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JAN 16 2009
Salt Lake City Justice Court

SALT LAKE CITY JUSTICE COURT
COUNTY OF SALT LAKE, STATE OF UTAH

SALT LAKE CITY, a Municipal Corporation,
on behalf of the State of Utah,

Plaintiff,

vs.

MARK WALKER
887 EAST NIGHTHAWK DRIVE
SANDY, UT 84094
DOB: 05/06/1976,

Defendant.

INFORMATION

Case No. 09CR00537
Police Case No. NONE ASSIGNED
Citation No. DAVIS CO. DA INVESTIGATIONS
Judge
OTN #: N/A
SO #: N/A

STATE OF UTAH)
) ss.
SALT LAKE CITY)

The undersigned complainant, GARY L PETERSON A DAVIS COUNTY DISTRICT ATTORNEY'S OFFICE INVESTIGATOR, under oath states on information and belief that the above named defendant, committed the crime(s) of:

COUNT 1: INDUCEMENTS NOT TO BECOME CANDIDATE, in violation of Utah Code Ann. § 20A-9-204, a class B misdemeanor, in Salt Lake City, State of Utah, on or about March 10, 2008, at , in that the defendant did unlawfully:

(1) (a) pay or reward, or promise to pay or reward, another in any manner or form for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate; or

(b) solicit any payment, promise, or reward from another for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate.

(2) Any person who violates this section is guilty of a class B misdemeanor.

MARK WALKER
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PROBABLE CAUSE STATEMENT:

The affiant, Gary L Peterson, a Davis County Attorney's Office Investigator, based on agency interviews and investigations states as follows:

That the defendant, Mark Walker, was a candidate for the Office of Utah State Treasurer having filed a declaration of candidacy on March 7, 2008.

That Richard Ellis was also a candidate for the Office of Utah State Treasurer, having filed a declaration of candidacy on March 10, 2008. Richard Ellis was at that time serving as the Chief Deputy State Treasurer, for the State of Utah.

That on or about March 10, 2008 between 10-11:00 A.M., Carl Empey, an employee with Zion's Bank and an associate of Mark Walker, contacted Ellis by telephone from his office asking if Ellis would be willing to meet with Mark Walker. Ellis indicated that he would be willing to meet.

The statement of Carl Empey that Mark Walker was present in Carl Empey's office at the time of this phone call.

That on March 10, 2008 at approximately 11:16 A.M. Carl Empey e-mailed Richard Ellis a message stating, "Looks like he wants to offer you \$160,000 a year to be his Deputy," from his office in downtown Salt Lake City. At the time the salary of Richard Ellis was approximately \$104K annually.

The statement of Richard Ellis on March 10, 2008 that he received the \$160,000 e-mail offer subsequent to the phone call from Carl Empey at his office at the Utah State Capitol, located in Salt Lake City, Utah.

The statement of Carl Empey that Mark Walker was present in his office on March 10, 2008, when he e-mailed the offer to Richard Ellis and where Walker allegedly told Empey "why don't you send an e-mail up to Richard and tell him of the \$160,000 amount and then I'm gonna go up and visit with him."

The statement of Carl Empey that, on March 10, 2008, he questioned Mark Walker "how are you gonna get that money," to which Mark Walker allegedly replied "well I've talked to the man that can make it happen."

The statement of Richard Ellis that on March 10, 2008, between 12:00 and 12:30 P.M. Mark Walker contacted Richard Ellis and asked if he could meet with him later that day.

That on or about March 10, 2008, between 12:30 P.M. and 3:00 P.M. Richard Ellis and Carl Empey talked again where it was again mentioned that Walker wanted to offer \$160,000 salary to keep Ellis as his Chief Deputy.

That on or about March 10, 2008, at approximately 3:00-3:30 P.M. Mark Walker and Richard Ellis met at Richard Ellis' office, located in room 180 of the Utah State Capitol building, within the corporate limits of Salt Lake City, Utah. During this meeting Walker allegedly told Ellis that they could work together as a team and that Walker could be the State Treasurer and Ellis could be his Chief Deputy and they would not have to bash heads together.

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At the end of the conversation Walker allegedly told Ellis that a number had been given to Ellis by Empey referring to the \$160,000 salary communicated earlier stating that "Carl's given you a number think about it."

The statements of Richard Ellis that, "it was clear that Walker was asking me to step aside in the race for Treasurer, and that, in the event, I would be Walker's deputy treasurer at an increased salary." "My distinct impression from the meeting with Mr. Walker was that he wanted me drop out of this, to not campaign, to stay as his Deputy."

The statement of Richard Ellis that after the March 10, 2008 meeting he contacted an attorney inside his office, Betsy Ross and communicated to her the offer that was made to him and that he was advised that this type of an offer is illegal and that he communicated this information to Carl Empey.

That on or about March 17, 2008, at the request of Richard Ellis, Mark Walker and Richard Ellis met again for breakfast at the Market Street Grill located at 48 West Market Street, Salt Lake City, Utah. The statements of Richard Ellis that they met for breakfast and that he communicated to Walker that the offer was illegal under the code and that Walker allegedly stated "well isn't there some way we can work around that."

