
UNITED STATES DISTRICT COURT

District of Kansas

(Wichita Docket)

UNITED STATES OF AMERICA,

Plaintiff,

FILED UNDER SEAL

CASE NO. 18- 10043 -01 – EFM

v.

MICHAEL B. O'DONNELL, II,

Defendant.

INDICTMENT

THE GRAND JURY CHARGES:

Introduction

At all times material to this Indictment:

Kansas Elected Officials Reporting

1. Michael Basil O'Donnell, II, also known as (AKA) Michael B. O'Donnell, II, and Michael O'Donnell, was elected to the Kansas State Senate, District 25, on November 6, 2012. O'Donnell's Kansas State Senate term started on January 14, 2013, and the four-year term ended on January 9, 2017.

2. Michael O'Donnell had a personal "Intrust Select Checking" account at Intrust Bank in Wichita, Kansas. The account was opened on February 16, 2009, and was active during the calendar years 2009 – 2017. At all times relevant to this Indictment, Intrust Bank had its deposits insured by the Federal Deposit Insurance Corporation (FDIC).

3. On June 18, 2012, Michael O'Donnell, doing business as (DBA), "MICHAEL FOR KANSAS", opened a Business Select Checking account at Sunflower Bank, Wichita, Kansas. This account contained all receipts and expenditures regarding O'Donnell's State Senate campaign. The monies deposited into this account were from various campaign donors, and the expenditures were expenses O'Donnell had during his pre and post State Senate campaign. At all times relevant to this Indictment, Sunflower Bank had its deposits insured by the FDIC.

4. At times during his term, Michael O'Donnell completed and signed a Kansas Governmental Ethics Commission (KGEC) Receipts and Expenditures Report of a Candidate for State Office form, regarding his State Senate office. O'Donnell emailed the forms to the KGEC. Each contained O'Donnell's signature and declared that he had examined the report, including any accompanying schedules and statements, and to the best of his knowledge and belief, everything in the report was true, correct, and complete.

5. Michael O'Donnell did not run for re-election to the Kansas State Senate in 2016. Rather, O'Donnell ran for, and was elected to the Board of Sedgwick County Commissioners, District 2, on November 8, 2016. O'Donnell's Sedgwick County Commission term started in January 2017, and is set to expire in 2020.

6. On May 9, 2016, Michael O'Donnell, DBA, "MICHAEL FOR SEDGWICK COUNTY", opened a Business Regular Checking account at Vintage Bank, Wichita, Kansas. This account contained all receipts and expenditures regarding O'Donnell's Sedgwick County Commission campaign. The monies deposited into this account were from various campaign donors, and the expenditures were expenses O'Donnell had during his pre and post Sedgwick County Commission campaign. At all times relevant to this Indictment, Vintage Bank had its deposits insured by the FDIC.

7. At times during his term, Michael O'Donnell completed and signed a Kansas Governmental Ethics Commission (KGEC) Receipts and Expenditures Report of a Candidate for County Office form, regarding his Sedgwick County Commissioner office. O'Donnell emailed the forms to the KGEC. Each contained O'Donnell's signature and declared that he had examined the report, including any accompanying schedules and statements, and to the best of his knowledge and belief, everything in the report was true, correct, and complete.

8. The email account Michael O'Donnell used to send his KGEC forms into the KGEC, Topeka, Kansas, was mbodonnell2@gmail.com. Google owns Gmail. Google does not have any Data Centers "Servers" in the State of Kansas. The location of the nearest Google Data Center to Kansas, is the Google Data Center, located in Pryor Creek, Oklahoma.

