leaked document of our 2000 -- I believe 2001, 2002 Schedule B.

Q And how did the reporter get a hold of these Schedule Bs, if you know?

A I believe it was a Schedule B that was received from the Massachusetts Attorney General's office that had been mistakenly --

MS. GORDON: Objection, move to strike. No foundation.

THE COURT: Objection is overruled.

Q (BY MR. FORST) Was the Foundation concerned about this publication?

A Yes, it was.

Q And in what ways?

A Because I wasn't a part of the Foundation in 2002, again, because of the priority and importance we put on the anonymity of our donors, it was something that I shared with our general counsel, with our board members who were part of the institution at the time, to develop a path forward to make sure that we did everything in our power to protect the identity of those folks that had been shared.

Q You can set that exhibit aside, Mr. Hilgemann. As CEO, if a Schedule B donor is exposed, what are the consequences to the Foundation?

A Well, I think in general that because these are our major funders, that even if one of them moved away or didn't donate to our Foundation, it would have a massive effect on our operations.

Q And what effect specifically?

A Because these are seven-figure-plus donors, potentially if one left or decided not to give, that it would shut down parts of our operation, including laying off staff, turning down capabilities that we had been building.

Q And are there other consequences that you perceived, or have been expressed to you between donors in groups among each other?

A Yeah, these are a small group of individuals that talk on a regular basis about the investments

they're making in our groups and others, and it has a chilling effect. There's no doubt about it; that if one person were to be outed and decided to step away, that it would definitely have consequences throughout that group of people.

Q Now, earlier, sir, you testified about the experience in Wisconsin and the groups that have been boycotted. Do these concerns from donors that's expressed to you resonate with you personally?

A Yeah, they absolutely do.

Q And in what ways?

A Well, shortly after starting with the Foundation, months -- a couple of months after I started as the state director in Wisconsin, it was brought to my attention that a liberal blogger had posted the home address of my home, my family's home, and the addresses of my children's schools as a way to intimidate us for the actions that we were taking.

Q And do you recall reading that blog post?

A I do.

Q And how did you react to that?

A It was frightening. You know, it's unfortunate that there are those types of attacks that are lobbied against people who are working for our organization or believe in the causes that we believe. But I think in general we could all agree that taking -- or attacking a person's family takes it to a new level.

Q And in your experience and based on this critic's, you know, posting on the blog, does the public or even authors, blog-posters, differentiate

between the Foundation and Americans for Prosperity?

MS. GORDON: Objection, irrelevant.

THE WITNESS: No, they don't.

THE COURT: Objection is overruled.

THE WITNESS: No, I don't think that they do. You know, while we have internal conversations and understanding of the difference between the Foundation and our (c)(4), Americans for Prosperity, that – it's not generally understood by those in the media, and especially those who oppose what we are trying to accomplish.

Q (BY MR. FORST) And does that include protesters at events?

A Absolutely.

Q In response to this event, again, this posting on the blog, did you take any additional steps regarding your personal security?

A I shared the existence of it with my wife, who was obviously upset at the information being out there; talked to her about what we could potentially do to make sure that our family was protected. We actually put in a home security system at the time and beefed up the monitoring that we had at our home. I tried to encourage her to apply for a concealed carry permit, because it's something that I had had at that point, and I wanted to make sure that her and the kids were safe.

Q And again, you mentioned the boycott in Wisconsin. Are there any other events in Wisconsin that come to mind?

A Yeah. Shortly after that event happened, couple of months after that, there was a Tax Day rally that we had in Madison where we had about 4- or 500 of our activists who were with us that day talking about the importance of limited government and lowering taxes for citizens in that state. And I was giving a speech at the time, and there were several thousand protesters that had surrounded that event that were chanting, making threats at our activists and myself. And shortly after I got done speaking that day, I walked off the podium to go and greet my parents who were also a part of the event that day. And there was a protester that approached me, made multiple slurs and, you know, used some foul language to describe his thoughts of me and what we were doing.

And I -- I was talking to my parents and tried to grab them and move them away from the situation. As I turned back around, he spit in my face and called me a bunch of other names.

Q And what'd you do in response?

A I -- at that point I wanted to deescalate the situation as much as possible, so I wiped the spit off my face, grabbed my dad, because I was concerned that he was going to, you know, retaliate for what had been done, and move him away from that situation.

Q So beyond these two events in Wisconsin that you've now described, are there other events that stand out from your time in the Foundation?

A Yes.

Q And what are those?

A There was an event in 2000 -- late 2012 that was revolving around the Right to Work conversation or that was being had in Michigan. And I was asked, as state director in Wisconsin at the time, to come over and speak to the activists in Michigan about the experiences we had with a similar type of policy engagement.

Q And so how was that event set up on the grounds of Michigan?

A There was --

MS. GORDON: Objection, Your Honor. Lacks foundation. My belief is this is actually a (c)(4) event, and it is irrelevant to the current action. The (c)(4) is a separate legal entity that is not a party in this action.

THE COURT: The objection is overruled.

Q (BY MR. FORST) And so again, Mr. Hilgemann, the question I posed was, what was -- how was the event set up on the grounds in Michigan?

A There was an events tent that was set up for kind of a rallying point for our activists who were joining us at the capitol that day. We were encouraging them to go and speak to their legislators about our support for Right to Work legislation that was being considered in the legislature. So it was an events tent. We had multiple speakers that were a part of that event. We also had refreshments in the tent for our activists.

Q And how many activists attended?

A I think there was probably about 60 to 70 folks at the height of our gathering, and then it was

disbursed throughout the day as they were going to speak with their legislators.

Q And were there even non-AFP activists or AFP activists there?

A Yes. There were thousands of pro-union protesters who were also on the capitol grounds that day.

Q And where were those protesters located?

A They were -- I mean, it was a large crowd, so they were kind of taking over the whole capitol grounds. But there were several hundred of them that had surrounded our tent and were trying to shut us down, intimidate us, intimidate our activists.

Q And did the protesters do anything else?

A They did. At one point I remember standing outside of the tent and seeing multiple protesters approach with knives or box-cutters cutting at the ropes of the tent, trying to collapse the tent.

Q And did they, in fact, collapse the tent?

A They did.

Q And do you recall hearing anything else from the protesters?

A Yeah. There was -- shortly after they had cut the ropes and collapsed the tent, there were actually people that were left inside of the tent, multiple activists, probably more than a dozen, including some of our elderly activists who couldn't get into the capitol because of their limitations. And so I -- as soon as the tent was collapsed, I remember going over to the side, because I could see the people underneath it, lifting up the tent, trying to pull them out to safety.

Q And did you take video recording of that event?

A I did. I was actually using my cell phone to take video of the protesters before they were cutting at the ropes and making sure we had evidence of that.

Q And have you otherwise watched footage of that event as you recall seeing it?

A Yes, I do.

Q Did you watch it contemporaneously, what happened, afterwards?

A I did. I watched it that day.

Q Mr. Hilgemann, if you turn to the second tab in your binder, which is Exhibit 380.

THE COURTROOM DEPUTY: Exhibit 380 is identified and placed before the witness.

Q (BY MR. FORST) Are you there?

A I am.

Q And do you recognize what's on this document?

A I do.

Q And what is it?

A It's a recorded video of the protesters collapsing our tent and destroying our property during that rally.

Q And do you recall watching that video?

A I do.

MR. FORST: With Your Honor's permission, it's a very short video, we would like to play that.

THE COURT: All right.

MS. GORDON: We object for lack of foundation and authentication and that this video was not produced during discovery.

THE COURT: The objection is overruled. (Exhibit 380 played in open court.)

THE COURT: I think that's enough, Counsel.

Q (BY MR. FORST) Now, Mr. Hilgemann, does that video accurately reflect what happened as you witnessed it?

A It does.

Q I didn't see any police in this video. Were there any present?

A Not at that point in time.

Q And so did they arrive at any point in time?

A They did. When I witnessed the protesters starting to cut at the ropes, I sent one of our other staff members to try and seek law enforcement's help, and it took approximately 30 to 40 minutes after they had actually collapsed the tent for law enforcement to show up on scene.

Q And were there any non-AFP-injured -- people injured, if you know?

A There were. Amongst our -- again, the activists that I discussed were under the tent when it collapsed. I do remember seeing a Fox News contributor at the time, who was among one of the groups of people that were sheltering away from the situation, who had blood on his face.

Q And when did you see him?

A It was shortly after the tent had collapsed.

Q And do you have any understanding of what happened to him?

A Yeah. I found out later that day, through the news that I had watched, that he had actually been punched or assaulted by one of the protesters.

Q And you recall watching that news footage that same day?

A I do.

Q If you turn to the next tab in your binder, sir, it's Exhibit Number 573.

THE COURTROOM DEPUTY: Exhibit Number 573 is identified and placed before the witness.

Q (BY MR. FORST) Do you recognize what's on that exhibit?

A I do.

Q And what is it?

A It is the news story of that contributor who was attacked or assaulted shortly after the tent collapsed.

A And is that the news story that you watched?

A Yes, it is.

MR. FORST: Your Honor, we would respectfully move Exhibit Number 573 into evidence.

MS. GORDON: And Your Honor, we would respectfully object because it lacks foundation and authenticity, and it was not produced during discovery.

THE COURT: 573 in evidence. (Exhibit No. 573 received into evidence.)

MR. FORST: And we have another video of that, Your Honor. But with your permission, it's another - about a minute and a half. We can show it or -- I really defer to whether you want to see another video.

THE COURT: For what it's worth.

MR. FORST: Let's play it. (Exhibit No. 573 played in open court.)

THE COURT: That's enough, Counsel.

MR. FORST: Now, Your Honor, I think I forgot actually to formally request that Exhibit 380, the video before, be moved into evidence. I just want to make that request now.

MS. GORDON: We object, Your Honor.

THE COURT: 380 in evidence. (Exhibit No. 380 received into evidence.)

Q (BY MR. FORST) Now, at this event, Mr. Hilgemann, did you fear for your life?

A I did.

Q And for others'?

A Yes. It was the first instance of many that I've been a part of since my time with the Foundation where I truly feared for the lives of not only myself but our activists, our staff, who were a part of that event. And I think one of the things that's crystal-clear in my mind and one of the things that I'll always remember was the fact that as the tent was going over, the group of the angry protesters was right in front of me as I was trying to pull people out of the tent. And they made the comment that, Let's trample these mother-fers. And it was at that point that I realized that lives were in jeopardy; that the

level of violence and anger has risen to a point where people's lives were definitely in danger.

Q And in your meetings with donors, have they told you that they have seen these events?

A Yes.

Q And what have those discussions been?

MS. GORDON: Objection, hearsay, Your Honor.

THE COURT: The objection is overruled.

THE WITNESS: Other donors are seriously concerned not only for the well-being of our staff and our activists, but they're also concerned that we're taking the proper protocols to protect our staff, our activists, any of our folks who attend similar events in the future.

Q (BY MR. FORST) Now, Mr. Hilgemann, are there other personal threats, for example, that you have experienced?

A Yes, I have.

Q And can you describe it?

A The one that I think is most personal to me and, again, the one that's probably most numbing to what I've experienced during my time with the Foundation is in 2013 I was alerted by our security staff that they had received some postings that were made on another liberal blog about someone who was working inside of our institution and making frequent posts about how they were inside the belly of the beast; and that they could -- they were right outside of my office; and that they could easily walk in and slit my throat.

Q And how did you react to learning that?

A Again, it's one of those situations that you don't think you're going to have to endure working in the business that I work in, but it was another one of those frightening moments that unfortunately I had to share with my wife, because the security staff had also told me at the time that the person was found, the actual person who was making those posts was found in our parking garage taking pictures of license plates, including my personal vehicle.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day One, Volume I
Excerpts from the Trial Testimony of Mark Holden
February 23, 2016

* * *

[Day One, Vol. I: Page 70]

THE COURT: Call your next witness.

MR. BURCK: Thank you. Your Honor, plaintiff
calls Mark Holden.

THE COURTROOM DEPUTY: Please step
forward. Stop right there, turn around. Please raise
your right hand.

(The witness, MARK VINCENT HOLDEN, was sworn.)

THE COURTROOM DEPUTY: Please take a seat. And please state your full and true name for the record, and spell your last name.

THE WITNESS: Mark Vincent Holden, H-O-L-D-E-N.

* * *

[Day One, Vol. I: Page 75]

Q Now, you're the general counsel for Koch Industries. You're also on AFP. Is there a relationship between the --Charles Koch and David Koch and AFP?

A Yes.

Q Tell us what that is.

A Charles Koch and David Koch were two of the original founders, created what became Americans for Prosperity Foundation. They started -- it was called, in the 1980s, Citizens for Sound Economy Foundation. And David Koch currently is the chair of the (c)(3), of the Foundation.

Q And are they both significant donors? Is that publicly known?

A I don't know if it's publicly known or not. They contribute money, I believe, yeah.

UNITED STATES DISTRICT COURT
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Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day One, Volume II
Excerpts from the Trial Testimony of Mark Holden
February 23, 2016

* * *

[Day One, Vol. II: Page 14]

Q Now, Mr. Holden, to your knowledge is Mr. – is President Obama the only politician who has made negative public remarks about Americans for Prosperity?

A No, he's not.

Q Who are some of the others that you're aware of?

A There are many of them. For example, Senator Harry Reid would probably be first and foremost on the list, has made a number of negative comments, disparaging comments about Charles Koch, David Koch, Americans for Prosperity over the past two years, and again, into this year, I believe, as well. Others come to mind, Former Representative Henry Waxman; Senator Sheldon Whitehouse; Senator -- I think it's Sandra Levin, former senator; Senator Schumer; Representative Van Hollen. I don't want to go on and on, but that's a representative list.

Q And is it your recollection that those politicians linked Charles Koch and David Koch to AFP in those disparaging remarks?

A Yes.

Q Now, are there any other politicians that you're aware of that have made remarks about Charles Koch, David Koch and AFP in a similar fashion?

A Yes.

Q Who would that be?

A Here in California, there's a few.

Q Who are they?

A Kamala Harris, Attorney General Harris; former FPPC Chairwoman Ann Ravel; the former head of enforcement for the FPPC, I think it's Gary Winuk, Mr. Winuk, to name a few.

Q I am going to direct your attention to Trial Exhibit 582 for identification purposes only.

THE COURTROOM DEPUTY: 582 is identified and placed before the witness. (Exhibit 582 for identification.)

THE WITNESS: Yes.

BY MR. BURCK:

Q Have you seen this before?

A Yes.

Q Can you tell us what it is?

A Yeah. It's a story and article from the Sacramento Bee from November 5th, 2012, "FPPC Says Arizona Nonprofit Laundered Money to California Campaign."

Q And do you recall reviewing this or seeing this article in roughly the time frame that it came out?

A Yes.

MR. BURCK: Your Honor, we would offer into evidence Trial Exhibit Number 582.

MR. CALIA: We object. This document contains hearsay, especially the statements of the FPPC.

THE COURT: 582 in evidence. (Exhibit 582 received.)

BY MR. BURCK:

Q Mr. Holden, can you just generally describe what this article is about from your perspective.

A Beginning it was an investigation that the FPPC was doing into some nonprofits that were accused of money laundering, to donate money in California to a ballot initiative, as I understand it.

Q And are there references in this article to the Koch brothers or Koch companies or anything related to Koch?

A Yes, there are.

Q Could you look at the bottom of the first page of the article. It's highlighted in the article, at least, the second to last paragraph.

A Yes, I see it.

Q It says "Although it could not be confirmed, the Center to Protect Patient Rights has been connected to Kansas-based Koch Industries, whose owners David H. Koch and Charles G. Koch are conservative advocates." Do you see that?

A Yes.

Q On the next page, page 2, the third paragraph from the bottom, there is a reference to a statement that the defendant in this case, Attorney General Kamala Harris, is purported to have made. Do you see that?

A Yes.

Q And I will read the paragraph and then the quote. "Attorney General Kamala Harris said by phone this morning that her office must still review whether there are any civil or criminal violations related to money laundering so it is not pursuing any as of yet. Harris's office has represented the FPPC in its suit against Americans for Responsible Leadership," and then there is a quote from Ms. Harris. "Whether it's the Koch brothers or Carl Rove, this was a brazen attempt to launder money through out-of-state shell organizations and for the

sole purpose of hiding it from the voters in California, Harris said.” Do you see that?

A Yes.

Q And do you recall seeing those words at the time?

A Yes.

Q What effect did those words have on you at the time?

A Very concerning, very disturbing. It made me very concerned that the attorney general would say something like this, accusing Koch of a brazen attempt to launder money.

Q Let me ask you, you were the general counsel of Koch Industries at the time?

A Yes.

Q And you were involved in AFP at the time?

A I wasn't on the board, but I was familiar with it and worked with people who worked with them, yes.

Q In your view, was this an accurate statement?

A No. It's a false statement.

Q I would like to -- you can put that exhibit aside. For identification purposes only, I would like the witness to take a look at Trial Exhibit 219.

A Yes.

THE COURTROOM DEPUTY: Exhibit 219 is identified and placed before the witness. (Exhibit 219 for identification.)

BY MR. BURCK:

Q Do you recognize that document?

A Yes.

Q What is it?

A This is an October 24th, 2013 release, "FPPC Announces Record Settlement in \$11 Million Arizona Contribution Case," and it was a joint release from the FPPC and the California attorney general.

Q And do you recall seeing this statement around the time that it was -- it was issued?

A Yes. And I saw the press conference as well that day.

MR. BURCK: Your Honor, we would offer Trial Exhibit Number 219 into evidence.

MR. CALIA: We have no objection.

THE COURT: 219 in evidence. (Exhibit 219 received.)

BY MR. BURCK:

Q Now I will read an excerpt from this, and you let me know if you recall hearing this at the time. The title, "FPPC Announces Record Settlement of \$11 Million Arizona Contribution Case," "Sacramento - the FPPC and California attorney general today announced a record civil settlement against the Center to Protect Patient Rights (CPPR) and Americans for Responsible Leadership (ARL), two nonprofits operated as part of the 'Koch brothers network' of dark money political nonprofit corporations. The settlement requires CPPR and ARL to pay \$1 million to the state general fund for their failure to disclose two dark money independent expenditure contributions in the 2012 election to oppose Proposition 30 and support Proposition 32." Do you recall that?

A Yes.

Q The next paragraph says, and it's a quote from the FPPC chair, Ann Ravel, "'This case highlights the nationwide scourge of dark money nonprofit networks hiding the identities of their contributors,'" said FPPC chair Ann Ravel. 'The FPPC is aggressively litigating to get disclosure and working on laws and regulations to put a stop to these practices in California.'" And then we will skip down to the second to the bottom paragraph. "This resulted in a joint investigation by the FPPC and the attorney general's office that revealed that CPPR, the key nonprofit in the Koch brothers' dark money network of nonprofit corporations, was actually the source of two major contributions that were not properly reported." Now, do you recall -- again, do you recall reading those words at the time?

A Yes.

Q What effect did this press release by the FPPC, in which it states that it was doing an investigation with the attorney general, what effect did that have on you?

A It, again, was disturbing and concerning. We were being accused of certain acts that we weren't involved in. Koch was the, quote/unquote, Koch brothers' network of dark money. That was very concerning because, again, it was not accurate.

Q And did you discuss this press release and this investigation with others at Koch or at AFP?

A Yes.

Q And what was the reaction of the other people that you spoke to about this allegation?

A It was, again, concern and people were disturbed. You start back a couple years, there would have been a steady drumbeat of activities that we were linked to that we weren't involved in and a lot of negative press, and then now, here this was in 2013, you are being accused of being part of this settlement. You did something wrong in California. The accusations were very troubling, and we felt they were false.

Q You can put that exhibit aside. I am going to show you now, for identification purposes only, Trial Exhibit 581. (Exhibit 581 for identification.)

BY MR. BURCK:

Q Do you recognize that document?

A Yes, I do.

Q And can you tell us what it is?

A It is – it's an article from New Yorker Magazine, October 25th, 2013, "The Koch brothers in California?" by Jane Mayer.

Q And is that the same author of Exhibit 424 that we looked at earlier this morning?

A Yes.

Q And do you recall reading this article around the time it was published?

A Yes, I do.

MR. BURCK: Your Honor, we would offer Trial Exhibit 581 into evidence.

MR. CALIA: No objection.

THE COURT: 581 in evidence. (Exhibit 581 received.)

BY MR. BURCK:

Q Turning to -- well, before we turn to the last paragraph, can you just tell us just generally what this article was about, as far as you recall?

A This was about the California case that we just referred to that was referenced in the FPPC exhibit that we saw. It was the next day or the day after that that was announced.

Q And the first -- the very first paragraph of this article, I will read it, just a portion of it. "It's now established that a secretive political group linked to the billionaire conservative activists, Charles and David Koch, has agreed to pay a record fine for violating California's laws requiring the disclosure of campaign donations." Do you remember reading that?

A Yes.

Q "But much else about these dark money maneuvers remain shrouded in the mystery that inspired the title," quote, "covert operations for the story I wrote about the Koch brothers in 2010." Do you see that?

A Yes.

Q And that's the article we talked about earlier this morning?

A Correct.

Q Now, the final paragraph of this article, there is a quote from the defendant in this case, and I will read that. "According to California's attorney general, Kamala D. Harris, finding out any more will require a change in campaign-finance laws. In a statement, Harris said, 'This case demonstrates in

clear terms that California's campaign-finance laws are in desperate need of reform. California law currently contains a loophole for certain groups to evade transparency by maintaining the anonymity of their donors." Do you recall reading those words?

A Yes.

Q What was your understanding of what those words meant in that article?

A The attorney general wants to know who our donors are.

Q Now, you can put that exhibit aside. For identification purposes, I would like you to take a look at Trial Exhibit 220.

THE COURTROOM DEPUTY: Exhibit 220 is identified and placed before the witness. (Exhibit 220 for identification.)

THE WITNESS: Yes.

BY MR. BURCK:

Q Do you recognize this?

A Yes.

Q What is it?

A It's a copy of a blog post from the Washington Free Beacon, and it's entitled "Official," and then there is a full colon, "Kochs Not Involved in California Campaign Finance Violation," and it's November 4, 2013.

Q And do you recall reading this article around the time it was published?

A Yes.

MR. BURCK: Your Honor, we would offer Trial Exhibit 220 into evidence.

MR. CALIA: We object. This document contains hearsay, especially the statements of the FPPC.

THE COURT: 220 in evidence. (Exhibit 220 received.)

BY MR. BURCK:

Q I am going to read a very short excerpt of this, and you tell me if you recall these words. “Former chair of the California Fair Political Practices Commission, Ann Ravel, admitted this weekend that the Koch brothers were not involved with campaign finance violations that resulted in a record fine levied by the agency. Ravel had attempted to link violations by two Arizona-based nonprofit groups to Libertarian philanthropists Charles and David Koch, saying the Kochs funneled ‘dark money’ into two 2012 ballot initiatives. “However, during an interview with KNBC on Saturday, Ravel conceded that the Kochs were not involved.” “It was not the Koch brothers, it was Eli Broad, and there were some others,’ Ravel said when asked if she believed that the Kochs were responsible for making the donations.” This article was published on November 4th, 2013; is that right?

A Yes.

Q This is only a couple weeks after the press release that the FPPC had put out?

A Correct.

Q And sometime shorter than that, after Ms. Harris had made the statements to Ms. Mayer in the article we just talked about?

A Correct.

Q What was the effect on you of seeing this article published?

A Well, it was good to see that Ms. Ravel admitted we weren't involved, so that was good, but I was puzzled by why we were accused in the first place. And then after this the story changed again, and Ms. Ravel and others said we were involved. So it was confusing.

Q Now, you testified about Trial Exhibit 219 a bit ago, and that was the press release by the FPPC.

A Correct.

Q Has there been a formal retraction by the FPPC or the attorney general of the statements made about the Kochs in that press release?

A No. I mean, it's still up on their website today.

Q How do you know that?

A Because I saw it this morning.

Q You checked this morning?

A Yes.

Q And that exact press release is still there?

A Yes.

Q Now, you testified that President Obama and Attorney General Harris and other politicians have made public remarks questioning who the donors to AFP or the foundation or to the network are, right?

A Yes.

Q Are you aware of efforts by media publications to reveal the identities of donors to AFP?

A Yes.

Q Can you describe some of the efforts that you're aware of?

A It's a constant -- I mean, that's what media does, and it's a constant issue that they are trying to either infiltrate media or activists who will then feed the media information, infiltrate our seminars and get documents and get information, and then when they get it, whether it's a surreptitious tape recording or a document that they find, they will publish it and list the details of the individuals who are at the seminar that they can disclose and put in details about them for the public to read.

* * *

[Day One, Vol. II: Page 30]

A Yes. What happened, they issued the press release so we had some advance notice, and we tried to get our ducks in a row at Koch, and AFP tried to do it as well to protect the IT systems. And we reported it. What happened was they tried to attack the Koch Industries website, and this ultimately, because of the information we were able to put together in these attacks, led to the indictment, prosecution and guilty pleas for three individuals for federal cybercrime laws after they tried to shut down our website.

They were unsuccessful largely doing that, and they went on the activist/hactivist Anonymous group to attack AFP's website, and they did shut that one down through a distributor denial of service, a DDOS, which I don't quite understand it, but that's what they call it, and it shut down the AFP website. So that was reported to the authorities. And like I

mentioned, three people were indicted and ultimately pled guilty.

Q Now, can you tell us about any threats or attacks or harassment that you're aware of directed at David and Carlos Koch in connection with their affiliation with AFP?

A There have been a lot since 2009 to the present, and it's been across the spectrum. There's been -- you know, whether it's phone calls, we have had phone call death threats right around the time of the Wisconsin event. Someone phoned in a death threat saying they were going to put a bullet in the head of both Charles Koch and David Koch, and we reported that to the FBI. And they investigated it, and it was an individual in Northern California. He was not prosecuted.

There have been two other people who have made death threats against Charles and David that have been prosecuted by the authorities after the FBI investigated it. But we have had all kinds of different death threats, really awful, just unhinged things that are said about them and their families.

