



U.S. Department of Justice
S. Amanda Marshall
United States Attorney
District of Oregon
1000 SW Third Avenue, Suite 600
Portland, OR 97204-2902

(503) 727-1000
Fax (503) 471-5563

February 12, 2015

State of Oregon - Department of Administrative Services
155 Cottage St NE, U20
Salem, OR 97301-3972
Attn: Custodian of Records

Re: District of Oregon, Portland Division
Grand Jury Subpoena number JK-15-029
Return date on or before March 10, 2015

Dear Custodian of Records:

Enclosed is a subpoena relating to an investigation being conducted by the United States Grand Jury for the District of Oregon in Portland. The subpoena requires that you or your company furnish certain information to the Grand Jury by a specified deadline or "return date." To facilitate this process, please carefully read each of the following enclosures:

1. the subpoena and attachment, which specify the information sought by this subpoena, the deadline for producing it, and the preferred format for producing it;
2. an information sheet describing compliance with this subpoena;
3. where appropriate, a certificate of authenticity of business records; and,
4. an information sheet describing the Grand Jury process (for first-time recipients of a grand jury subpoena from this U.S. Attorney's Office only).

Please follow the instructions on the attachment to the subpoena, and on each of the enclosed information sheets.

You are asked not to disclose the existence of this subpoena or the fact of your compliance to the customer, or any agent or representative of the customer. Please ensure that any record of your compliance with the subpoena is separately maintained, and not commingled with the customer's records. Any disclosure on your part could seriously impede an ongoing investigation of possible violations of federal criminal laws.

Subpoena cover letter

Subpoena number: JK-15-029

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Pursuant to federal law, neither you nor your company are entitled to reimbursement for the costs of producing the subpoenaed material. See United States v. Hurtado, 410 U.S. 578, 579 (1973) (costs of producing records to comply with grand jury subpoena are part of “the cost of doing business in a society of justice”). While in some instances, 12 U.S.C. § 3401(1) (the “Right to Financial Privacy Act”) and 18 U.S.C. § 2706 (the “Telecommunications Act”) provide a mechanism for reimbursement, neither of these provisions appear to apply to you or your company.

Please do not send or fax the requested information to the federal agent assigned to this case unless specifically advised to do so. If you need more time or wish an extension due to unforeseen circumstances, please call Sharon Grove at the number provided below. The requested information must be received by Ms. Grove, along with a copy of the subpoena (please do not send any of the attachments or the instructions for complying with the subpoena) at the following address:

Sharon Grove, Paralegal Specialist
U.S. Attorney's Office
1000 SW Third Avenue, Suite 600
Portland, OR 97204-2902
Phone: (503) 727-1035
Fax: (503) 471-5563

Please utilize the subpoena number noted above in any communication with this office about this subpoena. Do not assume that the individual or entity whose records are sought is a subject of the investigation. Kindly do not write the name of the individual or entity on your cover letter, but rather refer to the subpoena number.

Thank you in advance for reading the attached information sheets, and for your complete and timely compliance with this subpoena. If you have any questions concerning the scope of the information sought, or the format in which to produce it, please contact the agent whose name appears on the front of the subpoena.

Very truly yours,

S. AMANDA MARSHALL
United States Attorney

Sharon Grove

SHARON GROVE, Paralegal Specialist
Grand Jury Coordinator


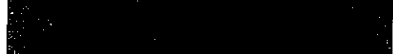

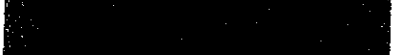

WILLAMETTE WEEK

Updated 12/2014


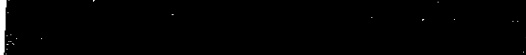

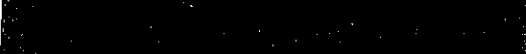

Attachment:
State of Oregon – Department of Administrative Services

Subpoena #: JK-15-029

For the time period of January 1, 2009, including and through the present, please provide all information, records, and documents, including data electronically or digitally stored on computers or similar devices, relating to the individuals and entities listed below, including but not limited to the following:

Name: Cylvia Lynne Hayes
DOB: 
Possible SSN: 
Address: 
Email Addresses: 
Telephone Numbers: 

Business Name: 3E Strategies, LLC
Possible TIN: 01-0738180
Address: 932 SE Douglas St, Bend, OR 97702
Email Address: info@3estrategies.org
Telephone Number: 541-617-9013

Name: John Albert Kitzhaber
DOB: 
Possible SSN: 
Address: 
Email Addresses: 
Telephone Numbers: 

Entity Names:
Demos
Resource Media
Energy Foundation
Rural Development Initiatives
Clean Economy Development Center
Waste to Energy
Oregon Business Council

