

paid CW-1 \$200,000 to secure her son's admission to USC—although, in fact, she had paid CW-1 and Heinel two-and-a-half times that amount. According to PALATELLA, her neighbor had told PALATELLA's son that we “basically paid off to get in,” after promising that “she wouldn't say anything.” PALATELLA told CW-1 that she and her spouse “laugh every day” about how grateful they were for CW-1's services, telling him, “We're like, ‘it was worth every cent.’”

Q. ELISABETH KIMMEL

350. Defendant ELISABETH KIMMEL is a resident of Las Vegas, Nevada and La Jolla, California. KIMMEL is the owner and president of a media company.

351. As set forth below, KIMMEL participated in the college recruitment scheme by conspiring to use bribery to facilitate her daughter's admission to Georgetown as a purported tennis recruit, and her son's admission to USC as a purported track recruit.

352. KIMMEL's daughter's application to Georgetown stated that she played “Southern California Junior Tennis” throughout high school and was a “ranked player.” In fact, the United States Tennis Association, which operates the Southern California Junior Tennis program, has no record of KIMMEL's daughter's participation in that program.

353. On or about November 26, 2012, an admissions administrator at Georgetown e-mailed KIMMEL's daughter, copying Ernst, that “[i]n order to send you your likely letter, your application needs to be complete. Although Coach Ernst has shared with me your unofficial SAT score report, we have not received the scores officially from the College Board and this is a requirement for admission.” On or about December 12, 2012, KIMMEL's spouse responded to the e-mail on behalf of his daughter, copying KIMMEL, Ernst and CW-1, that he had ordered his daughter's official score report to be sent to Georgetown.

354. Eight days later, on or about December 20, 2012, the Georgetown admissions department sent KIMMEL's daughter a letter stating that the "Committee on Admissions has conducted an initial review of your application to the Class of 2017 at the request of Mr. Gordie Ernst, Tennis Coach. I am pleased to report that the Committee has rated your admission as 'likely.'"

355. KIMMEL's daughter matriculated at Georgetown in the fall of 2013 and graduated in or about May 2017. She was not a member of the tennis team during her four years at Georgetown.

356. On or about April 2, 2013, Masera e-mailed KIMMEL: "I understand you have received a [Georgetown University] acceptance letter. Would you like me to revise the Foundation letter to reflect the full \$200,000.00 payment?"

357. Upon receipt of Masera's e-mail, KIMMEL e-mailed CW-1: "Thank you, again, for making Georgetown possible for [my daughter]." She added: "Steve [Masera] sent me a letter to get the process going on our donation, but had \$200K as the amount. My memory was that the amount was \$275K over two payments. Do I have it right?" CW-1 replied, copying Masera: "Please make the payment as it works with your foundation calendar- I believe it was one amount now and one in June?"

358. On or about April 15, 2013, the Meyer Charitable Foundation, a family foundation on which KIMMEL and her spouse serve as officers, issued a check, payable to KWF, in the amount of \$100,000. The check was signed by KIMMEL. Masera thereafter sent a letter to the Meyer Charitable Foundation falsely confirming that "no goods or services were exchanged" for the purported donation. On or about June 27, 2013, the Meyer Charitable Foundation issued a second check to KWF in the amount of \$170,000 to KWF. On or about July

16, 2013, the Meyer Charitable Foundation issued a third check to KWF in the amount of \$5,000. The June and July checks were also signed by KIMMEL.

359. Between on or about September 5, 2012 and on or about September 6, 2013, CW-1 caused The Key, and later KWF, to pay Ernst, the Georgetown tennis coach, \$244,000, in monthly installments of between \$11,000 and \$24,000.

360. The Meyer Charitable Foundation filed a tax return on or about September 25, 2013, for the period June 1, 2012 to May 31, 2013, listing a purported charitable donation to KWF of \$100,000. The Meyer Charitable Foundation filed a tax return on or about September 18, 2014, for the period June 1, 2013 to May 31, 2014, listing a purported charitable donation of \$175,000 to KWF.

