

AFFIDAVIT IN SUPPORT OF CRIMINAL
COMPLAINT

I, Laura Smith, being duly sworn, state as
follows:

INTRODUCTION AND AGENT
BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned
to

the Boston, Massachusetts Field Office. I joined the FBI in 2010 as a forensic
accountant

conducting complex financial investigations. I am currently a special agent on a
squad that

investigates economic crimes, including various forms of corporate fraud, securities
fraud and

bribery. I hold a Bachelor’s degree in Criminal Justice-Economic Crimes
Investigation and a

Master’s degree in Accounting. As an FBI Special Agent, I am an investigative
or law

enforcement officer of the United States within the meaning of Title 18, United
States Code,

Section 2510(7), in that I am empowered by law to conduct investigations of, and to
make arrests

for, offenses enumerated in Title 18, United States Code,
Section 2516.

2. I make this affidavit in support of criminal complaints charging the
following

individuals (collectively, “the defendants”) with conspiracy to commit mail fraud and
honest

services mail fraud, in violation of Title 18, United States Code, Section 1349:

GREGORY ABBOTT 36

MARCIA ABBOTT 36

GAMAL ABDELAZIZ 83

DIANE BLAKE 169

TODD BLAKE 169

JANE BUCKINGHAM 15

GORDON CAPLAN 22

I-HSIN "JOEY" CHEN 42

AMY COLBURN 193

GREGORY COLBURN 193

ROBERT FLAXMAN 196

MOSSIMO GIANNULLI 88

ELIZABETH HENRIQUEZ 44

MANUEL HENRIQUEZ 44

DOUGLAS HODGE 162

FELICITY HUFFMAN 72

AGUSTIN HUNEEUS, Jr. 96

BRUCE ISACKSON 107

DAVINA ISACKSON 107

MICHELLE JANAUS 153

ELISABETH KIMMEL 143

MARJORIE KLAPPER 79

LORI LOUGHLIN 88
TOBY MACFARLANE 180
WILLIAM E. McGLASHAN, Jr. 58
MARC PALATELLA 137
PETER JAN SARTORIO 177
STEPHEN SEMPREVIVO 186
DEVIN SLOANE 129
JOHN B. WILSON 122
HOMAYOUN ZADEH 199
ROBERT ZANGRILLO 118

3. Specifically, as set forth below, I have probable cause to believe that the

defendants conspired with others known and unknown: (1) to bribe college entrance exam

administrators to facilitate cheating on college entrance exams; (2) to bribe varsity coaches and

administrators at elite universities to designate certain applicants as recruited athletes or as other

avored candidates, thereby facilitating the applicants' admission to those universities; and (3) to

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use the façade of a charitable organization to conceal the nature and source of the bribe

payment

s.

4. The facts set forth in this affidavit come from my personal involvement with this

investigation, interviews with witnesses, including the cooperating witnesses described below,

and my review of documents—including bank records, flight records, e-mails, telephone toll

records, cell site data and other materials obtained through grand jury subpoenas and search

warrants—as well as Court-authorized Title III wiretap recordings, consensual recordings made

by a cooperating witness, and information provided by other law enforcement agents.

5. In submitting this affidavit, I have not included each and every fact known to me

about this investigation. Rather, I have included only those facts that I believe are sufficient to

establish probable cause.

PROBABLE
CAUSE

Overview of the
Conspiracy

6. Beginning in or about 2011, and continuing through the present, the defendants—

principally individuals whose high-school aged children were applying to college—conspired

with others to use bribery and other forms of fraud to facilitate their children's admission to

colleges and universities in the District of Massachusetts and elsewhere, including Yale

University, Stanford University, the University of Texas, the University of Southern California,

and the University of California – Los Angeles, among others. Evidence I have reviewed shows

that the scheme included the following:

a. Bribing college entrance exam administrators to allow a third party to facilitate

cheating on college entrance exams, in some cases by posing as the actual students, and in others

by providing students with answers during the exams or by correcting their answers after they

had completed the exams;

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b. Bribing university athletic coaches and administrators to designate applicants as

purported athletic recruits—regardless of their athletic abilities, and in some cases, even though

they did not play the sport they were purportedly recruited to play—thereby facilitating their

admission to universities in place of more qualified applicants;

c. Having a third party take classes in place of the actual students, with the

understanding that grades earned in those classes would be submitted as part of the students'

college

applications;

d. Submitting falsified applications for admission to universities in the District of

Massachusetts and elsewhere that, among other things, included the fraudulently obtained exam

scores and class grades, and often listed fake awards and athletic activities; and

e. Disguising the nature and source of the bribe payments by funneling the money

through the accounts of a purported charity, from which many of the bribes were then paid.

Certain Relevant Persons and Entities

7. The Edge College & Career Network, LLC, also known as “The Key,” is a for-

profit college counseling and preparation business based in Newport Beach, California that was

established in or about 2007 and registered in California in or about 2012.

8. The Key Worldwide Foundation (“KWF”) is a non-profit corporation founded in

or about 2012 and based in Newport Beach, California. In or about 2013, the Internal Revenue

Service (“IRS”) approved KWF as an exempt organization under Section 501(c)(3) of the

Internal Revenue Code, meaning that KWF is exempt from paying federal income tax, and that

individuals who contribute to KWF may deduct those contributions from their taxable income,

subject to certain limitations.

9. ACT, Inc. is a non-profit organization headquartered in Iowa City, Iowa that

administers the ACT exam, a standardized test that is widely used as part of the college

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admissions process in the United States. The ACT includes sections on English, mathematics,

reading and science, and is graded on a scale of 1 to 36.

10. The College Board is a non-profit organization headquartered in New York, New

York. Together with Educational Testing Service (“ETS”), a non-profit organization

headquartered in Lawrence Township, New Jersey, the College Board develops and administers

the SAT, a standardized test that, like the ACT exam, is widely used as part of the college

admissions process in the United States. Between 2005 and January 2016 the SAT was graded

on a scale of 600 to 2400. As of March 2016, the SAT has been scored on a scale of 400 to

1600. The College Board and ETS also develop and administer SAT subject tests, which are

also used as part of the college admissions

process.

11. Georgetown University (“Georgetown”) is a highly selective private university

located in Washington,
D.C.

12. Stanford University (“Stanford”) is a highly selective private university located in

Palo Alto,
California.

13. The University of California at Los Angeles (“UCLA”) is a highly selective

public university located in Los Angeles,
California.

14. The University of San Diego (“USD”) is a selective private university located in

San Diego,
California.

15. The University of Southern California (“USC”) is a highly selective private

university located in Los Angeles,
California.

16. The University of Texas at Austin (“U-Texas”) is a highly selective public

university located in Austin,
Texas.

17. Wake Forest University (“Wake Forest”) is a highly selective private university

located in Winston-Salem, North Carolina.

18. Yale University (“Yale”) is a highly selective private university located in New

Haven, Connecticut.

19. The athletic teams of Georgetown, Stanford, UCLA, USD, USC, U-Texas, Wake

Forest and Yale (collectively, “the Universities”) compete in most sports at the Division I level,

the highest level of intercollegiate athletics sanctioned by the National Collegiate Athletic

Association (“NCAA”).

20. Cooperating Witness 1 (“CW-1”) is an individual who participated in the scheme.

CW-1 founded and, together with others, operated The Key and KWF.¹

21. Cooperating Witness 2 (“CW-2”) is an individual who participated in the scheme.

CW-2 was employed at relevant times as the director of college entrance exam preparation at a

private college preparatory school and sports academy in Bradenton, Florida.²

¹ CW-1 has agreed to plead guilty in the United States District Court for the District of Massachusetts to racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d); money laundering conspiracy, in violation of Title 18, United States Code, Section 1956(h); conspiracy to defraud the United States, in violation of Title 18, United States Code, Section 371; and obstruction of justice, in violation of Title 18, United States Code, Section 1512(c). CW-1 has been cooperating with the government's investigation since in or about late September 2018, in the hope of obtaining leniency when he is sentenced. In or about October 2018, after he began cooperating with the government, CW-1 alerted several subjects of the investigation to its existence, resulting in the obstruction of justice charge to which he has agreed to plead guilty. Information provided by CW-1 has been corroborated by, among other things, Court-authorized wiretaps, e-mails, documents, consensual recordings, and interviews of other witnesses, including cooperating witnesses.

² CW-2 has agreed to plead guilty in the United States District Court for the District of Massachusetts to conspiracy to commit mail fraud and honest services mail fraud, in violation of Title 18, United States Code, Section 1349; and conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h). CW-2 has been cooperating with the government's investigation since in or about February 2019, in the hope of obtaining leniency when he is sentenced. Information provided by CW-2 has been corroborated by, among other

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22. Cooperating Witness 3 ("CW-3") is an individual who participated in the scheme.

CW-3 was employed at relevant times as the head coach of women's soccer at Yale.³

General Background on Standardized Testing and the College Admissions Process

23. The ACT and the SAT are typically administered to large groups of students on

specified dates and under strict time limits. However, students with certain learning or other

disabilities may qualify for extended time. In such circumstances, students take the test alone,

under the supervision of a test administrator retained by ACT, Inc. or the College Board.

24. Prior to administering the ACT, test administrators must typically certify that they

will administer the exam in accordance with the ACT Administration Manual, and will ensure

that the “test materials are kept secure and confidential, used for this examinee only, and

returned to ACT immediately after testing.” Similarly, prior to administering the SAT exam, test

administrators must typically certify that they will administer the test in accordance with the

SAT coordinator’s manual, that the SAT is the property of the College Board, and that no one

other than the student can “open the test book and see the test content.”

25. The ACT and SAT exams, and the scores students earn on those exams, are the

intellectual and physical property of ACT, Inc. and the College Board, respectively.

things, Court-authorized wiretaps, e-mails, documents, consensual recordings, and interviews of other witnesses, including cooperating witnesses.

³ CW-3 has agreed to plead guilty in the United States District Court for

the District of Massachusetts to wire fraud, in violation of Title 18, United States Code, Section 1343; honest services wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1346; and conspiracy to commit the same, in violation of Title 18, United States Code, Section 1349. CW- 3 has been cooperating with the government's investigation since in or about April 2018, in the hope of obtaining leniency when he is sentenced. Information provided by CW-3 has been corroborated by, among other things, Court-authorized wiretaps, e-mails, documents, consensual recordings, and interviews of other witnesses, including cooperating witnesses.

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26. Most of the Universities require prospective students to submit standardized test

scores—typically, either the ACT or the SAT—as part of their application packages. When

submitted, standardized test scores are a material part of the admissions process at each of the

Universities.

27. All of the Universities also recruit students with demonstrated athletic abilities,

and typically apply different criteria when evaluating applications from such students, with the

expectation that recruited athletes will be contributing members of the Universities' athletic teams

once enrolled. Typically, the admissions offices at the Universities allot a set number of

admission slots to each head coach of a varsity sport for that coach's recruited athletes. At each

of the Universities, the admissions prospects of recruited athletes are higher—and in some cases

substantially higher—than those of non-recruited athletes with similar grades and standardized

test scores.

28. Student athletes recruited by coaches at USC and UCLA, for example, are

typically considered by designated admissions committees, which give consideration to their

athletic abilities, and may admit applicants whose grades and standardized test scores are below

those of other USC or UCLA students, including non-recruited athletes. At Wake Forest, as

another example, approximately 128 admissions slots are designated for athletic recruitment, and

recruited students are typically assured of admission to the university provided they meet certain

minimum academic standards. Similarly, at Georgetown, approximately 158 admissions slots

are allocated to athletic coaches, and students recruited for those slots have substantially higher

admissions prospects than non-recruited students.

29. At each of the Universities, admissions slots, the determination of which students

to admit, and the resulting composition of undergraduate classes are important assets of the

University

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The College Entrance Exam Cheating Scheme

30. The college entrance exam cheating scheme generally worked as follows:

a. CW-1 instructed clients of The Key to seek extended time for their

children on college entrance exams if they had not done so already, including by having the

children purport to have learning disabilities in order to obtain the medical documentation that

ACT, Inc. and the College Board typically require before granting students extended time.

b. Once the students were granted extended time—which generally allowed

them to take an exam over two days instead of one, and in an individualized setting—CW-1

instructed his clients to change the location of the exam to one of two test centers he told them he

“controlled”: a public high school in Houston, Texas (the “Houston Test Center”) or a private

college preparatory school in West Hollywood, California (the “West Hollywood Test Center”).

For example, in explaining the scheme to defendant WILLIAM E. McGLASHAN, Jr., CW-1

explained that he needed to “control the center” for the scheme to work, and that by obtaining

“extended time” for the test, McGLASHAN’s son would be able to take the test at CW-1’s

“facility,” rather than at his own high school. At those test centers, CW-1 had established

relationships with test administrators who had agreed to accept bribes to facilitate the cheating

scheme: Niki Williams at the Houston Test Center, and Igor Dvorskiy at the West Hollywood

Test Center.⁴ CW-1 typically instructed his clients to fabricate a reason—such as a bar mitzvah

⁴ Williams and Dvorskiy have been indicted by a federal grand jury in the District of Massachusetts on a charge of racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d).

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or a wedding—that their children purportedly needed to take the test in Houston or West

Hollywood instead of at their own schools.

c. After the location of the exam had been changed, ACT, Inc. and the

College Board sent the exams to those test centers, typically via private interstate commercial

carrier, such as Federal Express (“FedEx”) in the case of ACT, Inc., and United Parcel Service

(“UPS”) in the case of the College Board.

d. CW-1 bribed the test administrators to allow a third-party—typically CW-

2—to take the exams in place of the actual students, to serve as a purported proctor for the exams

while providing students with the correct answers, or to review and correct the students’ answers

after they completed the exams. In many instances, the students taking the exams were unaware

that their parents had arranged for this cheating.

e. The corrupt test administrators sent the doctored exams back to ACT, Inc.

and the College Board, typically via either UPS or FedEx.

f. CW-1’s clients paid CW-1 between \$15,000 and \$75,000 per test to

participate in the cheating scheme, with the payments typically structured as purported donations

to the KWF charity.

g. CW-1, in turn, paid Dvorskiy bribes of approximately \$10,000 per test to

permit the cheating. CW-1 likewise bribed Williams, typically via payments through a mutual

acquaintance, Martin Fox, who introduced CW-1 to Williams.⁵ However, in July 2018, CW-1

sent Williams a \$5,000 check directly. CW-1 also paid CW-2 approximately \$10,000 to take or

⁵ Fox has been indicted by a federal grand jury in the District of Massachusetts on a charge of racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d).

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correct each student's test. Most of the payments to Dvorskiy and CW-2 were drawn on the

account of the KWF charity.

h. In explaining the scheme to clients, CW-1 typically sought to earn their

trust and confidence by noting that he had previously done the same thing many times before

with other families. As set forth below, for example, CW-1 had the following exchange with

defendant GORDON CAPLAN in a call on or about June 15, 2018 (prior to the time CW-1

began cooperating with the government's investigation), that was intercepted pursuant to a

Court-authorized wiretap: ⁶

CAPLAN And it works?

CW-1 Every time. (laughing)

CAPLAN (laughing)

CW-1 I mean, I'm sure I did 30 of them at different, you know, dates because there's different dates, and they're all families like yours, and they're all kids that wouldn't have perform[ed] as well, and then they did really well, and it was like, the kids thought, and it was so funny 'cause the kids will call me and say, "Maybe I should do that again. I did pretty well and if I took it again, I'll do better even." Right? And they just have no idea that they didn't even get the score that they thought they got.

Indeed, in many cases, CW-1's clients referred other parents to him, or inquired directly about

other parents' involvement in the scheme. For example, as set forth in greater detail below,

defendant AGUSTIN HUNEEUS, Jr., told CW-1, in substance, that he was aware that

McGLASHAN had participated in the college entrance exam scheme, but that McGLASHAN

had not advised his own son of that fact, and that McGLASHAN's son thus "had no idea ... that

you helped him on the ACT."

⁶ Excerpts of wiretap interceptions and consensual recordings set forth herein are based on draft transcripts of those recordings.