Factual Allegations

9. On or about January 2, 2016, Michael O'Donnell wrote C.R., a Sunflower Bank check for \$1,000. The check was from O'Donnell's "MICHAEL FOR KANSAS" campaign checking account. After C.R. cashed the check, O'Donnell deposited \$1,000 in cash on or about January 4, 2016 into O'Donnell's personal checking account at Intrust Bank.
10. On or about January 2, 2016, Michael O'Donnell wrote J.D., a Sunflower Bank check for \$1,000. The check was from O'Donnell's "MICHAEL FOR KANSAS" campaign checking account. After receiving the check, J.D. wrote a personal check for \$1,000 to O'Donnell and O'Donnell deposited the \$1,000 check on or about January 4, 2016 into O'Donnell's personal checking account at Intrust Bank.
11. Between January 30, 2015 and August 18, 2016, Michael O'Donnell wrote 12 checks to his friend D.J., for a collective total of \$5,650. The checks were drawn on O'Donnell's "MICHAEL FOR KANSAS" Sunflower Bank campaign account.
12. Between September 12, 2016 and December 27, 2016, Michael O'Donnell wrote 3 checks to his friend D.J., for a collective total of \$750. The checks were drawn on O'Donnell's "MICHAEL FOR SEDGWICK COUNTY" Vintage Bank campaign account.
13. Between December 15, 2015 and May 5, 2016, Michael O'Donnell wrote 6 checks to his friend J.M., for a collective total of \$2,100. The checks were drawn on O'Donnell's "MICHAEL FOR KANSAS" Sunflower Bank campaign account.

14. Having devised a scheme and artifice to defraud the State of Kansas, the County of Sedgwick, Kansas, and the citizens thereof, between January 7, 2016 and February 13, 2017, Michael O'Donnell emailed five Original or Amended KGEC Receipts and Expenditures Report to the KGEC, Topeka, Kansas. On the reports, O'Donnell represented the transactions in paragraphs 9-13 to be campaign-related expenses.

Counts One through Five

18 U.S.C. Section 1343 (WIRE FRAUD)

Paragraphs 1 – 14, are incorporated herein by reference.

That beginning on or about the dates specified below, in the District of Kansas and elsewhere, the defendant,

MICHAEL B. O'DONNELL, II

having devised and intending to devise a scheme and artifice to defraud the State of Kansas, the County of Sedgwick, Kansas, and the citizens thereof, in order to obtain money and funds by means of materially false and fraudulent pretenses, and representations, and in order to execute the scheme and artifice, did knowingly and willfully transmit and cause to be transmitted by means of wire communications in interstate commerce, a writing, sign, and signal, which communicated the following information:

Count	Date/Approximate Time	Email or Fax	Content
1	01/07/2016	Email	2015 Initial KGEC Report (State Senate)
2	01/03/2017 at 2:43 p.m.	Email	2016 Initial KGEC Report (State Senate)
3	02/13/2017 at 12:42 p.m.	Email	2016 Amended KGEC Report (State Senate)
4	12/08/2016 at 1:49 p.m.	Email	July 22, 2016 – October 27, 2016 Amended KGEC Report (County Commission)
5	01/03/2017 at 2:43 p.m.	Email	October 28, 2016 – December 31, 2016 Initial KGEC Report (County Commission)

All in violation of Title 18, United States Code, Sections 1343 and 2.

Count Six

**18 U.S.C. Section 1344(2)
(BANK FRAUD)**

Paragraphs 1-14 are incorporated herein by reference.

Having devised the aforesaid scheme and artifice to defraud in the District of Kansas and elsewhere, on or about January 2, 2016 through January 5, 2016, the defendant,

MICHAEL B. O'DONNELL, II

for the purpose of executing the aforesaid scheme to defraud, and attempting to do so, knowingly obtained moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of Sunflower Bank, a financial institution insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations or promises: to wit; withdrawing \$1000.00 by check written to C.R., from that financial institution for a purpose other than campaign-related expense.

All in violation of Title 18, United States Code, Section 1344(2) and 2.

Count Seven

18 U.S.C. Section 1344(2) (BANK FRAUD)

Paragraphs 1-14 are incorporated herein by reference.

Having devised the previously mentioned scheme and artifice to defraud in the District of Kansas and elsewhere, on or about January 2, 2016 through January 5, 2016, the defendant,

MICHAEL B. O'DONNELL, II

for the purpose of executing the aforesaid scheme to defraud, and attempting to do so, knowingly obtained moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of Sunflower Bank, a financial institution insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations or promises: to wit; withdrawing \$1000.00 by check written to J.D. from that financial institution for a purpose other than a campaign-related expense.

All in violation of Title 18, United States Code, Section 1344(2) and 2.