There was a death threat made against one of the grandchildren in an anonymous poem at the end of 2012 that was very unhinged. There's been just several of them. We have had threats of a terroristic attack against our Enid, Oklahoma fertilizer facility. That happened in 2012. It was such a serious matter. The Oklahoma City FBI drove up to Wichita, called me on the phone.

THE REPORTER: Hold on. Slow down.

THE WITNESS: Sorry, I get going. It was a very serious matter. And the Oklahoma City FBI called

me up and said they wanted to come up in person, three of the agents and one of the U.S. attorneys, to discuss it. And they disclosed that as part of an event that was going to happen over President's Day in Wichita called Occupy Koch Town, K-o-c-h Town. There was going to be another anonymous attack, and it was going to be a fire-bombing of our Oklahoma facility. So those are some that come to mind.

Q I am just going to direct your attention to Trial Exhibit 226, just for identification purposes only.

THE COURTROOM DEPUTY: 226 is identified and placed before the witness. (Exhibit 226 for identification.)

THE WITNESS: I see it.

BY MR. BURCK:

Q Do you recognize this document?

A Yes.

Q Can you tell us what it is?

A This is a compilation of different threats and negative --where the messages, e-mails, tweets, whatever that was put together by the security team at Koch.

Q Security team at Koch?

A Yes.

Q And you are the general counsel of Koch, and I think you testified that the security group reports to you.

A Yeah. The head of that group is Ed McCormick. He is a direct report of mine, and I work with the whole team, yes.

Q And did you ask them to put this together?

A What we have been -- yes. We wanted to get -- we do random or periodic surveys, different points in time of what, you know, what it looks like out there in the landscape and social media with regard to Koch and any groups that might be tied to us, like AFP, just to see what's going on to try to stay ahead of issues, if we can, and find trends. And to the extent there is something disturbing and needs to be followed up on, we can get ahead of it, hopefully.

Q Is it fair to say this is a document that was put together in the normal course of business by your team at your instruction as general counsel?

A Yes.

MR. BURCK: Your Honor, we would offer Trial Exhibit Number 226 into evidence.

MR. CALIA: We object that the threats in this document don't relate to the foundation, so it's irrelevant.

THE COURT: The objection is sustained.

BY MR. BURCK:

Q Without discussing the document directly, does this document reflect, texts, e-mails, communications by people outside of Koch who sent in threats to Koch?

A Yes, or they were on social media and picked up, one or the other.

Q Do you recall what some of these threats said?

A Yeah, I mean, they were "Kill David Koch," "Kill Charles Koch." There's -- you know, with

profanities that I don't want to use in court telling them to "F off and go die," those types of things.

Q And then just for identification purposes Trial Exhibit 337.

A Yes.

THE COURTROOM DEPUTY: 337 is identified and placed before the witness. (Exhibit 337 for identification.)

BY MR. BURCK:

Q What is this document?

A This is a compilation of other -- of social media mentions that are threatening or e-mails or communications that are threatening.

Q And who put this together?

A I did it with our security team.

Q And does this document reflect only comments that came into Koch threatening the Koch -- David Koch or Charles Koch?

A Yes, it appears to be, yes.

MR. BURCK: Your Honor, we would offer into evidence Trial Exhibit No. 337.

MR. CALIA: We have the same objection, Your Honor.

THE COURT: 337 in evidence. (Exhibit 337 received.)

BY MR. BURCK:

Q And just very briefly going through all of these various threats, the picture at the bottom left-hand side of the first page, you see that with the Swastika?

A Yes, I do.

Q Do you recall seeing that?

A Yes.

Q What effect did that have on your mindset?

A It is obviously disturbing to see Charles Koch and David Koch or any other law-abiding citizen or anyone compared to Nazis. It's disturbing, but it's happened before as well so it's not unusual, I guess.

Q Just a couple of others. On the second page of the document you will see from someone named Sam Snyder, "Guillotine the Koch brothers please." And further down, "Shoot them as traitors."

A Yeah.

Q And there are other notes and e-mails and texts of a similar sort, correct?

A Correct.

Q In total, what effect on you, as the general counsel of Koch Industries, currently as a board member of AFP, and as your association with AFP, these types of statements, what impact have they had on you?

A Just the last several years it can be frightening. It is disturbing, as I said several times, and I think about it. It is troubling that people will say things like this. And we have seen in our society a lot of times people do crazy things when they're stirred up. So it's disturbing, and it's troubling. And my opinion, it's inappropriate, and it shouldn't be happening, but it does, and we deal with it.

Q Now, despite these types of threats, you continue to work as the general counsel of Koch Industries, right?

A Yes.

Q And you remain on the board of AFP?

A Yes.

Q And Freedom Partners?

A Yes.

Q And you have appeared publicly on behalf of Koch Industries, on behalf of AFP?

A Yes.

Q You have written op ads?

A Correct.

Q You haven't hidden the fact that you are connected to these organizations, right?

A No.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day One, Volume II
Excerpts from the Trial Testimony of
Christopher Fink
February 23, 2016

* * *

[Day One, Vol. II: Page 55]

THE COURT: You may step down. Call your next witness.

MR. SHAFFER: Thank you, Your Honor. With the court's permission, Plaintiff will call Christopher Fink. And, Your Honor, I think you should have up there a binder for Mr. Fink.

MR. CALIA: We don't have a binder for Mr. Fink, if you have one for us.

THE COURTROOM DEPUTY: Mr. Fink, do you want to step forward. Stop right there. Turn around. Please raise your right hand.

**CHRISTOPHER JOSEPH FINK, PLAINTIFF'S
WITNESS, WAS SWORN**

THE WITNESS: Yes.

THE COURTROOM DEPUTY: Thank you. Please take a seat. And please state your full and true name for the record, and spell your last name.

THE WITNESS: Sure. Christopher Joseph Fink, F-i-n-k.

DIRECT EXAMINATION

BY MR. SHAFFER:

Q Good afternoon, Mr. Fink.

* * *

[Day One, Vol. II: Page 60]

A We have had people bring audio-recording devices into different events to record talks or speeches, trying to get access to donors' names. We have people scouring our events. When we are trying to raise money we generally try to -- we actually try to buy out the hotel in a lot of places or buy out the area where this is happening, but we have had situations where people have scoured our conference rooms and found documents. We have had attacks on our databases from outside groups. We had an attack from a group called Anonymous that tried to get access to our database and discovered in that way.

Q And just -- we have had some testimony about Anonymous and what hactivists tried to do. Mr. Fink, just for clarity of the record, what are you referring to when you talk about trying to access the database? What is your understanding around that?

A So my understanding from our security team was that they were able to shut our website down for a number of hours, but that they also tried to gain access to our database and were unsuccessful.

Q And what would be inside that database?

A The lists of our donors and contributions and their contact information and details about the relationship between them and the foundation and Americans for Prosperity.

Q Any other efforts to penetrate foundation or AFP events or the events of related entities in order to identify people who

* * *

[Day One, Vol. II: Page 63]

Q And, Mr. Fink, were you present at this event?

A Yes.

Q Now, as you look at this list, do you see any individuals who subsequently reported that they suffered negative repercussions as a result of having been associated on this list and in the Mother Jones article?

A Yes.

Q Is that one or a couple of individuals? How many, sir?

A I would say six.

Q And what sort of negative repercussions did they report?

A We had reports anywhere from their businesses being audited or investigated to articles that were posted in local newspapers, essentially character assassinations for the individuals, calling for boycotts on their businesses, things of that nature.

Q What, if anything, did the foundation and AFP and any affiliated entities do in the aftermath of this episode?

A So the first thing we did was members of the Freedom Partners fundraising team contacted everyone on this list and let them know their information had been exposed. They let them know we take this very seriously. It is obviously part of our donor pitch that we were going to guard your confidentiality. After that, it was mainly working with the supporters, alleviate the best we could the risks or future risks.

* * *

[Day One, Vol. II: Page 66]

THE WITNESS: So generally, the number one concern is about being disclosed, about their information or their identity, in connection with Americans for Prosperity, the information being exposed.

BY MR. SHAFFER:

Q What are they conveying to you about why they fear disclosure?

A You know, it's different, circumstances are different. There's a few common themes. Generally

it's they are afraid to have their information in the hands of state government or a federal government or in the hands of the public.

So I will give you an example on the state side. I have met with some business owners or small business owners, many who have said that they contribute to both Republicans and Democrats equally, and they try to keep their head down. They are afraid if they are associated with our foundation or Americans for Prosperity, their businesses would be targeted or audited from the state government.

We also have people that are concerned about the federal government, especially with the IRS, recent leaks or scandals that happened there, that has come up more and more. And then also people are concerned about their information getting out in the public, that they are supporters for Americans for Prosperity and Americans for Prosperity Foundation as well.

Q Why do they indicate they fear their information becoming public?

MR. CALIA: Objection; hearsay. This is a statement of belief by the declarant.

THE COURT: The objection is overruled.

THE WITNESS: So I think they believe and they have seen other perceived reporters be attacked. They have seen what happened to Charles and David Koch. They have seen what happened to other supporters, the threats on their life and safety, and they just don't want that for their family or their business.

BY MR. SHAFFER:

Q Would you say you have been hearing more or less of this concern, the concern of governmental or public disclosure, in recent years?

A More.

Q Is there a particular point in time when you noticed the concerns spiking?

A Yes. I think the IRS scandal was a big uptake at that point. They also -- I remember when the CEO of Mozilla Firefox was forced to resign after it became clear or the information was leaked that he had made a contribution towards an issue he cared about but that was unpopular in the state of California.

But I think as the political runner has gotten louder and louder, people have become more and more sensitive to that and more and more concerned about being identified as a supporter of our foundation or Americans for Prosperity.

Q When actual or potential donors expressed to you their concerns about potential disclosure, how do you respond?

A I mean, I generally respond by explaining all the different measures we take to protect their identity. I talk about, you know, our database and how we keep that information confidential. I talk about how we don't share our donor information with anyone that we are not legally obligated to. And so generally I walk through some of those measures depending on how much level of detail they want to get into. I try to read a little bit of their body language, if I am at all easing their discomfort. And after I kind of walk through our security measures, I also try to give them a little bit of a rah-rah speech.

This is obviously critical, and there is a reason we are being targeted, and it's because we are effective, and I try to get them a little bit inspired to help them overcome that anxiety or fear as well.

Q Does that rah-rah speech always work?

A No.

* * *

[Day One, Vol. II: Page 70]

BY MR. SHAFFER:

Q And have you had any communications with actual or potential donors about this lawsuit and the issues it raises?

A I have had some, yes.

Q And what do those communications tend to consist of?

A Mostly it was at a donor prospect conference earlier this year where people were aware of the case. They were asking how it was going. They were concerned about the repercussions of this case, wanted to know what my thoughts were.

Q Can I ask you, please, to turn further in the binder, just for identification purposes, I would mark Exhibit 335.

THE COURTROOM DEPUTY: 335 is identified and placed before the witness.

(Exhibit 335 for identification.)

THE WITNESS: Okay. Got it.

BY MR. SHAFFER:

Q Do you see at the top there is an e-mail from Robert Heaton to Clay Gordon, dated July 15th, 2015?

A Yes.

Q Who is Robert Heaton?

A Robert Heaton is our CFO.

Q And to whom -- do you interact with Mr. Heaton?

A Yes. Mr. Heaton reports to me.

Q And do you understand what Mr. Heaton was reporting in this particular e-mail thread?

A Yes.

Q What was -- what's your summary of that, please?

A Yeah, so Clay's one of our -- Clay Gordon, who the e-mail is from, is one of our junior fundraisers, was asking Robert Heaton on behalf of a donor essentially how they could avoid being disclosed to the IRS or what those levels were they could give under that would not put them on our 990s, Schedule Bs.

Q Did you have an understanding as to why that donor wanted to avoid being on the Schedule B?

A I mean, yeah, based on the e-mail and based on the conversations, they were worried about being targeted.

MR. SHAFFER: Your Honor, we would respectfully move into evidence Exhibit 335.

MR. CALIA: We have no objection.

THE COURT: 335 in evidence.

(Exhibit 335 received.)

BY MR. SHAFFER:

Q Can you tell us, please, Mr. Fink, what exactly, as COO, is your involvement with the security issues? I think you indicated you have responsibility for security. Could you just explain what that is?

A Sure. Currently our security team works for Freedom Partners. They report up through my chief operating officer. And generally, it just depends. So before major donor events, I sit down with the security team. They brief me on the perceived threats. They walk through past threats and what steps we're taking to alleviate that.

They will go through permits and let us know about potential protests or what they believe to be potential significant risks in those different areas. They also alert us on a fairly regular basis to threats that they deem more likely to be followed through on in terms of threats on the office, threats on our staff, threats on our supporters, et cetera.

Q And what sorts of measures does the foundation take when it comes to security?

A We take every measure possible. So, for example, we've got the elevators in our office building at the national office have key cards, so you can't get up the elevator to our office floor without key cards. The doors all have the same key cards that are there. At our donor events we typically try to buy out the entire hotels. We have security staff that's spread out across the whole grounds of the resorts, generally to try to protect our people. You

know, we try to do what we can to keep our people safe.

Q What types of threats have you encountered over your -- over the course of your time at AFP and Americans for Prosperity Foundation?

A Sure. A lot. We have had things -- we have had a bomb threat -- we have had a bomb threat at the national office. We have had fire-bombing at one of our state offices. We have had numerous threats via social media, e-mail, phone-in threats.

We have had someone who worked for an IT consultant who our security team identified as being a potential threat on social media or stating aggressive behavior about the foundation, and then they located -- or they found out where he was located. He was actually located in our office. We have since moved to internal IT capabilities, not outside sources.

We have had employees threatened. We have had stalkings. We have had violent protests at our events. We have had employees' tires slashed. At one point I remember we had feces sent in by mail to our office. So yeah, quite a bit.

Q Do you mean that to be an exhaustive list what you just recited?

A No. Those are just things off the top of my head.

Q Do you or your security team maintain a record of the threats that the foundation receives?

A Yes, the security team does.

Q And are those conveyed to you in some way?

A Just generally I'm given reports or updates on what the current status is or significant threats that are facing the organization.

Q May I ask you, please, to turn to what we will mark for identification purposes as Exhibit 306.

THE COURTROOM DEPUTY: Exhibit 306 is identified and placed before the witness.

(Exhibit 306 for identification.)

THE WITNESS: Okay.

BY MR. SHAFFER:

Q Mr. Fink, do you see an e-mail here from Tracy Henke sent on 8/22/2011?

A Yes.

Q Who is Ms. Henke?

A She was our former chief operating officer.

Q And do you know what Ms. Henke was reporting in this e-mail?

A Yes. She was reporting on a bomb threat that was called in to our office in Arlington.

MR. SHAFFER: Your Honor, we would respectfully ask to move Exhibit 306 into evidence.

MR. CALIA: No objection.

THE COURT: 306 in evidence.

(Exhibit 306 received.)

BY MR. SHAFFER:

Q Would you please turn, Mr. Fink, to what we will mark for identification purposes as Exhibit 318.

THE COURTROOM DEPUTY: 318 is identified and placed before the witness.

(Exhibit 318 for identification.)

BY MR. SHAFFER:

Q Do you see in front of you, Mr. Fink, this exhibit which reflects an e-mail from Eric Bott, dated June 25th, 2015?

A Yes.

Q Can you tell us, please -- maybe we should adjust the language -- what you recall from this e-mail being reported?

A Yes. This was an e-mail back to one of our Wisconsin staff, essentially a threat saying that they would be glad to execute all of you. We will just switch "people" in there for the two words he used.

MR. SHAFFER: We would respectfully ask to move into evidence No. 318.

MR. CALIA: No objection.

THE COURT: 318 in evidence.

(Exhibit 318 received.)

BY MR. SHAFFER:

Q Could you turn, please, for identification purposes to what we will mark as Exhibit Number 314.

THE COURTROOM DEPUTY: 314 is identified and placed before the witness.

(Exhibit 314 for identification.)

THE WITNESS: Okay.

BY MR. SHAFFER:

Q Mr. Fink do you see this exhibit as an e-mail from Vic Bernson to Susan Estes dated March 3rd, 2013?

A Yes.

Q Who is Mr. Bernson?

A Vic Bernson is our vice president and general counsel.

Q Do you understand what Mr. Bernson was reporting in this or responding to you was a report from Ms. Estes?

A Yes.

Q By the way, who is Ms. Estes?

A She is an employee in our Kansas chapter.

Q What is she reporting in this e-mail?

A She is reporting the arrest of a man that had stalked some employees at our Kansas state fair. Apparently they had gotten the police involved, and the police warned him about continuing to harass and stalk our employees. He was then arrested.

Q I would ask you to turn to one more exhibit that we will mark as 347 for identification purposes.

THE COURTROOM DEPUTY: Exhibit 347 is identified and placed before the witness.

(Exhibit 347 for identification.)

BY MR. SHAFFER:

Q And, Mr. Fink, do you see in this exhibit another e-mail from Ms. Henke, this one dated 3/7/2011?

A Yes.

Q And do you understand what Ms. Henke was reporting in this e-mail?

A Yes.

Q Am I correct that it was in response to the Anonymous hacking episode that we were talking about earlier?

A It was.

Q And what was done as reflected in this e-mail in response to that episode.

A I mean, essentially we tried to tighten up security. Since then we've changed our databases. We have changed our protocol, and they have done a bunch to boost up our security for our database.

MR. SHAFFER: Your Honor, I would respectfully ask to move into evidence Exhibit Number 314, which was the exhibit prior.

MR. CALIA: No objection.

THE COURT: 314 in evidence.

(Exhibit 314 received.)

MR. SHAFFER: And I would make the same request for Exhibit Number 347.

MR. CALIA: No objection.

THE COURT: 347 in evidence.

(Exhibit 347 received.)

BY MR. SHAFFER:

Q One more question for you, Mr. Fink. If the foundation's Schedule B would be disclosed to the attorney general at the end of this case, what effect do you envision that would happen -- what effect do you envision that would have on your ability to perform your job and the ability of the foundation to continue raising money from donors?

A I think it would be devastating to our fundraising efforts.

Q Why do you say that?

A I mean, I think we have seen that in every case where someone who is a perceived supporter of the foundation where Americans for Prosperity has been targeted and harassed, it has a chilling effect for our other supporters out there. And I think, especially to the extent on Schedule B donors, they're such a large portion of our support, that chilling effect for people that give at that level, it could have major effects. And from what you see from that e-mail from Robert Heaton about lowering their gift amount in terms of the (c)(4), if that continues to happen and people try to figure out what is that level that they can give to to not be disclosed, I mean essentially it is a race to the bottom from our major supporters, I mean, the major lifeline of our funding, so I think it would be devastating.

* * *

[Day One, Vol. II: Page 80]

[CROSS-EXAMINATION]

[BY MR. CALIA]

Q I am just asking if you have any understanding of the number of donors in recent years that have been listed for each year, the range.

A Yes.

Q And what is your understanding?

A Somewhere between 7 and 20 per year.

Q Do you also have an understanding that some of the foundation's donors publicly disclose their contributions?

A Yes.

Q And some of the foundation's donors are private foundations who are required, by law, to publicly disclose such contributions, correct?

A That's correct.

* * *

[Day One, Vol. II: Page 81]

A I'm not familiar with which supporters are on our Schedule Bs.

Q Do you have an understanding of whether donors, when they are providing their address to the foundation. Use P.O. boxes?

A I mean, I'm sure some do.

Q And some also use business addresses?

A I'm sure.

Q Do you have an understanding that some of the foundation's donors are donor-advised funds; is that correct?

A That's correct.

Q And one of the things that donor-advised funds promote is they allow donors to remain anonymous, correct?

A That's correct.

Q You are on the board of your family's private foundation, correct?

A Yes.

Q And that's the R and M Fink Foundation?

A Yes.

Q That foundation has also made contributions to the Americans for Prosperity Foundation?

THE COURT: Counsel, get to this case. Get to this case and cross-examination of this witness' testimony.

BY MR. CALIA:

Q Your family's foundation is one of the donors to Americans for Prosperity Foundation, correct?

THE COURT: Don't do that, Counsel. I just indicated to you get to cross-examination of this witness' testimony.

BY MR. CALIA:

Q Has your family's foundation experienced any of the threats that you testified about in your direct testimony?

A My dad's received numerous death threats, fairly serious to the extent where they have had security for the past few years, not only taking him to and from work while he was at work, but in his off time and on our family vacations. They also paid to have a security system installed in his house. There's been numerous media articles written about him as well. So yes, we have received threats.

Q When you prepared for your deposition in this case, you were designated as a designee of the foundation to talk about harm to donors, correct?

A Correct.

Q And you prepared for that deposition by studying harm to the foundation's donors, correct?

A Correct.

Q Are you aware of any donor to the foundation who has had their property, their home damaged because of an association with the foundation?

A Not that I'm aware of, no.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day One, Volume II
Excerpts from the Trial Testimony of Teresa Oelke
February 23, 2016

* * *

[Day One, Vol. II: Page 91]

THE COURT: Call your next witness.

MR. SHAFFER: With the Court's permission,
Your Honor, the plaintiffs will call Teresa Oelke.

THE COURTROOM DEPUTY: Please raise your
right hand.

**TERESA OELKE, PLAINTIFF'S WITNESS, WAS
SWORN**

THE WITNESS: I do.

THE COURTROOM DEPUTY: Thank you.
Please take a seat.

Please state your full and true name for the record, and spell your last name.

THE WITNESS: Teresa Lynn Oelke. My last name is spelled O-e-l-k-e.

DIRECT EXAMINATION

BY MR. SHAFFER:

Q Good afternoon, Ms. Oelke. Can you please tell us what you do for a living.

* * *

[Day One, Vol. II: Page 96]

Q Have you observed any trends surrounding donors' concerns about disclosure and loss of confidentiality? Has the expression of that increased or decreased or stayed the same over the course of your time at the foundation?

A So in 2011 I began to have an increased number of conversations with donors about IRS audits, their association of those audits with their association of us. And then I began to see another spike in conversations in 2013 in regards to additional government intrusiveness they felt, or targeting would be a better word, from other agencies outside the IRS, which would include OSHA, the labor department in various states, as well as the environmental agencies.

Q Can you recall specific donors who expressed concern to you about governmental targeting, governmental retaliation?

MR. ZELIDON-ZEPEDA: Objection; calls for hearsay, Your Honor.

THE COURT: The objection's overruled.

THE WITNESS: Yes, I have had direct conversation with donors. I would say it's consistent across the entire profile of the individuals that I meet with. I can give you a specific example of an individual who ceased giving in 2013. Some of these conversations stick out, I guess, in my mind because I was going into those meetings feeling very confident about receiving a donation or leaving with a donation or commitment for a donation, but that individual's comments, he specifically said that, you know, he was not going to give because his business did business with the Government. That was a great portion of the business that he did, and he and his business associates did not feel like they could take on the risk of continuing to give to us.

Another donor conversation included a discussion between this donor and his spouse, that he had committed to her that he would no longer give to our organizations because he, his business partner and their business had experienced seven different reviews from government agencies, including individual IRS audits, both personally and their businesses, and their family was not willing to continue enduring the emotional, financial, time stress and the stress that it placed on their business.

Q Do those concerns resonate with you at all, Ms. Oelke, based on your personal experience?

A Absolutely. In the, I guess, '90s, I worked in the speaker's office in Kansas, the speaker pro tem's office, speaker's office, and I didn't experience the

threats, character assassinations, harassments, sexist comments that are made about me in my job today working for Americans for Prosperity or Americans for Prosperity Foundation.

There have been press stories really just from their association with me. I have no business interest in my brothers' construction company, Crossen Construction, but because of their relationship to me as my brothers, they are pulled into numerous articles.

When I began my work as Arkansas state director, my husband has these conversations, a state senator -- we were just awarded a contract for roads, and we were the low bidder, qualified bidder, and the state senator said, "You will have to now back your wife off that gas tax increase now that you're one of us." So those are ongoing conversations from elected officials and just in the press, public -- I would call it public bullying, trying to intimidate me.

When -- you know, just this last Thanksgiving -- I have nine brothers and sisters. There's ten of us, and my mom is still living. Of my nine brothers and sisters, seven have been audited. Myself and my husband have been audited, and my mom received her audit notice this fall.

Q Is that something you hear about from your family?

A Yes. My sister-in-laws, two of the audits had closed out, and their comments to me was, "Teresa, do we have you to thank for this?"

Q Have any donors specifically expressed concerns about the prospect they have been or they might be subject to organized boycotts?

A Yes. As people who are assumed to be donors of ours have been publicly targeted in the press, our chairman of our foundation, David Koch, the, you know, calls for boycotts, the death threats that he faces that are sent to his family, and not just him personally, but his family and his children, the public boycotts for his businesses.

There's also our former (c)(4) chairman, Art Pope, who has been targeted in press stories to boycott his business. But then in addition to that, I can give you an example of a donor whose business was targeted by an association, a reputable association in that state. A letter was sent to all the school boards in that state encouraging all the school boards to discontinue awarding this individual's business contracts because of his assumed association with Americans for Prosperity and Americans for Prosperity Foundation.

Q Did that in any way impact the donor's continuing association?

A That individual reduced his contributions in half, so from \$500,000 annually to 250,000 based on the pressure from his board that remains in place today.

Q And as the vice president of state operations, do you play any role in monitoring and responding to threats against the foundation or AFP employees?

A I do. If a threat is sent to one of our employees in the state chapters, I am included on the first e-mail that goes to security. So I would be one of the first individuals notified by e-mail or text, and help mitigate those and try and determine how to move forward to ensure that our employees are safe.

Q To what extent do such threats arise and get reported to you?

A I will just go down the list. There's October of 2015, there's a fire bomb in the dumpster behind our Tennessee headquarters. Our Louisiana office had someone threaten to drive down and ensure that they would no longer be able to come by their house and knock on the doors again. That was a threat deemed credible by our security team. There was a stalking incident in Des Moines. Our Iowa office was broken into.