The statement of Richard Ellis that he was concerned about the amount of money that Walker was going to get and when he questioned him about this amount and how that was going to be accomplished Walker allegedly said "I have talked to the person that can make that happen and you and I both know who that is." The statement of Richard Ellis that he did not know who that was, nor did he ask Walker.

The statement of Richard Ellis that at the March 17, 2008 breakfast meeting he asked Walker how he could guarantee the offer. At this point Walker allegedly told Ellis "I could put something in writing and let Mr. Empey hold it as third party, you know, to give you some comfort."

The statement of Carl Empey that in a conversation prior to March 17, 2008 with Mark Walker, Empey asked Walker "what guarantees do you have that you can give Mr. Ellis that you really will be a man of honor and you'll give him the \$160,000?" To which Walker allegedly replied "I could just write up a, an offer letter, and give it to you, and you could hold it as like in escrow, until I get elected."

The statement of Richard Ellis that as they left the breakfast Walker asked him "if the door was closed?" and to which Ellis replied "well, it seems like it is, I don't know how to get around this."

That on or about March 20th, 2008, Richard Ellis received a phone call from Carl Empey stating that Walker wanted to know if he had given this some thought . . . "have you made any final decisions on that, he's anxious for a decision . . . would you let him know."

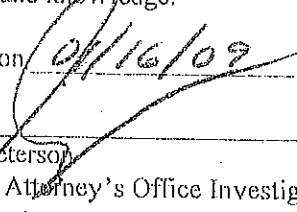
That on or about 3/21/2008 or 3/22/2008 Richard Ellis called Mark Walker and told him "any reasonable guy would take this offer, but this is illegal and neither you nor I need to get caught up in something like this, so I don't know how this can happen . . . looks like we'll have to just have to go campaign and at least get through the convention" to which Walker is alleged to have replied that "if it goes to the convention, the deal will change."

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All counts occurred within the corporate limits of SALT LAKE CITY, UTAH

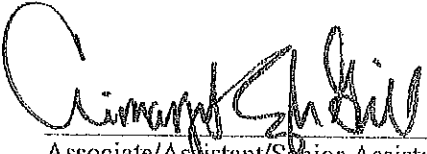
Pursuant to Utah Code Annotated § 46-5-101 (2007)
I declare under criminal penalty of the State of Utah
that the foregoing is true and correct to the best of
my belief and knowledge.

Executed on 01/16/09



Gary L. Peterson
Davis Co. Attorney's Office Investigator
Complainant

Authorized for presentment and filing:
SIMARJIT S. GILL, City Prosecutor



Associate/Assistant/Senior Assistant City Prosecutor
1116, 2009

SALT LAKE CITY JUSTICE COURT
COUNTY OF SALT LAKE, STATE OF UTAH

FILED

JAN 16 2009

SALT LAKE CITY, a Municipal Corporation,
on behalf of the State of Utah,

Plaintiff,

vs.

MR. JIM C BRADSHAW
ATTORNEY FOR DEFENDANT
MARK WALKER
10 WEST BROADWAY, SUITE 210
SALT LAKE CITY, UT 84101
DOB: 05/06/1976,

Defendant.

SUMMONS Salt Lake City Justice Court

Case No. 09CR00537

Judge Baxter

STATE OF UTAH)
) ss.
SALT LAKE CITY)

SALT LAKE CITY TO the above named defendant. You are hereby commanded to be and appear before a Justice Court Judge at 333 South 200 East, in Salt Lake County, State of Utah, on the 23rd day of January 2009, at the hour of 8:30 am in court room # 2 to answer the charge(s) of:

Count 1: INDUCEMENTS NOT TO BECOME CANDIDATE, a class B misdemeanor, in violation of Utah Code Ann. § 20A-9-204, as follows: That the defendant on or about March 10, 2008, at approximate location of within the corporate limits of SALT LAKE CITY, UTAH, did unlawfully (1) (a) pay or reward, or promise to pay or reward, another in any manner or form for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate; or

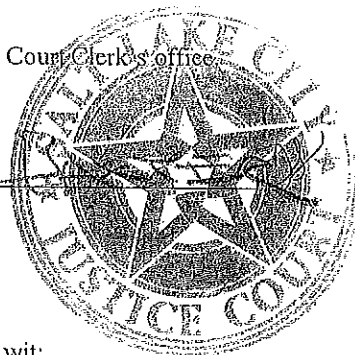
(b) solicit any payment, promise, or reward from another for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate.

(2) Any person who violates this section is guilty of a class B misdemeanor.

as appears from the Information, of THE UNDERSIGNED on file in the Justice Court Clerk's office

Dated this 16th day of January, 2009.

JUDGE



SUMMONS RETURN

I hereby certify that I served the SUMMONS upon the above named witness, to wit:

By serving the above named witness personally and leaving a true and correct copy with him/her.
By leaving a true and correct copy with _____
at the address indicated on the subpoena.

DATE: _____ OFFICER: _____