To include, but not limited to, records from the following departments within the State of Oregon:

Department of Administrative Services
Business Development Department/Business Oregon
Department of Community Colleges and Workforce Development
Department of Energy
Department of Environmental Quality



UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

SUBPOENA #: JK-15-029

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: State of Oregon - Department of Administrative Services
155 Cottage St NE, U20
Salem, OR 97301-3972
Attn: Custodian of Records

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Table with 2 columns: Place and Date and Time. Place: Grand Jury Room - Suite B, United States Courthouse, 1000 SW Third Avenue, 3rd Floor, Rm 311, Portland, Oregon 97204. Date and Time: March 10, 2015 - 9:00 a.m.

You must also bring with you the following documents, electronically stored information, or objects (blank if not applicable):

SEE ATTACHMENT

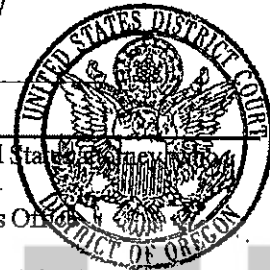
Compliance with this subpoena may be attained by either: (1) personally appearing to deliver the subpoenaed material at the date and time indicated above, or (2) arranging for the delivery of the subpoenaed material no later than the Friday before the date and time indicated above, as described in further detail below. Your personal appearance is excused only if you arrange for the subpoenaed material to be delivered by the Friday before the date and time indicated above. Requested information may be provided to Sharon Grove, Paralegal Specialist, United States Attorney's Office, 1000 SW Third Avenue, Suite 600, Portland, Oregon 97204, please include a copy of this subpoena (without attachments).

You are requested not to disclose the existence of this request to your customer. Any such disclosures could impede the investigation being conducted and thereby interfere with the enforcement of the law.

If you have any questions concerning the information requested, please call Federal Bureau of Investigation, Special Agent Jason Newport at (503) 460-8272.

CLERK OF COURT, MARY L. MORAN

Signature of Clerk or Deputy Clerk



The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

Scott E. Bradford
Assistant United States Attorney
(503) 727-1000

United States Attorney's Office
District of Oregon
1000 SW Third Avenue, Suite 600
Portland, Oregon 97204
(503) 727-1000

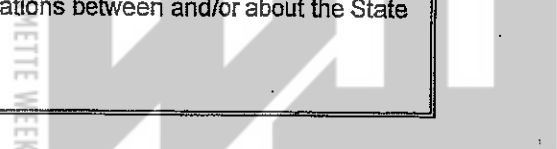
Date: February 12, 2015

Attachment:
State of Oregon – Department of Administrative Services
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Subpoena #: JK-15-029

Office of the Governor
Government Ethics Commission
Housing and Community Services Department
Oregon Department of Justice
Department of State Lands
Oregon Department of Revenue

- Complete employment and personnel records, including record of compensation, performance evaluations, reports of disciplinary actions or internal investigations.
- Any and all documents, notes, drafts, and/or electronic communications submitted for ethics review to include, but not limited to, disclosures of actual or potential conflicts of interest, to include any contracts or consulting agreements submitted for review, statements of economic interest, any and all revisions and final documents regarding acknowledgement/guidance/opinion of State of Oregon ethics rules, ethics training, and requests for outside employment to include correspondence on such issues.
- Any and all documents related to any investigations related to the individuals or entities listed above, to include background, civil, and criminal investigative files.
- Calendars, schedules, daily planners, and journals.
- Visitor logs for the Office of the Governor and Mahonia Hall.
- Travel records including calendars, requests for permission to travel, travel itineraries, receipts for travel expenses, travel expense reports and/or requests for reimbursement, airline reservation confirmations, lodging reservation confirmations and invoices, and payments for airfare, lodging, meals, and entertainment.
- All documents and records relating to Cylvia Lynne Hayes' use of State of Oregon credit cards or other forms of payment, including monthly statements and payment history.
- Oregon state income tax returns for Cylvia Lynne Hayes and 3E Strategies.
- All documents, records, email communications, meeting minutes and/or notes relating to the following:
 - Genuine progress indicators (GPI) and related topics;
 - Alternative measure of economic output;
 - State of Oregon 10-year Plan;
 - Oregon Project;
 - Pacific Coast Collaborative Action Plan on Climate and Energy;
 - West Coast Clean Economy Action Plan;
 - Knott Landfill and waste-to-energy projects;
 - New measures of progress;
 - Sustainable economic development;
 - Oregon Prosperity Initiative;
 - Global Well-being and Gross National Happiness Lab / Bhutan;
 - Low carbon fuel standards, clean energy, and coal;
 - Proposed Port of Morrow Coal Terminal;
 - Ocean acidification;
 - Hix Rubenstein and Pronghorn Golf Course.
- All documents, records, meeting minutes and/or notes relating to contracts proposed, bid and awarded to Cylvia Lynne Hayes/3E Strategies, LLC including, but not limited to:
 - Final and drafts of requests for information/proposal, contracts, and performance reviews;
 - Bid submissions and related ranking evaluation and selection decision documents;
 - All correspondence, e-mail, telephone logs or record of other communications between and/or about the State of Oregon and Cylvia Lynne Hayes/3E Strategies;