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i. The children of CW-1's clients submitted the fraudulently obtained exam

scores as part of their applications to universities nationwide, including Boston College, Boston

University and Northeastern University in the District of Massachusetts.⁷

The College Recruitment Scheme

31. Between approximately 2011 and 2018, parents paid CW-1 approximately \$25

million to bribe coaches and university administrators to designate their children as purported

recruited athletes, or as members of other favored admissions categories, thereby facilitating the

children's admission to those universities. The recruitment scheme typically worked as follows:

a. CW-1 told parents, in sum and in substance, that he could facilitate their

children's admission to certain universities via what he termed the "side door." He described the

side door scheme as a *quid pro quo*, pursuant to which the parents would purport to make

charitable donations to KWF. CW-1, in turn, would funnel those payments to particular athletic

coaches, or to university programs designated by those coaches, using KWF to disguise the

nature and source of the payments. CW-1 typically explained to parents that, in exchange for the

payments, the coaches would designate their children as recruited athletes—

regardless of their

athletic abilities—thereby facilitating their admission to the universities.

b. CW-1 typically explained to his clients, in substance, that the scheme was

a tried-and-true method of gaining admission to colleges, and that many other families were

participating or had already participated in it, leveraging connections CW-1 had developed at

multiple universities over years of work with prior clients. For example, set forth below is how

⁷ In addition, as set forth herein, e-mails, wire transfers and mailings in furtherance of the conspiracy were sent to and from the District of Massachusetts, telephone calls in furtherance of the conspiracy were also made to and from the District of Massachusetts, and two of the conspirators have residences in the District of Massachusetts.

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CW-1 described the scheme to CAPLAN in the June 15, 2018 call, during which CW-1

represented to CAPLAN that he had successfully engaged in the same scheme with nearly 800

other families:

Okay, so, who we are-- what we do is we help the wealthiest families in the U.S. get their kids into school Every year there are-- is a group of families, especially where I am right now in the Bay Area, Palo Alto, I just flew in. That they want guarantees, they want this thing done. They don't

want to be messing around with this thing. And so they want in at certain schools. So I did 761 what I would call, "side doors." There is a front door which means you get in on your own. The back door is through institutional advancement, which is ten times as much money. And I've created this side door in. Because the back door, when you go through institutional advancement, as you know, everybody's got a friend of a friend, who knows somebody who knows somebody but there's no guarantee, they're just gonna give you a second look. My families want a guarantee. So, if you said to me 'here's our grades, here's our scores, here's our ability, and we want to go to X school' and you give me one or two schools, and then I'll go after those schools and try to get a guarantee done. So that, by the time, the summer of her senior year, before her senior year, hopefully we can have this thing done, so that in the fall, before December 15th, you already knows she's in. Done. And you make a financial commitment. It depends on what school you want, may determine how much that actually is. But that's kind of how the the side and back door work.

c. Once parents agreed to participate in the scheme, CW-1 sent bribes to

coaches and, in one case, a university administrator, typically out of a KWF bank account. In

some instances, he directed the money to the recipients directly, for their personal use, including

one recipient who received bribe payments by mail at his residence in the District of

Massachusetts. In other instances, he directed the money to designated accounts at the

Universities that were controlled by the recipients, including in some instances via mailings from

the District of Massachusetts. In still other instances, CW-1's clients made the payments directly

to the designated accounts at the Universities, as directed by the bribe recipients.

d. In recruiting coaches to participate in the scheme, CW-1 sought to earn

their trust and confidence by making clear to them, as he did to his clients, that other coaches

were already engaged in the same conduct with him. For example, set forth below are two

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excerpts from a call on or about May 4, 2018, in which CW-1 sought to enlist the assistance of

CW-3 in recruiting additional coaches to join the conspiracy:

CW-1 You can say he's doing it at, for this year I did [seven elite schools], we've done it everywhere.

CW-3 Okay, see that might, yeah it definitely would make them feel more comfortable with all those places.

....

CW-3 Okay, alright, and all those schools, like, you-- you're-- you're comfortable. I can-- I can tell her comfortably that you worked with all those schools.

CW-1 Absolutely.

CW-3 Huh.

CW-1 It's all different-- it's all—absolutely, but it's all-- it's different programs at every school.

CW-3 Right, right, right, I know, I know. But saying that you worked with those schools I think that makes her feel more comfortable, knowing that

you've worked with all the schools before.

CW-1 You can tell them I did 760 of these this year, 96 the year before.

e. In exchange for the bribes, the recipients designated the children of CW-

1's clients as purported athletic recruits—without regard for their athletic abilities—or as

members of other favored admissions categories, such as "VIP lists," thereby facilitating their

admission to the Universities.

f. As part of the scheme, CW-1, together with others, also fabricated athletic

"profiles" for students, which CW-1 submitted to the Universities in support of the students'

applications, and which contained falsified athletic credentials—including fake honors the

students had purportedly received and elite athletic teams they had purportedly played on. In

some instances, parents assisted CW-1 in creating the fabricated profiles, including by supplying

staged photographs of their children engaged in athletic activity. In other instances, CW-1 and

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his associates simply found photos of athletes on the Internet and either used those photos or

used software such as PhotoShop to insert the applicants' faces onto the bodies of legitimate

athletes. For example, as set forth in greater detail below, CW-1 explained to McGLASHAN

that he would create a falsified athletic profile for McGLASHAN's son, something he told

McGLASHAN he had "already done ... a million times," and which would involve him using

"Photoshop and stuff" to deceive university admissions officers.

g. As another example, on or about November 13, 2017, CW-1 sent a

falsified athletic profile to CW-3. The profile falsely described an applicant as the co-captain of

a prominent club soccer team in southern California. CW-3, in exchange for a promised bribe

payment, designated the applicant as a recruit for the Yale women's soccer team, despite the fact

that, as he knew at the time, she did not play competitive soccer. On or about January 1, 2018—

after the applicant was admitted to Yale—CW-1 mailed CW-3 a check in the amount of

\$400,000, drawn on a KWF bank account. Relatives of the applicant subsequently paid CW-1

approximately \$1.2 million in multiple installments, including approximately \$900,000 that was

directed to KWF as a purported charitable donation.

THE INDIVIDUAL
DEFENDANTS

A. JANE BUCKINGHAM

32. Defendant JANE BUCKINGHAM is a resident of Los Angeles, California.

BUCKINGHAM is chief executive officer (“CEO”) of a boutique marketing company based in

Los Angeles.

33. In or about June 2018, BUCKINGHAM agreed to make a purported charitable

donation of \$50,000 to KWF, in exchange for which CW-1 arranged to have CW-2 take the ACT

on behalf of BUCKINGHAM’s son at the Houston Test Center the following month.

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34. Thereafter, CW-1 made arrangements with Williams to to allow CW-2 to purport

to proctor the ACT for BUCKINGHAM’s son. In return, CW-1 promised Williams that he

would send her money to “go on vacation.”

35. In a call with BUCKINGHAM on or about July 10, 2018, CW-1 explained, in

substance, that CW-2 would not require all of the extended time BUCKINGHAM’s son had been

granted to take the ACT. The following is an excerpt from the conversation, which was

intercepted pursuant to a Court-authorized wiretap.

CW-1 Hey there, so I just talked to Niki. So you guys are gonna meet at 8 a.m. in front of the [Houston Test Center].

BUCKINGHAM Okay.

CW-1 And you're actually not gonna take the test there you because they're doing some re-modeling at the school.

BUCKINGHAM Okay.

CW-1 But she's gonna walk you across the street to Texas Southern University, 'cause it's right across the street.

BUCKINGHAM Okay.

CW-1 And they're gonna have a classroom all set up for the proctor, [CW-2] and [your son], and then Niki will take care of the rest.

BUCKINGHAM Amazing, and is it okay if he takes it all in one day?

CW-1 He's going to take it one day 'cause [CW-2] is only flying in from Florida for one day.

BUCKINGHAM There you go that's--

CW-1 But on, but on, but on the form it will say two days.

BUCKINGHAM Got it, got it.

CW-1 So we will document that he took it over two days.

36. After speaking with BUCKINGHAM, CW-1 called CW-2 to review the logistics

of the plan for CW-2 to take the exam. CW-1 told CW-2 that he would send him a check for

\$10,000. 37. In a call on or about July 12, 2018, BUCKINGHAM advised CW-1, in substance,

that her son had developed tonsillitis and that his doctor had advised against allowing him to

travel. BUCKINGHAM asked CW-1 whether it would be possible for her to obtain a copy of

the exam that she could have her son take at home—so that he would believe he had taken the

test—while CW-2 took the actual exam on his behalf in Houston. The following is an excerpt

from the conversation.

BUCKINGHAM So I guess my question is, look--

CW-1 Go ahead.

BUCKINGHAM First of all, he can get on the plane like he, according to him, he's like, "I really don't feel that bad, I think I'm okay." And I do think that this doctor is a little over conservative. Part of my challenge is that my ex- husband is being incredibly difficult about the whole surgery, and if I take him to Houston and then he can't get the surgery he's gonna be very annoyed with me. So my question is, there is no way for him to not go and it still to be done, I assume?

CW-1 Oh maybe I can do that, but I just don't-- I have to talk to the proctor [to make sure she is] fine with

doing it.

BUCKINGHAM Right.

CW-1 It's the gal who runs the school.

BUCKINGHAM Right.

CW-1 So I have to ask her. I just got off the phone with her, but if, are you
okay with that? And then
just--

BUCKINGHAM Well what?

CW-1 The score.

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BUCKINGHAM What I would do is, I would say to you, can you give me a test for
him

to take at home that we proctor him, that I proctor
him?

CW-1 Got it, got it. Okay, yeah, I guess we could do we could do something
like
that.

BUCKINGHAM I mean that's just, I guess, and it's the only thing I can think of, if you
think it's
doable?

CW-1 Yeah, so, the only fact, the only other way is that ACT allows a three
week window, unlike SAT, which is a three day
window.

BUCKINGHAM Right.

CW-1 So I just talked to Niki, the gal at [the Houston Test Center], and she is
back on the 25th of

July.

BUCKINGHAM It just depends on whether he gets the surgery or not.

CW-1 I know, I know.

BUCKINGHAM He can't, he can't fly for two weeks after that.

CW-1 Okay, so let me call Niki and ask her if she would have a problem with
[CW-2] just doing
this.

BUCKINGHAM Yeah.

CW-1 Which would actually make it easier for him to do it, because it would
take less time, but let me call Niki right now and see what
she says.

38. Later that same day, CW-1 called BUCKINGHAM to tell her that Williams was

willing to go along with BUCKINGHAM's plan. The following are two excerpts from the

conversatio
n.

CW-1 Okay, so here's the deal.

BUCKINGHAM Okay.

CW-1 So Niki is is willing to do it.

BUCKINGHAM Yep.

CW-1 We are looking for my, correct, that we are trying to get ourselves like
34 on the
ACT?

BUCKINGHAM Yeah, yeah.

CW-1 So [CW-2] will do that. It's really-- can be a 33, it could be a 34, it
could be a
35.

BUCKINGHAM Right.

....

CW-1 But, so, anyways, so the, she said she would do it, she would send us a
copy of the test that we're gonna
take--

BUCKINGHAM Okay.

CW-1 And then, even though we're already gonna send in his test, there at least
[your son] will have taken the same test.

BUCKINGHAM Thank you, thank you.

CW-1 Okay, so your donation is gonna be 50. It'll it'll end up being through
our
foundation.

BUCKINGHAM Okay.

CW-1 And I'm already sending a check to the proctor today, and to Niki today,
'cause she said, "I gotta have the money
first."

BUCKINGHAM Okay.

CW-1 I said, "Niki, I have been doing this forever." She said, "I get it, but this
like, this is
crazy."

BUCKINGHAM Yeah. I know this is craziness, I know it is. And then I need you to get

him into USC, and then I need you to cure cancer and [make peace] in the Middle East.

CW-1 I can do that, I can do that if you can figure out a way to boot your husband out so that he treats you well-- you're treated better--

BUCKINGHAM That's impossible. That's impossible. But, you know, peace in the

Middle East. You know, Harvard, the rest of it. I have faith in you.

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CW-1 Got it, got it. Alright, so I will tell [CW-2] now that he's just gonna pick it up [from] Niki, take it, [and] Niki will send us a copy, and then [your son] can take it sometime next week when he's feeling better.

BUCKINGHAM Yeah, I mean look, he can take it Saturday, I have no problem with him

taking [it then].

CW-1 But it's not an issue with that. It can be anytime he wants.

BUCKINGHAM Right, okay, okay.

CW-1 That's not an issue, 'cause it has to be sent in from Houston.

. BUCKINGHAM And is-- will you send me where and how I should send the check?

CW-1 Oh yeah, yeah, yeah, yeah. We'll send it so that you get your [IRS tax] writeoff

.

BUCKINGHAM Oh, even better!

CW-1 Yeah, it will be, it will be through the, our foundation, our 501(c)(3),
and then we'll send the checks to all the
parties.

BUCKINGHAM Okay.

CW-1 And that way you, there's no, people aren't saying, "Well, why [did]
you send a check to [the Houston Test Center]?" and da
da da.

BUCKINGHAM Right, right.

39. On or about July 13, 2018, CW-2 asked CW-1 for a handwriting sample
from

BUCKINGHAM's son so that CW-2 could attempt to match his handwriting on the
exam. CW-

1 called BUCKINGHAM to request the sample. The following is an excerpt
from the

conversatio
n.

CW-1 Hey could you get me a handwriting sample?

BUCKINGHAM Yep.

CW-1 And a signature sample, so that he can kind of get close. Had he not
taken the test before we wouldn't have to do this, but I just want
to make sure we're close in our writing.

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BUCKINGHAM Yes. He has not great writing. I'm gonna give you that, but I'm
going

to, actually I'm bringing [him] to the doctor right now, so we

will sit down in the waiting room and I will send it to you.

40. Shortly thereafter, BUCKINGHAM sent CW-1 an e-mail with the notation,

“Good luck with this.” Attached to the e-mail was a photograph of the following:

41. CW-2 took the ACT exam on or about July 14, 2018, in his room at a Houston-

area hotel. The next day, CW-1 e-mailed BUCKINGHAM, “Test went well.”

42. On or about July 17, 2018, BUCKINGHAM asked CW-1, via e-mail, “[D]o you

think we could get a copy of the ACT for [my son] to take?” Later that same day, an employee

of The Key e-mailed BUCKINGHAM a copy of an ACT practice test.

43. On or about July 18, 2018, BUCKINGHAM wired \$35,000 to a bank account in

the name of the KWF charity as a partial payment toward the agreed-upon fee of \$50,000.

BUCKINGHAM advised CW-1 that she would seek to have her former spouse pay the

remaining \$15,000 she

owed.

44. BUCKINGHAM's son received a score of 35 out of a possible 36 on the ACT

exam CW-2 secretly took on his behalf.

45. On or about October 29, 2018, at the direction of law enforcement agents, CW-1

called BUCKINGHAM from Boston, Massachusetts. On the call, BUCKINGHAM said that she

would "probably like to do the same thing with [my daughter] with her ACTs" because she is

"not a great test taker." BUCKINGHAM said her daughter would not "need to get a 35" to be

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admitted to her chosen schools, "but if she got a 32 or 33, I'm assuming that would make her

pretty competitive."

B. GORDON CAPLAN

46. Defendant GORDON CAPLAN is a resident of Greenwich, Connecticut and New

York, New York. CAPLAN is an attorney and the co-chairman of an international law firm

based in New York.

47. In or about November and December 2018, CAPLAN participated in the

college

entrance exam cheating scheme by making a purported charitable donation of \$75,000 to KWF,

in exchange for which CW-1 arranged to have CW-2 purport to proctor CAPLAN's daughter's

ACT exam and correct the answers after she had completed it.

48. In a call on or about June 15, 2018, CW-1 explained to CAPLAN, in sum and

substance, how the scheme worked. The following is an excerpt from the conversation, which

was intercepted pursuant to a Court-authorized wiretap.