This is just specific threats of violence or physical safety. This doesn't cover the level of bullying that our employees face, so the number of, you know, hateful mail that we receive, the public comments that not only target our employees, but their spouses and their family members, the descriptive voicemails that are left.

* * *

[Day One, Vol. II: Page 105]

[CROSS-EXAMINATION]

[By Mr. Zepeda:]

Q Now, you testified that in your capacity in your work, that you come across donor reports regarding concerns about safety. Do you remember that testimony?

A Yes.

Q And now isn't it true that in terms of your testimony about donors who believe they are at increased audits and inspections, that you didn't ask the basis for why they think this?

A I think I would have to speculate the context of each and every donor conversation.

Q Isn't –

A I would expand simply by saying that they discuss news articles of other donors who have been publicly targeted. They discuss -- donors have a circle of influence, and that as one donor is publicly targeted, that carries through the whole donor community. So those stories are referenced along with their own personal experience in regards to the IRS targeting or the government-agency targeting.

* * *

[Day One, Vol. II: Page 112]

Q And sticking with donors, isn't it true that you are aware of two donors who have made public their donations to the foundation, and, to your knowledge, they did not suffer any adverse consequences?

A I am aware of public statements made. I have not had a direct conversation with them because they are not individuals that I would have -- they would not be on my list of 15 to 20 individuals.

Q And to your knowledge, they have not suffered any adverse consequences from this disclosure?

A To my knowledge I have not had a direct conversation with them about it. I have heard them discuss it in larger -- I guess at receptions.

Q In terms of the concerns that you've expressed about foundation employees, have you ever had a situation -- first, have you ever had a situation where you reported any safety concerns regarding the foundation employees when law enforcement was not responsive?

A Yes. In Michigan, at the event that I referenced at the capitol where the tent was knocked down on top of our activists, our state director had concerns prior about that event and had reached out to the capitol police and asked them if they would be close -- in close proximity to our tent at the onset of that event. Capitol police were not close at that capitol event, and it wasn't until one of our attendees was punched, that capitol police did not come over until the tent was knocked down. There was an individual who was struck, and that's when they arrived.

Q Now -- okay. Was this incident -- was this event an activity of the Americans for Prosperity or Americans for Prosperity Foundation?

A It was an activity of Americans for Prosperity.

Q Okay. In that case, for clarification, can I ask you in terms of any threats that you discussed about -- to foundation employees, not the (c)(4), Americans for Prosperity, are you aware of any situations when law enforcement was not responsive?

A I am not.

Q In terms of any concerns for safety for the foundation employees, are you aware of any situations where any foundation employee necessitated emergency treatment?

A I am aware of instances where employees have received treatment, but not emergency room treatment, and it would be -- I mean, I am an employee of both organizations. All of our employees are employees of both organizations, so just for clarity.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 689

Excerpted List of Publicly Linked Schedule Bs
(Set 5 of 5)

Charity Name	Document Title
INSIGHT VISION CENTER	IRS Form 990 2002
OUR CHILDREN'S EARTH FOUNDATION	IRS Form 990 2002
FOUNDATION FOR THE CARE OF INDIGENT ANIMALS	IRS Form 990 2003
FRIENDS OF POWERHOUSE	IRS Form 990 2003
INSIGHT VISION CENTER	IRS Form 990 2003
MOVEON.ORG CIVIC ACTION	IRS Form 990 2003

PCI-MEDIA IMPACT, INC.	IRS Form 990 2003
INSIGHT VISION CENTER	IRS Form 990 2004
MIRANDA'S RESCUE	IRS Form 990 2004
PARTNERS IN HEALTH A NON-PROFIT CORPORATION	IRS Form 990 2004
PUBLIC WORKS GROUP	IRS Form 990 2004
GRATEFUL HEARTS STOREHOUSE, INC.	IRS Form 990 2005
INSIGHT VISION CENTER	IRS Form 990 2005
MIRANDA'S RESCUE	IRS Form 990 2005
MOVEON.ORG CIVIC ACTION	IRS Form 990 2005
KAWEAH DELTA HOSPITAL FOUNDATION	IRS Form 990 2006
PUBLIC WORKS GROUP	IRS Form 990 2006
SAN FRANCISCO CHINATOWN LIONS CLUB	IRS Form 990 2006
OUR CHILDREN'S EARTH FOUNDATION	IRS Form 990 2007
PUBLIC WORKS GROUP	IRS Form 990 2007
SANTA BARBARA MUSEUM OF ART	IRS Form 990 2007
COMPREHENSIVE CHILD DEVELOPMENT, INC.	IRS Form 990 2008
EASTER SEALS BAY AREA	IRS Form 990 2008
WEST HILLS COMMUNITY COLLEGE FOUNDATION	IRS Form 990 2008
ABILITIES UNITED	IRS Form 990 2009
MATHEMATICAL ASSOCIATION OF AMERICA	IRS Form 990 2010
FRESH ARTISTS	IRS Form 990 2013

OPEN SOURCE INITIATIVE	IRS Form 990-EZ 2004
CONSUMER CREDIT COUNSELING SERVICE OF THE NORTH COAST	IRS Form 990-EZ 2008
GLOBAL LIFEWORKS	IRS Form 990-EZ 2009
HERITAGE MUSEUM OF ORANGE COUNTY	IRS Form 990-EZ 2009
ONE DOLLAR FOR LIFE	IRS Form 990-EZ 2014
READING AND BEYOND	IRS Form 990-PF 2012
FAMILIES AGAINST MANDATORY MINIMUMS FOUNDATION	Miscellaneous Document 2012
SOUTHERN CALIFORNIA CRICKET ASSOCIATION, INC.	Miscellaneous Documents
CIVIC ASSETS	RRF-1 2014
FIRST NATIONS DEVELOPMENT INSTITUTE	RRF-1 2014
JOSEPH M HAYKOV'S KNOWLEDGE AFTER SCHOOL PROGRAM	RRF-1 2014

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day Two, Volume I
Excerpts from the Trial Testimony of James McClave
February 24, 2016

* * *

[Day Two, Vol. I: Page 5]

THE COURT: Call your next witness.

MR. LYTTLE: Your Honor, the plaintiff calls Dr.
James T. McClave.

THE COURTROOM DEPUTY: Please raise your
right hand.

(The witness, JAMES T. McCLAVE, was sworn.)

THE COURTROOM DEPUTY: Thank you. Please take a seat. And please state your full and true name for the record, and spell your last name.

THE WITNESS: My name is James T. McClave, and the last name is M-C-C-L-A-V-E.

* * *

[Day Two, Vol. I: Page 19]

Q In identifying these deficiency letters, did you spot-check your results?

A Oh, yeah. Yes. We wanted to be sure that, in fact, we were getting letters. We didn't check all 102,000, but we did lots and lots of spot-checks. And, Counsel, again, I stress the fact that this is an iterative process. We tried some search terms that didn't work and others obviously that did, and we finally gained a lot of confidence that we were getting deficiency letters.

Q Now, as I understand it, that 102,000 deficiency letters that you identified, that was the entire universe of a number of different type of deficiency letters, not just deficiency letters asking for Schedule B; is that correct?

A Yes. That was the population, if you will, of deficiency letters.

Q So among that population of deficiency letters, did you take any steps to further identify how many of those actually related to Schedule B?

A Yes.

Q What steps did you take?

A So, again, we looked at some samples of letters that did request Schedule B, and we found that there

were certain search terms that were unique to Schedule B deficiency letters. And there are some on this slide right here: Schedule of Contributors, IRS Form 990, Schedule B itself -- the words themselves. And we did that search of the 102,000 and found about 8,000 Schedule B deficiency letters.

Q And among those 8,000 Schedule B deficiency letters you found, did you spot-check those results?

A Yes, sir.

Q Dr. McClave, did you create a chart of your findings?

A Yes, I did.

Q Okay. Can you explain what this chart shows?

A Sure. The blue bars represent the 102,000 letters, all the registry letters, deficiency letters. And I've organized this by time, by quarter of the year. And you see that the earliest blue bar is Quarter 1, 2008. There aren't very many in 2008. They build in 2009 to much larger numbers and remain pretty much large through the end of our search, which was second quarter of 2015. So that was the population of deficiency letters. And then, as I just testified, we went and we looked among those 102,000 for Schedule B letters themselves, not general letters but Schedule B letters. And the orange bars represent only Schedule B letters that we found.

Q And so if we look at this chart correctly, you did not locate any Schedule B deficiency letters on the registry website prior to third quarter of 2010; is that correct?

A Yes. The first one we found was when -- in August of 2010.

Q Now, Dr. McClave, how do you know you just didn't miss any in that time period before third quarter of 2010?

A Well, because we did exactly the same search. We used exactly the same search terms in 2008 and 2009 and the beginning of 2010 that we did after Q3, 2010. So it's not like we changed methodologies. We used exactly the same methodology. So I'm quite confident that there's -- there are no Schedule B letters prior to August of 2010.

Q Dr. McClave, has anything else confirmed your view that there are no Schedule B deficiency letters prior to August of 2010?

A Yes.

Q What is that?

A There was a letter that I saw -- it might have been an exhibit to a deposition, I don't remember. But it was a letter from the Attorney General that indicated that there had been no letters prior to -- I think the letter said September of 2010.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day Two, Volume II
Excerpts from the Trial Testimony of James Pope
February 24, 2016

* * *

[Day Two, Vol. II: Page 5]

THE COURTROOM DEPUTY: All rise.

This District Court is now in session. Please
come to order.

THE COURT: All right. Call your next witness.

MR. BURCK: Thank you, Your Honor. The
plaintiff calls James Arthur Pope.

THE COURTROOM DEPUTY: Hi, Mr. Pope. If you could stand right there.

Please raise your right hand.

**JAMES ARTHUR POPE, PLAINTIFF'S
WITNESS, WAS SWORN**

THE WITNESS: I do.

THE COURTROOM DEPUTY: Please take a seat.

And please state your full and true name for the record, and spell your last name.

THE WITNESS: James Arthur Pope, P-o-p-e.

MR. BURCK: With the Court's permission.

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. BURCK:

Q Mr. Pope, do you sometimes go by Art sometimes?

A Yes, I am commonly known by Art Pope.

Q Okay. Thank you.

* * *

[Day Two, Vol. II: Page 11]

Q I would like you to take a look just for identification at trial Exhibit 371. And, Your Honor, I believe you have a binder as well in front of you for the exhibits.

THE COURT: Yes.

THE COURTROOM DEPUTY: Exhibit 371 is identified and placed before the witness.

(Exhibit 371 for identification.)

BY MR. BURCK:

Q Mr. Pope, do you recognize this document?

A Yes, sir, I do.

Q Can you just briefly tell us, without going into the substance, what it is?

A It is a posting from a blog site called BlueNC that was posted November 3rd, 2010.

Q And do you recall reading this document around the time it was published?

A Yes, sir.

Q And does this document discuss you by name?

A Yes, sir.

Q And does it also make reference to your affiliation with Americans for Prosperity?

A Not directly. It does so indirectly by referencing myself being a puppet master and having a chart of the so-called puppet show, which includes Americans for Prosperity.

MR. BURCK: Your Honor, we would offer into evidence Trial Exhibit No. 371.

MR. CALIA: We have no objection.

THE COURT: 371 in evidence.

(Exhibit 371 received.)

BY MR. BURCK:

Q Now, Mr. Pope, would you please -- well, before we read pieces of this document, again, this was written in November 3rd of 2010; is that right?

A Yes, sir.

Q Do you know who the author of this was?

A A gentleman named James Protzman. He is the owner of the website of a firm called blueprint NC, LLC.

Q And is that the group that controls or owns this blog, as far as you understand it?

A Yes, sir.

Q Now, could you read the first two sentences, please, of this article.

A “I know it’s bad when I wake up thinking assassination. But that’s how today started, with the Puppetmaster as one intended target.”

Q Would you read the next sentence?

A “I’m a trained killer, you know, courtesy of U.S. taxpayers, and it would be easy as pie to him take out.”

Q And then it says “But I would never do that. I’m a pacifist,” right?

A Yes, sir.

Q And the last two sentences of that paragraph, would you read that as well?

A “Indeed, there is an endless supply of traitor corporatists who share the Puppetmaster’s ‘lie and buy’ approach to our sacred elections. Don’t worry Mr. Pope. You’re not worth dying for, not to me anyway.”

Q Do you understand by “Puppetmaster” he is referring to Mr. Pope?

A He is referring to me, yes, sir.

Q He is referring to you.

Now, if you would turn to the next page of this document.

Would you please read the last two paragraphs on this page.

A "I have been a member of the Democratic Party for the past two years. As such, it is clear to me that I have failed to do my part. I did not hold party leadership accountable. I did not do whatever was necessary to stop Art Pope from buying our democracy. I allowed this blood bath to unfold.

"At this early date, I don't know what's next for me, but I do know this. I'm done playing fair."

* * *

[Day Two, Vol. II: Page 26]

A Well, one major one is the following year I was at the Americans for Prosperity Foundation offices in -- I believe it's September of 2011, and Tracy Henke who was our chief operating officer, referred to her as the COO, came to me very upset and concerned, brought to my attention a video of a video game of people killing AFP employees at our offices in Virginia.

Q So I'm clear, it's a video of a video game in which AFP employees are being killed, not really killed, just part of the video game?

A Correct, it was a part of a video game, yes, sir.

Q Can you turn to Trial Exhibit 378, please.

A Yes, sir.

THE COURTROOM DEPUTY: 378 is identified and placed before the witness.

(Exhibit 378 for identification.)

BY MR. BURCK:

Q Mr. Pope, do you recognize that?

A Yes, sir.

Q Can you just tell us what it is.

A It's a screen shot of a YouTube video of the video game. It appears to be the same one that Tracy Henke showed me when I was at the AFP offices in 2011.

Q And do you recall actually watching this video with Ms. Henke at the time?

A Yes, sir. When Tracy came and talked to me about expressing concerns, I said, "What are you talking about? Show me." So we literally walked to her office, and I literally looked over her shoulder when she played it, and this is what it showed.

MR. BURCK: Your Honor, we would offer into evidence Trial Exhibit Number 378.

MR. CALIA: We object. It lacks foundation, and it was not produced during discovery.

THE COURT: 378 in evidence.

(Exhibit 378 received.)

MR. BURCK: Your Honor, we have a very brief, 20-second clip that we would like to show.

THE COURT: All right.

MR. BURCK: Thank you.

(Video played in open court.)

MR. BURCK: Thank you.

Q Now, in that clip, although it's hard to see here, but for the record, there is a banner that says "Americans for Prosperity"?

A Yes, sir.

Q And you saw that at the time that you saw the video game?

A Yes, sir.

Q And did you think this was a joke?

A No, sir. I thought it was horrible.

Q You find it funny?

A No, sir, not at all.

Q Did you discuss this game with Ms. Henke?

A We did. I mean, it caused us real concern. I mean, we -- Americans for Prosperity's involved in the education, research and public policy, including the debate. But what this video we thought would encourage people to do, rather than respectfully disagree or debate, that the Americans for Prosperity Foundation and our employees and supporters we are not really legitimate, that we are not merely wrong. We are mistaken. We are evil, and it's okay to kill us like zombies. So it caused us concern and we talked about what measures we could take to make our employees and make our offices safer.

Q And did you take any steps -- are you aware of any steps that were taken to make your offices safer after this video?

A I directed and authorized Tracy Henke to take steps. We improved the security at the door. We used to be just -- you could just walk into the door and ask for someone at the desk and sign in. We now made sure the system was so that you have to be -- magnetic lock on the door so you couldn't come in until you were recognized or let in the door. And Tracy was going to work with the building security to

start with positive identification at the lobby level before you can even be admitted to the elevator to come up to our offices.

Q You can take that down. Thank you.

Now, I think you mentioned briefly earlier in testimony that you also experienced boycotts as a result of your affiliation with AFP Foundation; is that right?

A Yes, sir.

Q Before we get into the boycotts, you mentioned that your business was Variety Wholesalers –

A Yes, sir.

Q -- which was referenced in one of the blog posts before?

A Yes, sir.

Q Can you just tell us what that business is.

A We are not actually wholesalers. We only wholesale to ourselves. We are a variety discount store. We have stores throughout the southeast, the mid-Atlantic states. Our home state, we have more stores in North Carolina than any other state.

Q And what is your position with Variety Wholesalers?

A At present I'm chairman and CEO.

Q And how – I'm sorry. How long has the business been in the family?

A My father started the business in 1949. Variety Wholesalers, Inc. was incorporated in 1956. And I have been with the business since 1986.

Q And so since – let's say since 1986, since you have been in the business, since 1986 through the year 2000, did you have any boycotts?

A Never.

Q What about 2000 to 2010, did you have any boycotts?

A The first time there was a call for boycott was in the fall of 2010, but we never had any boycotts in the entire history of the company –

Q And so –

A -- before then.

Q So the first time was the fall of 2010?

A Yes, sir.

Q And how many boycotts since 2010 has your business suffered, as far as you know?

A It's five or six. It depends on whether you consider some repeated calls were boycotts, separate boycotts or renewed or continuation.

Q And did you understand these boycotts were tied to, at least in part, your affiliation with Americans for Prosperity Foundation?

A Yes, sir.

MR. BURCK: Your Honor, I would like to -- for identification purposes only, I would like the witness to take a look at Trial Exhibit 572.

THE COURTROOM DEPUTY: Exhibit 572 is identified and placed before the witness.

(Exhibit 572 for identification.)

BY MR. BURCK:

Q Mr. Pope, do you recognize this document?

A Yes, sir, I do.

Q What is this?

A This was put out, again, by the organization that I referenced to earlier, Institute for Southern Studies, on their website encouraging/promoting/boycotting against my stores. It started in December of 2013 and continuing on through January of 2014.

Q Now, there's a lot of URLs in this, so it's a little bit hard to read. Could you just read the second paragraph – I'm sorry, excuse me. Your Honor, we would offer into evidence Trial Exhibit Number 572.

MR. CALIA: We have no objection.

THE COURT: 572 in evidence.

(Exhibit 572 received.)

BY MR. BURCK:

Q Mr. Pope, first of all, could you just read the title again?

A "Pickets at Art Pope's stores gain steam, go statewide."

Q Now, the second paragraph, could you just read that without reading the URLs?

A "These stores are the source of Pope's family fortune, which he has used to generously support Republican candidates and conservative causes. This wealth launched the John William Pope Foundation in 1986, which has given tens of millions of dollars to outfits that have promoted key pieces of the GOP agenda, like North Carolina's sweeping new restrictions on voting access."

Q And then the last sentence?

A “And Variety Wholesalers itself has directly bankrolled groups that has spent millions in North Carolina to benefit Republican candidates.”

Q Do you recall clicking at the time on some of these URLs?

A Yes, sir.

Q And do you recall that Americans for Prosperity was mentioned in some of these URLs?

A Yes, sir.

Q Now, going three paragraphs down, can you read that paragraph, beginning “So far.”

A “So far, organizers say about 130 supporters have come out to picket in Chapel Hill, Durham and Raleigh, reaching hundreds of holiday shoppers. More pickets are planned this week in Charlotte, Fayetteville, Winston-Salem and Weaverville.”

Q Is that an accurate reflection, as far as you recall, of what happened with those boycotts?

A Yes, sir. And there were additional locations boycotted as well.

Q And your belief at the time was that at least, in part, the reason that people are picketing you was because of your affiliation with Americans for Prosperity?

A Yes, sir.

Q You can set that aside, please. For identification purposes, please take a look at Trial Exhibit 575.

THE COURTROOM DEPUTY: Exhibit 575 is identified and placed before the witness.

(Exhibit 575 for identification.)

BY MR. BURCK:

Q Do you recognize this?

A Yes, sir.

Q Can you just tell us what this is?

A This is a flyer that was both put out in paper but also posted on websites by a group called NC Heat -- I believe it's primarily a student group -- to promote a boycott at a specific location, our Maxway store in Raleigh, North Carolina.

Q And do you recall seeing this around the time of the boycotts?

A Yes, sir.

MR. BURCK: Your Honor, we would offer into evidence Trial Exhibit Number 575.

MR. CALIA: We have no objection.

THE COURT: 575 in evidence.

(Exhibit 575 received.)

* * *

[Day Two, Vol. II: Page 47]

Q Can you take that down?

Thank you.

Are you aware of any other -- or are you present for any events in which -- for the Americans for Prosperity Foundation or AFP in which you saw acts of violence or threats?

A Yes, sir.

Q Can you tell us what that was?

A In the fall of 2011, I attended the Americans for Prosperity Foundation's Defending the American Dream Summit, and it was an annual summit. It took place in Washington, D.C., and there were protests, attempts to enter the building and disrupt our summit, our dinner, our speakers. And then they changed tactics, and the protesters tried to push and shove and keep people in the building, including myself and many other people that I observed.

Q Were you there present for this?

A I was there in person, yes, sir.

Q And you saw protesters pushing or keeping you in the building?

A Yes, sir.

Q You?

A I personally could not get out of the building. I was trying to help other people get out of the building as well.

Q Do you recall that this event, this protest, received some press coverage?

A Yes, sir.

Q Just for identification purposes, please take a look at Trial Exhibit 684.

THE COURTROOM DEPUTY: Exhibit 684 is identified and placed before the witness.

(Exhibit 684 for identification.)

THE WITNESS: Yes, sir.

BY MR. BURCK:

Q Do you recognize this?

A Yes, sir.

Q And can you tell us what it is?

A It's a screen shot of a video taken at the protest.

Q And what is the title?

A "Occupy DC Pushes Grandma Down Stairs."

Q What is Occupy DC?

A Occupy was the umbrella group or one of the groups that took credit for organizing the protests at the Defending American Dreams Summit.

MR. BURCK: Your Honor, we would offer into evidence Trial Exhibit Number 684.

MR. CALIA: We have no objection.

THE COURT: 684 in evidence.

(Exhibit 684 received.)

MR. BURCK: Your Honor, we have a very brief clip that we would like to show.

(Video played in open court.)

BY MR. BURCK:

Q Mr. Pope, do you recall seeing that woman on the floor?

A No, sir. I personally did not see the woman on the floor. I was elsewhere in the building at that time. And when we were – "we" being the AFP Foundation were reviewing what happened, what we could do to prevent it, I saw it on the YouTube video after the fact.

Q Did you feel personally threatened when you were at this event?

A Yes, sir.

Q And did you believe that the people that were there protesting were there in part because of your affiliation with Americans for Prosperity?

A The whole event was Americans for Prosperity Foundation event. That's exactly why they were there.

Q Do you have any doubt in your mind?

A No, I don't have any doubt in my mind, no, sir.

Q Now, sir, you said that you did not give for two years -- or the foundation did not give for two years, the family foundation did not give for two years to the Americans for Prosperity Foundation.

A That's correct, sir.

Q Have you ever considered -- but you have since then?

A Yes, sir.

Q Have you ever considered stopping funding or providing support to Americans for Prosperity Foundation?

A Yes, sir, I have considered it.

Q And why?

A Well, because of the resulting threats on my life, boycotts on my business. I was having to constantly defend my reputation, what I actually believed in, what I have actually done as an elected legislator. My wife wanted me to keep a lower profile. The people at my business weren't real happy about it. So yes, I did consider not giving any more, trying to give some other way.

Q Why have you considered -- why have you continued to give despite these threats?

A Well, it's too late. Back in 1986, when we formed the John William Pope Foundation, I knew then that routinely private foundations will list their grantees. And for over 20 years that was noncontroversial; no one thought twice about it. As I said earlier, it really started in 2006, it really took off in 2009, 2010, when these grants and what the grants were allegedly used for, historic used for became public and were used to attack me and justify attacks on me, it was already done. The grant history was already out there.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day Three, Volume I
Excerpts From The Trial Testimony Of James Pope
February 25, 2016

* * *

[Day Three, Vol. I: Page 20]

[CROSS-EXAMINATION]

[By Mr. Calia:]

Q Because you were on the board of the Americans for Prosperity Foundation, your affiliation with that foundation would have been known even if you were not a donor, correct?

A Yes, sir.

* * *

[Day Three, Vol. I: Page 24]

Q If Americans for Prosperity Foundation were forced to disclose its Schedule B to the California attorney general, it wouldn't change your desire to contribute to the Americans for Prosperity Foundation, correct?

A It would not change my desire for the John William Pope Foundation to contribute to Americans for Prosperity Foundation because John William Pope Foundation already discloses its grantees to the public, as we already discussed, through the 990-PFs.

Q And that's a unanimous decision that you and the board of the John William Pope Foundation have made, correct?

A The board approves the grants. I think most all the time our grants are unanimous by consensus. And when the board does that, is with the knowledge that all our grantees are disclosed publicly.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day Three, Volume I
Excerpts from the Trial Testimony of Paul Schervish
February 25, 2016

* * *

[Day Three, Vol. I: Page 25]

THE COURT: You may step down. Call your next witness.

MR. LYTTLE: Your Honor, the plaintiff calls Dr. Paul Schervish.

THE COURTROOM DEPUTY: Please stop right there and turn around.

Please raise your right hand.

PAUL SCHERVISH, PLAINTIFF'S WITNESS,
WAS SWORN

THE WITNESS: I do.

THE COURTROOM DEPUTY: Thank you. Please take a seat.

Please state your full and true name for the record, and spell your last name.

THE WITNESS: My name is Paul G. Schervish, S-c-h-e-r-v-i-s-h.

* * *

[Day Three, Vol. I: Page 35]

MR. ZEPEDA: In that case, Counsel, can you specify the areas in which you are offering Dr. Schervish to testify to?

MR. LYTTLE: Yes. As I stated previously, charitable giving and donor behavior.

MR. ZEPEDA: No objection, Your Honor. We will reserve cross-examination.

THE COURT: All right.

MR. LYTTLE: Thank you.

Q Dr. Schervish, what were you asked to do in this case?

A I was asked to provide an expert opinion on whether donors would wish to preserve their anonymity when they so desire and to provide an expert opinion about whether it would hurt contributions to a charity if donors who did not remain anonymous were not left to be -- left to remain anonymous, whether this would curtail their participation in their donations to that charity.