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- All correspondence, e-mail, memoranda, notes or other records relating to meetings between and/or about the State of Oregon and Cylvia Lynne Hayes/3E Strategies;
- All records of payment or monetary disbursements to Cylvia Lynne Hayes and/or 3E Strategies, LLC.
- All records relating to inquiries by local, city, or state entities concerning Cylvia Lynne Hayes and/or 3E Strategies, LLC and all replies to those inquiries.

For the above listed time period, any and all email communications from or to, or regarding, the following individuals:

- Cylvia Lynne Hayes
- John Albert Kitzhaber
- Greg Wolf
- Dan Carol
- Sean McGuire
- Mike Bonetto
- Mary Rowinski
- Jan Murdock
- Stormy Boyles
- Liani Reeves
- David Allaway
- Palmer Mason
- Nkenge Harmon-Johnson
- Michael Jordon
- Curtis Robinhold
- Arian Turpin
- Tracy Osburn

Any and all communications or correspondence, to include electronic communications, between the State of Oregon, and State of Oregon official or employee, and the following entities and affiliated individuals, to include but not limited to:

- Demos
- Lew Daly
- Rural Development Initiatives
- Craig Smith
- Energy Foundation
- Elisabeth Banse
- Clean Economy Development Center
- Jeff King

NOTE: To the extent that such information exists in electronic format, kindly provide the information in electronic format compatible for importation into (1) Quicken Personal Finance Software; (2) Microsoft software; (3) Adobe; or (4) a database in a delimited or fixed width text file. Please provide a list of descriptive definitions for the electronic data fields used to generate these reports. The data may be provided on a CD or DVD. Images of items should be in individual files in the same common format with image files corresponding to an identifier in the transaction-record.

Contact SA Jason Newport at (503) 460-8272 with any questions regarding the information requested.

PLEASE SEND ALL REQUESTED INFORMATION TO:
SHARON GROVE, PARALEGAL SPECIALIST
U.S. ATTORNEY'S OFFICE
1000 SW THIRD AVENUE, SUITE 600
PORTLAND, OR 97204-2902

SUBPOENA COMPLIANCE – NON-FINANCIAL INSTITUTIONS

COMPLIANCE BY ARRANGING FOR EARLY DELIVERY OF RECORDS
PERSONAL APPEARANCE NOT MANDATORY

Compliance with this subpoena may be attained by either: (1) arranging for the delivery of the subpoenaed material in the format called for no later than the Friday before the date and time indicated on the subpoena, or (2) personally appearing before the grand jury to deliver the subpoenaed material on the date and time indicated on the subpoena. Your personal appearance is excused only if you arrange for the subpoenaed material to be delivered by the Friday before the date and time indicated on the subpoena. Requested information must be delivered to:

Sharon Grove, Paralegal Specialist
Grand Jury Coordinator
United States Attorney's Office
1000 SW Third Avenue, Suite 600
Portland, Oregon 97204-2902
Phone: 503-727-1035

The documents must be accompanied by a business records certification – *i.e.*, your affidavit, or that of one of your custodians of records or another qualified person, on either (1) the attached business records certification form, or (2) the standard business records certification form employed by your business, on your letterhead. If you opt to use your standard form, the affidavit must certify that the records are all of the documents called for, that they constitute full compliance with the demands of this subpoena, that no record has been withheld, and that the records:

- (a) were made at or near the time of the occurrence of the matters reflected in the records, either by a person with knowledge of the information contained in the records, or from information transmitted by a person with knowledge of the information contained in the records;
- (b) were kept in the course of regularly conducted activity; and
- (c) were made by the regularly conducted activity as a regular practice.

Documents produced under this method of compliance should be placed inside a sealed envelope, box, or folder, then placed inside an outside envelope, box, or folder, and delivered or mailed to the address listed below by a method utilizing protective signature guarantee of delivery. Please do not send or fax the requested information to the agent whose name appears on the subpoena.