Count Eight

18 U.S.C. Section 1344(2) (BANK FRAUD)

Paragraphs 1-14, are incorporated herein by reference.

Having devised the aforesaid scheme and artifice to defraud in the District of Kansas and elsewhere, on or about January 30, 2015 through September 1, 2016, the defendant,

MICHAEL B. O'DONNELL, II

for the purpose of executing the aforesaid scheme to defraud, and attempting to do so, knowingly obtained moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of Sunflower Bank, a financial institution insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations or promises: to wit; withdrawing \$5650.00 by checks written to D.J. from that financial institution for a purpose other than a campaign-related expense.

All in violation of Title 18, United States Code, Section 1344(2) and 2.

Count Nine

18 U.S.C. Section 1344(2) (BANK FRAUD)

Paragraphs 1-14, are incorporated herein by reference.

Having devised the aforesaid scheme and artifice to defraud in the District of Kansas and elsewhere, on or about November 7, 2016 through January 24, 2017, the defendant,

MICHAEL B. O'DONNELL, II

for the purpose of executing the aforesaid scheme to defraud, and attempting to do so, knowingly obtained moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of Vintage Bank, a financial institution insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations or promises: to wit; withdrawing \$750.00 by checks written to D.J. from that financial institution for a purpose other than a campaign-related expense.

All in violation of Title 18, United States Code, Section 1344(2) and 2.

Count Ten

18 U.S.C. Section 1344(2) (BANK FRAUD)

Paragraphs 1-10 are incorporated herein by reference.

Having devised the aforesaid scheme and artifice to defraud in the District of Kansas and elsewhere, on or about December 15, 2015 through May 5, 2016, the defendant,

MICHAEL B. O'DONNELL, II

for the purpose of executing the aforesaid scheme to defraud, and attempting to do so, knowingly obtained moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of Sunflower Bank, a financial institution insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations or promises: to wit; withdrawing \$2100.00 by checks written to J.M. from that financial institution for a purpose other than a campaign-related expense.

All in violation of Title 18, United States Code, Section 1344(2) and 2.

Counts Eleven and Twelve

18 U.S.C. Section 1956 (MONEY LAUNDERING)

Paragraphs 1 – 14 incorporated herein by reference.

That beginning on or about January 2, 2016, and continuing through January 5, 2016, in the District of Kansas, the defendant,

MICHAEL B. O'DONNELL, II

did knowingly and willfully engage in monetary transactions by and through financial institutions, affecting interstate commerce, that is, defendant **MICHAEL O'DONNELL** caused money to be deposited into his personal checking account at Intrust Bank, knowing that the property involved in the financial transactions represented the proceeds derived from specified unlawful activity, that is, Bank Fraud, in violation of 18 U.S.C. Section 1344(2), and Wire Fraud, in violation of 18 U.S.C. Section 1343. The defendant, **MICHAEL O'DONNELL**, conducted these transactions, knowing that they were designed in whole and in part, to conceal and disguise the nature, location, source, and ownership of the proceeds of said specified unlawful activity:

Count	Date Range	Amount	Transaction
11	01/02/2016 – 01/05/2016	\$1,000	Cash deposit to Intrust Bank checking account.
12	01/02/2016 – 01/05/2016	\$1,000	Check deposit to Intrust Bank checking account.

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and 2.

FORFEITURE ALLEGATION

The allegations contained in the preceding paragraphs of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982, (a)(1), (a)(2) and Title 28, United States Code, Section 2461. As a result of committing the offenses alleged in Counts One through Twelve of this Indictment, the defendant,

MICHAEL B. O'DONNELL, II

shall forfeit to the United States pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(1), (a)(2) and Title 28, United States Code, Section 2461, any and all proceeds of the crimes, including, but not limited to the following:

1. Money Judgment:

A sum of money equal to and representing the amount of proceeds obtained as a result of the offenses in Counts One through Twelve, for which the defendant is liable.

All in violation of Title 18, United States Code, Sections 1343, 1344(2) and 1956.

A TRUE BILL.

April 25, 2018
DATE

s/Foreperson
FOREPERSON OF THE GRAND JURY

s/Stephen R. McAllister
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[It is requested that jury trial be held in Wichita, Kansas.]