Q Have you reached any opinions in this case?

A Yes, I have.

Q Okay. I would like to briefly walk through those opinions, and then we will go through the bases for those. Okay?

A Yes, sir. As I said, I believe, as an expert witness, that the donors do have a legitimate and reasonable desire to protect their anonymity and just protect against disclosure of their names outside of the organization. And not only do they have this reasonable desire, they have an interest in anonymity, and this extends to the disclosure of their names to the foundation -- their names and addresses on the foundation's Schedule B to the registry. And that disclosure to the registry of this Schedule B information would chill contributions to the foundation, and this chilling effect would extend to donors who are not now contributing or who have in the past contributed and have stopped contributing to this foundation. This would be a chilling effect to potential participation in donations.

* * *

[Day Three, Vol. I: Page 50]

Q For all these reasons that you discussed today, Dr. Schervish, is it your opinion that there would be a chilling effect on the foundation's donors if the foundation's Schedule B was disclosed to the California attorney general?

A There would be a chilling effect, in my opinion, and this chilling effect would extend to not only people who have been associated, ceasing to associate, people that are now ceasing to associate or not associate at the same level of intensity or

contribution, and it would affect people who had considered or are considering participation in the future.

Q I want to quickly break that down a little bit, Dr. Schervish. Is it your opinion -- is it -- you're aware that there is a certain number of donors listed on Schedule B, correct?

A Yes.

Q And there are other donors to the foundation that are not listed on Schedule B?

A That is correct.

Q Is it your opinion that the donors who are actually listed on Schedule B would be chilled with disclosure to the attorney general?

A Yes. And I think we heard that the people on -- I don't know myself whether the small number that you said that are on Schedule B are the same people every year, whether they will be the same people in the future. We also don't know whether the 2 percent -- that having to contribute 2 percent or more of the total funding that year for the charity, whether that cutoff point with only a few donors would remain that few in the future. It could be a much higher number of people reaching that 2 percent level, or it could be not using that 2 percent level, but using the \$5,000 level. It could be any indefinite amount of people depending on how much is raised in a year. So no one knows ahead of time in the year that they are contributing whether in the year of reporting they would be on a Schedule B.

Q And so for that reason, Dr. Schervish, is it also your opinion that the chilling effect you have been

discussing would extend to donors who are not currently listed on the foundation's Schedule B?

A That's what I was trying to suggest by talking about future donors and not knowing what level you would have to be in. And, in fact, people have asked, "What level would I have to be" -- at least one person that I know of that I read about in the testimony was saying, "I want to know how much I have to give in order to not be listed."

Q Based on your experience and work in this case, are donors to the foundation aware of the risks of associating and being known to associate with the foundation that you have been discussing today?

A Well, this is a demonstration effect. When people are outed, when people are harassed, when people's families are threatened, when people are fearful, this has -- I mean, the word "chilling" is a good word, and not just chilling them in a technical sense, but chilling their emotions, chilling them to the core, to the bone, about a fear for their families, themselves, their businesses. This is not something that is easily endured by any individual as strong as somebody's determination may be.

Q And so for those reasons, Dr. Schervish, is it your opinion that the chilling effect that you've been discussing would extend to potential donors of the foundation?

A Potential donors and even activists who would show up and not only be donors, but would try to be, in addition, active in local affairs and so on.

MR. LYTTLE: Thank you, Dr. Schervish. I have nothing further.

* * *

[Day Three, Vol. I: Page 57]

Q You're not aware of any California government employee subjecting donors to the Americans for Prosperity Foundation to harassment, are you?

A No.

Q Or subjected them to hostility?

A No.

* * *

[Day Three, Vol. I: Page 62]

Q You did not perform any statistical analyses regarding the foundation's donors or their purported safety concerns, correct?

A No, sir.

Q You did not conduct any random sampling of the foundation's donors?

A No.

Q You did not conduct any structured surveys of donors?

A No.

Q Or potential donors to the foundation?

A No. I didn't need to. That's what I was testifying to.

Q And you stated that you didn't meet with any of the foundation's donors to prepare your expert opinions in this case?

A That's correct.

Q Or any of its potential donors?

A That's correct.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day Three, Volume I
Excerpts from the Trial Testimony of Belinda Johns
February 25, 2016

* * *

[Day Three, Vol. I: Page 72]

THE COURT: All right. Call your first witness.

MS. GORDON: The defense calls Belinda Johns.

THE COURTROOM DEPUTY: If you could walk
straight through. Stop right there.

THE WITNESS: Uh-huh.

THE COURTROOM DEPUTY: Turn around.
Please raise your right hand.

**BELINDA JOHNS, DEFENSE WITNESS, WAS
SWORN**

THE WITNESS: I do.

THE COURTROOM DEPUTY: Okay. Thank you.
Please take a seat.

And please state your full and true name for the record, and spell your last name.

THE WITNESS: Belinda Johns, J-o-h-n-s.

DIRECT EXAMINATION

BY MS. GORDON:

Q Good morning, Ms. Johns. Can you tell us what is your present occupation?

A I'm retired.

Q And what was your occupation before you were retired?

A I was an attorney in the California State Attorney General's Office.

Q And did you have a specific section that you worked in in that office?

A I was in the tort section for five years, and then I transferred to charitable trusts. I was a deputy attorney general handling cases, and then I transferred in 1989. And then in 2000 I became a supervising deputy attorney general. In 2004 I became the senior assistant attorney general for the section.

Q Okay. So if I'm understanding correctly, from between 1989 to 2013, approximately 24 years?

THE COURT: You don't have to repeat. Just ask the

* * *

[Day Three, Vol. I: Page 78]

Q I want to back up just for clarity. You said there were 120 charities. Is that what you meant?

A That's what I think, there were 120 registered charities, but they weren't all current.

Q Just to be clear, I'm questioning your use of zeros. Do you actually mean 120, or do you mean more than that?

A No, I mean 120,000. I'm sorry.

Q Okay. And you said registered charities, and then, I'm sorry, you said something about unregistered and delinquent charities. How many unregistered and delinquent charities are there?

A I think when I left, there were 40,000 delinquent, and we are slowly trying to work through that backlog. The unregistered, I don't know. At the time I left, 400 new charities were incorporating in California every month, so that number could -- I don't know what that number is now.

* * *

[Day Three, Vol. I: Page 81]

Q Can you give us an idea of the size of the caseload per year in charitable trusts?

A Well it depends on what you mean by "caseload" because complaints come in from a variety of sources: Complaints from individuals, from board members, from various kinds of whistle-blowers, from the press, law enforcement, and sometimes a section member will see an article in the paper that alerts them to a potential problem. So the registry

receives the complaints, for the most part, directly because that's what it says to do on the website, send your complaint to the registry.

There are, I don't know, maybe 50 to 100 complaints some months, but it varies, but in addition to that -- so it isn't -- those aren't all cases. Those start as reviews. They are assigned out to attorneys, and the attorney looks at the complaint and then looks at the 990 and any other available information, maybe there are documents attached to the complaint, to determine if the complaint may have validity. So that's the first step. And I can't tell you how many reviews are conducted.

The next step would be opening an investigation, giving the matter to an auditor to work up an audit plan which would then be approved by the handling attorney and then by me as senior assistant. And then that would take its course. I can't tell you how many investigations there were in a year. I think the supervising auditor, Steve Bauman, kept track of that. And then a certain number of those cases will be filed cases, but a very small number.

Q Okay. I want to get back to that, but first I just want to ask you, I think you said that you might get 50 to 100 complaints per month. Does every single one of those need to be reviewed?

A Yes.

Q And you have described different ways, but how are most cases resolved?

A Most cases are resolved informally. It's such a small staff for such a huge number of charities. We could not take all of the cases to trial, nor would we want to because many times the charity has made a

mistake and they're perfectly willing to correct it if they get one of our letters that says it has come to our attention, which is a soft request for documents.

And so if the matter resolves at that level, there will be, you know, some corrective action they will be required to take, which in later years always required board training because it meant that they didn't understand the nature of restricted assets or they didn't understand -- their duty was to the charity and not to themselves.

Q What percentage of matters are resolved informally?

A Oh, well over half.

Q And if matters are resolved informally, are there any public record of those matters?

A I don't know if there is now. There wasn't when I was there. The section from as long as I was in it, which was 1989, always took the position that they didn't want to harm a charity's reputation if a charity -- if the charity wasn't engaged in fraud, you know, in which case we would go directly to filing and getting a TRO or something. But if the charity was cooperating and the problems could be fixed, we didn't want something out there that would flag them as a problem so that they wouldn't receive donations. I don't know if that has changed.

Q Okay. And I think you described the first level is you get a soft letter. What happens if that doesn't work? What happens next?

A Well, that would be a red flag if we didn't get correspondence. The next level would be issuing an administrative subpoena. We had the authority to do that under The Supervision Act. We could also do

it under another provision in the Government Code. That subpoena has the force of a subpoena issued in court. It's enforceable in court. So we would issue that either for testimony or for documents or for both. And most people would respond to that, otherwise we would go in on a contempt order in court.

Q When you say "respond to that," what do you mean?

A It would provide what we ask in the administrative subpoena.

* * *

[Day Three, Vol. I: Page 91]

THE COURTROOM DEPUTY: Exhibit 142 is identified and placed before the witness.

(Exhibit 142 for identification.)

BY MS. GORDON:

Q So, Ms. Johns, I would like to ask you to look at the first page and then skip to the third page just so you can tell what you're looking at.

A Okay.

Q Have you seen this document before?

A Yes.

Q Can you tell us what it is?

A The first page is the RRF-1 form that is filed as an annual renewal report.

Q And if you go further into the document, about the third page, starting with the third page, can you tell us what that is?

A Yes. That is the IRS 990.

MS. GORDON: We would respectfully ask that Exhibit 142 be admitted into evidence. I believe there is a stipulation.

MR. BURCK: No objection, Your Honor.

THE COURT: Exhibit 142 in evidence.

(Exhibit 142 received.)

BY MS. GORDON:

Q Ms. Johns, if you could look at the first page, the annual registration renewal fee report, can you just give us an overview of what this document is?

A Yes. This was developed as a substitute for a more complex form called a CT-2. It's a one-page document that may require some attachments, but it highlights -- well, first of all, it gives all the basic information about the charity and its assets, really basic, and it highlights a number of issues that we felt were important for charities to think about, like restricted funds and loans and embezzlement if they hadn't already thought about it. It also allowed the registry staff to kick out any of the "yes" answers to us.

Q And what does that mean, "kick out any of the 'yes' answers"?

A Well, any of the -- well, if there was -- I can see this better than I can up above. Number 1, number 2, number 3, 4 and 8 -- 8 and 9, if those were "yes," the registry staff could send those to the supervising attorney. If 9 was "no" and the assets were over \$2 million, then staff would know, perhaps, they should have done audited financial, and that would go to somebody to follow up and say, "You know, cite the

statute about when audited financial statements were required.”

And then the commercial fundraiser question would alert the person who runs the commercial fundraiser program to look and make sure that fundraisers were actually registered. So it was a really high-level check sheet for registry staff.

Q So just looking at this quickly, Ms. Johns, I don't see any request for donor list, major donor names or information. Am I correct?

A That's right, because that information would be on the 990.

Q Well, I understand that, but why isn't it on this form?

A Because staff could easily see on the 990 whether it was there or not.

Q And would staff ever only be looking at the RRF-1?

A No. They are always looked at together because it's the whole renewal process. Both come in together. They don't come in separately.

* * *

[Day Three, Vol. I: Page 97]

Q You testified that during reviews, and I think in investigations, that you would always look at the whole 990; is that correct?

A Yes.

Q And that includes Schedule B?

A If it was required, yes.

Q Can you give me some examples of cases where B was particularly useful to you?

A Yes. There was a case involving a charity that raised money for the animal victims of Hurricane Katrina, and they received millions of dollars in donations. When they solicited for relief for the animal victims of Hurricane Katrina, it restricted those assets solely to that purpose, and we got a complaint saying that they weren't using the money correctly. We were able to determine from Schedule B where the money came from. We were able to determine from looking at the unrestricted versus restricted assets portion that they were not -- they had not maintained the restriction.

And we could -- in this case they were all individuals who had made the contributions, and based on that review, we realized there was a really serious problem. So we contacted the charity. In that case we did not have to contact the individual donors to confirm that they wanted their gift to be restricted. In some cases we might have to do that if we were going to trial, but here, it was perfectly clear that they had accepted the funds, public donations, and they were using the money for their own purposes.

We recovered, I don't know, 2- or \$3 million and sent it to Louisiana to build a new shelter, which is what it was supposed to be used for.

* * *

[Day Three, Vol. I: Page 100]

Q Could you give us another example of a case that you worked on, Ms. Johns, using the Form 990.

A There was a case called LB Research that involved a pass-through. The founder of the charity donated a large amount of money to the charity for the specific purpose of endowing a chair at UCLA in the medical school, I think. If we hadn't had the 990 and Schedule B in particular, we would not have realized that the donation was from him, and the terms of the endowed chair required that the endowed chair be given to him. So it was important to know who had made that contribution, and we wouldn't have known it if we hadn't seen that Schedule B.

Q Thank you.

Ms. Johns, there are other schedules, IRS schedules, to Form 990, correct?

A Yes.

Q And presumably they contain a lot of information, correct?

A Yes.

Q Why can't you just use those schedules?

A Well, for us, when I was there, it was always looking at the entire document to get a complete picture. And in our fraud cases, we often found that people were inconsistent. They would -- they would not consistently provide the same information across the schedules, and so that would give us the discrepancy that would give us the red flag.

Q Just to be clear, what do you mean they were not consistently providing the same information? Could you give an example?

A Well, somebody might -- might say on Schedule B that they had donated a specific amount

of money, or it could be in-kind contributions, medicine and clothing and that sort of thing, but that necessarily wouldn't be reflected in the proper place on another schedule or another place on the 990. And these were things that the auditors would go through, you know. An attorney might look at a 990 and say, "Oh, this doesn't look right," and the auditors would go ahead and evaluate and analyze the whole thing.

* * *

[Day Three, Vol. I: Page 104]

Q Understood.

Did there come a time, Ms. Johns, when you realized that some charities were not actually complying with the requirement to file Schedule B?

A Yes. I started to do a direct review of the complaints. I would go up to the registry, and one of the auditors would have a stack of files with the complaints, and I would go through them and tell -- you know, tell the auditor how they should be distributed. And it seemed like in that anecdotal evidence that I wasn't seeing as many Schedule Bs as I expected to see based on my memory of looking at files in the past. So I talked to Kevis, and I asked her -- Kevis Foley, the registrar, and I asked her if that was being included in the deficiency notice, and I don't think it systematically was. So I said, "Well, I would like it to be because it's part of the filing. And if you're asking for any deficiency, that should be included."

Q And when you say it wasn't --

THE COURT: When was that?

THE WITNESS: I think it was around 2010.

THE COURT: 2000 what?

THE WITNESS: '10.

THE COURT: 2010.

BY MS. GORDON:

Q When you say it wasn't being systematically included in the deficiency letter, what does that mean?

A Well, it means that staff in their attempt to get the filings moved through the process wouldn't always check to see if Schedule B was required, or they wouldn't check to see – there's a box. If it says it has to be filed and it isn't there, that would be the easiest way. I don't know what their thinking was, but that wasn't systematically being included at that time.

Q Are you aware, though, during that time of staff finding a missing Schedule B and sending a deficiency letter about it?

A Well, Kevis asked the staff to start including it, to be sure that they included it in the list of deficiencies at that time.

Q And when you were sort of doing your audit that triggered this realization, do you have a sense of sort of how many charities were not -- were not complying with the B requirement?

MR. BURCK: Objection to the form of the question, versus an audit.

THE COURT: The objection's sustained.

BY MS. GORDON:

Q So you testified that you were reviewing files for distribution, and you noticed that some were missing Schedule B.

A Yes.

Q Do you have a sense, just from that process, of how many were missing Schedule B?

A Based on the sample, it seemed that there were a higher number of files missing Schedule B than I remembered from the past.

Q Can you quantify higher number?

A Maybe half or two-thirds did not include Schedule B, whereas in the past when I looked at large groups of files, more than half or two-thirds included the Schedule B.

Q Okay. And as I think has been pointed out, this was not an audit; this was sort of -- would you call this a random sample?

A This was just a review of the complaints that came in. Instead of farming them out to attorneys to review, I just did them myself. I just spent a day at the registry and do it because people were busy. So I was simply looking -- doing that very high-level review that I would ask others to do, looking at the complaint and related documents, looking at the 990 to see if I could confirm issues raised in the complaint.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day Three, Volume II
Excerpts from the Trial Testimony of Belinda Johns
February 25, 2016

* * *

[Day Three, Vol. II: Page 20]

[CROSS-EXAMINATION]

[By Mr. Burck]

Q Now, did you ever -- while you were the head of the section, did you ever personally instruct that a check be made of the Registry's public website to see if any confidential Schedule Bs were on the website?

A I don't know if I personally instructed -- I don't know if I knew what -- what could be done to check, but I --

Q That's not my question.

A -- I did talk to Kevis several times about the confidentiality of Schedule B and about the protocols. And I know she changed them over time to -- to, you know, try to make them more ironclad.

Q You've answered a different question than I asked, so I'll ask my question. Did you personally instruct that anyone in your staff, including Kevis Foley, check the public website of the section to see if Schedule Bs were inappropriately listed?

A I don't remember having that conversation.

Q That's --

A I don't remember.

Q You don't remember. Do you recall your deposition in this case?

A Vaguely. I haven't looked at it again.

Q Do you know how long ago it was, your deposition? Was it in the last ten years?

A It was within the last couple of months, three months.

Q Couple months. Do you recall that you answered that question that you did not instruct anybody?

A No. But I don't recall now; and if I didn't then, I didn't.

Q Okay. And you're not aware of anybody else in your section or in the Attorney General's office instructing anyone to check the public website to

make sure that Schedule Bs were not inappropriately listed on the website; right?

A The only person who could have done it would be Kevis Foley, the registrar.

* * *

[Day Three, Vol. II: Page 41]

Q Okay. Now let's talk about a document that you did -- you talked about on direct examination, which is the exchange between yourself and Eric Gorovitz --

A Yes.

Q -- the attorney for Planned Parenthood. Do you recall that?

A Yes.

Q I believe this is already admitted into evidence, Trial Exhibit 131. Now, in this -- this is the e-mail that -- well, the middle of this e-mail Mr. Gorovitz sent to you; right?

A Yes.

Q And he says that the Registry had posted online all the names and addresses of hundreds of donors?

A Yes.

Q And you would agree, sitting here today or back then, that posting that kind of information publicly could be very damaging to Planned Parenthood, just as Mr. Gorovitz said?

A Yes.

Q And do you have a reason why you think it would be damaging to them?

A Well, a donor list is, for an organization like Planned Parenthood, something that needs undoubtedly to remain private, because there are people who are antagonistic to Planned Parenthood. Donors to Planned Parenthood may not want people to be aware that they've made those donations; they don't want to be targeted. And that would be true for any organization, but Planned Parenthood is the type of organization that would be -- it would be a good idea not to have that on the website.

Q And this is because, as you said, there are people antagonistic to Planned Parenthood; correct?

A Yes.

Q And so antagonistic people might see the donor list on the website and then might take action against Planned Parenthood in some fashion, or the donors?

A I don't know what action they might take, but I know from reading in the newspaper that there is antagonism toward Planned Parenthood, and most donors wouldn't want their names on the public website.

Q And do you agree that that's a serious issue, maintaining the confidentiality of Planned Parenthood's donors?

A Maintaining the confidentiality of all donors is serious to me.

Q So after -- you testified that you have an e-mail here, you send it -- you forward the Gorovitz e-mail to Ms. Foley, and Ms. Foley then took it down; right?

A Yes, she did.

Q Were there any disciplinary proceedings or any punishment that was issued against anyone for this posting of Planned Parenthood's donors on the website?

A No. It was an inadvertent disclosure, and I think that's described in the e-mail that Kevis Foley wrote to me. The Schedule B in this case came in in a format the staff didn't recognize.

Q So it was Planned Parenthood's fault?

A Staff looked for Schedule B, and as I recall, this didn't look like Schedule B. But -- handwritten page, not on the form, not clearly labeled "Schedule B."

Q Planned Parenthood's fault?

A I don't assign fault. It was an error. It was a mistake.

Q So in that instance, because it was an error, mistake, maybe by Planned Parenthood, even if we don't assign fault, in that case there was no reason in your mind to punish or to discipline anyone for posting the donor information on the website?

A Well, discipline for the State of California is a long, drawn-out process. And there are very specific reasons that it can be accomplished, and inadvertent error is not one of those reasons. Within the Registry, people might be reassigned, temporary staff, like students, could be let go if they made errors like this because they were inattentive. But there would be no grounds for formal discipline.

Q So students could be let go if they were inattentive, but not employees?

A Right. Because students are not civil service employees.

Q I see. So the civil service rules, your testimony is that it would prevent any kind of formal discipline against somebody who inattentively caused a donor list to be posted on a website?

A That's correct. But that doesn't mean that an employee who made that error wouldn't be retrained or wouldn't be taken off that specific job because they weren't doing their job properly. There are plenty of other places in the Registry where they could work.

Q By the way, are you aware of any student who was let go for being inattentive with respect to the Schedule B?

A Not the Schedule B in particular, but I do know of many students who were let go.

Q But not for Schedule B?

A That would be something Kevis Foley would have to answer.

Q And you're not aware of any employee ever being disciplined or reassigned, as you mentioned, because they might have mishandled, even inadvertently, even inattentively, Schedule B?

A I don't know specific to Schedule B. Kevis Foley would have to answer that question. She didn't talk to me about that kind of personnel decision, but we did talk generally about the fact that she reassigned people.

Q But generally, not with respect to Schedule Bs or this particular instance?

A Yeah, not this instance. And I don't remember if we ever talked about reassignment specific to handling of Schedule B.

Q After you learned about the Planned Parenthood Schedule B being posted, did you ask anybody in the Registry or in the AG's office to check the website to see if there were other Schedule Bs that were inadvertently posted?

A Again, I don't remember. I know I talked to Kevis, and I talked about how to avoid it in the future, but I don't know if I instructed her to check the website. I don't know -- I wouldn't know how to do it or if it was even possible, but I know that I discussed with her changing protocols to keep it from occurring in the future.

Q You don't know if it's possible to check the website for Schedule Bs?

A Not personally. I don't know anything about search options.

Q Do you have people who know about that on your staff?

A Christopher Harriman at the Registry is the tech person.

Q Is he someone that you spoke to on a regular occasion?

A No, I did not.

Q Did he report to you?

A No. He reported to Kevis.

Q Does Kevis report to you?

A She reports to me. He --

Q So he reports to Kevis, who reports to you?

A Correct.

Q Did he have a phone in his office?

A Yes.

Q Did he have e-mail?

A Yes.

Q Was there anything that prevented you from calling him to ask him if there was a way to check the website?

A No. That was the responsibility of Kevis Foley

—

Q So this is Kevis's issue? This is Ms. Foley's issue?

A She would take responsibility for that.

Q So it's her responsibility. Understood. Did you tell the donors whose names were listed on the Planned Parenthood Schedule B that their names had been listed?

A We did not.

Q Their addresses had been listed? Did you tell them that?

A I don't know if their addresses were listed.

Q Well, Schedule B has names and addresses.

A Well, generally, we always told charities to use the charity's address, not the donor's personal address.

Q But you didn't tell them their names were listed?

A Pardon me?

Q You didn't tell them their names were listed?

A We did not.

Q Did you ever have a practice at the Registry to inform donors when their names or their addresses were inadvertently posted on your website?

A I don't believe so.

Q And it's not the practice to even notify a charity if its Schedule B is listed on the website, right, at least as far as you know when you were there?

A I don't believe so. I think they were taken down when they were found. I don't think the Registry ever notified charities.

Q Now, just going briefly back to Mr. Gorovitz's e-mail exchange, 536, which I believe is also in evidence. This is your response -- excuse me, his response including your response.

You explain to Mr. Gorovitz that the Registry staff are overwhelmed -- this is on the second page of the document, sort of a carryover from the first page to the second page. Registry staff does their best but are overwhelmed with the volume of paper, e-mail and voicemail" they have to handle. That's why this had happened; right? Do you agree with that? Is that -- not what it says, but is that what you believed as well?

A I knew that they were overwhelmed from time to time, most of the time. And the reason I wrote this was so that he would call me -- he would contact me and not the Registry, because they didn't respond to e-mail and voicemail as quickly as I did.

Q Now, I think you'd said that on direct testimony that you'd increased your staff in roughly

2010, which is one of the reasons why you thought you could start sending out more deficiency letters relating to Schedule Bs. Remember that testimony?

A Yes. That's what Kevis determined.

Q I'm sorry, what?

A Well –

Q That's what Kevis told you?

A No. I said when -- when we got the extra staff, she said, We have more people now, we can start doing a better job on the deficiency letters and particularly Schedule B, because we have more staff.

Q And this letter was written in -- this e-mail, excuse me, was written in 2012, so two years later?

A Right, but this -- they still were overwhelmed. It still was half the staff of what was needed for that volume of charities.

Q So the increase in staff had not actually really reduced the burden significantly, from your perspective?

A It reduced the burden somewhat, but they still had tremendous workloads. But all I was trying to say to him here was that he should contact me because he would get a quicker answer from me than he would from staff.

Q July 3, 2012, at this point, you are aware of an inadvertent disclosure of a Schedule B; right?

A Yes.

Q And the prior letters we looked at, you had said that you were not aware; right?

A Right.

Q Those were previous in time, because this day you are aware?

A Yes.

Q And you worked for the Attorney General of California; right?

A Yes.

Q The defendant in this case?

A Yes.

Q It would be inaccurate to say in, say, July 2014, two years after this letter, that there is no evidence to suggest that any inadvertent disclosure of Schedule Bs has occurred; right?