~~CW-1 So here's the first thing we need to do. And I think I mentioned this to your wife. We need to get your daughter tested for a learning difference. Here's why. If she gets tested for a learning difference, and let's say it's my person that does it, or whoever you want to do it, I need that person to get her 100% extended time over multiple days. So what that means is, we'll have to show that there's some discrepancies in her learning, which there's gotta be anyways. And if she gets 100%, Gordon, then, I own two schools. I can have her test at one of my schools, and I can guarantee her a score. If it's ACT, I can guarantee her a score in the, in the 30s. And if it's the SAT, I can guarantee her a score in the 1400s. Now, all of a sudden, her test score does not become an issue with all the colleges. Because she's strong enough. Then, if we clean up her transcript, then her ability, with her athletic ability and her testing and her getting better at school, it's much easier to get her into school, because you're not fighting huge obstacles at the types of schools you're talking about. Now, if we do that, there's a financial consideration that you have to pay to the school to get it done, because this is absolutely unheard of, to make this happen. I can make scores happen, and nobody on the planet can get scores to happen. She won't even know that it happened. It will happen as though, she will think that she's really super smart, and she got lucky on a test, and you got a score now. There's lots of ways to do this. I can do anything and everything, if you guys are amenable to doing it.~~

CAPLAN Okay, so let me let me understand the two components. What is the, what is the,

the
number?

CW-1 So the number-- the number--

CAPLAN --At Cornell for instance.⁸

CW-1 Well, hold on a second. The number on the testing is \$75,000. Okay? It's \$75,000

to get any test scores you would like to get on the SAT or ACT. Okay, that's--

CAPLAN Explain to me how that works.

CW-1 I just explained it to you. You get extended time, you gotta get the extended time

first. Then you're going to fly to L.A. And you're going to be going on a fake recruiting visit. You'll visit some schools, while you're out here in L.A. And then on a Saturday, which is the national test day if it's ACT or SAT, she's going to sit down and take the test. I will have a proctor in the room, that's why, when you have 100% extended time, you have-- you get to take it at a-- you don't take it with everybody else, you get to take it over multiple days. And you get to take it at a-- you can take it at your school or another school. Okay? And then this kid, 'cause she's taking online classes, you have to go somewhere anyway.⁹ So you come to my school, take the test on a Saturday. She'll be in the room for six, six and a half hours taking this test. My proctor would then answer her questions, and by the end of the day, she would leave, and my proctor would make sure she would gets a score that would be equivalent to the number that we need to get.

CAPLAN Okay.

CW-1 That's how simple it is. She doesn't know. Nobody knows what happens. It happened, she feels great about herself. She got a test a score, and now you're actually capable for help getting into a school. Because the test score's no longer an issue. Does that make sense?

CAPLAN That does.

49. Later that same day, CW-1 had a follow-up call with CAPLAN in which he again

explained, in substance, how the scheme worked, and in particular the need for CAPLAN's

daughter "to be stupid" when a psychologist evaluated her for learning disabilities in order to

⁸ CAPLAN's reference to the "number" for Cornell was a reference to the athletic recruitment scheme, which he also expressed an interest in but ultimately decided not to pursue.

⁹ CAPLAN's daughter was enrolled at an online high school.

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obtain the documentation necessary to obtain extended time on the exam. The following are two

excerpts from the conversation.

~~CAPLAN Well again, thanks for taking the time earlier today. Look, I'm particularly~~

~~interested in working with you guys and figuring out what's best for [my daughter]. She's an interesting kid. I'm sure you've seen them all. But this notion of effectively going in, flying out to L.A., sitting with your proctor, and taking the exam is pretty interesting.~~

~~CW-1 It's the homerun of homeruns.~~

~~CAPLAN And it works?~~

CW-1 Every time. (laughing)

CAPLAN (laughing)

CW-1 I mean, I'm sure I did 30 of them at different, you know, dates because there's different dates, and they're all families like yours, and they're all kids that wouldn't have perform[ed] as well, and then they did really well, and it was like, the kids thought, and it was so funny 'cause the kids will call me and say, "Maybe I should do that again. I did pretty well and if I took it again, I'll do better even." Right? And they just have no idea that they didn't even get the score that they thought they got.

CAPLAN Right.

CW-1 Which is great, that's the way you want it. They feel good about themselves.

CAPLAN Yeah, absolutely, and there's nothing, just ask you directly, there's nothing that

the schools are concerned about with this, or have a problem with?

CW-1 Schools don't know. Schools don't know. That's why you have to get 100% time or you have to get 50% multiple days. The only, so the way it works is, if you get 50% time you have to take it at a national test center okay? If you get 100% time you have to find a school that'll actually give you the test. So, if she were at a traditional school, she would be taking it at that school. What I do is, I always tell the family, "Oh, you got a bar mitzvah out of town that weekend, so you found a school to take it at," and they go take it at our school and then they come home and they get a score. So the key is the testing, and we have to get the testing so that we show a discrepancy. It sounds like she has a discrepancy, but I need the discrepancies to be significant enough so that we don't have to appeal and we can go forward. The fact that she's in an online school, that may be helpful for us as well.

CAPLAN And you work all of that out? You figure that out? Or?

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CW-1 Yeah, absolutely.

CAPLAN And do you ever have a problem getting the 100% time?

CW-1 Oh yeah, there's times when we have to appeal because, you know, for whatever

reason. You have to understand that College Board and ACT both outsource their decisions to a committee, 'cause they're tired of being sued. For, you know, so they do the outsourcing. So, sometimes you have to re-appeal so that psychologist that'll do the testing, will actually write up an appeal. So we'll do that, and I also need to tell [your daughter] when she gets tested, to be as, to be stupid, not to be as smart as she is. The goal is to be slow, to be not as bright, all that, so we show discrepancies. And she knows that she's getting all this extra time, everywhere that she is right now. At the Academy kids are getting extra time all the time.

CAPLAN You mean the Greenwich Academy?

CW-1 Everywhere.

CAPLAN Oh, oh you mean at her tennis academy. I see. Yeah. Okay.

CW-1 Yeah, everywhere around the country. What happened is, all the wealthy families that figured out that if I get my kid tested and they get extended time, they can do better on the test. So most of these kids don't even have issues, but they're getting time. The playing field is not fair.

CAPLAN No, it's not. I mean this is, to be honest, it feels a little weird. But.

CW-1 I know it does. I know it does. But when she gets the score and we have choices,

you're gonna be saying, okay, I'll take all my kids, we're gonna do the same thing. (laughing)

CAPLAN Yeah, I will.

....

CAPLAN So, how do I get this done with you? What do I need to

de?

CW-1 So what I need to do is, I'm gonna talk to our psychologist, and we may have to send her to you, or you to her, so that she can get the testing done. I'm gonna talk to her, because she's going to a school online, there are forms that have to be filled out by her teachers that she's doing online, so we'll need to send the whole packet to them. It's a huge writeup. It's, you know, it's, I don't know what it is, it costs like four or five grand to get the report all done and all the testing done and have, takes two days to get the testing done. And it shows all the discrepancies. Here's the great thing. When she goes to college, she gets to bring this report with her and she'll get extended time in all those things in whatever

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school she goes to, which is huge again. She'll get all the accommodations when she gets to college as well.

CAPLAN Huh.

CW-1 Which will be really helpful.

CAPLAN Okay, okay.

CW-1 So I need to follow up, what I need to do is get your wife to send me her classes

she's in, her transcript, and then let me then have a discussion with our psychologist and ask her what she needs to get the ball rolling.

CAPLAN Okay. And how do I ensure that she's working with you, and, you know, the

people that you want her working with?

CW-1 So what happens is, I think your family already talked to my person who lives in New York.

CAPLAN Alright.

CW-1 [My employee] and she'll start working with [my employee]. [My employee] will be aware of everything that's going on, she won't say anything 'cause she knows. 'Cause we have a bunch of other New York families that are doing the same thing. And then what we'll do is, she'll work on a weekly basis with [my employee], the testing will be done by the psychologist, and then lastly, I already got the proctor already set up. He lives in Florida. He actually played tennis at Harvard and he'll be the proctor. And then, when we get a score, and get her grades changed, and she retakes her classes, then we'll figure out how good she is, late spring next year and we'll go after those schools--

CAPLAN Okay, so what?

CW-1 --want to get into.

CAPLAN When will the-- so when will she take this extended test?

CW-1 Here's the thing, we gotta get her tested, and I gotta figure out if her school will check the box that, normally it takes four months of getting accommodations but she doesn't go to a traditional school, so they should be able to check off the box without the four months. Then we would take it late fall this year and we would take it one time and be done.

CAPLAN Hmm. And a score of? You would think would be?

CW-1 The score will be whatever we need it to be.

CAPLAN Got it, okay. I will.

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50. During a call with CAPLAN and CAPLAN's spouse on or about July 5, 2018,

CW-1 suggested that they hire a member of his staff to take classes for her, in order to improve

her grades in preparation for her application to college. CW-1 explained, "We would do them

online and one of my people would take the class for her.” CAPLAN’s spouse replied that she

had a “problem with that.” At that point, CAPLAN picked up the phone and spoke with CW-1

privately. The following are two excerpts from the conversation.

CAPLAN It’s just you and me. Is that kosher? I mean, can we?

CW-1 Absolutely, I do it all the time man. I do it all the time for families and then we take college classes for kids, you know, online to raise their GPA. Because again, it’s not, nobody knows who you are ’cause you’re, you don’t take a, there is nothing that, you know, is filmed when you take your test and everything, that’s what’s so great about it. So that’s why I asked.

CAPLAN ~~Is, let me put it differently, if somebody catches this, what happens?~~

CW-1 ~~The only one who can catch it is if you guys tell somebody.~~

CAPLAN ~~I am not going to tell anybody.~~

CW-1 Well (laughing)

CAPLAN (laughing)

CW-1 ~~Neither am I. And, neither am I.~~ So the only way is, if somebody says at [your daughter’s] school, “Oh by the way, you re-took this class, congratulations, you got an A, blah, blah blah,” she can’t act like, “Really? When did I take that?”

CAPLAN I see, okay.

51. Later in the call, CAPLAN inquired again about the “ACT thing.”

CW-1 Yeah, so, you’re getting tested by our psychologist,

CAPLAN Right.

CW-1 I don't know what she charges, and I, I don't make any money on this stuff. I don't really care about it to be frank with you. The school that she would be taking the test at, with the proctor, is \$75,000 and we get the score we need to get. It's one time, it's done, she can't, but she has to show up and be there. She'll ask--

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CAPLAN Done, done, not a problem.

CW-1 She'll, she'll think, right, she'll think she took it. She'll feel good about herself. She'll get a great score and she'll be like, "Mom and dad, can I..." You know what's going to happen? She's going to say, "Dad, can I re-take the test again? 'Cause I think I can do better." And that happens all the time, right? She'll get whatever, and we will say no, just so you know that.

CAPLAN But it will be somewhere in the 30s

....

CAPLAN Okay, well look, we are in for the, get her extra time, to the extent we can, extra

time on the
test.

CW-1 Right

CAPLAN And then, and taking the test one time and get her a, you know, a score in the 30s.

CW-1 Correct.

CAPLAN We are in for that, at 75, not an issue.

CW-1 Done.

CAPLAN Done. The other stuff (laughing)--

CW-1 That will be up to you guys, it doesn't matter to me.

~~CAPLAN Yeah, I, I hear ya. It's just, to be honest, I'm not worried about the moral issue~~

~~here. I'm worried about the, if she's caught doing that, you know, she's finished. So I, I just--~~

~~CW-1 It's never happened before in twenty-some-odd years. The only way anything can~~

~~happen is if she--~~

~~CAPLAN Someone talks--~~

CW-1 Yeah, if she tells somebody. And that's why even on the payment to the school thing, nobody, we never tell the, you know, she just needs to know that you're gonna get some help on this class.

CAPLAN Correct.

CW-1 She'll be more than happy.

CAPLAN Oh yeah, I, she, she won't talk.

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52. On or about July 21, 2018, CAPLAN and his daughter flew to Los Angeles to

meet with a psychologist in an effort to obtain the medical documentation required to receive

extended time on the ACT exam.

53. After twice denying the request, the ACT ultimately granted CAPLAN's daughter

extended time on the exam at the request of law enforcement on or about November

6, 2018. In

a call two days later, CAPLAN asked CW-1, in sum and substance, whether anyone involved in

the cheating scheme had ever been caught. The following is an excerpt from the conversation,

which was consensually recorded.¹⁰

CAPLAN So [my daughter] did get the extension. Totally unexpected. We got it last night.

CW-1 Really?

CAPLAN Yeah.

CW-1 That's cool. Cool.

CAPLAN Yeah. And you were right. I mean, it was like third time was the charm. So

everybody was telling us there's no way, and then all of a sudden it comes in through [her school]. So, again, and-- keep in mind I am a lawyer. So I'm sort of rules oriented. Doing this with you, no way-- she's taking the test. It's her taking the test, right? There's no way--

CW-1 So--

CAPLAN -- any trouble comes out of this, nothing like that?

CW-1 Okay. So-- so normally-- so let me-- [I] explained this to you before and--

CAPLAN Yes, and I-- and I apologize. It's just--

CW-1 No, no. I get you.

CAPLAN Bear with me.

¹⁰ By the time of this conversation, CW-1 was cooperating with the government's investigation.

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CW-1 Okay. So I'm going to-- I'll explain to you the process and you get-- you get to decide the process. Okay? So what normally happens in our case is I'll call [CW- 2], who's our proctor, and I'll call Igor, who's the principal of [the West Hollywood Test Center] and I'll say, "Okay, what dates are you available?" Because, my guess, if you're taking the ACT, our next test date is between December 8th and we have two weeks to take the test. Is that what the letter says?

CAPLAN That's a good question.

CW-1 It should, but just call it that it is. Okay?

CAPLAN Okay.

CW-1 All right. I'll--

CAPLAN And I could-- I could forward it to you, too.

CW-1 Okay. That's normally the case. So then-- so what happens is, is then you guys

have already registered for the December 8th test at a national test center, correct?

CAPLAN I believe so, yes.

CW-1 Okay. So then what happens is, I need the ticket that--

CAPLAN And your-- I'm sorry. Your e-mail is [E-MAIL ADDRESS REDACTED]

CW-1 It's [E-MAIL ADDRESS REDACTED].

CAPLAN Yeah. At Gmail, right?

CW-1 Yes. [E-MAIL ADDRESS REDACTED].

CAPLAN Okay. Just sent it to you.

CW-1 Okay. So-- so what normally happens is, you'll send me the ticket and then I will give it to Igor. Igor will do the paperwork so that the test center is moved to the [West Hollywood Test Center]. Okay?

CAPLAN Okay. Okay.

CW-1 So then what'll happen is, instead of wherever she was going to take the test, it'll-- now a test will show up-- usually the Wednesday before the 8th, at [the West Hollywood Test Center]. Then what'll happen is, [CW-2], who is the proctor, will fly in, and he will show up on Friday night, just like you guys would show up on Friday night, and then on Saturday morning at 7:45, 8 o'clock, you guys will show up at the school, which is on [LOCATION REDACTED]. And

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then what'll happen is, you'll go in, [CW-2] will be your proctor. And so this is-- this is, again, how it all works. She'll take the test. It'll be all her taking the test and then at the end of the test, it would be decided that we want to score, let's say, 33, so that she never has to take the test again. It'll be one and done. Then she'll-- you guys will leave and then [CW-2] will then look at all of her answers. Because her answers will be put on a separate sheet of paper and then [CW-2] will go through the answers and will figure out on all four of the-- there's five sections. The fifth is writing. On all four sections and he will decipher her answers and-- and he will go back and-- and ensure that he makes it so that her score ends up being between a 32 and 34, just depending on the curve for that particular test day. And normally he's right on. And that is essentially how it would happen.

CAPLAN And has anybody ever gotten into an issue with this?

CW-1 Nobody. We've done this for four or five years and had probably 20-plus people do it. So-- but that's the process.

CAPLAN Never been an issue?

CW-1 Never been an issue. So the decision here is yours. I'm-- I'm not-- I don't want to

influence you in any way. It's totally up to you guys, however you guys want to do this.

CAPLAN And do other-- are you guys the only ones who do this or-
-?

CW-1 Based on what I know. I only know myself and the families that we work with. And so, you know, we have lots and lots of families. Not everybody gets extended time. Not everybody gets extended time with multiple days. So there's lots of people who cannot do it and then there's lots of people that do do it. So it's kind of all in your corner. But now-- you understand the process now.