361. On or about August 10, 2017, CW-1 directed Janke to create an athletic profile for KIMMEL's son. Janke inquired, via e-mail, what sport the profile should be for and whether there are "pictures or do I need to find one." CW-1 responded: "pole vaulter" and asked her to find "pole vaulter pics."

362. Janke prepared an athletic profile falsely describing KIMMEL's son as an elite high school pole vaulter and including the following photograph purporting to be of KIMMEL's son, but which, in fact, depicts another individual.



363. The high school attended by KIMMEL's son has no record that he ever participated in pole vaulting or track and field.

364. On or about August 18, 2017, CW-1 forwarded the false profile to Heinel, writing in the subject line, "per our discussion today thanks."

365. In or about early October 2017, Heinel presented KIMMEL's son to the USC subcommittee for athletic admissions as a purported track and field recruit. On or about October 10, 2017, Heinel forwarded to CW-1 a conditional letter of admission, addressed to KIMMEL's son, stating that his admission to USC had been approved, and that his records indicated he had the "potential to make a significant contribution to the intercollegiate athletic program as well as to the academic life of the university." Among the conditions was the requirement that he register with the NCAA Eligibility Center.

366. CW-1 forwarded the letter to KIMMEL and her spouse. KIMMEL responded, "Thanks," and inquired: "[W]hat does it mean in point 3, where it says he must register with the NCAA Eligibility Center?" CW-1 responded: "I have to register him as an athlete in case he

wants to compete – no one sees the registration but me, you and USC – we did the same for [your daughter] too.”

367. On or about October 23, 2017, the Meyer Charitable Foundation made a \$50,000 payment to the USC’s Women’s Athletics Board. The check was signed by KIMMEL’s spouse.

368. On or about November 28, 2017, KIMMEL e-mailed CW-1 that she had received her son’s formal USC application from Mikaela Sanford, CW-1’s employee, to review prior to its submission. KIMMEL noted: “I wasn’t sure about telling her to submit because the application didn’t have the activity you were going to include.” CW-1 replied to KIMMEL, copying Sanford, directing Sanford to “please wait to submit [the application to] USC. I have one activity to add- track and field- pole vaulter.”

369. The application ultimately submitted to USC falsely described KIMMEL’s son as a “3 year Varsity Letterman” in track and field and “one of the top pole vaulters in the state of California.”

370. On or about February 23, 2018, the Meyer Charitable Foundation issued a check to KWF in the amount of \$200,000. The check was signed by KIMMEL.

371. USC formally admitted KIMMEL’s son on or about March 22, 2018.

372. On or about March 24, 2018, KIMMEL e-mailed CW-1 that one of the letters in her son’s acceptance packet indicated that he needed to register with the NCAA and asked whether “we need to do anything re the NCAA?” CW-1 responded that her son’s test scores and final transcript needed to be sent to the NCAA. KIMMEL replied that she did not recall “doing it for [her daughter].”

373. On or about May 26, 2018, KIMMEL e-mailed Sanford to ask if the transcript needed “to be submitted to the NCAA if [her son is] not going to participate in a college sport?”

Sanford replied the following day: “Even though he will not play a sport, he was admitted as an athlete so he has to abide by the NCAA regulations for entering into the university.” KIMMEL responded by asking if the transcript needed to come from her son’s school, or if she could send it to the NCAA herself because she was “concerned that asking [her son’s] counselor to submit his transcript to NCAA will raise questions, particularly since [his counselor] knows him well and is familiar with all of his activities/extra-curriculars.” Sanford provided KIMMEL with instructions on how to submit an official copy of the transcript to the NCAA herself without alerting her son’s high school counselor.

374. In a call on or about July 26, 2018, KIMMEL and her spouse told CW-1 that their son’s advisor at USC had inquired about his status as a track athlete, and noted that their son believed this to be a mistake because he was unaware that he had been admitted to USC as a recruited athlete. The following are two excerpts from the call, which was intercepted pursuant to a Court-authorized wiretap.

SPOUSE It’s-- [spouse] and Elizabeth are here.

KIMMEL Hey [CW-1], how are you?

CW-1 Okay. Hi there.

SPOUSE So I want to-- hold on just a second [CW-1].