A That would be inaccurate.

Q And are you aware of or were you involved in the briefing by the Attorney General's office to the Ninth Circuit Court of Appeals in July of 2014 in a case called CCP v. Harris?

A No.

* * *

[Day Three, Vol. II: Page 81]

Q (BY MR. BURCK) Take a quick look at those, if you like, but those are all deficiency letters issued to the Americans for Prosperity Foundation.

A Okay, I don't have 31. (Pause in proceedings.)

Q (BY MR. BURCK) So these are all deficiency letters issued to Americans for Prosperity Foundation from March of 2013 through October 29 of 2014; is that right?

A Yes.

Q So some of these came after you left, but do you recognize them in terms of the form?

A Yes.

MR. BURCK: Your Honor, we'd offer all five exhibits into evidence pursuant to stipulation.

MS. GORDON: No objection.

THE COURT: 205, 206, 207 and Exhibit 31 in evidence. (Exhibit Nos. 205, 206, 207, 31 received into evidence.)

MR. BURCK: Thank you, Your Honor.

Q (BY MR. BURCK) Now, while you were still with the section, at least one of those letters issued; right?

A Yes.

Q Now, at the time you were there, you don't recall ever hearing of a complaint about the Americans for Prosperity Foundation; right?

A No.

Q Do you recall issuing a subpoena against the Americans for Prosperity Foundation?

A I did not.

Q For anything? Schedule B? Anything?

A No.

Q And when you say no, it's not that you don't recall; you know that it didn't happen?

A I know it didn't happen.

Q And that's because you were aware of all the investigations that were going on?

A Yes.

Q But you were not, as you said, aware of the deficiency letters that would go out?

A No.

* * *

[Day Three, Vol. II: Page 89]

Q So this was a conflict of interest basically?

A Well, yeah. I mean, he's a disqualified person. It's –

Q It's not good, no matter how you describe it?

A No.

Q Now, that started from a complaint; right?

A That part I don't remember. It certainly didn't start with us just, you know, perusing 990s. It started from some source. Whether it was a news report or a complaint, I don't remember.

Q Let me just back up. So it didn't start -- that was going to be my question. You anticipated it. You didn't have your staff looking through 120,000 charities looking for Schedule Bs and you said, This one looks weird?

A No. We've never had the staffing to do that.

Q So your belief is -- your best belief, sitting here today, is that somebody made a complaint?

A Or there was an article in the LA Times.

Q Which would also mean –

A One of the two.

Q And isn't it the case that the article or the source said something to the effect, You should look at this charity because the physician who's endowing it is the same guy who's going to get the chair?

A I don't really remember those details. You really have to talk to Tania Ibanez or Wendi Horwitz.

* * *

[Day Three, Vol. II: Page 92]

Q And you wouldn't use your administrative subpoena power in order -- if you had it to ensure you got all the evidence?

A As IRS likes to say, it's all facts and circumstances. I can't say in what percentage of the cases we thought we needed to use subpoena power to get everything we needed before filing. I certainly filed lots of cases in which I didn't use subpoenas.

Q And how many of those --

A But I'm sure others have.

Q How many of those other cases were incidences in which you were sure you received all the information that you needed from the charity?

A Well, if we sent an audit letter and say, We're coming in to look at your books, and they let us come in to look at the books, we get the evidence. We don't need the administrative subpoena. And the vast majority of investigations are handled that way.

Q Fair enough. So the audit process where they allow you to actually go into their offices or get access to their records and you can -- your people can sit there and peruse them, take notes, take copies, et cetera, et cetera, that's the normal -- that's the way to do an investigation?

A Well, that's the preference, because we have limited staff. And besides, that would indicate that

the charity was kind of interested in resolving the problems.

Q So fair to say, even though you don't really remember that much about L.B. Research, you probably used the audit process or a subpoena process in order to investigate that case?

A It just –

Q Or you don't remember?

A I don't remember that. I remember the facts. I remember the egregiousness of it to me, but there were two DAGs handling it, and I was just looking at the high-level stuff.

Q What about the animals for Katrina -- excuse me, the Animal Victims of Katrina?

A I was supervising that.

Q That one you said 2 to \$3 million. That's a lot of money.

A Actually, there was more, but they could arguably say that some of it had been used for related purposes.

Q Understood. And as to that one, you used an audit process or a subpoena process; right?

A Used -- I think -- I don't remember. Again, it was one of the two. We had -- I remember that there was a review of the charity's books and records. I don't remember if they cooperated or we had to get the subpoena.

Q And, again, as far as you know -- well, actually, not as far as -- well, as far as you know, Americans for Prosperity has never been the subject of a complaint of any sort?

A Well, I don't recall ever seeing a complaint about them. I don't recall ever hearing the name until my deposition was noticed.

Q Had there been a complaint, there's nothing that would have stopped you from being able to use your audit powers or your other powers; is that right?

A No, if it was considered to be a valid complaint that needed to be pursued.

Q You'd use the process; right?

A We would try the informal process first, and if that didn't work -- but even the complaints that are pursued, that's triage too, because -- our definition of triage, because it's always going to be the case that represents the most harm to charity, because all the section's about is recovering misplaced -- or misapplied assets, getting rid of fraud and giving that -- getting that money back to use for the purpose it was intended.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day Four

Excerpts from the Trial Testimony of Belinda Johns
February 26, 2016

* * *

[Day Four: Page 9]

[By Mr. Burck]

Q Okay. So –

A The only security procedures I ever had to implement were to receive investigative documents.

Q Understood. So your testimony is that when you'd receive investigative documents, that's the only

time that you would have to take any kind of security precautions, your understanding?

A IRS security precautions.

Q IRS security precautions.

A Yeah.

Q And I think you testified about -- on direct about taking certain steps to protect Schedule Bs. Do you recall that?

A Yes.

Q And those were -- included having a copy that was stored in a filing cabinet, that kind of thing?

A No. That was for the investigative documents. Schedule B -- well, first of all, the investigative documents we received when California was part of the pilot project -- which is what it was called -- was a wholly different protocol. I was allowed to receive envelopes from IRS that contained investigative reports on specific charities and people -- disqualified persons related to specific charities. And those would have been very valuable in aiding us if we were already investigating or were planning -- or thought we needed to investigate because it was a California charity.

So I could receive those, and I signed up to do that in paper format. I had to keep them behind two locked barriers in a locked filing cabinet. I could have them in my office, but if I wanted one of my staff to look at them, they had to come to my office. They couldn't make notes. We couldn't rely on those documents to further a case. We had to independently confirm the name of the charity that -- and then ask that charity if they'd ever had any

correspondence with IRS. We couldn't tell the charity that we had received these documents from IRS.

So the whole thing became a fiction. We couldn't use them for our investigations. And then I had to shred them in accordance with the specific IRS shred. I couldn't keep anything on the website -- not on the website, but even on my desktop. I had to keep a log that was written in pen. And I did all those things, but in the end it was impossible to use what we were receiving even though it was valuable. So I was ready to let it go when I retired, and I think now the office has dropped out of that project.

* * *

[Day Four: Page 14]

Q (BY MR. BURCK) Let's turn to just the concept of electronically provided IRS information, information the IRS would provide to you electronically, right, that's regarding confidential documents. You understand what I'm talking about?

A No, because -- well, the only information the Registry ever received from IRS electronically were the 990s that came through the fed/state retrieval system.

Q Right. And that's because California, your office, declined to comply with the safeguards that the IRS required for receiving and using electronically provided documents from the IRS; isn't that right?

MS. GORDON: Objection, Your Honor, lacks foundation.

THE COURT: The objection is overruled.

THE WITNESS: I'll try to answer that question. We received complete 990s, together with Schedule B, through the fed/state retrieval system. I elected not to request the investigative documents when I was part of the pilot project in electronic format because it would require a three-day audit of our data center. These documents would not have gone into the Registry database. They would have gone into our document management system, and it was not something that I wanted to do unless it was going to be useful, for one thing; and two -- and it wouldn't be useful, as I now know, because I still couldn't use the documents. I had to do a workaround to even use them.

But secondly, the documents would go in -- if I put them in the document management system that the office uses, it would have been -- the same level of security that's imposed on revenue agencies would have been imposed on our data center. I don't know if the data center has that level of security or not, but it didn't matter to me how I got the documents. Paper was just fine.

Q (BY MR. BURCK) It didn't matter to you how you got the documents?

A It didn't matter if I got them electronically. It wasn't going to be any difference in the way I could use them.

Q Who would have conducted the audit you mentioned, the three-day audit?

A IRS contracted with PriceWaterhouse for that.

Q And you didn't want to go through that process; right?

A No, it wasn't that I didn't want to go through it -- I didn't think the data center would want to -- but it was more that I didn't need to have that level of access. And in part, that was because at the beginning we had no idea if the volume of documents we received were going to be useful.

Q Okay. So fair to say -- and I'll wrap up this line of questioning -- that you did not -- and when I say "you," I'm talking about also your section -- chose not to put in the safeguards that the IRS required for electronically provided confidential documents?

MS. GORDON: Objection, Your Honor, asked and answered.

THE COURT: The objection is overruled.

Q (BY MR. BURCK) That's a yes or no question, Ms. Johns.

A Well, except -- it's yes or no except that I wouldn't have been putting the safeguards in. It would have been the Hawkins Data Center that would have to do it, and I didn't ask them to do it.

Q Again, this is not something you did because you didn't personally do it? Is that what you're saying?

A It wouldn't have been me. It would have been the Hawkins Data Center.

Q Does the Hawkins Data Center make those kind of policy decisions?

A I don't know how they work --

Q So --

A -- I just -- I don't think that -- I have no idea. Yes, they -- I'm sorry, I don't know.

Q You don't know, okay. So you don't know who would have made the policy decision to not put in place the IRS safeguards? You have no idea?

A I never discussed it with anyone. I made a decision –

Q So it just happened? You made a decision?

A I made a decision on behalf of the section to receive the documents in paper format and not -- not even deal with the possibility of receiving them electronically.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day Five, Volume I
Excerpts from the Trial Testimony of Kevis Foley
March 3, 2016

* * *

[Day Five, Vol. I: Page 4]

THE COURT: All right. Call your next witness.

MS. SOICHET: Defendant calls Kevis Foley.

THE COURTROOM DEPUTY: Please raise your
right hand.

(The witness, KEVIS FOLEY, was sworn.)

THE COURTROOM DEPUTY: Thank you.
Please take a seat.

Okay. And please state your full and true name for the record and spell your last name.

THE WITNESS: Kevis Michelle Foley, F-O-L-E-Y.

THE COURT: All right.

DIRECT EXAMINATION

Q (BY MS. SOICHET) Good morning, Ms. Foley.

A Good morning.

Q What was your last position with the California Department of Justice?

A Registrar of Charitable Trusts.

Q And when did you start in the Registry?

A November 2005.

Q And how long did you serve there?

A A little over ten years until -- well, actually a little under ten years. Until September of 2015.

Q And you said you were the registrar. What was your role as registrar?

A The role of registrar is overseeing the day-to-day operations of the Registry of Charitable Trusts.

Q And what are those operations?

A The enforcement of the -- the supervision of trustees and fundraisers for charitable purposes. I have registration reporting requirements related to those laws.

Q How is that work divided among the office?

A It's separated up programmatically. So for instance, we have the registration program and the renewal program, and then we have a delinquency

program and a dissolution program. Those are all related to the charity registration reporting requirements. And we have a charitable raffles program, as well as a commercial fundraiser program. And then sort of a general front desk area, I'll call it, for lack of a better term, that makes sure all the mail gets processed every day. They sort of supervise the students, set their schedules, and then they also do all the prepping of the documents for scanning and oversee that scan project.

Q And what is the bulk of the work of the Registry of Charitable Trusts?

A Processing the annual filings that come in for the charities.

Q How many renewals do you process per year, approximately?

A The year before I left, it was 60,000-plus.

* * *

[Day Five, Vol. I: Page 9]

Q You said earlier the bulk of the Registry's work was to handle renewals. What specific forms are charities required to file with the Registry every year?

A They're required to file the state form, which is the registration renewal fee report, or referred to as the RF-1, along with a copy of their tax return, the Form 990 as filed with the IRS, if they file one, and pay a fee.

Q I'm sorry, what was that?

A And they also pay -- submit a fee if a fee is owed for the registration renewal.

Q And how do most renewal filings come into the Registry?

A They come in paper in the mail.

Q Do they come evenly throughout the year?

A There are -- they do come throughout the year, but there's a couple of peak filing periods in May and November, related to whether the organization's fiscal year end is December or June.

* * *

[Day Five, Vol. I: Page 15]

Q And when was the public's website up and running?

A I think it was 2008 sometime, but I'm not positive.

Q And how long did it take for the Registry to scan and upload public files to the website?

A They started scanning them in 2007, once they had the ability to store the documents. And up until -- you know, it took them, I want to say, two, three years before they got all the original legacy files scanned. And then they started scanning the documents that had come in since those files went off the shelf. So newer filings, annual filings.

Q When you say "legacy" documents, what do you mean by that?

A Those would be old files -- the original files that were on the shelves prior to automation.

Q And since automation, do you have a sense of how many pages of paper documents have been converted?

A I want to say -- pages? 7 to 8 million.

Q You said earlier that most renewals come by mail. What percentage of renewals would you say come that way?

A Probably about 95 percent, if not more.

* * *

[Day Five, Vol. I: Page 27]

Q Who can access a charity's Schedule B?

A The only people that can access it are the people that work in the Registry and staff of the Charitable Trusts Section, the deputy Attorney Generals and investigative auditors.

Q And how are they able to access it?

A They access it through the back-end database of My License Office.

Q Are there any restrictions on that access?

A Yes, there is. There's -- each individual PC that's going to be accessing the My License Office, they have to have -- the IP address of that computer has to be authorized, as well as they also get a logon and passwords that are assigned to them when they're hired.

Q Does the Registry share Schedule Bs with other staff members of the Attorney General's office?

A No. Not other than the Charitable Trusts Sections attorneys and investigative auditors.

Q What about other law enforcement?

A No.

Q Other state agencies?

A No.

Q Does the Registry train all staff on this confidentiality policy?

A Yes.

* * *

[Day Five, Vol. I: Page 33]

Q Who notified you?

A I think in one case it was one of the deputy Attorney Generals. One of the investigative auditors I think it was the other case. And then ones that hadn't been made -- that we had discovered on our own within the Registry would just be brought to my attention by a staff person.

Q And what would you do at that point?

A Just check/uncheck the box that was making the document public in the record.

Q I'm sorry, you would check or uncheck a box? What do you mean by that?

A Part of the upload process to make a document available for viewing in the Registry as an electronic document was checking a box whether the document was to be made public or not. So the default is that it's not public, and the checked box would mean that it is public. So if we discovered a document had been inadvertently made public, we would just go into the record to that document and uncheck the box.

Q Did you ever notify the charities that their Schedule B had been inadvertently posted on the website?

A No.

Q Did you -- would you notify anyone at all?

A No.

Q Why not?

A It was just part of the office process. So, I mean, I didn't feel that it was really necessary, as far as I knew, to notify anybody. If it was a staff member that had inadvertently done it, I would -- you know, obviously I would go to them and let them know that, You need to be more careful when you're uploading the documents, make sure you don't make a, you know, confidential document public.

Q At any point in your tenure, did you create a -- did you ever search for public -- for documents that had been made public that shouldn't have been?

A We did develop a query to go out and look for documents that were potentially confidential documents that had something in the naming of the document that would lead us to believe it should be confidential.

Q And when approximately did that occur?

A I want to say it wasn't until maybe 2012, '13.

Q And was there any follow-up after those searches?

A We would get a weekly -- a weekly report of those documents that were -- potentially should not have been uploaded as public. And we would look at the individual documents to determine whether they should or should not be. And if they were, then we would obviously go in and make them confidential. Or sometimes it just -- if it was -- a document that had the wrong scan sheet, so it was named as a confidential document but it really wasn't, so we would go in and change the name of the document.

* * *

[Day Five, Vol. I: Page 63]

[CROSS-EXAMINATION]

[By Mr. Burck]

Q But before that happened, before they got the review piece, there are thousands of documents, tens of thousands of documents?

A Excuse me? For the scan –

Q That were reviewed –

A -- the scan –

Q Before -- when they were going to scan the documents. Thousands? Tens of thousands of documents? Hundreds of thousands of documents that are reviewed by the seasonal and the students to check for confidential information; right?

A Yes, pages of documents, yes.

Q Thousands, hundreds of thousands, tens of thousands? Lots?

A Lots.

Q And it wasn't the full-time staff that would be doing that; right?

A Not for the most part, no. Again, they were -- sometimes the office technicians would do that as well, just depends on what workload was. And of course during the training process, they would be going through the documents with them.

Q But you would agree with me that the vast majority of those documents were reviewed by seasonal and students, right? Seasonal workers and students?

A That's correct.

Q Now, you testified that in 2010-2011 time frame, this is when there was the decision -- there was a decision made to make the process of finding deficiencies with Schedule Bs more systematic; right?

A Well, overall, the process in the office was to make sure -- we had more staffing then, and we also -- that was when we did our first mass mailings. So the process of, you know, what we're going to ask for, specific, how you're going to do the deficiency notices, delinquency notices, how they're going to be entered into the databases when different deficiencies are there, all those were -- you know, you're always changing process. So it was just part of the changing of the processes of how to get -- the most efficient way to do the work and also maintain the goal of the Registry to get all the filings that are required to us in a timely manner.

Q Okay. So but bottom line, staffing. There were more staff now to help you look for Schedule Bs that were missing?

A Yes.

* * *

[Day Five, Vol. I: Page 81]

Q And you mentioned this -- this -- I think it was a weekly update that you'd get about problems with confidential documents on the website?

A Possible -- yes, possible confidential documents that are public.

Q And can you, sitting here today, identify anybody else, other than Ms. Rose, who you talked to about the mistakes that were made?

A Not specifically, no.

Q When you say "not specifically," do you think that there were some, you just can't remember who? Or you don't know?

A I'm with staff all the time, so that would be just one of the things they may have made inaccuracies in and they would have been talked to about.

Q But there was no discipline brought for any confidential -- anyone who brought -- who uploaded or mistakenly posted confidential information; right?

A Not that was let go specifically for schedule -- Schedule B, no.

Q Okay. Anybody demoted for Schedule B uploading?

A No.

Q Anybody had their pay docked for Schedule B uploading?

A No.

Q Anyone get a formal letter in their file for Schedule B uploading?

A No.

Q Anybody get an e-mail saying, you know, You should take this as a warning to cease doing this because it could have repercussions for you?

A No.

Q And, in fact, I think when -- you were deposed in this case; right?

A Yes.

Q And I think you said -- and if you don't recall -- but that it was just part of the daily work for your staff to find confidential documents in the public website; right?

A Not that they -- I'm not sure what you're asking. I never said they found them daily, but it was part of their work to look for -- to see if there were any inadvertent ones. And the staff had the ability to make the documents confidential as well. So it's possible they came across one themselves and corrected it. I wouldn't know about it necessarily.

* * *

[Day Five, Vol. I: Page 84]

Q Well, during the several years prior to your deposition when you had the weekly updates about confidential information that might be uploaded, I think you also testified on direct that you had a meeting or a process where you'd have a search done for confidential documents; right?

A That was that weekly --

Q Weekly --

A -- query that was run, yes.

Q That was the weekly -- that search led to the weekly reports?

A No, the search was the weekly report.

Q The search was the weekly reports. And that was for 2012, 2013, 2014, 2015, roughly?

A I don't even believe it started that early. You'd have to question my tech person that worked on it. I don't remember the first day we got the first report.

Q Okay. But during that period, did you find thousands of Schedule Bs that had been inadvertently uploaded in that process?

A No.

Q Did you find hundreds?

A No.

Q Dozens?

A Dozens, maybe less. I don't even know. I want to say definitely less than a hundred. Maybe 25, 30.

Q Maybe 25 or 30?

A That were identified by that query, yeah.

Q Okay. And just to be clear, you pulled those down when you found them?

A Well, we made them confidential, yes, and took them off the public website.

Q Took them off the public site. But, again, you didn't tell anybody -- those charities, that, in fact, that their Schedule Bs has been inadvertently posted?

A No.

Q Now, I think when you were testifying in your deposition, when you learned about the 14 -- the thousands, I'll put it that way -- it was 1400 at the time, but it was more later -- the thousands of confidential Schedule Bs that were found in the website as of the time of your deposition, you said that you wanted to hire a programmer to help the Registry identify Schedule Bs that was missing; right? Do you remember saying that?

A Jokingly, yes.

Q Jokingly. But you did say -- and maybe this was a joke too -- that you don't have anybody currently on staff -- or programmer currently on staff who could do a search like the one that had identified the 1400 at the time.

A We didn't have anyone at the time I was there that -- able to do that type of a search in the back end, yeah.

Q Okay. So Mr. Harryman is not somebody you consider to be capable of doing that?

A I don't believe we thought that we had the ability to search the documents like that, because of the way they were uploaded; they weren't really made searchable. So I didn't know you could even do that.

Q Did you ask anybody before you left whether or not it was possible to do something like that?

A No.

Q Did you ask Mr. Harryman -- or did you confirm with Mr. Harryman that he did not have the capability to do that?

A No.

Q So this is an assumption again?

A Yes.

Q And is it fair to say that you expect the charities themselves to check the website to make sure that their information is not -- their confidential information is not inadvertently posted?

A Well, I don't expect them to, but definitely if they have a concern about it, they would -- I would

assume they would check the website to make sure that that hadn't happened.

Q So if they have a concern, then you think they should check?

A Yes.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day Five, Volume II
Excerpts from the Trial Testimony of Kevis Foley
March 3, 2016

* * *

[Day Five, Vol. II: Page 5]

THE COURTROOM DEPUTY: This Honorable District Court is now in session. Please come to order.

THE COURT: Redirect?

MS. SOICHET: Your Honor, we have no further questions of Ms. Foley.

THE COURT: I may have some questions. Ms. Foley, has the registry of the trust and you as registrar determined the confidentiality of a Schedule B?

THE WITNESS: No.

THE COURT: You have not made any determination of confidentiality?

THE WITNESS: Well, we treat them confidentially because the IRS treats them as confidential documents. So as far as I know, since my period as registrar, we have always followed the IRS's lead on that.

THE COURT: What does the attorney general get from the Schedule B? What information do they use?

THE WITNESS: I don't know how it's individually used by the investigative auditors and the DAGs in the charitable trust section, but the information on there is donor information for the charities.

THE COURT: And what information does the registry of the trust have with reference to the information that's on Schedule B?

THE WITNESS: The registry itself doesn't use any of the information on there. We just collect it as one of the schedules that's part of the 990 that we collect.

THE COURT: Then why do you look for the Schedule B?

THE WITNESS: Because it's one of the schedules, and we require that the 990, as filed with the IRS, the entire thing be submitted to our office.

THE COURT: For what purpose do you look at a Schedule B?

THE WITNESS: Again, it's just because it's part of the form itself, and we collect the entire form.

THE COURT: What information do you want from the Schedule B that is used by you?

THE WITNESS: By the registry?

THE COURT: Yes.

THE WITNESS: The registry doesn't use any of the information on the Schedule B.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day Five, Volume II

Excerpts from the Trial Testimony of
Christopher Harryman

March 3, 2016

* * *

[Day Five, Vol. II: Page 6]

THE COURT: All right. You may step down.
Call your next witness.

MR. ZEPEDA: Your Honor, the defendants call
Mr. Chris Harryman.

THE COURTROOM DEPUTY: Mr. Harryman, if
you can come down this way.

You can stop right there. Turn around. Please raise your right hand.

**CHRISTOPHER PAUL HARRYMAN, DEFENSE
WITNESS, WAS SWORN**

THE WITNESS: I do.

THE COURTROOM DEPUTY: Thank you. Please take seat.

Please state your full and true name for the record, and spell your last name.

A Christopher Paul Harryman. The last name is spelled H-a-r-r-y-m-a-n.

* * *

[Day Five, Vol. II: Page 24]

[CROSS-EXAMINATION]

[BY MR. FORST]

Q You were deposed in this case on December 15th, 2015 by me. Do you remember that?

A I do.

Q Do you remember telling me that after you had been -- well, in connection with this case, you had been provided, over periods of times, lists from the plaintiff of confidential documents that have been discovered on your website, correct?

A Yes.

Q Okay. And you testified on direct you immediately went and took those down, right?

A As soon as I was made aware of them, yes.

Q But you also don't know, as you're sitting there today, for how long any of those documents --

any of those confidential documents were on the website before you took them down?

A I did analysis -- I had similar analysis for all of the batches, sets of documents that were provided to me, and provided those to management.

Q Sure. And similarly, some of those documents had been available even going back to 2008, just like Exhibit 720?

A Some of them were not all the way back to 2008, but it was roughly the same kind of bell curve, yes.

Q So they were available for years. Even though you took them down immediately, they were available on the website for years; am I right?

A Some of them were, yes.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day Five, Volume II
Excerpts from the Trial Testimony of David Eller
March 3, 2016

* * *

[Day Five, Vol. II: Page 61]

THE COURT: All right. You may step down.

Call your next witness.

MR. ZEPEDA: Your Honor, defendants call Mr.
David Eller to the stand.

THE COURTROOM DEPUTY: Walk straight
through. You can stop right there. Turn around.
Please raise your right hand.

**DAVID EDWARD ELLER, DEFENSE WITNESS,
WAS SWORN**

THE WITNESS: Yes, I do.

THE COURTROOM DEPUTY: Thank you. Please take a seat. Please state your full and true name for the record, and spell your last name.

THE WITNESS: David Edward Eller, E-l-l-e-r.

DIRECT EXAMINATION

BY MR. ZEPEDA:

Q Mr. Eller are you currently employed?

A Yes, I am.

Q And what is your position?

A I am the registrar for the Registry of Charitable Trusts in the Department of Justice, State of California.

Q And how long have you been the registrar for the registry?

A I started August 17th of 2015.