CAPLAN I do.

CW-1 So that, it's really simple and easy, and it's-- it's up to you to decide one way or another. And it doesn't matter to me. Whatever you guys want to do.

CAPLAN No, I understand that, [CW-1]. I-- I appreciate that and I-- I appreciate the candor here, and the directness. Okay. Give me a little bit to think about it and I will be back to you on it tomorrow. You-- you obviously need to firm this up right away, right?

CW-1 Yeah, because we'll need to get the \$25,000 wire and then I need to call [CW-2] and Igor to see-- to make sure they're available. My guess is you guys are available on the 8th because you guys were going to take it on the 8th anyways.

CAPLAN Yeah. We'll just make ourselves available.

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54. On or about November 13, 2018, CAPLAN wired \$25,000 to a bank account in

Boston, Massachusetts in the name of the KWF charity that, unbeknownst to CAPLAN, CW-1

had opened at the direction of law enforcement agents. CW-1 had previously advised CAPLAN

that the \$25,000 would be a “deposit” to reserve the services of CW-2, who CW-1 said was his

“best test-taker” and could “nail a score-- he’s that good.”

55. On or about November 15, 2018, CAPLAN called CW-1 about changing the

location of the test to the West Hollywood Test Center, and again inquired whether anyone “has

ever gotten in trouble with this?” The following is an excerpt from the conversation, which was

consensually recorded.

CW-1 You got my-- you got my e-mail?

CAPLAN I did and, that’s sort of what I’m responding to, and part of the reason why I’m taking [my spouse] off of this. [My spouse is] very nervous about all this, and I just - I want to have a-- if we make this change, does that create some sort of suspicion or issue? They say, “Why the hell is somebody living in Greenwich taking it out in California?”

CW-1 Good point. Good point. So normally-- so anybody-- you know, for-- all of the kids that have taken the [test] some live somewhere else. They always-- and essentially if anybody were to-- to ask, essentially, “We’re going to a-- a bat mitzvah,” or, “We’re going to a wedding. We’re going to be gone that weekend. That’s the weekend we’re going to take the test.” In your case, for your daughter, because she goes to a-- an unorthodox school, not your typical-- you know, brick and mortar kind of place, it’s simple, because she could be playing a tournament there, we’ve got to take the test. Anything. But nobody ever asks them. But to-- you have to do this to be able to move the test from where it’s located. Plus, when you did your original ticket, I believe you didn’t have the time.

CAPLAN No, we didn't.

CW-1 Right. So now you got to go to a place that will actually administer and proctor the test for you. Because the place that you would go on that national test center date, they could not do that at that center, because they don't-- they have to have somebody special be a proctor, to go into a room-- a special room. But that's why they don't give those, with those kind of accommodations at a national test center.

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CAPLAN [Let me] ask you straight up. You've never had an issue with this? No one has

ever gotten in trouble with this?

CW-1 I've never--

CAPLAN Um--

CW-1 --had an issue with anybody. We've done this, you know, probably 20 times plus. We did it this summer, because, you know, they moved the ACT, they offered a July test date in California. You couldn't take it in California so we-- we weren't a test center for the-- the summer, so a young person had to go to Houston to do it. We just did it for the subject test for a-- actually a girl that lives both in New York and Aspen. So nothing-- nothing to this point has happened.

CAPLAN Could you ever see that happening?

CW-1 I-- I'm not-- I have never seen it happen. The only-- so what happened is they

changed the test form so that's why Igor got confused, because the form is different for this new school year. So that's why we called ACT, to say, "Okay, what's the simplest way to do this, because she already had a regular ticket, not an accommodations ticket, and this is exactly what they told us on the phone.

CAPLAN But what I'm-- what I'm asking is, is there any way for this to get back to [my

daughter] or to the family? I mean, this comes out-- I-- I don't even want to know what you guys do.

CW-1 So the-- so here-- again, let me just-- I'll just go retrace again. When [your daughter] takes the test, on the 8th, she's going to take the test like she's regularly taking the test, but she will take it, [CW-2] will be there. [CW-2] can answer any questions that she has. But [CW-2] will proctor the test. She will have all the time, she'll use her computer. She will think when she's done with the test she has taken the test. No doubt about it. The difference is-- is that what we'll do is, instead of her bubbling into the test, which we do with all kids who have learning differences, is they bub-- they write their answers on a separate sheet to the side of it, so that we can rebubble, so we don't screw up the bubbling, which happens a lot for kids. Because they screw up their bubbling. And then she'll-- she'll leave at the end of the test time. Which I don't know who's going to take her. And then-

-

CAPLAN I will. I'll be there.

CW-1 Okay. And you'll-- you'll meet [CW-2] and Igor, and you'll-- you'll go your own way. [Your daughter] will go in and take the test. She'll be the only one, taking it in the room with-- with [CW-2]. She will take the test. She will walk out the door. At the end of it she'll say to you, "Dad, it was so hard," or "I'm so tired," or whatever the typical reaction out of the kid. Then [CW-2] will finish the exam. He will then take the exam and look at her-- what she's done, and then ensure that

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whatever score we decide that we want to get-- he has it down to a-- unbelievable that he can do it. Get that number based on the four sections. She'll do the computer writing of the essay herself. That'll be all her. He can help her if she wants some guidance [inaudible] approach. But other than that, that will be all her writing. And she will sign it and she'll walk out of there and she will never know that this actually occurred. You will get your results back in, you know, anywhere from, 11-- depends on what day it goes back in. But anywhere from 11 to 20 days. And she'll get her results and she'll say, "Oh, my God, Dad, I got a 33!"

CAPLAN So she's been taking Logic Prep and has been getting-- I think her highest score so far is a 22, and she'll probably get up to a 24 on her next practice test. The fact that this could be different than what she had been showing on the practice test--

CW-1 What-- so you tell me if you want-- would [you] prefer to have her get a 28? 27? 28? 29? Probably based on what you're just telling me right now, right, that -- maybe that's a better approach, because that's still a very good score with her abilities and disability but--

CAPLAN Well, I-- I'm thinking 30, 31 is all we need to do here.

CW-1 Okay. Done deal. Done deal. It'll be-- it'll be 30, 31. So what happens is the test is curved. I don't know if you know that. The test is curved against everybody in the country. So it can-- we can be one question off, or two questions off, and it can be a 30, it can be a 31. It may be a 29. It could be a 32. Just depends on the curve of the day. But it'll be-- it'll be right there.

CAPLAN But what I'm asking you is, will that be an issue? So when Logic Prep asks us,

well, how did she score, will they say,
"Hmm?"

CW-1 So - well, I don't think it matters what they say, because at the end of the day she

had a great day, they get credit for her doing really well and they have nothing to do with ACT and/or the colleges she's going to apply [to].

CAPLAN And they don't feel incumbent on them to say this is suspicious?

CW-1 Well, I don't see why they would. It would only be a success story for them.

CAPLAN Okay. Okay. I will send out the e-mail and I will send you what I get back.

56. On or about December 6, 2018, two days before the ACT exam, CAPLAN and

CW-1 spoke again. The following is an excerpt from the conversation, which was consensually

recorde
d.

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CAPLAN When will we know the score?

CW-1 Normally, you know, the score, between-- it could be, in 11 days or it could be in 20 days. It depends on-- so what normally happens is Igor sends everything in on Monday. And because they're giving the test nationally as long as the test is in by Wednesday, then usually you get scored with everybody else in the country, because everybody has to have-- from their test centers-- have to have their tests back. And then normally you get your scores back in anywhere from 11 to 20 days. And there's been times when it's taken as much as 30 days but that would be because there's an issue across the country, not because of anything that happened with her.

CAPLAN And the score we're hoping for here is, we're really hoping for, is a 32. Is that

what we
discussed?

CW-1 You tell me. Whatever you think we want to have. And we will get within one point. So if you say 32, it'll be either 31, 32, 33. If you say you want 31, it'll be 30, 31, 32. It just depends on the curve of the test for that day.

CAPLAN Yeah, I-- I don't want it to be higher than a 32.

CW-1 Okay. So--

CAPLAN It's just-- it's just going to be hard to justify in light-- light of-- [CW-1] look--

CW-1 No, I t--

CAPLAN I, this is all a hope, right? What she-- what we hope she can do.

CW-1 Right.

CAPLAN We hope she can get a 32 or pretty close thereto.

CW-1 Got you. So can I just-- I want to clarify. So she's going to take the test on her own, she's going to do her best, all that stuff, and then we're going to do our magic on the back end.

CAPLAN You're going to-- you're going to do what you do.

CW-1 Okay, all right, I just want to make sure that the -- I just want to sure that we're all on the same page. That essentially, that's why I know I can get a 31, 32, you know, so we're going to aim for 31, so that if we go 30 or 32 we're safe, how's that?

CAPLAN I think that's fine.

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CW-1 Okay, I--

CAPLAN I think that's fine, I-- I'm just, uh, uh, uh, uh, uh, [CW-1], you understand my--

CW-1 I totally get it.

CAPLAN And you are absolutely confident there is no issue here.

CW-1 We've been doing this for a long time. Luckily she'll be the only one taking the test, on Saturday. Sometimes there's multiple kids. So all I can do is just tell you that [CW-2] will fly in from Florida. He is an expert at getting within-- it just depends on one-point standard deviation on the -- whatever the curve is. Igor does his part. He signs off. He's the site coordinator. Nobody'll be there but you guys. And that'll be it. And I, you know, I've never even been there, I--

CAPLAN Igor has never had an-- Igor has never had an issue? He has no blemishes on anybody

?

CW-1 No. No issues at all.

CAPLAN Okay.

57. On or about December 8, 2018, law enforcement agents observed Dvorskiy arrive

at the West Hollywood Test Center at approximately 7:05 a.m. CAPLAN and his daughter

arrived approximately ten minutes later, and Dvorskiy, CAPLAN and CAPLAN's daughter went

inside the building. At approximately 7:21 a.m., CW-2 entered the West Hollywood Test

Center. At approximately 7:31 a.m., Dvorskiy and CAPLAN walked out of the building and had

a brief conversation. At approximately 11:52 a.m., CAPLAN's daughter left the West

Hollywood Test Center, met CAPLAN, and drove away.

58. On or about December 20, 2018, CAPLAN wired an additional \$50,000 into the

KWF bank account in Boston.

C. GREGORY ABBOTT and MARCIA ABBOTT

59. Defendants GREGORY ABBOTT and MARCIA ABBOTT, a married couple

(collectively, the "ABBOTTS"), are residents of New York, New York and Aspen, Colorado.

GREGORY ABBOTT is the founder and chairman of a packaging company for the food and

beverage industry, and the former chairman and CEO of a private-label clothing manufacturer.

60. As set forth below, in or about April 2018, the ABBOTTS made a purported

charitable donation of \$50,000 to KWF, in exchange for which CW-1 arranged to have CW-2

purport to proctor their daughter's ACT, and correct her answers after she had completed it.

61. In or about March 2018, MARCIA ABBOTT e-mailed CW-1 her daughter's ACT

registration form and admissions ticket, in preparation for her daughter to take the ACT at the

West Hollywood Test Center.

62. On or about April 9, 2018, CW-1's accountant e-mailed GREGORY ABBOTT an

invoice for \$50,000, with a note thanking him for his "generous donation to the Key Worldwide

Foundation." CW-1 was copied on the e-mail, and later forwarded it to MARCIA ABBOTT.

63. Three days later, \$50,000 was wired from a brokerage account in the name of the

Abbott Family Foundation to a bank account in the name of the KWF charity. That same day,

GREGORY ABBOTT left CW-1 a voicemail stating, in substance, that he had sent the wire.

64. On or about April 13, 2018, CW-2 flew from Tampa, Florida to Los Angeles,

California. The following day, the ABBOTTS' daughter took the ACT at the West Hollywood

Test Center. CW-2 purported to proctor the exam and, after the ABBOTTS' daughter had

completed it, corrected her answers. On or about April 15, 2018, CW-2 returned to Florida.

65. On or about April 17, 2018, at CW-1's direction, KWF paid Dvorskiy \$20,000,

representing \$10,000 for the ABBOTTS' daughter and \$10,000 for the son of I-HSIEN "JOEY"

CHEN, who took the ACT at the West Hollywood Test Center at the same time as the

ABBOTTS' daughter, as set forth below. On or about May 14, 2018, KWF paid CW-2 \$20,000,

representing \$10,000 for each of the two students.

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66. The ABBOTTS' daughter received a score of 35 out of a possible 36 on the exam.

67. On or about June 6, 2018, MARCIA ABBOTT called CW-1 to inquire, in

substance, whether CW-1 could arrange for someone to take SAT subject tests for her

daughter.

The call was intercepted pursuant to a Court-authorized wiretap. CW-1 replied, “[GREGORY

ABBOTT] would have to be willing to pay for it.” MARCIA ABBOTT responded, “Yeah, well

he can donate, I mean, whatever the donations are.”

68. On or about August 3, 2018, MARCIA ABBOTT called CW-1 to inquire, in

substance, how cheating on the subject tests would work. The following is an excerpt from the

conversation.

MARCIA ABBOTT What is the situation with subject tests? Is it basically the same that

happened with the SATs?

CW-1 Yeah, it’s a little more a little more expensive because now you gotta have somebody which, you gotta make sure that you do well on both of those areas. It’s not like the SATs. They’re much harder.

MARCIA ABBOTT Yeah, well they’re very specialized, and for her she was gonna take

Math II and English Lit.

CW-1 Right, so if we have somebody help her, I have to get, I have to figure out who that’s gonna be, that’s gonna be able to take care of both of those

MARCIA ABBOTT Alright, she loves the guy [CW-2] who took the SATs, she said. She

said she started having heart palpitations but she said he was so sweet, he let me walk around the hallway. She said, "Can't I take my SAT subjects with him?" And I said, "Nah, I don't think so. I mean, I think, you know, you just, it's whole different area and that was 'cause we happened to be out in California seeing schools. So you know we're gonna take them here." So, alright, so there's no way for [August] 27th. Then I guess we should take them here down [in the Aspen area] on the 27th and let's see how she does.

CW-1 Absolutely, absolutely.

MARCIA ABBOTT And what would be, the donation be for, if you found someone for

October? Because the other one was, what, \$50,000?

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CW-1 It was, I think it was 50. It will be at least 75.

MARCIA ABBOTT Yeah, that's fine.

69. In a call on or about September 4, 2018, MARCIA ABBOTT told CW-1, in

substance, that she wanted to proceed with the cheating scheme for the SAT subject tests because

her daughter did not think she had done well on the tests she had taken on her own. The

following are two excerpts from the conversation.

MARCIA ABBOTT Can your people can cover the math and lit?

CW-1 Yes, if they're available that weekend.

MARCIA ABBOTT If so, yes, October 6th. So I guess they give a mix alright. Well, let's

see how she does, She's convinced that she bombed the lit because she was too tired, so ... And [Duke University] told us they didn't want anything below a 750.

CW-1 That's right.

MARCIA ABBOTT It doesn't, it doesn't add to her resume.

CW-1 That's correct because, yeah well, she would have--

MARCIA ABBOTT Yeah.

CW-1 Good thing that she did this for the ACT, 'cause her score was not exceptiona
l.

MARCIA ABBOTT What? Excuse me what'd you say?

CW-1 I said it was a good thing that we did it for the first test.

MARCIA ABBOTT Oh yeah, my gosh, I mean, I'm sure her, you kidding me? She was

gonna throw up like every single drug in the world for mono and lyme [disease]. I'm sure it was a disaster.

CW-1 She got, she got a 23.

MARCIA ABBOTT Yeah, that would be what I would have guessed at, 25, you know. So

yeah, I mean, yeah, I don't know. We'll see how she does on the math. But she herself even says she doesn't have high hopes for English Lit.

....

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MARCIA ABBOTT Yeah, so do you think we should do it now then, this

week?

CW-1 I have to, I have to ask the person in Houston if she'll do it.

MARCIA ABBOTT Oh, so it'd be in Houston.

CW-1 Yeah, because the person, the person who's gonna be the proctor is
based in, half the time, somewhere across the
country.