CW-1 Okay.

SPOUSE So [my son] and I just got back from [U]SC Orientation. It went great. The only kind of glitch was, and I-- he didn’t-- [my son] didn’t tell me this at the time-- but yesterday when he went to meet with his advisor, he stayed after a little bit, and the-- apparently the advisor said something to the effect of, “Oh, so you’re a track athlete?” And [my son] said, “No.” ’Cause, so [my son] has no idea, and that’s what-- the way we want to keep it.

CW-1 Right.

SPOUSE So he said, "No, I'm not." So she goes, "It has it down that you're a track athlete." And he said, "Well I'm not." She goes, "Oh, okay, well I have to look into that."

....

KIMMEL So why is he still, why was he flagged by this advisor as being a track athlete?

CW-1 He was flagged as an athlete getting in.

KIMMEL So does that just follow him around? On all of his records?

CW-1 I have no idea ELISABETH, but it doesn't matter because every other kid who's gone through the same process will be having the same thing and it doesn't matter 'cause he gets no priority over anybody. I'm sure on his application he's flagged as ev-- as all the kids as they got in-- like there's a water polo kid who's not gonna be a water polo kid, there's the baseball kid who's not gonna be a baseball kid and they just-- they're not being recruited. They're not on the [athlete] priority [registration list] to get any priority stuff, so I would just go about your business and let it be as it [is] and not even pay attention to it 'cause it's the first time as anybody's ever [said] anything.

KIMMEL I will-- so we have to hope this advisor doesn't start poking around?

CW-1 Well if the advisor does, she's gonna call the person who's responsible for all of this, that's the person who got [your son] admitted, and she'll just say he decided not-- to not compete.

KIMMEL She won't call the track coach? Does he know about it?

CW-1 Doesn't matter, she has to go [to] the senior women's administrator.

KIMMEL Okay.

CW-1 It wouldn't make sense for an advisor to call anybody. So I'll [let] Donna know it-- that's the way it is.

375. On or about August 2, 2018, KIMMEL forwarded CW-1 an e-mail from her son's advisor at USC about scheduling times for track practice. KIMMEL noted that her son "told me about this e-mail (see below), which he assumed was a mistake," adding: "[P]erhaps you already spoke to your contact about this, but has [my son] been taken off 'the list' so he doesn't continue

to receive notifications about practice times (or missed practices), athletics meetings, etc.” CW-1 forwarded the e-mail to Heinel who responded: “I will take care of tmw.”

376. In a call on or about October 26, 2018, CW-1, at the direction of law enforcement agents, told KIMMEL that KWF was being audited by the IRS. The following is an excerpt from the call, which was consensually recorded.

CW-1 So they-- they’ve asked a couple questions about the-- you know, because essentially over \$450,000 has been donated by your guys’ family foundation.

KIMMEL Uh-huh.

CW-1 So, of course, I’m not going to tell the IRS that-- I’m not going to say anything about the payments-- the first group of payments for [your daughter] going to Gordie Ernst at Georgetown, nor am I going to say anything about the-- 200,000-- well, 250 total going for [your son] to Donna Heinel at USC for his admission as a pole vaulter. So I just want to make sure that you and I are on the same page, so that nothing-- you know, I’m going to-- essentially what I’m going to tell the IRS is that your donations were made to my foundation to fund underserved kids, which is the mission of our foundation. So I just wanted to make sure that we were on the same page.

KIMMEL Oh, well, as far as I know, I don’t know what you’ve done with the money I gave your foundation. I mean, I-- you never really told me.

CW-1 Okay, that’s-- that’s perfect.

377. In a call on or about January 3, 2019, CW-1, at the direction of law enforcement agents, told KIMMEL that the USC admissions department was asking questions about a number of students who had been recruited but did not show up for practice. The following is an excerpt from the call, which was consensually recorded.

CW-1 Several of my families-- I was told through Donna, may get some phone calls because they went through the side door, through Donna, and they-- admissions is asking, “So how come these kids didn’t show up for practice?” And so she had to talk to admissions about why the kids haven’t shown up for practice.

KIMMEL Oh.