Q And what is the registry?

A The registry is a state department that manages the registration of charitable trusts who are actively fundraising in the state of California.

Q And what is the purpose of the registry?

A Its responsibility is to uphold the regulations that require the qualified organizations to register and to submit required documentation.

Q Could you give me an approximation of how many people work for the registry?

A Currently we have a little bit over 40.

Q Does the registry have any role in investigations of charities?

A Not directly. The registry's primary function, as I mentioned, is to intake documentation relative to the initial registration, subsequent renewals, if there is a change in the organization, a dissolution. And other administrative matters/ investigations are handled by our legal and investigative team.

Q How many charities are currently registered with the registry in California?

A I don't have an exact number, but a good approximation would probably be about 118,000.

Q How is the registry organized?

A We break our functions into logical segments following the timeline of an organization. When they first come in, we have a program for registration. We have a program for renewals. We have a program for dissolution. We have a program for complaints, for commercial fundraising and for raffles.

Q And what is your role as registrar?

A I manage all the people and processes who perform the functions within those programs that I just noted.

Q You talked about investigations, and you mentioned that those are handled by a different section of the Department of Justice, correct?

A That's correct.

* * *

Q Are you aware of any Department of Justice policy regarding confidentiality of documents?

A Yes. There's an overarching policy within the Department of Justice that addresses security, data security, information security, yes.

Q Are employees of the registry trained regarding the Department of Justice policy regarding confidentiality?

A Yes. As part of the initial onboarding of a new employee, they are required to read the security information disclosure form, which is a standard justice form, and read it and then sign an attestation. In addition, there's annual mandated training for security and confidentiality of information.

Q Earlier you discussed the procedures within the registry for handling confidential documents. Are employees of the registry trained in that?

A Yes, they are.

Q And how is that training implemented?

A All employees are given general training when they come in, and then they're given specific training relative to the program that they are going to be working in. And so they are made aware of the document types they will be handling. And based on that, obviously there's going to be classifications for public and nonpublic, and they are given instruction on how to process those documents.

Q Are these procedures enforced in any way?

THE COURT: Haven't we already had those procedures by three other people?

MR. ZEPEDA: I can move on, Your Honor.

Q Does the confidentiality policy cover Schedule B information?

A Yes, they do.

Q In your capacity as registrar, have you been involved in reenforcing or training your staff about the confidentiality policy?

A Yes, I have.

* * *

[Day Five, Vol. II: Page 73]

A There is no official program for document management. We have a document management team, and their responsibility is to support all of the programs' -- all of the programs' intake documents. So all of the management team is -- I consider them the hub, and the programs are the spokes, and they serve as the needs of all the programs.

Q And what is the -- what does the document management team do?

A Pretty much what the label describes. They intake the initial documents for the program. They identify them, sort them by program, and then distribute them to the programs. The programs then utilize those documents to address whatever issues they're handling, and then those documents are then managed -- given back to the document management team so that they can then be processed for indexing, classification, and uploading to our system.

Q Can you give us a rough idea how many documents come into the registry on a particular week, for example?

A Well, that's a little difficult, and let me explain why I say that. There are certain times of year when

certain deadlines are upcoming, and we get a large volume of documents when renewals are done or when renewals are expected and so forth. I would say on average, though, we're probably intaking maybe about 3- to 600 pieces of mail a day under normal conditions.

Q And does the registry see documents via any other way other than mail?

A We do get documents. We do get e-mails, documents that might be e-mailed to us, but principally we are pretty much getting paper.

Q And can you break it down roughly in percentage how many documents you receive via mail versus how many are received electronically?

A 90-plus percent would be paper.

Q You discussed the steps that the registry took place -- the steps the registry took going forward to try to address the concerns about inadvertent disclosures. Do you remember that?

A Yes, I do.

Q As the registrar, do you feel that this will address that problem?

A I think it's -- I think those are very positive steps, and I know that's based on the results that we have been able to obtain as a result. Are there other things that we can do? We are constantly looking for new ideas. One thing that we are doing from a document management perspective is to move the responsibility, shift the responsibility from the document management team for the classification of documents back to the programs so that the experts, the most knowledgeable experts, based on the

document types are looking at those and making decisions. So we are in transition, as we speak, to do that. We feel that will provide incremental value and help reduce or improve quality and reduce error rates.

Q Now, as part of its process, the registry handles the Schedule Bs; is that correct?

A Yes, they do.

Q And those documents are considered confidential by the registry?

A Yes, they are.

Q Who has access within the registry to the Schedule B and other confidential documents?

A Basically all registry staff.

Q Outside registry staff. Does anyone have –

THE COURT: Counsel, why don't we make a situation to what use do they put the Schedule Bs that they get?

MR. ZEPEDA: Yes, Your Honor.

Q Mr. Eller, does the registry put the Schedule B to any use as part of its day-to-day business?

A No, they don't. This information is utilized by our legal and audit team, so -- but to answer your question, no, the registry does not.

* * *

[Day Five, Vol. II: Page 86]

[CROSS-EXAMINATION]

[By Mr. Shaffer]

Q Did you get any outcry from the attorney general's office or from anywhere else that they

didn't have access to important tax documents that they needed?

A No.

Q Did you have any indication that there was a bottom-line impact based on the fact that you were running these extra protocols on the documents before uploading them?

A Well, we anticipated that would be a value-added process for everyone, for the organizations that were submitting information, for them to understand that we were taking the utmost care in classifying their docs and performing our job as we're supposed to.

Q And you felt that even if it meant that the attorney general's office would go without months for the tax documents that were awaiting uploading, right?

A Our goal is to always upload information as quickly as possible, but we have to ensure it's accurate.

* * *

[Day Five, Vol. II: Page 94]

Q Now, you haven't investigated the extent to which more Schedule Bs might still be available on the registry's website today, have you?

A I'm not sure I understand your question.

Q Well, do you know how many Schedule Bs that ought to be treated as confidential are right now still publicly available on the registry's website?

A To my knowledge there are none, otherwise we would have fixed them. Are you saying I'm aware of

items that I need to take action on? No, I'm not aware of any action.

Q The protocols that you are describing are protocols that you are putting in place going forward, correct, as far as Schedule Bs and other confidential documents that have yet to be uploaded?

A Right. These processes are in place, so they have been ongoing, but yes.

Q There really hasn't been a discussion about doing some sort of scrub of the database looking backwards, has there?

A That's correct.

Q So you can't assure the Court that no additional documents that should be confidential are right now publicly available, can you?

A That's correct, I can't certify that.

Q Well, nor can you put an upper bound on how many supposed-to-be-confidential documents are right now publicly accessible on the registry's website, can you?

A I can only comment to what I know. I don't know what I don't know.

Q Do you agree that you and the registry have more work to do before you can get a handle on maintaining confidentiality?

A I agree that quality -- we can always do better across the board. Quality is certainly a very critical piece of our job and we are always striving to do the best we can.

Q And you need to be doing better, don't you, Mr. Eller?

A Well, the goal is a hundred percent. The ideal goal is a hundred percent. We are not at a hundred percent, so ideally there is room for improvement.

Q And when you learned that the Schedule B that's supposed to be confidential is, in fact, publicly accessible, you consider it imperative to fix that problem ASAP, don't you?

A We make the correction of error as a top priority.

Q In fact, you feel that the correction of errors needs to happen immediately, don't you?

A As soon as possible.

Q And I think you testified that when Schedule Bs were brought to your attention, that happened within 24 hours?

A Yeah, I believe that's correct.

Q That's a point of pride for you, isn't it?

A It's a point of responsibility.

Q And it's a point of responsibility because every single one of these public disclosures of a confidential document has a high degree of impact, doesn't it?

A It's part of our job to do the right thing, so my responsibility is to make sure that we are doing the right thing.

Q Because you do recognize that these instances where there's an inadvertent disclosure, they have a high degree of impact, right?

A I'm not making -- I have really not made a value judgment on the content of the information. I just know that these documents need to be coded a

certain way. They were incorrectly coded, and so my responsibility is to fix errors that have been created.

Q Well, do you recall testifying at your deposition that “Obviously there’s a scale of impact. In my opinion this had a high degree of impact, and, therefore, required a high degree of attention”?

A I don’t deny saying those words. I’m not sure of the context of that statement, but in general, I would say that errors are very important to us. We take pride in the quality of our work, and we want to fix errors that we have created.

Q And that’s true regardless of when the error happened, even if it’s an error associated with an improper uploading dated back to 2008, 2009, 2010, right?

A Well, I’m not going to ignore anything that I’m aware of, so if there are errors that are outstanding, our goal would be to fix them and address them.

Q And you treat them with the same degree of sensitivity and importance, don’t you?

A With what else?

Q Regardless of when -- what the time period is, whether it’s an error that dates back to 2008 or it was one that was made last week, you treat it with the same degree of sensitivity and importance, don’t you?

A Our goal is to -- if there’s something that needs to be fixed, obviously we are going to try to make sure that we fix it.

Q And that’s true regardless of time period? That’s my only question.

A As it pertains to documents that should be nonpublic on the website, sure.

Q And you don't have anyone at the registry whose specific responsibility is enforcing confidentiality protections and making sure that everyone is abiding by them, do you?

A Well, I would say that's my primary responsibility, and that's why I instituted those additional controls.

* * *

[Day Five, Vol. II: Page 102]

Q You just said you believe there are confidentiality provisions within the contract with the vendor, correct?

A That's correct.

Q So my question is what is your basis for testifying to that?

A By the fact that I have taken a look at that.

Q When did you do so?

A It was subsequent to my deposition.

Q Because this question came up at your deposition and you didn't know the answer then, did you?

A I did not.

Q Do you know whether the contract that you're referring to has been produced to us?

A No, I do not.

Q Lets talk about Hines. Is it true that Hines is an outside vendor that scans documents and then prepares them for uploading by the registry?

A That's correct.

Q Are you aware that Hines has come into possession of confidential Schedule Bs that was improperly treated as public for some period of time?

A That's correct.

Q What have you done to ensure that Hines is maintaining the confidentiality of those materials?

A Again, that's part of -- what am I doing? They are -- as far as their handling or use of that information? I'm not sure I understand your question.

Q That is the right understanding of the question.

A I believe they are bound contractually to confidentiality. There's a confidentiality clause within their contract.

Q Have you asked them what they're doing to return or destroy Schedule Bs that they are improperly in possession of?

A They returned the hard copy information to us.

Q What about the electronic copies that were created in scanning them?

A They provide those to us as well. We upload those.

Q My question is what have you done to ensure that they have returned or destroyed all of the electronic copies that they have made of the documents that were scanned for the registry by Hines?

A They return that information to us on a bi-weekly basis.

Q Have you asked them whether they retain any copies?

A No, I have not.

Q Have you told them that there were confidential Schedule Bs that they should never have been in possession of that they, nonetheless, have come in possession of?

A No, I have not had that conversation with them.

Q Another vendor you have is Pacific Storage; is that correct?

A That is correct.

Q Pacific Storage stores all of your archived documents?

A Correct.

Q So Pacific Storage is in possession of confidential Schedule Bs, isn't it?

A Yes, they are.

Q What are you doing to ensure that they are maintaining the confidentiality of those confidential Schedule Bs?

A Nothing beyond what I have done with the other vendors.

Q Which is to read a provision of the contract?

A That's an umbrella contract, so I have read the security confidentiality provisions within that contract.

Q Have you spoken to them or have you communicated to them specifically around those confidentiality provisions and how they apply to the Schedule Bs that we are talking about?

A No, I have not.

MR. SHAFFER: All right. Let me offer up into evidence, Your Honor, and I believe we have a stipulation on this, what's been marked as Exhibit 534 – I'm sorry, I apologize.

It's not yet admitted, so please don't put it on the screen.

But I would ask Mr. Eller if he could turn to his witness binder.

Q And I think you will see a Tab 534 in there.

THE COURTROOM DEPUTY: Did you find it?

THE WITNESS: Yes.

THE COURTROOM DEPUTY: 534 is identified and placed before the witness.

(Exhibit 534 for identification.)

BY MR. SHAFFER:

Q Mr. Eller, is this the umbrella contract that you were just testifying about?

A One moment, if I may look at this.

Q Yeah, please.

A This appears to be part of the contract. I can't say word for word whether it's exact.

Q And am I correct that in the upper right-hand it says "Pacific Storage Company," there is a stamp on there?

A Correct.

Q And if you turn to the next page, I think you will find Exhibit D, Special Terms and Conditions.

A Yes, I see that.

Q Is this consistent with your review of the confidentiality provision that you were just referring to?

A Again, yes. Again, I can't validate that it's, you know, the full, complete version word for word and so forth, but it appears to be consistent with what I looked at.

Q Can you recall having reviewed anything that you don't see reflected in this Exhibit D that speaks to confidentiality of schedule Bs or other such documents?

A I really can't say.

Q You can't say, as you sit here today, whether you have seen anything other than this?

A That's correct, I mean --

Q Can you look at the confidentiality data provision there?

A On Exhibit D?

Q Correct, yes, the second page.

A Which section? The third to the bottom?

Q Third from the bottom where it says in bold and then underlined "Confidentiality of Data."

A Okay.

Q Do you see that?

A Yes, I do.

MR. SHAFFER: Your Honor, for the sake of the screen and everyone's benefit, I would respectfully move this exhibit into evidence at this time.

MR. ZEPEDA: Objection, Your Honor; hearsay.

THE COURT: 534 in evidence.

(Exhibit 534 received.)

BY MR. SHAFFER:

Q Mr. Eller, do you see in that first sentence where it refers to financial, statistical, personal, technical and other data and information relating, and then continuing on, which were designated confidential by the Department of Justice?

A Yes, I do.

Q What are you aware of the registry or the Department of Justice having done to designate the relevant Schedule Bs as confidential?

A I'm not sure I understand the question.

Q I am asking it the best I can.

Can the court reporter read it back, please?

(Record read.)

THE WITNESS: Again, I am not trying to be difficult here or anything. Are you talking about how we designate those, or how we make the vendor aware of how we make it confidential? Is that your question?

BY MR. SHAFFER:

Q Yes.

A So documents are, for lack of a better term, labeled and indexed by type and put into boxes. So the boxes indicate the content, the nature of the

contents, which would include the document type. So confidential documents are labeled as such.

Q And for a Schedule B that's not been properly labeled as such, has the registry or the Department of Justice done anything to convey to Pacific Storage or any other vendor that those documents, too, ought to be treated as confidential?

A I'm not sure I understand your question.

Q Have you done anything, sir, to convey to Pacific Storage or any other vendor that, in fact, although certain Schedule Bs were mistakenly not labeled as confidential, they are, nonetheless, entitled to confidential treatment and should be handled as such by the vendor?

A It's my understanding that --

MR. SHAFFER: I am going to ask for a "yes" or "no," I'm sorry, Your Honor, but a "yes" or "no."

THE COURT: That can be answered "yes" or "no."

THE WITNESS: I haven't had any specific discussions with Pacific Storage.

BY MR. SHAFFER:

Q Do you know of anyone having any specific communications with Pacific Storage or any other vendor around what we are talking about now?

A No, I do not.

Q Now, do you see later on in the clause, I think it's in the second sentence, they are a little bit long, but it refers to "If the methods and procedures employed by the contractor for the protection of the contractor's data and information are deemed by the Department of Justice to be adequate for the

protection of Department of Justice's confidential information, such methods and procedures may be used with the written consent of the Department of Justice to carry out the intent of this paragraph." Do you see the sentence I just read?

A Yes, I do.

Q Do you know of any such written consent by the Department of Justice to the procedures that are being employed?

A I would assume that those, if there were -- I can't say one way or the other, but those would be with the Department of Justice, the contract administrator for this vendor. I'm not the contract administrator for this vendor.

Q And as a result, you personally know nothing about that; is that fair?

A That's correct.

Q Do you know anything about the methods and procedures that are being employed by Pacific Storage in order to maintain confidentiality?

A My answer would be the same. No, I do not.

Q Do you know how many people at Pacific Storage may have access to Schedule Bs and other materials that are archived there?

A I have no idea.

Q Do you know anything about the extent to which members of the public can go to Pacific Storage and access archives there?

A No, I do not.

Q Do you see in the last sentence of this provision where it says "The contractor shall not be

required under the provisions of this paragraph to keep confidential any data or information which is or becomes publicly available”? Do you see that, sir?

A Yes, I do.

Q Have you had any communications with Pacific Storage or any other vendor about the extent to which the fact that Schedule Bs were made publicly available on the Web means that Pacific Storage or any other vendor no longer needs to treat them as confidential?

A As I mentioned earlier, I have not talked to Pacific Storage.

Q So you have no understanding on this point, do you, sir?

A I haven't talked to Pacific Storage.

Q Have you communicated with anyone else around this question, the question of whether the fact that Schedule Bs have been made public on the website means that Pacific Storage or some other vendor no longer needs to treat them as confidential?

A I have not talked to Pacific Storage, nor anyone else relative to this clause.

Q I want to talk briefly about the vulnerability that you learned about, I think, around October 26, 2015, the vulnerability being one where all of the registry's --

Well, let me step back and ask you, Mr. Eller, am I correct that you learned from Mr. Harryman on October 26, 2015, that documents that ought to be maintained as confidential by the registry had been designated as confidential by the registry were, nonetheless, accessible by members of the public by

manipulating the URL address rather than going through a link?

A I was made aware of the post-vulnerability by Mr. Harryman.

Q Well, in fact, it wasn't a potential vulnerability. It was an actual vulnerability. What was potential is that members of the public, by entering a particular URL address, would, in fact, be able to access and pull down a confidential document; is that right?

A Well, I'm probably not the best technical person as far as explaining or understanding the full details of the vulnerability, but it was my understanding that there was a potential for the public or for anyone to access it via the Verification site with proper knowledge.

Q Well, in fact, your understanding is that all of the supposedly confidential information maintained by the registry was, in fact, as of last October classified as public and made available to members of the public who were not intended to receive or have access to it, correct?

A I'm sorry. Can you repeat that?

Q Sure. Am I correct that the problem, as you understood it, is that all the supposedly confidential information maintained by the registry was, in fact, as of last October classified as public and made available to members of the public who were not intended to receive or have access to it?

A No, that's not my understanding.

Q All right. Do you recall that your deposition was videotaped?

A Yes, I do.

Q Do you recall that I specifically characterized the problem in one way, and you disagreed with my characterization and then offered your own account of exactly what the problem was, using your own words?

A No, I don't.

Q Okay. I just would like to play a short video clip for the benefit of the Mr. Eller and the Court. Deposition transcript we are going to be playing from, page 205, line 20, to page 206, line 2.

(Videotaped deposition played in open court.)

BY MR. SHAFFER:

Q Sir, do you stand by that characterization and the words that you used in your deposition?

A Upon hearing it, I know what I intended to say, but --

Q You misspoke?

A Yes, I did.

Q What would you correct in what Mr. Eller testified to on January of this year?

A There was the availability of that information to the public. They weren't classified as public, but they were made available to the public. So there was confidential nonpublic documents and public documents that were all made available. So I think I said that they were all classified as public, which is not -- it's a technical piece, but it's not technically true.

Q The problem that we are talking about, the problem you just returned to, extended across all of

the confidential documents maintained by the registry, didn't it?

A I don't know. The vulnerability allowed for access to more than what was -- should be made available to the public as far as could someone access every document? I don't know the extent to which they could access all documents, so I can't really truthfully answer that question.

Q As far as you know, hundreds of thousands of documents were exposed to this, right?

A I don't have a number.

Q You can't say it's a number lower than that, can you?

A I really don't have a number one way or the other.

Q You never asked anyone to ascertain exactly how many there were, did you?

A No, I did not.

Q Now, as soon as you discovered the problem on October 26, Mr. Harryman treated it as an emergency, didn't he?

A He reported it immediately. He went through the chain of command.

Q He explained having rushed out of the shower and straight into the office to investigate and report. Didn't he explain that to you?

A Yes, he did. He reported through the chain of command, and that was to me.

Q He was going through the chain of command in a emergency mode; wouldn't you agree?

A I would say yes, he made it an immediate priority for him.

Q And it was happening Monday morning. The Monday morning he was discovering it, he was reporting it to you, up the chain of command, correct?

A Correct.

Q Mr. Harryman specifically mentioned the option of taking the public website down pending a fix, didn't he?

A That was discussed, yes.

Q And Mr. Ralls at the Hawkins Data Center, he specifically recommended taking the website down, didn't he?

A Is that his testimony? I'm not familiar with that.

Q Let me ask you just your recollection. Yes, I would represent that is his testimony, but I'm honestly interested in just your recollection, Mr. Eller.

Do you recall being at a meeting where Mr. Ralls specifically recommended that the website should be taken down in light of this vulnerability?

A No, I do not recall that.

Q Do you recall offering to Ms. Ibanez the option of taking the website down?

A Yes, we discussed options. That was one.

Q Let me ask you to actually turn in your binder, if you could, to what's been marked -- I think it has Tab 546 on it.

This, Your Honor, I believe is already in evidence.

Do you have it in front of you, Mr. Eller, Exhibit 546?

A Yes, I do.

Q Am I correct this is an e-mail chain that you were on with Mr. Harryman, corresponding with Bassam, and I am not going to even try to pronounce Bassam's last name. Am I correct that Bassam is with the vendor here?

A No, he is not.

Q He is internal?

A Yes, he is.

Q Am I correct that Mr. Harryman was indicating to Bassam -- this is in the second e-mail down, time-stamped 12:16 p.m. --

"We will want to get an estimated time to fix in the next few hours so we can make a more informed decision about disabling Verification."

A I'm sorry. What is your question?

Q Do you recall seeing that e-mail from Mr. Harryman?

A I don't recall its existence. I don't have a keen recollection of this specific e-mail.

Q Do you recall having conversations with Mr. Harryman that Monday?

A Oh, absolutely, yes.

Q And specifically communications about taking the website down?

A Yes.

Q And, in fact, when Mr. Harryman said he wanted to get an estimated time to fix in the next

few hours, had you indicated to Mr. Harryman that that was important to you?

A Maybe not in those words, but certainly our goal was to be very quick about what actions were necessary.

Q I would ask you now to turn to Exhibit 385, which I believe has also been admitted.

Am I correct this is an e-mail thread that you, in fact, were on with Mr. Harryman?

A Yes, I'm on it.

Q Do you see where Mr. Harryman -- am I correct this is now Wednesday, October 28th, 2015?

A Yes, it is.

Q So this is two days after the vulnerability had been brought to your attention, isn't it?

A That is correct.

Q Am I correct that Mr. Harryman asks you in the second e-mail down, "Are we holding off a decision until at least a Monday meeting? Just wondering if shutting down Verification prior to Friday COB is still on the table."

Do you remember him sending an e-mail to that effect to you?

A We had discussions. I mean, I can't -- if I recollect these specific words, you know -- I can't.

Q Do you recall having e-mailed him back as reflected at the top, "Not necessarily. I will provide Tanya with Bassam's last update and let her decide"?

A We had discussions regarding the status of the issue, what the vendor's assessment was and what

actions we wanted to take, so this was an ongoing discussion. This was obviously one of those discussions.

Q And at this point in the discussion you were going to let Ms. Ibanez decide whether the website should be taken down; is that correct?

A That's correct.

Q Can you turn please -- this will be the last one -- Exhibit 384, which I believe has also been admitted.

A Okay.

Q Now, am I correct that at the top of that thread is an e-mail that you sent to Ms. Ibanez that same Wednesday, October 28th?

A It is from me, correct.

Q And am I correct that in the second sentence you say -- you wrote to Ms. Ibanez, "Please advise if you want us to move to a more aggressive position as an interim step while we wait for a fix to be made"? Am I correct that's what you wrote?

A That's -- that's what it reads, yes.

Q And when you refer to a "more aggressive position," you were referring to taking the website down in order to address the vulnerability, weren't you?

A Certainly that was one option.

Q What other option were you referring to when you said "more aggressive position" there?

A Well certainly that would have -- taking the website down would be the ultimate aggressive position.

Q But you were leaving that position to her, weren't you?

A That's correct.

Q And as a result, what happened on Thursday, sir? Was the problem fixed or the website taken down?

A No, it was not.

Q What happened on Friday? Was the website -- was the problem fixed, or was the website taken down?

A I believe the website was never taken down. The problem was fixed the following Monday or Tuesday.

Q I think it was Tuesday; is that right? It wasn't fixed on Monday, was it, sir?

A Again, it was Monday or Tuesday. I can't recall.

Q Okay. Why don't we turn, please, to number 388, also in the binder, also already admitted.

Can you just review that e-mail thread and let me know if that refreshes your recollection as to whether the problem was, in fact, fixed that Monday, November 2nd.

A It was -- let's see here. This indicates that testing validation had been done and that the fix had been made.

Q On Tuesday, November 3rd, correct, sir?

A It just indicates that MLO production is now back up.

Q Sir, do you have any distinct recollection of the problem, in fact, being fixed the day before, and then

it took a day for people to tell you “We fixed this problem”?

A No. I am just answering your question as you posed it to me.

Q But you actually just can't recall. This episode doesn't stand out in your mind well enough that you recall the problem was fixed on a Monday or Tuesday; is that your testimony?

MR. ZEPEDA: Objection; argumentative.

THE COURT: The objection is sustained.

MR. SHAFFER: Very well, Your Honor. Just a few more questions.

Q You didn't penalize Systems Automation, the vendor, in any way for this episode, did you, Mr. Eller?

A Can you be more specific about penalizing, your definition, or what you're trying to ask me?

Q Did you take any adverse action against the vendor based upon the vulnerability that we are talking about now?

A No.

Q Did you take any adverse action against anyone in the registry based on the vulnerability in the episode that we have been discussing?

A No.

Q Did you do anything to investigate or to ask anyone to investigate how many times confidential documents had been downloaded through this URL vulnerability during the time that it was in effect?

A No.

Q Did you report this problem to anyone outside the attorney general's office, apart from the tech people you called in to fix it?

A When you say tech people, are you talking about Systems Automation?

Q Correct, and IT people?