MARCIA ABBOTT Yeah alright, well I rather do, I rather go for it then. Because
you

know what, even she gets like a 740, 730 on her math, she
still needs to get higher.

CW-1 Okay, well I'll talk to the person in Houston tomorrow and see, and
the proctor, and see if they're
available.

MARCIA ABBOTT Okay, great. And that's your only one in the country?

CW-1 Nobody in the country even has one.

MARCIA ABBOTT Okay, no, I just wanted to know if they're not available, if for some--

CW-1 That this is like, nobody, nobody can do this.

MARCIA ABBOTT And if they're not available then that's it? There's just, there's just
one

person
?

CW-1 Well then, we can do it in November if they're available.

MARCIA ABBOTT And November's not too hard [or] late for early [action]?

CW-1 Not if it is what it is, she's not getting into any schools without them.

MARCIA ABBOTT Yeah I know.

CW-1 So.

MARCIA ABBOTT Okay, well let's see. Let's see what we can do.

70. On or about September 13, 2018, the Abbott Family Foundation made a purported donation of \$75,000 to the KWF charity.

71. In a call with MARCIA ABBOTT on or about September 28, 2018, CW-1 confirmed that the SAT subject tests would occur at the West Hollywood Test Center, and also

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discussed the scoring of the tests. CW-1 said, "We'll get 750 and above," to which MARCIA

ABBOTT replied, "That's fabulous."

72. On or about October 5, 2018, CW-1 called MARCIA ABBOTT at the direction of law enforcement agents. The following is an excerpt from the conversation, which was

consensually recorded.

CW-1 Did you guys get to L.A.?

MARCIA ABBOTT We did. We just checked in. We got on the last flight out of Aspen last night

CW-1 Congratulations. So I'm in Boston today, but I just wanted to make sure everything was cool. I know [CW-2] has already gotten

there to proctor the test. Igor will be there in the morning, so everything should go smoothly. So I just wanted to make sure you-- everything's cool with you guys.

MARCIA ABBOTT Fabulous. Yeah, everything's fine. Igor's the one who proctored her

before? Or was it [CW-2]?

CW-1 No, [CW-2] did. Igor will be, the person-- he's the test administrator for the school.

73. On or about October 6, 2018, law enforcement agents observed Dvorskiy arrive at the

West Hollywood Test Center at approximately 7:28 a.m., with MARCIA ABBOTT and her

daughter arriving approximately 15 minutes later.

74. In a call on or about October 8, 2018, which was consensually recorded, CW-2—

who was not cooperating with the government's investigation at the time—told CW-1 that he

believed he had scored "800 on the math" and between 700 and 800 on the literature test.

75. In a call on or about October 18, 2018, CW-1 discussed the SAT subject tests

with GREGORY ABBOTT. In the call, CW-1 advised GREGORY ABBOTT, in substance, that

"it was a good move" for him to pay \$75,000 to have CW-2 take the exam for his daughter.

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GREGORY ABBOTT then inquired how his daughter would have scored in the absence of

cheating. The following is an excerpt from the call, which was consensually recorded.

GREGORY ABBOTT Do you know how she did on her own?

CW-1 Do I know how she did on her own? Yeah, I do. She scored in the mid-600s.

GREGORY ABBOTT Yeah.

76. Ultimately, the ABBOTTS' daughter received a score of 800 out of a possible 800

on the math subject test and 710 on the literature subject test.

D. I-HSIN "JOEY" CHEN

77. Defendant I-HSIN "JOEY" CHEN is a resident of Newport Beach, California.

CHEN operates a Torrance, California-based provider of warehousing and related services for

the shipping industry.

78. As set forth below, in or about April 2018, CHEN paid \$75,000 to CW-1's for-

profit entity, The Key, in exchange for which CW-1 arranged to have CW-2 purport to proctor

CHEN's son's ACT, and correct his answers. As noted above, CHEN's son and the

ABBOTTS'

daughter both took the exam on the same day at the West Hollywood Test Center.

79. On or about April 16, 2018, CHEN paid CW-1 \$75,000 to participate in the

cheating scheme. The money was deposited into The Key's bank account. CW-1 has advised

law enforcement agents that he agreed to provide CHEN with an invoice falsely indicating that

the payment was for "consulting" services for CHEN's business.

80. CHEN's son scored a 33 out of a possible 36 on the ACT exam.

81. In a call on or about October 23, 2018, CW-1, acting at the direction of law

enforcement agents, told CHEN that CW-1's charitable foundation was being audited by the

IRS. The following is an excerpt from the conversation, which was consensually recorded.

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CW-1 And so they're looking at all the payments that have gone into our foundation.

CHEN Uh-huh.

CW-1 So they asked about your payment, which was for [your son], you know, taking the test that we did for him at [the West Hollywood Test Center], with [CW-2] –

CHEN Yeah.

CW-1 And I've said that your payment of \$75,000--

CHEN Uh-huh.

CW-1 --went to our foundation to help underserved kids.

CHEN Uh-huh.

CW-1 Okay?

CHEN Uh-huh.

82. Shortly after that call, CHEN called CW-1 back and said, in substance, that the

description on the invoice he had received from CW-1 said "consulting service." CHEN asked,

"[W]hat should I say [if the IRS asks]-- consulting service or foundation?" CW-1 replied,

"consulting services for the foundation." CHEN responded, "Okay."

83. In a call on or about February 21, 2019, CW-1, acting at the direction of law

enforcement agents, told CHEN that the IRS audit had been completed. The following is an

excerpt from the conversation, which was consensually recorded.

CW-1 I wanted to call you 'cause I called you before about our audit--

CHEN Uh-huh.

CW-1 --and I wanted to let you know that our audit is over.

CHEN Uh-huh.

CW-1 We're all okay. And we are okay because, so you, you're not, no issues with you.

So nobody will be contacting you,
okay?

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CHEN Okay.

CW-1 Because your-- the payment that you made, we created a fake consulting invoice that you paid that, instead of making a donation to our foundation.

CHEN Uh-huh.

CW-1 So there was no link, for the audit in our foundation, because we-- you paid the \$75,000 to my for-profit company--

CHEN Uh-huh

CW-1 --with a fake, with a fake consulting invoice. So that's-- that's why we're clear.

CHEN Oh-huh, okay.

CW-1 And then, the other thing is, they asked a question about [CW-2], who took the test for [your son], and Igor, who was the site coordinator, how come I paid them from the foundation at the same time that [your son] was taking the test--

CHEN Uh-huh.

CW-1 --and since you paid the for-profit company the \$75,000, there was no payment

for the-- as a
donation.

CHEN Uh-huh.

CW-1 And I think that we are past that. So that we both agree that [CW-2] took the

test

for [your son],
right?

CHEN Yeah.

CW-1 And so everything should be fine so I just wanted to make sure that you're okay to know that the audit is over, and we should be in good shape.

CHEN Oh, okay, sounds good.

E. ELIZABETH HENRIQUEZ and MANUEL
HENRIQUEZ

84. Defendants ELIZABETH HENRIQUEZ and MANUEL HENRIQUEZ, a married

couple (together, the "HENRIQUEZES"), are residents of Atherton, California.

MANUEL

HENRIQUEZ is the founder, chairman, and CEO of a publicly traded specialty finance company

based in Palo Alto,
California.

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85. As set forth below, the HENRIQUEZES participated in the college entrance exam

cheating scheme, on four separate occasions, for their two daughters. In addition, the

HENRIQUEZES conspired to bribe Gordon Ernst, the head tennis coach at Georgetown

University, to designate their older daughter as a tennis recruit in order to facilitate her admission

to
Georgetown.¹¹

86. In or about the fall of 2015, the HENRIQUEZES paid CW-1 \$25,000 to
have

CW-2 purport to proctor their older daughter's SAT exam, and correct her
answers.

87. On or about August 19, 2015, CW-1 e-mailed CW-2 a round-trip plane
ticket

from Tampa, Florida to San Francisco, California. CW-1 forwarded the ticket receipt
to Steven

Masera, his bookkeeper, with the instruction to bill the ticket to the "Henriquez
account."¹²

88. At or about the same time, CW-1 made arrangements for CW-2 to serve
as an

exam proctor at the private college preparatory school in Belmont, California,
attended by the

HENRIQUEZES' daughter. On or about September 19, 2015, CW-1 e-mailed CW-2:
"You are

going to receive an e-mail from the [high school guidance] counselor to tell you what to
do with

materials, et cetera ... before responding to her let me know so we can say the
right thing."

89. In a series of e-mails in late September, 2015, CW-2 explained to
the

HENRIQUEZES' daughter's high school counselor, in sum and substance, that he was
willing to

fly from Tampa to San Francisco to proctor the exam "because my wife has a new-
born," noting,

“I would really appreciate the opportunity to proctor the test because I’m applying to grad

schools and I could quite frankly use the work.” The counselor responded, “I have you set up to

11 Ernst has been indicted by a federal grand jury in the District of Massachusetts on a charge of racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d).

12 Masera has been indicted by a federal grand jury in the District of Massachusetts on a charge of racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d).

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proctor and read for [the HENRIQUEZES’ daughter] this coming Saturday, October 3rd at 8:00

a.m.” CW-2 forwarded the e-mail to CW-1, who forwarded it to ELIZABETH HENRIQUEZ

with the note, “[CW-2] has the testing covered.”

90. On or about September 28, 2015, CW-1 directed Masera to bill the “parents 15k

that is to be written to [CW-1] and goes to my home or personal account. 10k to The Key for

Testing Support.”

91. On or about October 2, 2015, CW-2 flew to San Francisco. That same day,

ELIZABETH HENRIQUEZ e-mailed CW-2 directly to “touch base regarding Saturday am

plans.” She arranged to meet CW-2 at her daughter’s high school at 7:15 a.m. the next day.

92. On or about October 3, 2015, CW-2 purported to proctor the exam for the

HENRIQUEZES’ daughter at her school. According to CW-2, unbeknownst to the school, he

sat side-by-side with the daughter during the exam and provided her with answers to the exam

questions, and after the exam, he “gloated” with ELIZABETH HENRIQUEZ and her daughter

about the fact that they had cheated and gotten away with it.

93. On or about October 20, 2015, CW-1 sent an e-mail instructing Masera to bill

\$25,000 to the HENRIQUEZES, with \$15,000 directed into CW-1’s personal account. On

November 18, 2015, with the invoices still unpaid, CW-1 e-mailed ELIZABETH HENRIQUEZ

to inquire about the status of payment. ELIZABETH HENRIQUEZ responded: “Manuel set up

electronic checks when we first received the invoices. I will check with him.”

94. On or about November 24, 2015, the Henriquez Family Trust wired \$15,000 to

CW-1’s personal bank account and \$10,000 to an account in the name of The Key. After

receiving the funds, CW-1 caused KWF to pay CW-2 a total of \$10,000 in three separate

installment
s.

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95. The HENRIQUEZES' daughter received a score of 1900 out of a possible 2400

on the October 2015 test, an improvement of 320 points over the best score she had previously

achieved taking the test legitimately.

96. Thereafter, the HENRIQUEZES agreed with CW-1 to have CW-2 purport to

proctor their younger daughter's ACT exam at the Houston Test Center.

97. On or about August 10, 2016, the HENRIQUEZES' younger daughter received a

letter from ACT, Inc. notifying her that her request for "extra time" on the exam had been

granted. 98. On or about September 13, 2016, ELIZABETH HENRIQUEZ e-mailed a

counselor at her daughter's high school falsely stating, in substance, that her daughter wanted to

take the ACT on October 22, 2016, but that "we have to be in Houston" on that date. The e-mail

continued: “Through connections there, we have been able to secure a site and a proctor to test

[my daughter] for the two days.” The counselor responded, “No worries – thank you for letting

me know.” ELIZABETH HENRIQUEZ forwarded the e-mail exchange to CW-1.

99. CW-2 flew from Tampa to Houston for the exam, which occurred on or about

October 22, 2016. CW-2 purported to proctor the exam for the HENRIQUEZES’ daughter and

another student. CW-2 has advised law enforcement agents, in substance, that he discussed the

answers during the exam with the two students, but directed them each to answer different

questions incorrectly in an effort to conceal their cheating from ACT, Inc.

100. The younger HENRIQUEZ daughter ultimately received a score of 30 out of a

possible 36 on the exam. On or about October 24, 2016, CW-1 paid \$50,000 to Martin Fox, who

introduced CW-1 to Niki Williams, the administrator of the Houston Test Center. CW-1 has

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advised law enforcement agents that his understanding was that part of this money would be

used to pay Williams. On or about October 31, 2016, CW-1 paid CW-2 \$20,000.

101. CW-1 initially e-mailed Masera instructions to invoice MANUEL HENRIQUEZ

and another parent \$75,000 each for the ACT scheme. CW-1 has advised law enforcement

agents, however, that in lieu of paying for the cheating, MANUEL HENRIQUEZ agreed to use

his influence at Northeastern University, in Boston, Massachusetts—where he is an alumnus and

former member of the Northeastern University Corporation, one of the university's governing

bodies—to help CW-1 secure the admission of an applicant to that school.

102. In an e-mail exchange on or about October 20, 2016, CW-1 sent MANUEL

HENRIQUEZ a copy of the Northeastern applicant's college entrance exam scores and

application. MANUEL HENRIQUEZ responded, "Thank you and I will reach out Monday."

Two days later, CW-1 e-mailed Masera instructions not to invoice MANUEL HENRIQUEZ,

noting: "There will be a hold on Henriquez. I am doing a deal with them – tell you soon."

103. On or about October 26, 2016, in an e-mail to a senior development officer at

Northeastern University, MANUEL HENRIQUEZ described the Northeastern applicant as an

“excellent candidate for the College of Social Sciences and Humanities.”
MANUEL

HENRIQUEZ then e-mailed CW-1: “Just confirmed with the university, have [the applicant] file

[early decision] normal channels to get into the systems and make sure his application is

complete. Then the folks I connected will flag it.”

104. On or about November 1, 2016, MANUEL HENRIQUEZ met with the applicant

in Atherton, California, and thereafter relayed details about the meeting to his contact at

Northeastern. MANUEL HENRIQUEZ then followed up with CW-1: “I liked him very much,

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and just informed the school according[ly]. It is now in their hands, and they understand he is

looking for [early decision], and I will reinforce early next week.”

105. MANUEL HENRIQUEZ repeatedly followed up with Northeastern officials in

Boston about the applicant’s candidacy. The student was ultimately admitted to Northeastern.

The applicant’s parents paid CW-1 \$250,000 after he was admitted.

106. According to CW-1, in or about 2017, CW-1 met with the HENRIQUEZES at

their home, where they paid him between \$25,000 and \$30,000 in cash to arrange for a third

party ("Proctor 2") to facilitate cheating on three SAT subject tests and the ACT for their

younger daughter.¹³

107. On or about April 24, 2017, CW-1 e-mailed Proctor 2: "I have an opportunity

over two days over two weeks for you in June. If interested please call me."

108. In or about May 2017, CW-1 exchanged multiple e-mails with Dvorskiy about

moving the HENRIQUEZES' younger daughter's SAT subject tests and ACT to the West

Hollywood Test Center. ELIZABETH HENRIQUEZ e-mailed CW-1 that she would give her

daughter's school a "heads up re test center change."

109. CW-1 purchased tickets for Proctor 2 to fly from San Jose, California to Los

Angeles for the exam on or about June 2, 2017, and to return to San Jose the next day.

110. The HENRIQUEZES' daughter took the SAT subject tests at the West

Hollywood Test Center, with Proctor 2 purporting to proctor the exams. As set forth below,

Proctor 2 later told CW-1 that he provided her with answers to certain exam questions.

¹³ CW-1 and CW-2 have advised law enforcement agents that CW-1 relied on Proctor 2 for the exam because CW-2 was already purporting to proctor exams for two other students at the same time, and because Proctor 2 was less expensive than CW-2.

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111. On or about June 5, 2017, CW-1 mailed Dvorskiy a check for \$40,000, drawn on

one of the KWF charitable accounts. On or about June 3, 2017, CW-1 mailed Proctor 2 a check

for
\$2,000.