CW-1 So, so I-- I just wanted you to know in case you get a phone call from anybody, 'cause so far all this stuff-- [your son] was taken off the list--

KIMMEL Uh-huh.

CW-1 -- so I don't think it'll ever happen.

KIMMEL Were the other kids not taken off the list?

CW-1 They didn't have any issue with advising, so we did not take them off any list, 'cause we've --

KIMMEL Oh.

CW-1 --never had to.

KIMMEL Huh. And they didn't have issues with the coaches saying, "Why aren't you at practice?" (Laughs)

CW-1 No, not at all, because their boss, who's Donna Heinel, essentially put 'em on the recruited walk-on list, which happens all the time, and they just don't show up for practice, and that's fine. Coaches are okay with that because, essentially, donations are going to help their programs, and they know that.

KIMMEL Hmm. Okay.

CW-1 So what I wanted you to know is that you may get a phone call from admissions, just asking why [your son] didn't show up for practice, which I don't believe will happen, because he's not on anybody's list--

KIMMEL Mm-hmm.

CW-1 --but I wanted you to be aware.

KIMMEL So what do you recommend I say?

CW-1 I would say that if they do ask you, which I doubt they will, that [your son] had an injury over the summer, to his shoulder, and so he stopped vaulting.

KIMMEL Mmm. Okay.

378. Shortly after that call ended, KIMMEL called CW-1 back to confirm that no one would be contacting her son about the issue because he was unaware of the circumstances surrounding his admission to USC. The following is an excerpt from the call.

CW-1 Elisabeth.

KIMMEL Hey [CW-1]. I just had a follow-up question regarding our earlier conversation.

CW-1 Okay.

KIMMEL Are the kids getting called, also?

CW-1 No, no and no. And nobody has even called anybody at this point, but we're just getting [a] heads up, and the-- what Donna said to me is if anybody were to-- it would be-- they would call the family, the parent. They wouldn't talk to the kids.

KIMMEL Oh. So-- but they've called her.

CW-1 [inaudible] And so she's helped a bunch of kids get into the [inaudible] them why they didn't come for practice. And so she's-- in each case, she's told them a reason why they haven't come. And it's predominantly all injury, which is the typical thing for most kids.

KIMMEL Okay. So admissions is not in on what she's been doing.

CW-1 That is correct. Admissions is in on that she brings athletes, or potential athletes, or VIPs, to admissions, and then admissions does admission based on if athletics wants 'em, just like if Jim Ellis from the Business School has a VIP list, and he puts kids on the VIP list, and says to admissions, "I want these families to get in," and then those families are making donations to the Business School.

KIMMEL Oh, okay.

....

KIMMEL Why didn't [the other students] get e-mails about, "Why aren't you at practice?" and a practice schedule, like [my son] got?

CW-1 I have no idea.

KIMMEL 'Cause that was the first thing that happened to him is he got an e-mail, "Here's your practice," and I guess track had fall practices.

CW-1 Yeah, I have no idea at all, but I know that she-- you know, you told me, and I got Donna to squash the whole thing.

KIMMEL Why, why didn't she squash everyone else? Just 'cause it would look too weird?

CW-1 Just w-w-- and-- yeah, nobody said anything, so-- and she did-- and we've been doing this for years.

KIMMEL Oh.

CW-1 So--

KIMMEL So why poke the bear?

CW-1 Yes.

KIMMEL Okay. All right. Then I won't say anything to [my son], 'cause he's (laughs)--

CW-1 No, don't say anything.

KIMMEL -- still in the dark.

R. MICHELLE JANA VS

379. Defendant MICHELLE JANA VS is a resident of Newport Coast, California. JANA VS is a former executive at a large food manufacturer formerly owned by members of her family.

380. As set forth below, JANA VS participated in both the college entrance exam scheme and the athletic recruitment scheme, including by conspiring to use bribery to facilitate her daughter's admission to USC as a purported beach volleyball recruit.

381. On or about August 11, 2017, JANA VS forwarded CW-1 correspondence from ACT, Inc. indicating that her daughter had been approved for extended time on the ACT. CW-1 replied: "Awesome news. It works."