A No, we did not.

Q So neither you nor any of your colleagues made any public disclosure about this vulnerability and the fact that it existed, did you?

A I did not. I can't speak -- when you say my colleagues --

Q Well, did you ever see them making a public announcement, or did they ever convey to you that they were making a public announcement about the fact that this vulnerability had existed?

A To my knowledge, I am not aware of any.

Q Isn't it true, Mr. Eller that this episode only became known to the public because the plaintiff uncovered it in this case?

A I don't know. I don't have any comment.

Q You don't know any other of way that it came to public light, do you?

A I just don't know.

MR. SHAFFER: No further questions on cross, Your Honor.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day Six

Excerpts from the Trial Testimony of
Steven Bauman

March 4, 2016

* * *

[Day Six: Page 6]

THE COURT: All right. Call your next witness.

MR. CALIA: With the Court's permission the
defense calls Steve Bauman.

THE COURTROOM DEPUTY: Please raise your
right hand.

**STEVEN BENJAMIN BAUMAN, DEFENSE
WITNESS, WAS SWORN**

THE WITNESS: Yes, I do.

THE COURTROOM DEPUTY: Thank you.
Please take a seat.

Please state your full and true name for the record, and spell your last name.

THE WITNESS: Steven Benjamin Bauman, B-a-u-m-a-n.

DIRECT EXAMINATION

BY MR. CALIA:

Q Good morning, Mr. Bauman. Are you presently employed?

A Yes, I am.

Q What do you do for work?

A I am a supervising investigative auditor for the attorney general's office, charitable trust section.

Q How long have you held that position?

A I have been the supervising investigative auditor since 2001.

Q What did you do before that time?

A I worked as an auditor for the same section, charitable trust section since 1988.

* * *

[Day Six: Page 9]

[Q]. . . does, how does your team get access to the information needed to complete audits?

A We have a database that we refer to, and it will have the 990s and the various schedules on

there. It will have previous correspondence. If there have been other complaints filed -- with the charity, that will be on our database. We review those. We will contact the charity, seek documentation, information from them, conduct interviews, Internet research.

Q You mentioned a database. How does the information in that database get there?

A The Registry of Charitable Trusts in Sacramento scans and uploads the documents to the database.

Q What types of information are included in that database?

A The 990s, a form that organizations are required to file with our office called an RF-1, previous correspondence with the organization, complaints filed against the charity.

Q For the investigative work that your team does, how does work get assigned?

A We get complaints. The complaints are reviewed by the supervising deputy attorney general or the senior assistant attorney general for our section. They will determine if we are going to open up an investigation related to this complaint. They will then assign it to a deputy attorney general and give it to me for assignment, and I will either keep it myself or assign it out.

Q As part of your answer you mentioned "our section." What section is that?

A The charitable trusts section.

Q Do you keep track of the work that your audit team is doing?

A Yes, I do.

Q And how do you do that?

A I have a log when I make an assignment. It has who it's been made to, the name of the case, the date, a note as to the type of assignment, whether it's an index transaction or an audit or investigation, probate.

Q I think you mentioned that you performed some of the audits yourself rather than assigning them to someone else. Am I right so far?

A I do carry my own caseload. A lot of what I do, though, is also working cases in conjunction with other auditors.

Q When you are working an audit yourself, what is the first thing you do after receiving an assignment?

A Review the complaint, see what the issues are, the documents that were submitted with it. I will go to our database, see what's on there, take a look at the 990s, schedules, see if there's other complaints, some general Internet research.

Q Has the audit team that you supervise used Schedule B in any investigations?

A Yes, they have.

THE COURT: I'm sorry, I didn't hear the answer.

THE WITNESS: Yes, yes, they have.

BY MR. CALIA:

Q And what types of investigations has your audit team used Schedule B in?

A Cases involving restricted assets where people have used funds for their personal benefit; funneling

funds to family, friends related businesses; cases involving gifts in kind, we have used Schedule B in order to determine whether to open up an investigation or not.

Q Let's take some of those things that you just said one at a time. You mentioned restricted assets. What are restricted assets?

A A donor can give funds to a charity with a specific purpose that can be more narrow than the general purpose of the charity. An example would be if a charity's purpose is to fight disease and a donor gives funds to fight cancer, those funds have to be used to fight cancer. They can't be used to fight a different disease.

Q Has the audit team that you supervise used Schedule B in investigating issues related to restricted assets?

A Yes.

Q Can you give us an example?

A One example would be we received a complaint from a donor that he had made a donation for a specific purpose, and the funds weren't used for that purpose. We took a look at the 990 and Schedule B and saw that he, in fact, did give a donation, and that was a factor in determining whether to open up the investigation, and we opened up the investigation.

* * *

[Day Six: Page 13]

Q You mentioned personal benefit transactions as part of your earlier answer. Has your audit team

used Schedule B to investigate personal benefit transactions?

A Yes, we have.

Q Can you give us an example?

MR. FORST: Objection, Your Honor, again.

THE COURT: The objection is sustained.

BY MR. CALIA:

Q You mentioned as part of your earlier answer that you have investigated funneling funds to family members, friends or others, correct?

A Correct.

Q Has your audit team used Schedule B to investigate those types of issues?

A Yes, we have.

Q Can you give us an example?

MR. FORST: Objection, Your Honor.

THE COURT: The objection is sustained.

BY MR. CALIA:

Q You mentioned earlier that you sometimes need to make a decision about whether to open a case; is that right?

A Correct.

Q Has your audit team used Schedule B?

THE COURT: No, he is talking about his testimony. It's his testimony.

BY MR. CALIA:

Q Have you?

THE COURT: Anything from anybody else is hearsay, Counsel.

BY MR. CALIA:

Q Have you used Schedule B to determine whether to open an investigation?

A Yes.

Q Can you give us an example?

MR. FORST: Objection only to the extent --

THE COURT: The objection is sustained.

BY MR. CALIA:

Q You mentioned --

THE COURT: Generalities don't do it, Counsel. Generalities don't do it.

BY MR. CALIA:

Q You mentioned gifts in kind. Have you used Schedule B to investigate gifts in kind?

A Yes.

Q Can you give us an example?

MR. SHAFFER: Same objection, Your Honor. We have not been provided --

THE COURT: The objection is overruled.

THE WITNESS: We used Schedule B to determine where the gift in kind is coming from. It's usually a chain of events, and we will use gift in kind to determine where the gifts came from, as well as where they were, where they went.

* * *

[Day Six: Page 17]

[CROSS-EXAMINATION]

BY MR. FORST:

Q Mr. Bauman you recall we met previously at your deposition, correct?

A Yes, I do.

Q You mentioned just now on direct that you were aware of an instance that you used Schedule B to open an investigation, right?

A Correct.

Q Now, do you recall giving a deposition in this case back in October, as I just mentioned?

A I do.

Q And in your binder, sir, the very first document should be your deposition transcript. And if you turn in that deposition transcript to page 166.

A Okay.

Q I will read it, see if this refreshes your recollection. Down at line 25 on page 166 of your deposition transcript, I asked:

“Question: Okay. Again, but to the extent that you recall or went back and you looked at, you know, Pro Law records, Schedule B has never been that triggering document that kicked off an investigation?

“Answer: Not that I recall.”

Didn't you say that at your deposition?

A I did.

Q Okay. And are you testifying today that, in fact, is incorrect?

A That is not incorrect.

Q That is not incorrect.

So when I asked you the question whether Schedule B was ever a triggering document to one of your personal investigations, you told me at deposition under oath that you could not remember, correct?

A That triggered – I’m not aware of Schedule B being a document that triggered, that we opened up an investigation because of the existence of Schedule B. We have used it to help determine whether we open up an investigation or not.

Q Okay. On direct you said you used Schedule B to open an investigation, right? But just to be clear, your testimony, that’s true, Schedule B itself has never been used as the triggering document to open up an investigation, correct?

A I’m not aware that Schedule B has ever been used to – was the triggering document that we opened up an investigation strictly because of Schedule B.

* * *

[Day Six: Page 20]

Q Sir, again, you’re speaking in terms of “we,” and I just want to focus on you.

And your testimony is when you went back to your records as supervising auditor to answer that interrogatory “Which investigations implicated Schedule B?” you came back with one, true?

A That is correct.

Q And its also true, sir, and we went over this at deposition, at the end of reports oftentimes there’s a report -- or end of investigations there’s a report that’s usually written, correct?

A Correct.

Q And typically, you told me, that the important documents are listed in that report, right?

A Correct.

Q And you also told me that if Schedule B were important, it would have been listed in those reports, true?

A It may be listed by itself as Schedule B, or it may be referred to as the 990s.

Q Right. But I think you told me if Schedule B was important to your analysis and conclusion, your expectation would be that it would be identified in the report. We can look at your deposition. Do you recall telling me that?

A I do.

Q Okay. And so you went back to your records, which includes these reports, and you again came up with one instance; am I right?

A We went back to Pro Law and took a look at the assignments. We did not go and take a look and read every report and memo that had been written over the last ten years.

Q As you sit here today, can you think of one report that you -- or for an audit that you worked on that specifically mentions Schedule B as an important document, sir?

A As I sit here today, I don't recall.

Q And you couldn't at your deposition either in late October, correct?

A Correct.

Q Now, you identified one investigation. You also asked your team, your team of eight, to go back and look as well, correct?

A Correct.

Q And when they went back and looked -- that request from us asked for ten examples, right? We asked for you guys to provide ten examples to us, didn't it?

A Yes.

Q And after your investigators all went back and searched for ten years going back to 2005, they came up with around five investigations only; is that right?

A The request was from our section, as I understand it, and the auditors came up with approximately five, and I think the attorneys came up with approximately five.

Q Right. You don't oversee the attorneys, right?

A Correct.

Q Right. I'm focused on your team. Your team of auditors. You instructed them to go back for a period of ten years, think, review records, answer this interrogatory for this case. It called for ten, and they came back with five; isn't that true?

A Yes.

Q Okay.

THE COURT: So I have it right here, how many investigations during that period used Schedule B? How many investigations -- there were five, but how many investigations went on during that period of time?

THE WITNESS: I'm not clear I understand the question.

THE COURT: How many investigations did your group have during the period of time that these five came out?

THE WITNESS: I can't give you a specific number. I would approximate probably between 300, 350, maybe a little more.

BY MR. FORST:

Q Sir, so, in fact, we went over that exact exercise at your deposition. Do you recall that?

A I do.

Q You told me a rough average, at least for your team of L.A., because that's all you keep track of, correct?

A Correct.

Q So that's the five auditors in L.A., correct?

A Correct.

Q Not the three in San Francisco, correct?

A Correct.

Q So of those five auditors, average two to three audits per month, new investigations. You told me that.

A Yes.

Q If we average that out, it's 36 per year, fair?

A Fair.

Q Over a ten-year period, 360 then, correct?

A 240 to 360.

Q 240 to 360 at the high end, but that doesn't account for what San Francisco did, right?

A Correct.

Q And they do their own audits, too, correct?

A Correct.

Q There's a couple three, maybe a little bit less, but maybe 180 if we cut it in half, fair?

A Fair.

Q Total, we are probably talking 540 or more potential investigations?

A Potential.

Q Right. And you, sir, identified one that implicated Schedule B, right?

A Yes.

Q And your team came up with five in total, correct?

A That they recall the specific use of Schedule B.

Q Right. And so if we do that math and take 5 and divide it by 560, that's less than 1 percent of the time, isn't it?

A Yes.

Q Okay. Now, I want to focus on your investigations, sir, because we spent some time with that at your deposition. And I don't want to belabor the point, but it's true, is it not, that for the one investigation that you identified for this case, you could have, quote, probably completed it even without Schedule B, true?

A We could complete our investigations if you took away many of the tools that we have. We just wouldn't be as effective or as efficient.

Q Again, my question was very simple. We went over this before. You testified that you could have completed that one investigation that you recalled using Schedule B even without the Schedule B, true?

A Yes, but not as efficiently.

Q Okay. But the answer is "yes," correct, to my question?

A Correct.

* * *

[Day Six: Page 26]

Q Okay. So it's also true as the investigative branch, you guys don't review those documents as they come in, correct?

A You are asking if we review all the documents the registry gets?

Q Right, the 60,000 that come in.

A We do not.

Q You do not check to see if the form 990s are filed, correct?

A Correct.

Q You don't check to see if there's Schedule B in there, correct?

A Correct.

Q The registry just collects that universe of documents from every charity, the good, the bad and the ugly, and just holds on to those documents, correct?

A Correct.

Q And if ever you look at the documents, it's only when a complaint comes in, fair?

A Yes.

Q Mr. Bauman, you testified that you have been with the charitable trust section from 1988 through today?

A Correct.

Q So roughly 27, 28 years?

A Yes.

Q And you were supervising investigating auditor from 2001 to -- or to today, about 15 years?

A Correct.

Q Now, sir, you've reviewed some form 990s along the way; is that true?

A Yes.

Q And you have reviewed form 990s in connection with audits that did not include Schedule B; isn't that true?

A Yes.

Q And you noticed, in fact, many form 990s do not include Schedule B?

A Correct.

Q You still successfully audited those charities, correct?

A Yes.

Q Found wrongdoing in some cases?

A Yes.

Q Without the Schedule B, correct?

A Correct.

Q And even when a supervising investigative auditor, you notice Schedule Bs were missing along the way, many of them, you never told the registry that they need to make sure they are collecting those Schedule Bs, right?

A For organizations that we are currently investigating, if a Schedule B is missing, have I contacted the registry to say, "Go get it"?

Q Right.

A No. At that point I would contact the organization myself.

Q Fair enough. But on top of that, I'm generally asking, you've noticed over your tenureship that Schedule Bs are missing from form 990s?

A Yes.

Q And many times that's the case?

A Well --

Q I think you already answered that.

A Not all charities are required to file Schedule B, so I don't know -- always know if it's missing or just not required.

Q But if it's even for non-PF, regular charities that file form 990s, you've noticed missing Schedule Bs, fair?

A Yes.

Q You have been there a long time, and you've noticed it, and you've been the auditor, but you never told the registry, the attorney general or even the deputy attorney general, "I noticed these are missing. We need to make sure we are getting them

so I can successfully audit these charities,” you have never said that, right?

A The registry’s goal is to collect the 990 and the schedules that are required to be attached to it. I --

Q Mr. Bauman, I think that’s a yes-or-no question.

A I assume they’re doing their job. I have not contacted them to say, “You need to go get Schedule Bs on every organization.”

Q Now, you did mention a moment ago that you contact charities after you do an investigation to ask for documents, and you spoke about that on direct, correct?

A Correct.

Q Okay. It’s true -- well, let me ask this: Has there ever been an instance where you asked a charity for their form 990 and they refused to provide it?

A Not that I recall.

Q Has there ever been an instance where you asked for a Schedule B and it was refused to be provided?

A There is one case we are currently working that I’m involved in where we’ve asked for a Schedule B. There wasn’t one attached, and we weren’t provided it. I don’t know if it’s because it doesn’t exist or they wouldn’t give it to us, but they said, “We don’t have a Schedule B to give you.”

Q So you don’t even know if there is an actual Schedule B to be had?

A Correct.

Q My question is: Do you know of an instance where there is a Schedule B out there, you have asked for it, and it hasn't come back?

A No.

Q You aren't aware of that happening.

It is also true in this audit process, Mr. Bauman, that it is the general practice of your team to send an audit letter very early on in the process to obtain documents; isn't that true?

A Yes.

MR. FORST: Your Honor, no further questions.

THE COURT: Redirect?

MR. CALIA: I don't have any further questions, Your Honor.

THE COURT: I beg pardon?

MR. CALIA: I don't have any further questions, Your Honor.

THE COURT: All right. Mr. Bauman, what information did you get in the case where you used -- where you used Schedule B?

THE WITNESS: The case that I was involved in where we used Schedule B, we were able to determine that the corporation who was connected to and funding a for-profit had given funds to the foundation but were not the sole contributor. And funds that the foundation was using for the benefit of the for-profit corporation, it was also public funds that were benefiting the for-profit corporation.

THE COURT: What information did you get --

THE WITNESS: The --

THE COURT: -- from the Schedule B?

THE WITNESS: How much funds the corporation was giving to the nonprofit.

THE COURT: And could the nonprofit organization give you that information?

THE WITNESS: They could.

THE COURT: Couldn't they be asked, "How much did you get from X, Y or Z?"

THE WITNESS: Yes, it's more effective and efficient --

THE COURT: What happens in the ones where Schedule B was not worked, was not used?

THE WITNESS: In cases that we have --

THE COURT: In the ones that you had where Schedule B was not used, where did you get the information that you talked about just now?

THE WITNESS: From the charity.

THE COURT: From the charity itself?

THE WITNESS: Correct.

THE COURT: All right. So you do not need a Schedule B to get that information, do you?

THE WITNESS: It makes it more efficient --

THE COURT: No, I asked you a question. Read the question to the witness.

(Record read.)

THE WITNESS: To get it up front, I believe we do.

THE COURT: Counsel -- I mean, Mr. Bauman, don't play games with me. Now, answer the question.

THE WITNESS: Can you reread it, please?

(Record read.)

THE WITNESS: No.

THE COURT: All right. Thank you. You may step down.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Reporter's Transcript Of Proceedings
Trial Day Six
Excerpts from the Trial Testimony of Tania Ibanez
March 4, 2016

* * *

[Day Six: Page 32]

[THE COURT]: Call your next witness.

MS. GORDON: With the Court's permission, the
Court calls Tania Ibanez.

THE COURTROOM DEPUTY: Stop right there.
Please raise your right hand.

TANIA MELANIE DOLORES IBANEZ,
DEFENSE WITNESS, WAS SWORN

THE WITNESS: I do.

THE COURTROOM DEPUTY: Thank you.
Please take a seat.

And this is your exhibit binder.

THE WITNESS: Thank you.

THE COURT: All right.

MS. GORDON: I'm sorry. Did Ms. Ibanez state her

* * *

[Day Six: Page 37]

BY MS. GORDON:

Q All right. Ms. Ibanez, can you just tell us how many lawyers and auditors you have working for you, please.

A I have ten lawyers, two supervisors, seven auditors, one supervising auditor, two paralegal and myself. That's 23 people. And we do enforcement over a hundred thousand charities that are registered in the state of California.

Q So 23 lawyers and auditors. So just for a sense of scale, do you know how many lawyers there are in the department -- California Department of Justice, generally?

A A thousand, give or take.

Q Okay. So you mentioned, and I want to focus on your investigative and litigation focus investigating charities, who decides what charities the charitable trust section is going to investigate or prosecute?

A I do, and the supervisors do.

Q And once you decide, what is the process?

A Before we decide whether even to investigate, I or one of the supervisors will look at the complaint that came in. We will read it very carefully. We will look to see if the charity is registered with us, and we will look at their 990 and any schedules attached to the 990. Then if we decide based on the 990 and the complaint it gets assigned, it gets assigned to an attorney and an auditor.

Q And what happens after that?

A Then they conduct an investigation. They will send out an audit letter.

Q Can you sort of take us through the process quickly what happens after that?

A Well, no one really wants to get an audit letter, but when you do get an audit letter, it will ask for anywhere between 15 items of information to 52. The last audit letter I reviewed contained 52 separate items of information requests, and it covered four years of information. And we typically ask for everything from minutes, board resolutions, bylaws, all of their filings.

We will ask for credit card statements, bank statements. We will ask them to justify how they listed numbers in their 990s. We will ask them information about gift in kind they might have received, what have you. It depends on the complaint and what we see in the form 990 and then in the schedules and how we are going to draft the audit letter.

THE COURT: Counsel.

MS. GORDON: Sorry. Yes, Your Honor.

THE COURT: Very interesting, it's very, very interesting, but it has nothing to do with this case. Let's get to this case.

MS. GORDON: I will move along, Your Honor.

Q So you mentioned that you can send an audit letter, and you mentioned that no one wants to receive an audit letter. Can you tell me a little bit about the process of an audit.

A Usually audits will take place -- we will give the charity typically 30 days to respond. 99.9 percent of the time they want more time. So sending an audit letter is time-consuming. An audit can take anywhere from one year to four years depending how cooperative the charity is being in responding to the audit letter.

Q Ms. Ibanez, can you get a Schedule B through an audit letter?

A There would be no reason to do so because we already have it.

Q What if you don't have it?

A You could get it through an audit letter, but like I said, we usually have it. The charities will file it with us.

Q Okay. But my question is this: Why not just wait and send an audit letter to a charity when you need their Schedule B?

A Because it's time-consuming, and you are tipping the charity off that they are about to be audited. . . .

* * *

[Day Six: Page 52]

Q Ms. Ibanez, if we could just briefly go back to your use of Schedule B. Have you personally used Schedule B during the course of your career in charitable trusts?

A All the time.

Q And how have you used Schedule B during the course of your career?

A I have used Schedule B to decide whether or not we should even commence an investigation based on a complaint that we might have received.

Q How does Schedule B aid you in that determination?

MR. SHAFFER: Objection, Your Honor. I think –

THE COURT: The objection is sustained.

BY MS. GORDON:

Q Are there other ways that you have used Schedule B, Ms. Ibanez?

A Yes. I have used Schedule B to evaluate whether a charity should be investigated for a certain area.

MR. SHAFFER: Your Honor, we would ask that this witness be limited to specifics and the specifics that we had the benefit of during discovery.

THE COURT: The objection is sustained.

* * *

[Day Six: Page 53]

Q Ms. Ibanez, and limiting to your understanding of what has been produced to plaintiff in discovery, could you please identify instances

where you personally used Schedule B to do your job in charitable trusts.

A Okay. I used Schedule B in filing a lawsuit called People Versus LB Research Fund.

Q Could you tell us about that case, please.

A Yes. We learned that a doctor who had invented a patch for the heart had donated a significant amount of money to a charity, a private foundation, and he then used the charity basically as a bypass. So he would donate money to his charity, get the tax deduction, then have the charity donate money to UCLA.

And he was going to have UCLA basically do a chairperson position that he was then going to apply and use the funds for his research. He also used the charity's money to pay for companies that he started with his cousin to support his research. He used funds to create videotapes, DVDs, medical pictures, anatomical heart models. And all of this showed to us that he was using donations that he made to his private foundation for self-dealing purposes.

Another example that --

Q Actually, can I stop you for a minute?

A Okay.

Q Can you explain how was B used in uncovering what you just described?

A Well, B was used in uncovering, number one, his donations to the charity, and we compared that to how was the charity using the money? What were the programs that the charities were supported? Who were the recipients of the funds?

A perfect example on the LB also was LB Research in the Schedule B showed a donation from the Pritikin Foundation. And then within a year or two, the Pritikin -- the LB Foundation ended up giving a donation to support the research of Dr. Bernard, who was associated with the Pritikin foundation.

Another example is the Schedule B showed a donation by Dr. Paglia of \$25,000. Within the same 990, we showed that \$25,000 went to Dr. Paglia's girlfriend. So they were using the charity as a bypass, not only for private inurement, but for self-dealing.

* * *

[Day Six: Page 61]

[CROSS-EXAMINATION]

[BY MR. SHAFFER]

Q Isn't it true that those suspicions --

A I said "no."

Q I am asking you if you had suspicions that they would persist following the conclusion of this litigation.

A I'm sorry, what was the question?

Q Any suspicions you may, I understand you are saying "no," but they would persist following the conclusion of this litigation?

A I don't think I made a determination.

Q Well, let me ask you, Ms. Ibanez, you do recall giving a deposition in this matter, didn't you?

A I sure do.

Q And you recall me taking that deposition?

A I sure do.

Q You recall there being a transcript?

A I do.

Q And you recall it was videotaped, don't you?

A I do.

MR. SHAFFER: With the Court's permission, Your Honor, I would respectfully play from the deposition transcript of Ms. Ibanez, page 208, line 24, to page 210, line 21.

(Videotape played in open court.)

BY MR. SCHAFFER:

Q Do you recall giving that testimony, Ms. Ibanez?

A Yes, I do.

Q Was there anything wrong with the recording? Was that an accurate reflection of the questions I asked and the answers you provided?

A I don't believe my testimony was inconsistent with what I am telling you here today.

Q I am just asking what we just saw and what we just heard, I just want to make sure that is an accurate recording of your testimony.

A Yes, Counsel.

Q Let me make sure I understood your testimony on direct correctly, because I think the one example you gave us of how you personally used Schedule B in reference to a specific charity and a specific investigation was about LB Research; is that correct?

A That is correct.

Q And I think you used the word -- you said the Schedule B enabled you to uncover the fraud in that case.

A Yes, it did.

* * *

[Day Six: Page 68]

Q But it would have mattered to you, and you would have noticed if the registry's lack of enforcement for requiring the Schedule Bs had affected the bottom line of your investigations, right?

A Correct.

Q In your experience the things that have precipitated investigations are media reports and complaints, correct?

A Sorry. Yes.

Q A Schedule B -- I'm sorry.

A You didn't let me finish. Sorry.

We do get complaints through media. We get complaints from various different sources, and sometimes we get complaints from our own staff who are solicited at home, so yes.

Q A Schedule B has never precipitated an investigation of a charity in that same sense, has it?

A Yes.

Q Okay.

A You're correct.

Q Thank you.

And you don't ever undertake an investigation of a particular charity because of a Schedule B, do you?

A I would not undertake an investigation solely because of a Schedule B.

Q Well, you can't recall any instance, can you, where a Schedule B was used to identify a possible wrongdoing and refer a suspect charity to other state or law enforcement agency?

A No, I would not do that necessarily because that's what we're here for.

Q I think you testified that the attorney general, as part of the routine process, if you have a concern about a charity, you send an audit letter, right? That happens first thing?

A Yes.

Q And you could also issue an administrative subpoena, couldn't you?

A You could if you wanted to go through the steps to do that.

Q There would be separate steps. There would be a separate process in order to undertake the administrative subpoena, wouldn't there be?

A Yes. It is a little bit onerous because you have to get approval from various sources. You have to get approval not only from the senior assistant, but also from the chief assistant. And if you are doing a delegation of authority under Government Code 1187, you have to go all the way to the AG. So there is more delay factor if you are going to do an administrative subpoena.