112. The following weekend, Proctor 2 again flew from San Jose to Los Angeles and

purported to proctor the ACT exam for the HENRIQUEZES' daughter at the West Hollywood

Test
Center.

113. After the exams, CW-1 mailed Proctor 2 a check for
\$4,000.

114. The HENRIQUEZES' daughter received a score of 33 out of a possible 36 on the

ACT, and scores of 720, 740, and 770 out of a possible 800 on the SAT subject tests for math,

Spanish, and history,
respectively.

115. In addition to cheating on the ACT and SAT exams, the HENRIQUEZES
agreed

with CW-1 to bribe Ernst, the head tennis coach at Georgetown, to designate their older
daughter

as a recruited athlete, in order to facilitate her admission to the
university.

116. As part of that scheme, on or about August 19, 2015, CW-1 e-
mailed

ELIZABETH HENRIQUEZ and her daughter, directing them to send an e-mail with a
“PDF of

subject tests and transcript to Gordie Ernst at Georgetown using my message
asap thanks.”

Accompanying the e-mail was a message CW-1 had drafted for the HENRIQUEZES’
daughter

to send to Ernst in her own name, stating, among other things: “I have been really
successful this

summer playing tennis around the country. I am looking forward to having a chance
to be part

of the Georgetown tennis team and make a positive contribution to your team’s
success.” CW-1

has advised investigators that the information in the note was
fabricated.

117. ELIZABETH HENRIQUEZ replied to CW-1's message that her daughter was

"on it." The next day, the HENRIQUEZES' daughter sent CW-1's message to Ernst, who

forwarded it to an admissions officer with the note: "Potential spot."

118. On or about August 24, 2015, CW-1 circulated to ELIZABETH HENRIQUEZ

and her daughter a draft application essay. The essay included no mention of tennis. Two days

later, CW-1 e-mailed ELIZABETH HENRIQUEZ and her daughter again, advising that he was

going to change the essay to "talk about tennis." The final essay submitted to Georgetown

falsely stated: "[B]eing a part of Georgetown women's tennis team has always been a dream of

mine. For years I have spent three – four hours a day grinding out on and off court workouts

with the hopes of becoming successful enough to play college tennis especially at Georgetown.

What is most amazing is how quickly I connected with Coach Ernst. He spent time with me

while on campus and at several tournaments I played in."

119. On or about October 22, 2015, the HENRIQUEZES' daughter e-mailed Ernst her

fraudulently obtained SAT scores.

120. The HENRIQUEZES' daughter's application was submitted to Georgetown on or

about October 25, 2015. In addition to the falsified essay, the application falsely indicated that

she played "club tennis" all through high school for 20 hours per week and 52 weeks per year,

and listed her as having a "Top 50 ranking" in the United States Tennis Association ("USTA")

Junior Girls Tennis for her sophomore through senior years of high school, and as being on the

USTA All-Academic Team for tennis for her junior and senior years. In fact, records obtained

from the USTA do not show that she played at any USTA tournaments in high school.¹⁴

¹⁴ At her best, she appears to have ranked 207th in Northern California in the under-12 girls division, with an overall win/loss record of 2-8.

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121. On or about November 6, 2015—less than two weeks after submitting her

application—the HENRIQUEZES' daughter received a letter from Georgetown indicating that

the university had "conducted an initial review of [her] application to the Class of 2019 at the

request of Mr. Gordie Ernst, tennis coach,” and that her admission was “likely.” The

HENRIQUEZES’ daughter was ultimately offered admission to Georgetown the following

spring

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122. On or about May 4, 2016, the Henriquez Family Trust made a purported

contribution of \$400,000 to KWF. On or about May 9, 2016, CW-1 caused a donation receipt

letter to be sent to ELIZABETH HENRIQUEZ stating that the gift would “allow us to move

forward with our plans to provide educational and self-enrichment programs to disadvantaged

youth.” The letter falsely stated that “no goods or services were exchanged” for the money.

123. Between approximately September 11, 2015 and November 30, 2016, KWF paid

Ernst \$950,000. CW-1 has advised that these payments were made in exchange for Ernst’s

designation of the HENRIQUEZES’ daughter and several other students as purported tennis

recruits, in order to facilitate their admission to Georgetown.

124. On or about October 24, 2018, CW-1 called ELIZABETH HENRIQUEZ at the

direction of law enforcement agents and told her that KWF was being audited by the IRS. The

following is an excerpt from the call, which was consensually recorded.

CW-1 Well, the reason I'm callin' is-- So I'm in Boston now. And I just wanted to let you know that--

E. HENRIQUEZ You-- well, first of all, you didn't-- sayin' it right. Boston. Yeah.

CW-1 Okay. Excuse me. So my-- so my foundation is getting audited now.

E. HENRIQUEZ Oh.

CW-1 Uh--

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E. HENRIQUEZ Well, that sucks.

CW-1 Right. And they're going back, like they always do.

E. HENRIQUEZ Yeah.

CW-1 Pretty normal. So they're taking a look at all my payments. So they asked me about the large sums of money that came in from you guys.

E. HENRIQUEZ Okay.

CW-1 And so, essentially--

E. HENRIQUEZ For all the good deeds that you do.

CW-1 Absolutely. So, of course, I didn't say anything-- you know, I'm not gonna tell the IRS that, you know, [CW-2] took the test for [your eldest daughter] or that Gordie--

E. HENRIQUEZ Right. Yeah.

CW-1 --or that Gordie-- you know, we paid--

E. HENRIQUEZ Like-- Yeah.

CW-1 --Gordie to help her get into Georgetown, right?

E. HENRIQUEZ Right.

CW-1 So I just want to make sure that you and I are on the same page--

E. HENRIQUEZ Okay.

CW-1 --in case they were to call.

E. HENRIQUEZ So what's your story?

CW-1 So my story is, essentially, that you gave your money to our foundation to
help underserved
kids.

E. HENRIQUEZ You-- Of course.

CW-1 And--

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E. HENRIQUEZ Those kids have to go to school.

CW-1 Absolutely.

125. In a call on or about November 5, 2018, CW-1 and ELIZABETH
HENRIQUEZ

discussed the ACT that the HENRIQUEZES' younger daughter took in 2016 at the
Houston Test

Center and the multiple exams she took in June 2017 at the West Hollywood Test
Center. The

following is an excerpt from the conversation, which was consensually recorded.

CW-1 Okay. So, essentially [your younger daughter] came to Houston in October to ta-- in 2016 to take her tests with [CW-2]--

E. HENRIQUEZ Right.

CW-1 --and then I have it again that she-- in 2017, in June, we took it in L.A. because-- and it's like-- and I don't under-- and I'm trying to figure out wh-- what happened there because there's money that went in my foundation and then there's also a seven-- like a \$75,000 credit. I think that's when Manuel helped [the Northeastern applicant] get in Northeastern, but I'm--

E. HENRIQUEZ Right. I don't know that deal a whole-- 100%. I know there was a deal

you guys talked about
but--

CW-1 Ri--

E. HENRIQUEZ Yeah. So I think that that was it because-- right. And that went against the

June one in L.A., which wasn't [CW-2]. It was obviously the other situation.

CW-1 Okay, Okay. All right. And so--

E. HENRIQUEZ So we didn't have [CW-2] for that. We had-- oh-- we had what's his face

[Proctor 2].
Uh--

CW-1 But it was an ACT test.

E. HENRIQUEZ Right.

CW-1 Wasn't it?

E. HENRIQUEZ He did it again.

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CW-1 Oh, we did it again.

E. HENRIQUEZ Remember the first one was-- no, actually, those-- remember those were

subject tests, as
well.

CW-1 But they couldn't have been because—because in June-- so was June the

subject
test?

E. HENRIQUEZ Yeah. Those are the subject tests they take after they get out.
Remember

there was a-- it-- what did she take? English,
history.

CW-1 Okay.

E. HENRIQUEZ There was a-- there was a math one because I know that-- that was one we

really need-- it was like math B or II or whatever you call it. And then she also did Spanish, some Spanish and some English or history or something. Shit, I don't remember. Getting confused between subject tests and AP tests.

CW-1 Yeah, because-- okay. Because--

E. HENRIQUEZ See, can I just looked back at her ACT stuff and get back to you? Like I-- I

can look back in her file or just-- I can just
ask.

CW-1 Okay, that would be great. That would be great. And then-- yeah, because I think that's-

-

E. HENRIQUEZ I think that's when he went back down in June. I don't think it was

another ACT. We stuck with the ACT.

CW-1 In October.

E. HENRIQUEZ Had, I think. Yeah.

CW-1 Okay. So why-- if you could go back and check that would be great.

E. HENRIQUEZ Yeah, that was subject test. I'm almost positive that was-- that was--

because that would be the time of year that would be.

CW-1 Right. That's what I thought. That's what I thought. But it looks like the date was on an ACT date but I don't know that. So if you could check that would be great.

E. HENRIQUEZ Yeah. So I will get back to you on that one. I'll-- I'll-- I can ask [my younger daughter]. She definitely will remember.

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CW-1 Okay.

E. HENRIQUEZ Do you want--

CW-1 And then I know the first one was the-- in Houston. [CW-2] was there.

Okay. So that's what I needed to know.
Okay.

E. HENRIQUEZ Yeah, that was easy. That one I totally remember.

126. ELIZABETH HENRIQUEZ later called CW-1 back to advise him, in substance,

that she had checked with her daughter and that CW-2 had purported to proctor the ACT exam in

Houston and that Proctor 2 had purported to proctor the exams at the West Hollywood Test

Center. 127. Thereafter, CW-1, at the direction of law enforcement agents, called Proctor 2. In

the call, which was consensually recorded, Proctor 2 confirmed that he had proctored the SAT

subject tests for the HENRIQUEZES' daughter in Los Angeles, that he had been paid \$2,000 for

doing so, and that he had answered questions for her during the exams.

128. On or about January 27, 2019, CW-1, acting at the direction of law enforcement

agents, met with both MANUEL HENRIQUEZ and ELIZABETH HENRIQUEZ at their home

in Atherton, California. In the meeting, CW-1 told the HENRIQUEZES that Williams, the

Houston test administrator, had been subpoenaed to testify before a grand jury in Boston about

students from out-of-state, including their daughter, who had flown to Houston to take the ACT

in 2016. The HENRIQUEZES first discussed, in substance, what excuse they could offer about

why their daughter had taken the exam in Houston, given that they live near San Francisco. CW-

1 then told the HENRIQUEZES that there was no “paper trail” of money for that exam, due to

the fact that MANUEL HENRIQUEZ had agreed to help the Northeastern applicant gain

admission to that university. The following is an excerpt from the conversation, which was

consensually recorded.

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M. HENRIQUEZ Okay. So why did [my daughter] do the test there [Houston]? So we gotta

get into that story.

CW-1 So-- so lemme, go into that. So you're right. That's-- that's part of it, right? So Niki said to me, “Don't worry about it. You know, these are the outta-state kids. Essentially, there's nowhere where anybody knows--” Because in my books, it doesn't show that there was any money paid for [CW-2] helping [your daughter] do the test. Okay? So there's nothing-- Because we did the deal with [the Northeastern applicant]. So [it] doesn't show anything at all, in our foundation or anything, just so you know.

E. HENRIQUEZ So there's no paper trail of money?

CW-1 There's no paper trail of money. Okay? 'Cause remember we did that?

And you helped?

So.

M. HENRIQUEZ Right.

129. Later in the conversation, MANUEL HENRIQUEZ told CW-1 that if anyone

asked about the testing, he would not answer

them.

M. HENRIQUEZ So-- Well, the-- the question is that, anybody calls me, the response is that

“I’m not gonna comment regarding my daughter’s Houston issue,” on simply getting a phone call from somebody. Uh--

E. HENRIQUEZ Well, remember she went there because she needed special--

M.HENRIQUEZ I understand.

CW-1 Accommodations.

E. HENRIQUEZ Accommodations.

M. HENRIQUEZ But I’m not gonna comment. We gotta be very careful--

E. HENRIQUEZ Yeah.

M. HENRIQUEZ --on just getting an inbound call from somebody. “I have no idea who you

are. So I’m not responding to an inbound call from anybody.”

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F. WILLIAM E. McGLASHAN, Jr.

130. Defendant WILLIAM E. McGLASHAN, Jr. is a resident of Mill Valley,

California. McGLASHAN is a senior executive at a global private equity firm.

131. As set forth below, McGLASHAN participated in both the college entrance exam

cheating scheme and the college recruitment scheme, including by conspiring to bribe Donna

Heinel, the senior associate athletic director at the University of Southern California (“USC”), to

facilitate his son’s admission to USC as a recruited athlete.¹⁵

132. CW-1 has advised law enforcement agents that McGLASHAN agreed to make a

purported donation of \$50,000 to KWF, with the understanding that CW-1 would arrange for

CW-2 to serve as a purported proctor for McGLASHAN’s son’s ACT exam at a test center that

CW-1 “controlled,” and that CW-2 would, in exchange for money, correct his son’s answers

after the test was completed.

133. On or about November 20, 2017, McGLASHAN’s assistant sent CW-1 an e-mail

attaching a “Request for Arranged Testing” form for the ACT, requesting that McGLASHAN’s

son be permitted to take the ACT at the West Hollywood Test Center instead of at his own high

school in Marin County, California. CW-1 forwarded the form to Dvorskiy, who completed

required portions and sent it back to CW-1. CW-1, in turn, forwarded the forms back to

McGLASHAN, noting, "Bill the forms are attached. Please send into ACT."

134. On or about November 30, 2017, Masera e-mailed McGLASHAN an invoice for

"payment regarding [the West Hollywood Test Center]. You are welcome to wire the funds or

remit a check."

¹⁵ Heinel has been indicted by a federal grand jury in the District of Massachusetts on a charge of racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d).

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135. On or about December 6, 2017, three days before the ACT exam, McGLASHAN

made a purported donation of \$50,000 to the KWF charity from his personal charitable donation

fund

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136. On or about December 8, 2017, CW-2 traveled to Los Angeles from Tampa to

proctor the test for McGLASHAN's son and two other individuals on December 9, 2017. CW-2

has advised investigators that, while at the West Hollywood Test Center, he met McGLASHAN,

and that after McGLASHAN's son completed the exam, CW-2 corrected his

answers. CW-2

returned to Tampa on or about December 10, 2017.

137. I have reviewed historical cell site data obtained through a Court-authorized

search warrant for phones used by both McGLASHAN and his son. The records indicate that on

the evening of December 8, 2017, both telephones traveled from the San Francisco area to Los

Angeles. At approximately 7:30 a.m. on the morning of December 9, 2017, both telephones hit

off cellular towers near the West Hollywood Test Center. Shortly after 3:00 p.m., both phones

left Los Angeles and returned to the San Francisco area, where they remained for the rest of that

evening and the next day.

138. After administering ACT exams, Dvorskiy returned the testing materials to ACT,

Inc., together with a form called an "ACT Administration and Payment Report – Special

Testing." The form showed that McGLASHAN's son took the English and math sections on

December 9, 2017, and the reading, writing and science sections on December 10, 2017, all at

the West Hollywood Test Center. Accordingly, while the records Dvorskiy provided to ACT,

Inc. showed McGLASHAN's son taking the exam in Los Angeles on December 10, 2017, cell

site records indicate that McGLASHAN's son was hundreds of miles away, in Marin County, at

that
time.

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139. On or about December 19, 2017, CW-1 caused KWF to pay Dvorskiy \$40,000,

and on or about December 27, 2017, CW-1 caused KWF to pay CW-2 \$35,000.

140. McGLASHAN's son received a score of 34 out of a possible 36 on the exam.¹⁶

141. On or about July 30, 2018, CW-1 and McGLASHAN discussed repeating the

ACT cheating scheme for McGLASHAN's two younger children, and the need to obtain

extended time on the exam in order to facilitate the scheme. The following is an excerpt from

the conversation, which was intercepted pursuant to a Court-authorized wiretap.

McGLASHAN One other, just family question, with [my younger son] now entering his sophomore year, and sort of, the process is beginning, we have him on time and a half. I told [my spouse] yesterday, and [my daughter] by the way, who is the, who I think is the one who needs the most time, has no extra time currently. And [my spouse] is talking to the doctor that assessed them, to get her to ask, to request time for [my daughter]. I told her she should be

requesting double time for all of them.