COMMUNICATIONS WITH ATTORNEYS FOR THE UNITED STATES

All communications, notices and questions not addressed by the agent(s) should be addressed to, and all extensions of compliance time must be approved by, either the Assistant United States Attorney whose name appears on the face of the grand jury subpoena, or by the Grand Jury Coordinator listed above.

PLEASE RETURN A COPY OF THE SUBPOENA WITH THE REQUESTED RECORDS.

Please do not include any of the attachments or instructions for the processing of the subpoena.

CERTIFICATE OF AUTHENTICITY OF BUSINESS RECORDS
DECLARATION REGARDING BUSINESS RECORDS
OR OTHER RECORDS OF REGULARLY-CONDUCTED ACTIVITY

I, the undersigned, _____, with the understanding that I am
(Name)
subject to criminal penalty under the laws of the United States for an intentionally false declaration,
declare that I am employed by/associated with _____
(Name of Business)

in the position of _____ and by reason of my position
(Official Title or Position)

am authorized and qualified to make this declaration.

I further declare that the documents attached are all of the documents called for by the subpoena
issued to _____, a copy of which subpoena is attached, that they
(Name of Business)

constitute full compliance with the demands of this subpoena, that no record has been withheld (except
as noted on the attached sheet), and that they are original records or true copies of records which:

1. were made at or near the time of the occurrence of the matters set forth therein, by (or from
information transmitted by) a person with knowledge of those matters;
2. were kept in the course of regularly conducted activity; and
3. were made by the said regularly conducted activity as a regular practice.

The originals or duplicates of these records are maintained in the State of _____,
United States of America.

I declare under penalty of perjury that the foregoing is true and correct.

Date of execution: _____
Place of execution: _____
Signature _____
Subpoena No. _____



WHAT IS A FEDERAL GRAND JURY?

A federal grand jury is composed of twenty-three (23) citizens who periodically meet to hear testimony to determine whether there is sufficient evidence to bring formal criminal charges in a United States District Court. A grand jury does not determine guilt or innocence. Grand juries are selected by the court, and thereafter meet in a non-public setting to protect the privacy and safety of witnesses who appear to testify, the integrity of its investigations, and the reputation of anyone who may be exonerated. While grand juries do not conduct trials, witnesses are placed under oath and their testimony is recorded. Only an attorney for the United States, a stenographer, and the witness may appear before the grand jury. A witness may be represented by an attorney. However, the attorney is not allowed within the grand jury chambers. Upon request, if accompanied by an attorney, a witness will be provided a reasonable opportunity to step outside the grand jury chambers throughout their testimony to consult with their attorney.

Review carefully what you remember about the matter under consideration before you testify. You may be asked to meet with a law enforcement agent and perhaps an Assistant United States Attorney before you testify. It is important that you testify truthfully based upon your recollection of the events in question. Intentionally providing false or inaccurate testimony is punishable as a serious felony offense. Grand jury testimony may take anywhere from a few minutes to a few hours, depending on your role as a witness. Coming to testify may involve some waiting, so you may want to bring reading material or work to do. There is a cafeteria within the federal courthouse.

Records Custodians: Sometimes a subpoena is issued for business records through a custodian who is asked to provide the records. Written instructions accompanying the subpoena will clearly state whether it is necessary for such a witness to actually appear before the grand jury, or whether producing the documents alone will be sufficient. You may be asked to meet with the attorney or case agent to go over the records before testifying. After reading the documents accompanying your subpoena, if you still have a question about your appearance you may contact the attorney listed at the bottom left corner of your subpoena, or the law enforcement agent listed in the text of the subpoena. If you do not comply or are untimely, you may be held in contempt of court and jailed or fined, or both.

What is an Indictment? After hearing all the information presented, a grand jury decides whether there is sufficient evidence to merit formal charges. If so, an indictment will be returned in court setting forth the criminal charges and naming the person(s) accused of the crime(s). Thereafter, formal criminal proceedings in open court will commence.

We thank you for fulfilling your civic duty. We hope your appearance as a witness will not inconvenience you, your family, or your employer. If your employer has concerns about your appearance, please let us know. If you need help in making travel arrangements for your appearance before the grand jury, you will find an instruction sheet attached to help you with that process. If you have any questions about travel, please call **Victim-Witness at (503) 727-1172**. If you would like an orientation to familiarize you with the grand jury process, or if you would like to be accompanied through the process, contact the Victim-Witness Unit at the number provided above. If you have questions about the content of your testimony, contact the Assistant United States Attorney listed at the bottom left corner of your subpoena or the law enforcement agent listed within the text of the subpoena.