Q Now, I thought I heard you refer on direct of the possibility that the charity would be tipped off by early issuance of an audit letter.

A Yes, that's a strong possibility.

Q Well, a strong possibility that it is, Ms. Ibanez. Isn't it true that you know of no instance of requesting a Schedule B from a charity at the outset or during the courses of an investigation or audit, frustrated or undermined the ensuing investigation or audit?

A I'm sorry, that was really long. Can you read it back to me?

Q Tell me if I am right or wrong about the following: You know of no instance where requesting a Schedule B from a charity at the outset or during the course of an investigation or audit, frustrated or undermined the ensuing investigation or audit?

A I know of no instance because I have never had to ask a Schedule B of a charity during any of my investigations. I already had them --

Q You --

A -- from the registry.

Q You know of no instance where a request for a Schedule B tipped anyone off, right?

A I am not aware of any scenarios such as that.

Q You are aware of what other states do with respect to Schedule Bs, aren't you?

A I have become aware of that.

Q Well, in becoming aware of that, you have become aware that most other states do not require the filing of a Schedule B by registered charities?

A That is correct.

Q And the only states that -- the only other states that you know of, apart from California, that

demand filing Schedule Bs are Hawaii and New York, those two, correct?

A Yes. I believe we are in good company.

Q Good company with those two. It's three states, right?

A Three states that are very active in enforcement, and proud to be part of it.

You don't know of any improvements in California's performance of its regulatory function as compared to other states that do not require a Schedule B, right?

A I don't track that.

Q And what other states are doing just isn't part of your calculus, correct?

A I'm not -- that is true. I don't care to follow other states. I think California should be a leader, and California is a leader.

Q Am I also correct that your office has never considered any alternative to an across-the-board demand for Schedule Bs?

A We have not.

MR. SHAFFER: In fact, if I could just pass to the witness a binder --

Q I'm sorry, you do have a binder up there, Ms. Ibanez.

A Yes.

Q Could I ask you to turn, please, to what's marked there as TX15.

(Exhibit TX15 for identification.)

BY MR. SHAFFER:

Q Do you have that in front of you, Ms. Ibanez?

A I do.

Q And it's marked "Responses and Objections of Defendant Attorney General Kamala Harris to Plaintiff Americans for Prosperity Foundation First Set of Interrogatories."

A I do.

Q If you turn to page 21 of that --

A Uh-huh.

Q -- you see Interrogatory No. 9 and then a response.

A Yes, I see that.

Q Do you see in the last sentence on that page -- let me just read it to you where it says, "Defendant is not aware of any alternative to the Schedule B submission requirement that may have been considered during the many years it has been in place"?

A Yes.

Q You can attest that that's accurate, correct?

A I do. I see no reason to change what we've been doing.

MR. SHAFFER: And, Your Honor, we haven't moved into evidence yet the interrogatory responses. We would now do that. This is TX15.

MS. GORDON: We have no objection, Your Honor.

THE COURT: TX15 in evidence.

(Exhibit TX15 received.)

BY MR. SHAFFER:

Q So when we talk about your calculus, Ms. Ibanez, other potential alternatives to enforcing an across-the-board demand for all charities to provide their Schedule Bs, that's just not part of your calculus, correct?

A No, I don't think that asking charities that are required to file Schedule B is an onerous task to do.

Q Well --

A They are only required to file it with the IRS, and we feel entitled to get the documents as well.

Q Now, in your two years supervising the registrar, you have never received, have you, a report from the registry as to how often the Schedule Bs were inadvertently slated for uploading to the registry's website because they have not been processed correctly?

A I don't recall getting any reports under Kevis Foley's tenure. I did get reports during Dave Eller's tenure.

Q Did you ever request such reports during Kevis Foley's tenure?

A I did not.

Q Did you ever undertake to ascertain what the number or frequency or percentage was of instances in which confidential Schedule Bs were being improperly uploaded to the website?

A I don't recall doing that.

Q Am I right, Ms. Ibanez, that in your view, an inadvertent disclosure of a Schedule B would not constitute a breach of confidentiality surrounding that Schedule B?

A That was my interpretation of the Civil Code.

Q In fact, that's your interpretation today, isn't it?

A Yes, it is.

Q So just to be clear --

A I stand by that interpretation.

Q -- if every confidential Schedule B ever obtained by the registry were inadvertently uploaded for public access via links and publicly downloaded, there would have been no breach of the confidentiality policy as you understand it and implement that policy, correct?

A No, because we do have a confidentiality policy.

Q That's not my question.

A I know it's not.

THE COURT: Well, then, answer the question, please.

THE WITNESS: It's not a breach because we're not breaching it.

BY MR. SHAFFER:

Q Understood.

And you are the one who sits atop, the registrar, don't you, of the Registry of Charitable Trusts?

A Yes, I'm in charge. I take full responsibility. We have a confidentiality policy.

Q And ultimately you are the decision-maker about day-to-day implementation of that confidentiality policy?

A That is correct.

Q You testified that before this litigation you were aware of only one instance --

A Yes.

Q -- in which a Schedule B had been inadvertently uploaded.

A Correct.

Q You are aware that the attorney general in this case submitted to the Ninth Circuit as of July 2014 that "The fact remains that Schedule B information is kept confidential, and there is no evidence to suggest that any inadvertent disclosure has occurred"? You are aware that the attorney general made that submission to the Ninth Circuit Court of appeals?

A Yes.

Q Do you consider that to have been accurate?

A It was at the time.

Q It was at the time.

* * *

[Day Six: Page 83]

Q Very well. If it works for you, Ms. Ibanez, it works for me.

Looking at the screen, do you recognize this e-mail thread as one in which it was being reported to you or you were having confirmation about the fact that the lawyer for Asians Americans -- Asian Americans Advancing Justice had reported a confidential Schedule B being publicly accessible via the registry's website?

A Can you scroll down to the very beginning, please?

Is that it? Okay.

I believe this is the same individual.

Q And if you look at the top, am I correct that the first e-mail is dated April 11, 2014, the one at the top, the concluding e-mail in the thread?

A Yes.

Q And that's Ms. Kim e-mailing the attorney for Asian Americans Advancing Justice?

A Yes.

Q Bill Hou, correct?

A Yes. And she blind-copied me on that e-mail.

Q Correct.

And you recall receiving that e-mail?

A I know I did because I'm on it. But do I recall it specifically? No. I'm sure I did.

Q And you're sure because you did come away with this with a specific understanding that the Schedule B -- the confidential Schedule B for Asian Americans Advancing Justice had been inadvertently uploaded and made public on the registry's website, correct?

A That's -- that is correct. At some point in time, Mr. Hou advised us that his client's Schedule B was inadvertently made available for public viewing if somebody wanted to research his charity.

Q Well, in fact, if you look further down, I think you will see there is an October 9th, 2013 e-mail from Mr. Hou. I am looking now at -- I think it's the third page of that document.

A I don't have an October. I don't know what you're talking about.

Q So there are Bates numbers at the bottom right, and this one has TX1960003 on there.

A Yes.

Q You see that?

A I do. Thank you.

Q Am I correct that's an e-mail dated October 9, 2013?

A It looks like, yes, he did send an e-mail to Ms. Kim on October 9, 2013.

Q Okay. And do you see, if you look further down, this is now on the Bates number that ends 0004, the ensuing page, do you see how he is reporting that "Some years ago the registry had posted the confidential version" --

A Yes.

Q -- "of my client's Schedule B on your public website and remained available for anyone to access to see the names and addresses of the client's funding sources"?

A That's what it says, yes.

Q Do you agree with me that no later than April 2013, when Ms. Kim was copying you on her e-mail, at the top of this e-mail thread, you were aware of this inadvertent disclosure of a confidential Schedule B?

A You mean April 9, 2014.

Q Sorry. I appreciate that. I meant to say April 9, 2014.

A I would have known that at the time on April 11, 2014 or earlier because I instructed Ms. Kim to please contact him.

Q So you probably knew about that back in 2013 at some point?

A I don't know. I don't know if I found out about this incident in October of 2013 or if I found out about it in April of 2014 when Elizabeth told me about the e-mail.

Q But somewhere between those two dates you did?

A Yes.

Q Could you please turn now to what's been marked as Exhibit 215. 215, I believe that's in your binder as well.

(Exhibit 215 for identification.)

THE WITNESS: Yes.

BY MR. SHAFFER:

Q Do you recognize this as the answering brief of appellee, that is the defendant in this case, Kamala Harris, in the lawsuit brought by Center for Competitive Politics --

A Yes.

Q -- filed with the Ninth Circuit?

A That's what it says.

Q Okay. If you turn now to what's page 45 of that exhibit.

A Yes.

Q You see that the date on which this was submitted was July 8, 2014?

A Yes.

Q Would you agree with me that July 8 is after August 2014 – I’m sorry, is after April -- I wouldn’t have been – is after April of 2014?

A Yes, I would agree.

Q Okay. Now, if you turn to page 32 of the exhibit, carrying over to -- and this is marked only for identification purposes right now. You see a carryover that goes from page 32 to 33? And I will just read it to you.

Are you there, Ms. Ibanez?

A Yes.

Q You see where the attorney general submitted, “Although plaintiff states that there is no guarantee that the registry will always keep Schedule B information confidential and that there are reasons to question current procedures, the fact remains that the information is” -- emphasis on the “is” – “is kept confidential, and there is no evidence to suggest that any inadvertent disclosure has occurred or will occur”? Do you see that?

A I do.

Q Do you believe that that representation was accurate or inaccurate when submitted to the Ninth Circuit?

A I think that this is a pleading. Judging by the date of the pleading, I don’t know that I reviewed it because I was undergoing chemotherapy for breast cancer, so I was not intimately involved in drafting the pleading. But as you have shown, it appears that on one occasion we were aware that the registry had inadvertently disclosed a Schedule B for the Asian

American -- Asian American -- whatever this organization is.

Q So if I can please bring you back to my specific question --

A Yes.

Q -- which is whether this sentence that we have just read into the record was accurate or inaccurate when submitted to the Ninth Circuit by the attorney general.

A It appears to be incomplete, so in that respect you're right, it's not accurate.

* * *

[Day Six: Page 90]

Q So no one in your office has ever been held personally accountable for disclosing a confidential Schedule B; isn't that true?

A Yes, that's true because I am not aware of any deliberate disclosures of Schedule B or any confidential documents.

* * *

[Day Six: Page 95]

MR. SHAFFER: Well, I would ask that we put up on the screen, it's just a statute, Your Honor, 1798.24. We don't need to move it into evidence. It's been marked for identification purposes as number 721.

(Exhibit 721 for identification.)

BY MR. SHAFFER:

Q Now, Ms. Ibanez, you can also find it in your binder, so it would be easier to view as opposed to being on the screen.

A Okay.

Q Do you have that in front of you?

A I do.

Q Is it fair to say that what this provision says is that an agency shall not disclose the relevant personal information, which you understand to encompass Schedule Bs, in a manner that would link the information disclosed to the individual to whom it pertains unless, and then it provides certain exceptions?

A Yes, that's what the code says.

Q Okay. Do you see how under "E" such information could be disclosed to another person or agency, quote -- this is in "E" in the first sentence, "For the transferee agency to perform its constitutional or statutory duty"? Is that what it says?

A That's what it says.

Q Do you see under "F," "To a governmental entity when required by state or federal law"?

A Yes.

Q You see under "G" where it could be pursuant to the California Public Records Act?

A Yes.

Q Do you see where under "I," it could go to the state archives as a record that has sufficient, historical or other value?

A That's what it says.

Q Do you see where under “L” it could go to any person pursuant to a search warrant?

A Yes.

Q Do you see where under “O,” it could go to a law enforcement or regulatory agency when required for an investigation of unlawful activity or for licensing, certification or regulatory purposes?

A Yes.

Q Do you see where under “T” it could go to the University of California, a nonprofit educational institution, or in the case of educational data, another nonprofit entity conducting scientific research?

A Yes.

Q All of those are operative exceptions today, aren't they, Ms. Ibanez?

A Yes.

BY MR. SHAFFER: No further questions, Your Honor.

THE COURT: Redirect?

MR. SHAFFER: I have nothing further, Your Honor.

THE COURT: All right. Ms. Ibanez, do you believe that donors to charitable matters have a right to privacy of their name and their money?

THE WITNESS: Yes, Your Honor. And I believe we're doing everything we can to ensure that.

THE COURT: Well, no, that answers the question.

And do you know that that right is the right to privacy is then being violated if the information that is private to the individual is disclosed?

THE WITNESS: I don't have any evidence, Your Honor, that it's being disclosed.

* * *

[Day Six: Page 99]

[THE COURT]: For what purpose did you or do you use Schedule B? What's the purpose of the use of Schedule B?

THE WITNESS: We use Schedule B for our investigation. We use it to decide whether or not we are going to open an investigation, and we use it also to evaluate how we are going to approach an audit. We use it to investigate fraud.

THE COURT: The purpose of -- what is the purpose of the use of Schedule B?

THE WITNESS: Well, I can only tell you --

THE COURT: You don't get Schedule B before you start the investigation, do you?

THE WITNESS: Yes, we do. The charities -- not all charities are required to file a Schedule B, Your Honor. Only charities that bring in a substantial amount of money, if they have donors that donate over \$5,000 or 2 percent of gross. So there's not that many charities that actually have to file a Schedule B. But the charities that are fortunate enough to have very wealthy donors, if they are required to file Schedule B with the IRS, we want them to file the Schedule B with us. So we have the Schedule Bs before we even start an investigation. Once they file their 990 form with us with all of the schedules, we

have those schedules, and they're stored at the registry.

THE COURT: What in Schedule B tells you that you should start an investigation?

THE WITNESS: Okay. Well, here's a perfect example.

THE COURT: What information in Schedule B tells you that you should start an investigation?

THE WITNESS: Okay. And I will explain it to you, Your Honor. Here's a perfect example. One of the ways we use a Schedule B is to investigate gift in kind --

THE COURT: I am not asking about the investigation. I am asking you what in the Schedule B tells you to make an investigation?

THE WITNESS: What we find out from the Schedule B, Your Honor, is the name of the donor. How much did they donate? What did they donate? Did they donate cash, or did they make gift-in-kind donations?

THE COURT: Isn't it a question of whether or not there's a violation of the use of a charitable foundation that starts you to think about an investigation?

THE WITNESS: I'm not sure I understood your question. I'm sorry.

THE COURT: Well, it's not a Schedule B that tells you that somebody has come forward to you and said, "We're being cheated."

THE WITNESS: No, you're right. The Schedule B is not something that starts the investigation. It is only --

THE COURT: That's what you have been telling me.

THE WITNESS: No. The Schedule B is only one of the many documents that we look at. And what it does, it allows us to gain efficiencies, and it may highlight fraud, and it may highlight that there is nothing wrong with a charity at all.

We might get a complaint, for example, Your Honor, that the charity is being run by a donor, and that the donor is controlling how the charity's going to operate, and that the donor is funding the charity's research, travel, conferences. We will look at the Schedule B. And if we see that the donor's not even listed on the Schedule B, that will tell us that the complaint lacks merit.

THE COURT: What in the Schedule B tells you that somebody has said, "I'm being cheated by this charitable organization"?

THE WITNESS: When we see on the Schedule B that there are millions and millions and millions of dollars donated in gift in kind, that is always a very serious red flag that donors are being cheated.

THE COURT: That's not answering. Give her the question again.

* * *

[Day Six: Page 104]

THE COURT: How much work is there to get donors' names and amounts of their donation from the charitable trust foundation itself?

THE WITNESS: Well, because they're filing it with us, there is no work.

THE COURT: No. How much work is there to get donors' names and amounts of their donation from the charitable trust itself?

THE WITNESS: We could send an audit letter, Your Honor.

THE COURT: Don't you get that information at the creation of the charitable trust?

THE WITNESS: Yes, but we have had some challenges in the past in getting donor information from charities as well. They're not always as forthcoming as we would like.

THE COURT: How many times has that happened?

THE WITNESS: It happened recently, actually. It happened --

THE COURT: No. How many times has it happened?

THE WITNESS: At least once that I remember, not too

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 7
Registration Renewal Form Instructions

MAIL TO:
 Registry of Charitable Trusts
 P.O. Box 903447
 Sacramento, CA 94203-4470
 Telephone: (916) 445-2021
WEB SITE ADDRESS:
<http://aq.ca.gov/charities/>

**INSTRUCTIONS FOR FILING
 ANNUAL REGISTRATION RENEWAL FEE REPORT
 TO ATTORNEY GENERAL OF CALIFORNIA**
 Sections 12586 and 12587, California Government Code
 11 Cal. Code Regs. sections 301-307, 311 and 312
 (FORM RRF-1)



The purpose of the Form RRF-1 is to assist the Attorney General's Office with early detection of charity fiscal mismanagement and unlawful diversion of charitable assets. The Form RRF-1 is a short form calling for the most current information available to the charity and is designed to close the reporting delays on significant issues of charity fiscal accountability.

WHO MUST FILE A FORM RRF-1?

Every charitable nonprofit corporation, unincorporated association or trustee holding assets for charitable purposes that is required to register with the Attorney General's Office is also required to annually file Form RRF-1 regardless of whether the corporation files Form 990s annually or is on extended reporting. Nonprofit corporations and organizations not required by law to register with the Attorney General are not required to file the RRF-1. These include:

- (1) a government agency,
- (2) a religious corporation sole,
- (3) a cemetery corporation regulated under Chapter 19 of Division 3 of the Business and Professions Code,
- (4) a political committee defined in Section 82013 of the California Government Code which is required to and which does file with the Secretary of State any statement pursuant to the provisions of Article 2 (commencing with Section 84200) of Chapter 4 of Title 9,
- (5) a charitable corporation organized and operated primarily as a religious organization, educational institution or hospital,
- (6) a health care service plan that is licensed pursuant to Section 1349 of the Health and Safety Code and reports annually to the Department of Managed Health Care,
- (7) corporate trustees which are subject to the jurisdiction of the Commissioner of Financial Institutions of the State of California or to the Comptroller of Currency of the United States. However, for testamentary trusts, such trustees should file a copy of a complete annual financial summary which is prepared in the ordinary course of business. See Probate Code sections 16060-16063.

WHAT TO FILE

ALL REGISTERED charities, regardless of receipts or assets, except for those listed above as being exempt,

must file the Annual Registration Renewal Fee Report (RRF-1) with the Attorney General's Registry of Charitable Trusts four months and fifteen days after the close of the organization's calendar or fiscal year.

Charities with total gross revenue or assets of \$25,000 or more must file a copy of the IRS Form 990, 990-EZ, or 990-PF and attachments with the Attorney General's Registry of Charitable Trusts.

EXTENSIONS FOR FILING

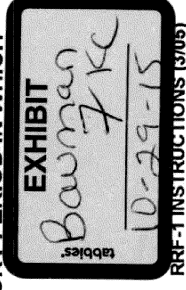
Extensions of time for filing the RRF-1 will be allowed if an organization has received an extension from the Internal Revenue Service for filing the IRS Form 990, 990-PF, or 990-EZ. An organization shall file both forms (RRF-1 and IRS Form 990, 990-PF, or 990-EZ) with the Registry of Charitable Trusts at the same time, along with copies of all requests to IRS for an extension and, where approval of the extension is not automatic, a copy of each approved extension request. **IT IS NOT NECESSARY TO SEND A COPY OF THE EXTENSION REQUEST PRIOR TO FILING THE REPORT.**

ANNUAL REGISTRATION RENEWAL FEE

Charities and trustees registered with the Attorney General's Registry of Charitable Trusts must file the appropriate registration renewal fee with the Annual Registration Renewal Fee Report (RRF-1) based on the registrant's gross annual revenue for the preceding fiscal year, as follows:

Gross Annual Revenue	Fee
Less than \$25,000	0
Between \$25,000 and \$100,000	\$25
Between \$100,001 and \$250,000	\$50
Between \$250,001 and \$1 million	\$75
Between \$1,000,001 and \$10 million	\$150
Between \$10,000,001 and \$50 million	\$225
Greater than \$50 million	\$300

NOTE: A REGISTRATION FEE IS NOT DUE WITH AN AMENDED REPORT FOR ANY REPORT PERIOD IN WHICH A FEE HAS ALREADY BEEN PAID.



TX NO. 007

Case No. 2:14-CV-09448
Americans for Prosperity Foundation
 v.
 Kamala Harris

Date F'D: _____ Date Adm: _____

ATTYGEN00000975

ER1129

TX007-0001

RRF-1 INSTRUCTIONS
PAGE 2

STATE CHARITY REGISTRATION NUMBER

The State Charity Registration Number is the Charitable Trust (CT) number assigned to an organization by the Registry of Charitable Trusts at the time of registration. The State Charity Registration Number consists of no more than six digits. If you do not know the organization's State Charity Registration Number, check the "CT Number Search" on the Charitable Trusts' web site at <http://ag.ca.gov/charities/>. If you are unable to locate the State Charity Registration Number, leave that line blank and Registry staff will insert the number when it is received in the Registry of Charitable Trusts.

OTHER IDENTIFICATION NUMBERS

The corporate number is assigned by the Office of the Secretary of State and is stamped on the organization's articles of incorporation.

The organization number is assigned by the Franchise Tax Board for non-corporate entities. Both are seven-digit numbers.

The Federal Employer Identification Number is assigned by the Internal Revenue Service. It is a nine-digit number.

The following will assist you in responding to the questions on the RRF-1 report:

PART B, QUESTION #1

If "yes," provide the following information on the attachment:

- 1) Full name of the director, trustee, or officer involved and position with the organization.
- 2) Nature of the transaction, e.g., loan to director, contract with officer's business, etc.
- 3) Attach a copy of the board of directors' meeting minutes authorizing the transaction.
- 4) Include, if applicable, the date of transaction; purpose of transaction; amount of the loan or contract; interest rates; repayment terms; balance due; type of collateral provided; copy of contract, loan or other agreement; amount paid to director, trustee, or officer for the period; evidence of other bids received related to the transaction.

PART B, QUESTION #2

If "yes," provide the following information on the attachment:

- 1) Nature, date, amount of the loss.
- 2) Description of the steps the organization took to recover the loss. Attach a copy of any police and/or insurance report.
- 3) Description of the procedures the organization implemented to prevent a recurrence of the situation.

PART B, QUESTION #3

If "yes," provide a signed statement listing the non-program expenditures and the reasons why they exceeded 50% of gross revenues. If you believe that non-program expenditures were reasonable, furnish a signed statement explaining the reasons why. If not, describe the steps the organization will take to lower non-program expenditures.

Non-program expenditures are any expenditures that do not meet the definition of "program services" set forth in the Internal Revenue Service Instructions for Form 990 and Form 990-EZ. The IRS Instructions are set forth on the Attorney General's web site (<http://ag.ca.gov/charities/>). See the IRS Instructions for a discussion of the expenses that are attributable to program services.

PART B, QUESTION #4

If "yes," provide the following information on the attachment:

- 1) Description of the fine, penalty, or judgment and the circumstances that resulted in the payment. Also indicate the name and title of the person(s) responsible and why the payment was made with the organization's funds.
- 2) Name of the organization or government agency that issued the fine, penalty or judgment; date of payment; and the amount of the fine, penalty, or judgment.
- 3) Copies of all communications with any governmental agency regarding the fine, penalty, or judgment.
- 4) Description of procedures the organization implemented to prevent a reoccurrence of the fine, penalty, or judgment.

PART B, QUESTION #5

If "yes," provide an attachment listing the name, address, telephone number, and e-mail address of the commercial fundraiser, fundraising counsel, or commercial coventurer.

PART B, QUESTION #6

If "yes," provide an attachment listing the name of the agency, mailing address, contact person, and telephone number.

PART B, QUESTION #7

If "yes," provide an attachment indicating the number of raffles and the date(s) they occurred.

PART B, QUESTION #8

If "yes," provide an attachment indicating whether the vehicle donation program is operated by the charity or whether the charity contracts with a commercial fundraiser.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 14-9448-R

AMERICANS FOR PROSPERITY FOUNDATION,
Plaintiff,

v.

KAMALA HARRIS, in her Official Capacity as the
Attorney General of California,
Defendant.

Trial Exhibit No. 140
Plaintiff's Chart Regarding Aggregate Data

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TX NO. 140
 Case No. 2:14-CV-09448
Americans for Prosperity Foundation
 v.
Kamala Harris
 Date F D: _____ Date Adm: _____

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3

Year	Number of Donors Listed on Schedule B	Aggregate Contributions of Schedule B Donors	Schedule B Reporting Threshold Used	Number of Donors who Contributed \$5,000 or More (Inclusive of Schedule B)	Aggregate Amount of Contributions from Donors Who Contributed Over \$5,000 (Inclusive of Schedule B)	Number of Donors Not Listed on Schedule B ¹	Aggregate Contributions of Donors Not Listed on Schedule B
2010	7	\$ 12,461,811	\$ 338,442	125	\$ 16,168,024	6,027	\$ 4,460,264
2011	8	\$ 17,339,246	\$ 496,933	144	\$ 23,823,052	1,522	\$ 7,507,393
2012	4	\$ 14,916,000	\$ 444,680	144	\$ 21,312,326	604	\$ 7,318,000
2013	7	\$ 7,658,800	\$ 259,520	122	\$ 12,632,000	1,216	\$ 5,317,219
2014	10	\$ 15,069,763	\$ 429,233	145	\$ 21,345,159	433	\$ 6,391,878

Case: 16-55786, 11/23/2016, ID: 10210052, DktEntry: 9-5, Page 189 of 281

EXHIBIT
140
 PENGAD 800-631-6888

¹ Anonymous donations are recorded as a single donor each year: 2010 (141 donations totaling \$46,122); 2011 (61 donations totaling \$26,467); 2012 (17 donations totaling \$8,153); 2013 (39 donations totaling \$109,864); 2014 (6 donations totaling \$1,281).

CONFIDENTIAL

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