CW-1 100% multiple days. No matter what, multiple days. So, even if it's 50%, time and a half, multiple days.

McGLASHAN So is that a different ask to get multiple days versus--

CW-1 Well the 100%.

McGLASHAN And if they get time and a half, can they use your facility to take the test?

CW-1 No, not unless it's multiple days.

McGLASHAN So as long as it's multiple days, we're in.

CW-1 Correct, correct. Like it could be--

McGLASHAN And they, that's a separate filing?

CW-1 Overall it's the same. Well, so, you're saying [your younger son's] got a, time and a half?

McGLASHAN Yeah.

¹⁶ On or about October 22, 2018, McGLASHAN's son submitted that fraudulently obtained score as part of his application to Northeastern University in Boston.

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CW-1 So, what has to happen, is there has to be an appeal to get the multiple days. The doc's got to come up with stuff, discrepancies, to show why he needs multiple days. That he can't sit six and a half hours taking one test.

McGLASHAN Perfect.

CW-1 And so if he gets multiple days, then I can control the center.

McGLASHAN Thank you.

CW-1 Yes.

McGLASHAN And then what about-- If you get a, if you get double time, you automatically get multiple days?

CW-1 Automatically, yes.

McGLASHAN Oh, so it's either multiple days with 1.5, or double, two times time?

CW-1 Correct.

McGLASHAN Got it, okay, I'll make sure [my spouse] goes to work.

CW-1 And we don't care if it's SAT or ACT.

McGLASHAN Yup, yup.

CW-1 Because we're just going to take it one time and be done anyway.

142. On the same call, CW-1 described the college recruitment scheme to

McGLASHAN, which CW-1 referred to as "the side door." CW-1 told McGLASHAN that the

scheme could enable McGLASHAN's older son to receive a letter of admission to USC—where

McGLASHAN said his son hoped to attend the Jimmy Iovine and Andre Young Academy, a

specialty program in arts, technology and business—"before he even applies," as set forth in the

excerpt
below.

CW-1 Sure, so, so, in this path, you'd pay 250. You'd get accepted. Let me get his stuff and I'll take it to them. If they [USC] can accept him in the fall.

McGLASHAN Yup.

CW-1 He may be-- It may be before he even applies.

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McGLASHAN See, that would be great.

CW-1 Right.

McGLASHAN I would do that in a heartbeat.

CW-1 Right, and then you get this unofficial, official letter.

McGLASHAN Now does he, here's the only question, does he know? Is there a way to

do it in a way that he doesn't know that
happened?

CW-1 Oh yeah. Oh he--

McGLASHAN Great.

CW-1 What he would know is, that I'm going to take his stuff, and I'm going to
get him some help,
okay?

McGLASHAN So that, that he would have no issue with. You lobbying for him. You
helping use your network. No
issue.

CW-1 That letter, that letter comes to you.

McGLASHAN Yup.

CW-1 So, my families want to know this is done.

McGLASHAN Yup.

CW-1 Right, so they want this letter to come to them, so I have them, I have admissions, and that's why I extend the letter to you, you hold it.

McGLASHAN Right.

CW-1 You don't have to tell him a thing.

McGLASHAN Yup.

CW-1 At that, at that point, that, as soon as you get that letter, then they expect just a \$50,000 check, and it goes to Women's Athletics.

McGLASHAN Great.

CW-1 And then the other 200 comes in March, after you get your official, official letter, but the letter you're actually getting [in the fall] is the same letter you're getting in March.

McGLASHAN I love it.

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143. CW-1 went on in the same call to explain that in order to take advantage of the

"side door," CW-1 would need to create a fake athletic profile for McGLASHAN's son, which

he said he had done "a million times" for other families. CW-1 explained, in substance, that the

fake profile would allow McGLASHAN's son to be admitted to USC as a recruited athlete, as set

forth in the excerpt below.

CW-1 I have to do a profile for him in a sport, which is fine, I'll create it. You know, I just need him-- I'll pick a sport and we'll do a picture of him, or he can, we'll put his face on the picture whatever. Just so that he plays whatever. I've already done that a million times. So--

McGLASHAN Well, we have images of him in lacrosse. I don't know if that matters.

CW-1 They don't have a lacrosse team. But as long as I can see him doing something, that would be fine.

McGLASHAN Yeah.

CW-1 And then what happens is, then what you have to do, because this would be a specialty program, is that you have to then talk to the department and say, "Hey listen, can you take him in the department? We've gotten him accepted into the university."

McGLASHAN Yup. Well I can handle, I think I, I mean, I'll know after this lunch. I think I can handle them at Lovine and Young.

CW-1 Right.

McGLASHAN Yeah. Which is where he really wants to go.

CW-1 Right. So you're saying, "Hey listen, I think I can get him into this school."
"

McGLASHAN Yup.

CW-1 Now, now, can you, 'cause they're going to come to you and say, this is a selective program, would you want this kid? And he's quote an "athlete" who's coming to you. In fact, would you take him? And the department says yes.

McGLASHAN Now, would he see that, 'cause that, he's going to be fairly well seen at

the

school, because half the board knows me, and I'm going to be sort of

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calling in and asking people to help, you know [Board Member 1] and [Board Member 2], and all those guys?

CW-1 But, so-- what I would suggest is, have you called them? Any of them yet?

McGLASHAN No.

CW-1 Good, don't.

McGLASHAN Okay.

CW-1 Because you don't need, because when this, the way this, the quieter it, the quieter this is, the better it is, so people don't say, "Well, okay, this guy, why are all these people calling us? The kid's already been accepted. He's coming here as an athlete. He's already in." What you just want is, the person you're meeting with on Friday to say, you know, what we want [is] this kid.

McGLASHAN So he doesn't have to know how he got in. Is that the case?

CW-1 What I would say to him, if you want to have that discussion now with [your son] there, that we have friends in athletics, they are going to help us, because [he] is an athlete, and they're going to help us. From the--

McGLASHAN But I can't say that in front of [my son], 'cause he knows he's not.

CW-1 No, no, right.

McGLASHAN Yeah.

CW-1 And just say, you know what, we're going to get, we're going to get some,

we're going to get people to help us.

McGLASHAN Why wouldn't, why wouldn't I say, "Look, leave it to me to worry about getting him in, 'cause I have a lot of friends involved in the school."

CW-1 Perfect, perfect.

144. CW-1 continued in the call to explain how the "side door" scheme worked, as set

forth in the excerpt below.

CW-1 What is going to happen when they see his application, he'll be flagged as an athlete.

McGLASHAN Okay.

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CW-1 But once he gets, once he gets here, he just goes, he doesn't go to the athletic orientation. He goes to the regular orientation like all my other kids just did. They all got home, and everything's fine. The issue is the specialty program. And he could do--

McGLASHAN So how does he-- just as a, just as a, just as this plays out, my worry on

this is, [my son] starts getting letters at home from the athletics program and--

CW-1 He won't.

McGLASHAN Okay.

CW-1 He won't. What he will get in the summer is a letter saying come to the athletic orientation. Okay, but here's what I would--

McGLASHAN What, yeah, what do we do about that?

CW-1 Here's what I would do. I would just tell him. I would tell him, "Listen I got lots of friends in athletics. You're an athlete kind of guy, and my friends in athletics are going to help you. So I'm letting you know. They're going to help you get in. Because they have the easiest way in. And, all the coaches, I'm friends with all the coaches. So, they're going to help you get in." And, but maybe here's a better idea. Maybe this is a better idea. We go this path. You work with the dean, but, but, how, how would you feel about, if you already know that he's going to get into the program, but we apply to letters and sciences as a regular student?

McGLASHAN Yup.

145. McGLASHAN and CW-1 continued to have additional telephone discussions

about the "side door" scheme throughout August 2018, not just with respect to USC but also

with respect to Stanford University. The conversations were intercepted pursuant to a Court-

authorized wiretap. On or about August 22, 2018, CW-1 left McGLASHAN a voicemail

message explaining, in substance, that CW-1 would create a fake football profile using

Photoshop software, which would allow McGLASHAN's son to be admitted as a purported

football recruit.

CW-1 Hey Bill, so we're gonna-- met with [USC], because the [high school your son attends] does not have a football team, I'm gonna make him a kicker/punter and they're gonna walk him through with football, and I'll

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get a picture and figure out how to Photoshop and stuff, so it looks like it and the guy who runs the biggest kicking camp is a good friend, so we'll put a bunch of stuff about that on his profile, and we should be in pretty good shape to get that done. It's just a matter of, when I get the profile done, get it to them and figure out when they're gonna have a sub- committee meeting, so I'll let you know. Stanford said no, too tough, grades too low, just don't want to make that an exception right now for him. So I wanted you to know that as well, and then I think I'm seeing you next Tuesday, so if there's anything you need from me just let me know. See ya. Bye-bye.

146. A few minutes later, McGLASHAN returned CW-1's phone call. The following

is an excerpt from the conversation.

McGLASHAN [CW-1].

CW-1 Hey, so you got an NFL punter huh?

McGLASHAN You there [CW-1]?

CW-1 Yes.

McGLASHAN Oh there you are, perfect. Lost ya.

CW-1 You got an NFL punter?

McGLASHAN I did. That's just totally hilarious. So he-- so this is for, so, the one part you were garbled at the beginning is, the school doesn't have a football team, meaning, obviously [USC] does. What does that mean?

CW-1 Your high school.

McGLASHAN Oh, the high school. Yes, of course. Got it.

CW-1 So they asked me, "What sport could we put him through?" And I said,

“Well, I don’t want, you know,” ’cause your school doesn’t have football it’s easy, because I can say, because they have all these kicking camps and these kickers always get picked up outside of the school--

McGLASHAN Yeah perfect. Perfect.

CW-1 So I’m gonna make him a kicker.

McGLASHAN (laughs) He does have really strong legs.

CW-1 (laughs) Well, this will be for-- this will be good for one of the--

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McGLASHAN Maybe he’ll-- maybe he’ll become a kicker. You never know.

CW-1 Yeah! Absolutely.

McGLASHAN You could inspire him, [CW-1]. You may actually turn him into something. I love it.

CW-1 I know. Well I had a boy last year, I made him a long snapper. And--

McGLASHAN I love it.

CW-1 --he was 145 pounds. Long snapper. So--

McGLASHAN I love it. I love it. That is so funny. So, so, and then, just remind me again,

we get all these done and the, the obvious deal you and I talked about, the 50K and the 200K. And-- and then, do we know he’s in? You and I at least know he’s in?

CW-1 Yeah, yeah. Because when he gets in, they’ll send me a letter which will be the, and--

McGLASHAN Yup.

CW-1 The same letter that he's going to get later on.

McGLASHAN Yup.

CW-1 But it'll just be in your hands. It's always--

McGLASHAN Perfect

CW-1 For the parents to know that everything's cool.

147. CW-1 went on in the call to tell McGLASHAN, in substance, that if they could

get his son accepted to USC as a fake "kicker" or "punter," his odds of admission would jump to

90 percent, as set forth in the excerpt below.

CW-1 So, you know, essentially she [Heinel] told me when I get all the paperwork together, and I gotta create this profile pic. So what I'll probably need, if you guys have any pictures of him playing multiple sports, or something where you can kind of see his face a little bit in action?

McGLASHAN Umm. Hmm.

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CW-1 It would be helpful because I will Photoshop him onto a kicker.

McGLASHAN (laughs) Okay. Okay. Let me look through what I have. Pretty funny. The way the world works these days is unbelievable.

CW-1 It's totally cra-- like, last year I had a boy who did the water polo, and when the dad sent me the picture, he was way too high out of the water. That nobody would believe that anybody could get that high.

McGLASHAN Yeah--

CW-1 So I told that dad, I said, "What happened?" He said he was standing on the bottom! I said, "No no no no no."

McGLASHAN Yeah exactly. You gotta be swimming. Exactly.

CW-1 That's right.

McGLASHAN That's funny. That's great. Okay, well yeah, it's too bad that she doesn't
have a lacrosse program with scholarship positions. That'd be easy.

CW-1 I know. It'd be much easier. But she said, "That's cool, let's do it that way." So, that's the path we're gonna go.

McGLASHAN Okay perfect. And then what are your sense of the odds at this point if we,
once you get the package in and everything?

CW-1 90 percent.

McGLASHAN Okay. Great. Great. Well, I'll get you some photos and obviously I'll see you on the broader, the other matters on Tuesday on the business matters. And, and I'm gonna keep pushing him on the, on the, you know, the pitch.

CW-1 Good.

148. On or about August 30, 2018, CW-1 received a call from AGUSTIN F.

HUNEEUS, whose daughter attended the same high school as McGLASHAN's son.
HUNEEUS

asked if "McGLASHAN [is] doing any of this shit? Is he talking a clean game with me and

helping his kid or not? 'Cause he makes me feel guilty." HUNEEUS explained, in substance,

that McGLASHAN's "kid had no idea ... that you helped him on the ACT." HUNEEUS noted:

"And the way, kinda Bill McGLASHAN laid it out, which I know is not true, is he-- he laid it

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out and he said, 'Look, I'm gonna push, I'm gonna prod, I'm gonna use my relationships, but

I'm not gonna go and pay to get my kid in.' And that's kinda how he drew the line."

149. On or about September 1, 2018, CW-1 spoke with McGLASHAN about, among

other things, his conversation with HUNEEUS. The following is an excerpt from the call.

CW-1 Your guy AGUSTIN.

McGLASHAN AGUSTIN HUNEEUS, yeah.

CW-1 He is pushing hard on trying to find out your guys' approach with [your son]. He came to me and I said I did not, I was not willing to talk to him about it.

CW-1 Right.

McGLASHAN And sort of wants the, he obviously wants to get your help, you know, with his daughter, and I just said, "Look, you gotta make your own call what you want to do." I said, "You just need to talk to [CW-1] and work with [CW-1]," not knowing, A, what you want to do with him or B, not wanting HUNEEUS to frankly be in our family business. So I did not.

CW-1 No that's good. He was pushing hard, like, "You gotta tell me what they're doing." And I said, "Listen, that's their situation and you know Bill's very connected, and you need to discuss it with Bill, not discuss it with me."

McGLASHAN Well he tried that, he tried that, and just so you know, he had a

conversation with another family and sort of started talking about the side door approach you have, and was sort of suggesting, "Do you think this is right and dut duh duh." And I made the comment to him, "You know, HUNEEUS, you shouldn't be talking about that. You know, what [CW-1] does is very specific to circumstances, and you think of it as, he's the best coach you could ever have as a kid, trying to figure out where to go to school, 'cause he helps kids get into the right school etcetera, etcetera." But it just bothered me he was out talking about it.

CW-1 Agreed, agreed yeah. And that's what, and that worries me too.

McGLASHAN Yup.

CW-1 So I said, "Listen, you are in a very competitive environment. You gotta keep what you do to yourself."

McGLASHAN Yup, yup.

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CW-1 It will blow up on you, no matter who you think you know, it doesn't matter.

McGLASHAN That's right, yeah, so he's not discreet at all. So that's why I wasn't comfortable saying it to him.

CW-1 Good.

150. As noted above, after CW-1 was approached by law enforcement agents in or

about September 2018 and began cooperating with the government's investigation, he secretly

approached several subjects of the investigation, including McGLASHAN, and warned them

about the investigation. CW-1 subsequently advised investigators that he called McGLASHAN

and told him, in substance, that he needed to meet with him in person at the Santa Monica airport

because he believed his phone was "wired." CW-1 further advised that he did not, ultimately,

meet with McGLASHAN at the airport.

151. On or about October 24, 2018—after acknowledging to law enforcement agents

his attempt to obstruct the government's investigation and agreeing to plead guilty to an

additional charge of obstruction of justice—CW-1 spoke with McGLASHAN by telephone

again, this time at the agents' direction. In the call, CW-1 told McGLASHAN that CW-2 had

been interviewed by IRS agents in Florida with respect to payments he had received from CW-

1's KWF charity. The following is an excerpt from the call, which was consensually recorded.

CW-1 So here's kinda what happened: [CW-2], who is the-- my expert test-taker, who took the test for [your

son]--

McGLASHAN Mm-hmm.

CW-1 --at Igor's school, [the West Hollywood Test Center]. He called me to meet at Barney's Beanery, you know, in West Hollywood. Have you ever been there?

McGLASHAN Never.

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CW-1 Okay. Well, it's a really cool place in West Hollywood. But he calls me, and he kinda comes out to L.A. every once in a while, and he just had his, his first child, so his in-laws live in L.A., so he said, "Let's meet at Barney's Beanery." So anyway, so [CW-2] starts talkin' to me and tells me a story that he, he got interviewed by the-- an IRS agent in Florida, because he lives in Bradenton, about the payments that he received from my foundation. And, as you know, when families pay for either, either takin' the test or goin' through the side door, all the money goes through my foundation, and then I pay it out to whoever needs to get paid, like I did for, you know, [your son]-- [your son's] test when he took the test at [the West Hollywood Test Center]. So I paid half of it to [CW-2] and half of it to [the West Hollywood Test Center] through my foundation, so that the family essentially has no connection back to what has happened. So I asked [CW-2] what he did with the agent, and what they talked about, and he told me that he hasn't been declaring his payments from my foundation as income for his taxes. So apparently he's been declaring all this income as a gift, which was stupid. But the agent said, "I'm really not so focused on [CW-2] and your payments; what I'm focused on is this foundation." And he kept asking him questions about the foundation's mission, what they do, how they help underserved kids, so on and so forth. So, you know, since [CW-2] does tutoring for us he told the agent that, you know, he works with kids for us-- underserved kids in the Bradenton area.

McGLASHAN Mm-hmm.

CW-1 So when he gets done speaking, I kinda freak out, right? Because now I'm thinking, "Oh, shit, I'm in a-- I'm in a lot of trouble here," and the IRS has me wired. They probably have me-- you know, bugged my house, the whole thing, because he's talking all about my foundation, and, you know, he really wants to dive into this. So when I met with [my lawyer], he told me, "[CW-1], hold on. Just relax. For them to get a

wiretap on you, it takes a, a bunch of months to happen, and you just need to relax.”
So--

McGLASHAN Mm-hmm.

CW-1 --you know, overnight I’m a lot less worried than I was a couple days ago (laughs)
when we talked, but I just-- you know, I’m gonna use this [other] phone, which is my
son’s phone, and I did it--

McGLASHAN Mm-hmm.

CW-1 --for us to talk so that there are, you know, no issues, just in case.

McGLASHAN Yep, yep.

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G. FELICITY HUFFMAN

152. Defendant FELICITY HUFFMAN is a resident of Los Angeles,
California.

HUFFMAN, who has two daughters, is an
actress.

153. As set forth below, HUFFMAN and her spouse made a purported
charitable

contribution of \$15,000 to KWF to participate in the college entrance exam cheating
scheme on

behalf of her oldest daughter. HUFFMAN later made arrangements to pursue the
scheme a

second time, for her younger daughter, before deciding not to
do so.

154. CW-1 has advised law enforcement agents that, prior to the December

2017 SAT,

CW-1 met with HUFFMAN and her spouse in their Los Angeles home and explained, in

substance, how the college entrance exam scheme worked. According to CW-1, he advised

HUFFMAN and her spouse that he “controlled” a testing center, and could arrange for a third

party to purport to proctor their daughter’s SAT and secretly correct her answers afterwards.

CW-1 has advised investigators that HUFFMAN and her spouse agreed to the plan.

155. In or about the summer of 2017, HUFFMAN and CW-1 exchanged multiple e-

mails about how to obtain 100 percent extra time on the SAT for her daughters.

156. On or about October 16, 2017, HUFFMAN’s older daughter received a letter from

the College Board advising that she had been approved for 100 percent extended time.

HUFFMAN forwarded the e-mail to CW-1 and a counselor at HUFFMAN’s daughter’s high

school with the note, “Hurray! She got it.”

157. The high school counselor wrote back to HUFFMAN the next day, stating, “Now

you will register [your daughter] for the December 3rd SAT ... Collegeboard considers double

time a school based exam, so [our high school] is the test center. I will proctor test on Dec 4th &

5th and that's the process in nutshell." HUFFMAN forwarded the e-mail to CW-1 with the note,

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"Ruh Ro! Looks like [my daughter's high school] wants to provide own proctor." CW-1

responded, "We will speak about it."

158. In subsequent e-mails, CW-1 and HUFFMAN agreed to tell the high school

counselor that HUFFMAN's daughter would take the SAT at a different location on December

2nd and 3rd—a Saturday and Sunday—so that she would not miss any school.

159. In or about late October 2017, Dvorskiy completed paperwork to move

HUFFMAN's daughter's exam from her own high school to the West Hollywood Test Center.

ETS records reflect that, in calls to ETS, HUFFMAN and the high school counselor confirmed

that the location for HUFFMAN's daughter's SAT had been switched to the West Hollywood

Test Center.

160. On or about December 1, 2017, CW-2 flew from Tampa to Los Angeles.

CW-2

has advised investigators that each time he was in Los Angeles to proctor an SAT or ACT, he

facilitated cheating, either by correcting the student's answers after the test or by actively

assisting the student during the exam.

161. On or about December 2, 2017, CW-2 purported to proctor HUFFMAN's

daughter's SAT exam at the West Hollywood Test Center. On or about December 3, 2017, CW-

2 returned to Tampa.

162. Ultimately, HUFFMAN's daughter received a score of 1420 on the SAT, an

improvement of approximately 400 points over her PSAT, taken without CW-2 one year earlier.

On or about December 19, 2017, KWF paid Dvorskiy \$40,000 for administering the SAT to

HUFFMAN's daughter and three other students. On or about December 27, 2017, KWF paid

CW-2 \$35,000 for purporting to proctor the exam for HUFFMAN's daughter and exams for

several other clients of CW-1.

163. On or about February 27, 2018, HUFFMAN and her spouse made a purported

contribution of \$15,000 to KWF. On or about March 21, 2018, Masera sent them a letter

thanking them for the purported donation and falsely stating that it would “allow us to move

forward with our plans to provide educational and self-enrichment programs to disadvantaged

youth.” The letter falsely stated that “no goods or services were exchanged” for the \$15,000.

164. In a telephone call with CW-1 on or about October 23, 2018, HUFFMAN

discussed repeating the SAT cheating scheme for her younger daughter. The call, which was

consensually recorded, is excerpted below.

CW-1 Okay. Great. So I also just wanted to let you know that the-- the guy who took the test for [your older daughter], [CW-2]--

HUFFMAN Yeah.

CW-1 --he just had a baby.

HUFFMAN Aw.

CW-1 So if-- so I need to give him at least three weeks' notice, if you want to take the tes-- want us to take the test for [your younger daughter] in December.

HUFFMAN Okay. So that takes us to like November-something. Okay. I won't-- I

won't know until she takes that-- the practice test, of when we should take it. I mean, unless you want to play it safe and do it in March.

CW-1 The next test date would be February. So let's try to plan for December.

165. In a call with CW-1 on or about November 12, 2018, HUFFMAN confirmed that

she wanted to proceed with the cheating scheme, but probably only after her daughter first took

the exam on her own, without cheating. CW-1 has advised law enforcement agents that, in such

instances—when parents had their children first take the exams by themselves, to see how they

scored without cheating—CW-1 would typically direct CW-2 to ensure that their second score

did not increase by more than 30 percent from the first “baseline” score, in order to avoid any

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suspicion of cheating. Excerpts from the call, which was consensually recorded, are set forth

below

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CW-1 Okay, great. Okay. So then, the question I have for you, because [what] I'm not sure is, I know she's-- she's preparing with [a tutor]. Is she--

HUFFMAN Uh-huh.

CW-1 --going to make that with her extended time at her school or are we going to do like what we--with [your older daughter], where [CW-

2] --

HUFFMAN We're going to do like we did with [my older daughter].

CW-1 Okay. So [CW-2] will take it with her and for her at Igor's place at [the
West Hollywood Test Center].
So--

HUFFMAN Yes.

CW-1 Because I'll need to do the paperwork for that. And you're okay with that?

HUFFMAN Yeah, totally.

CW-1 Okay, okay. All right. So then when we get closer to that point, or over-- maybe
I'll have it done over the next week or so--

HUFFMAN Yeah.

CW-1 --[inaudible] the paperwork set up to move that forward.

HUFFMAN Okay. Now, my only thing, [CW-1], is-- sorry it's loud in here. I'm
outside. But is that I'm pretty sure-- we are doing it the same way
as [with my older daughter]? I'm pretty sure with [my younger
daughter] that she's going to want to take it twice no matter what.

CW-1 Okay.

....

HUFFMAN So do we do it twice then?

CW-1 The-- well, that's-- that's a good -- well, how about-- let's do this. Why
don't we-- why don't we work to get a first score, and then we
already have a baseline? Because what happens is, if she takes
it and doesn't do well the first time --

HUFFMAN Yeah.

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CW-1 --then we can only go up a certain amount the second time.

HUFFMAN Yeah. No, I totally figured that. I just know that no matter what, she's so academically driven--

CW-1 Okay.

HUFFMAN --that no matter what happens, even if we go, "This is a great score," that she'll go, "I really want to take it again."

CW-1 Okay.

HUFFMAN I just wanted to give you a heads-up, so I just thought then she'll just take it twice in that-- in the-- you know, in [the West Hollywood Test Center] or whatever that place was.

CW-1 Okay, go-- gotcha. Okay. All right. So--

HUFFMAN All right.

CW-1 So I'm going to-- I'll talk to Igor and [CW-2], confirm that we can get a March-- the March test date on that Saturday.

HUFFMAN Great.

....

CW-1 I just need you-- yeah. I just need to get Igor confirmed that--

HUFFMAN Mm-hmm.

CW-1 --that we can use his site.

HUFFMAN Okay.

CW-1 And I need to get [CW-2] confirmed that he can fly in and take the test with and for [your younger daughter] so that I can make sure that

they're available.

HUFFMAN Okay, that sounds great.

166. On or about December 12, 2018, HUFFMAN and her spouse spoke with CW-1

again to finalize plans for their younger daughter's exam. During the call, CW-1 confirmed that

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the price to participate in the cheating scheme would be \$15,000, and discussed with HUFFMAN

and her spouse whether they thought their daughter would actually take the exam over two days,

in order to achieve as high a score as possible before CW-2 corrected her answers. Excerpts

from the call, which was consensually recorded, are set forth below.

CW-1 Yeah. So I guess the question for both of you guys are-- is, are we going to do this similarly that we did with [your older daughter] where the [younger daughter] will take the test at [the West Hollywood Test Center] --

SPOUSE Yeah, I think [inaudible].

CW-1 I'm sorry.

SPOUSE Yes, I think we are [inaudible].

CW-1 Okay. Same exact. Same exact so she'll take the test [at the West Hollywood Test Center]. [CW-2] will be the proctor. We will ensure that sh-- we get a score that will be in the 14s or-- or, or higher because we want to achieve the schools we want to get to,

correct?

SPOUSE --we're talking about Georgetown, places like --

CW-1 Yeah. So we'll need to b-- we'll need to be mid 14s to 1500 to be-- to be solid. That's out of 1600. So that means that sh-- she'll score in the 700s in each category.

....

CW-1 Okay, and then, so then are we-- so again the last time we did this. Just so I can make sure the financial part is all squared away that then we'll-- we will send you an invoice for \$15,000 and we'll-- and that'll be all taken care of. Are we all okay with the financial side and the actual operational side of it?

SPOUSE --cool.

CW-1 Okay. That's what I wanted-- that's what I wanted to know, Okay, so what I'll do is we will start the paperwork of getting everything accomplished in February so that the test can be sent to [the West Hollywood Test Center]. And, and then Felicity, my guess is you'll have [a] conversation, the school, may have [a] conversation with you and you'll just say, "You know, essentially what we're going to do is [my

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older daughter] took the-- the exam here, we don't want to miss any school, we're going to take it over the weekend, and we're-- we're very comfortable with this process because we've already done it once before and it worked out really well."

SPOUSE: That's [inaudible].

HUFFMAN: Okay.

....

SPOUSE Do we want two days?

HUFFMAN Better for her to take it over two days? I think it is.

CW-1 Well, at this point, Felicity, it doesn't really matter because we're going to
get a s-- a
score --

SPOUSE --I -- I understand that.

CW-1 But it's up to you how you want to do this in-- in her head.

SPOUSE She'll score higher. Just her base score will be higher if we did it over two
day
s.

167. On or about February 13, 2019, HUFFMAN spoke with CW-1 again
about the

plan for her daughter to take the exam first on her own, and the second time as
part of the

cheating scheme. During the call, HUFFMAN expressed concern, in substance, about
whether a

dramatic increase in her daughter's scores would cause her SAT tutor to suspect
cheating.

Excerpts from the call, which was consensually recorded, are set forth
below.

HUFFMAN Hey, thank you so much for calling. [My spouse] gave me the update that
she'll take the test
March --

CW-1 Ninth.

HUFFMAN --Ninth, at [her high school] and then we will plan it again for May--

CW-1 May. 'Cause she said she wanted to take it twi- a couple of times anyways.

HUFFMAN Yup.

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CW-1 So the goal-- because we gotta get, based on the schools that she thinks she wants to go to, we're gonna have to get her a 1400-plus.

HUFFMAN Yes.

CW-1 So I don't know what she will get the first time on her own, hopefully she kicks ass and, you know, it's a moot point, but that's what we're gonna need to do.

HUFFMAN Okay. And what do I need to do to facilitate that switch?

CW-1 So we'll do the paperwork for that in mid-April, or beginning of April--

HUFFMAN Okay.

....

HUFFMAN And, you know, [the tutor] gave her that practice test, and as I said to you, you know, she came in at around 1200 and she said, "But I think, you know, we can bring that--"

CW-1 We can go 14--

HUFFMAN --yeah, we can bring that up." But I just didn't know if it'd be odd for [the tutor] if we go, "Oh, she did this in-- in March 9th, but she did so much better in May." I don't know if that'd be like-- if [the tutor] would be like "Wow."

CW-1 --[the tutor] is just doing her job so I don't think she gets well-engaged in that kind of world.

HUFFMAN Okay.

CW-1 So I wouldn't worry about that.

168. Ultimately, HUFFMAN and her spouse decided not to pursue the SAT cheating

scheme for their younger daughter.

H. MAJORIE
KLAPPER

169. Defendant MARJORIE KLAPPER is a resident of Menlo Park, California.

KLAPPER co-owns a jewelry business.

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170. As set forth below, KLAPPER made a purported charitable contribution of

\$15,000 to KWF in or about November 2017 to participate in the college entrance exam cheating

scheme on behalf of her son.

171. On or about March 1, 2017, KLAPPER e-mailed CW-1 that she had learned from

another client of CW-1's that the other client's daughter was planning to take the ACT in Los

Angeles. KLAPPER asked if her son could do so as well. CW-1 replied, "it is not a definite as

there [is] a financial consideration to take it there. They will only do with a donation."

172. Throughout the spring and summer of 2017, CW-1 and KLAPPER exchanged e-

mails about getting extra time on the ACT and SAT exams for her son. As an example, on or

about June 10, 2017, KLAPPER forwarded to CW-1 a letter from the College Board that

granted her son 50 percent extra time. KLAPPER wrote: "Another failed attempt at 100%. We

have it for ACT. What should we do? Do these accommodations mean alternate location? Still

debating our conversations too." CW-1 replied, "As long as you have ACT with 100 percent

time we can take the test at an alternate site."

173. On or about September 13, 2017, KLAPPER forwarded ACT registration

instructions for her son to CW-1, who forwarded them to Dvorskiy. Dvorskiy, in turn, notified

ACT, Inc. that KLAPPER's son would take the ACT on October 28, 2017 at the West

Hollywood Test Center.

174. On or about October 27, 2017, CW-2 traveled from Tampa to Los Angeles to

proctor the ACT exam for KLAPPER's son the following day at the West Hollywood Test

Center. CW-2 returned to Tampa on or about October 29, 2017.

175. In an e-mail on or about October 29, 2017, CW-1 directed Masera to invoice

KLAPPER \$15,000 through
KWF.

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