

STATE OF MARYLAND

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IN THE

V.

*

DISTRICT COURT FOR

JOHN KING FOR GOVERNOR

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CITATION NOS. 0Z46582116

1Z46582117

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AFFIDAVIT IN SUPPORT OF CIVIL CITATIONS

I, Cynthia Thomas, Special Agent for the Office of the State Prosecutor, being more than 18 years old and competent to testify as to the matters and facts contained herein, do hereby state the following:

1. A “campaign finance entity” means a political committee established under Md. Code, Elec. Law (“E.L.”) § 1-101(h).

2. “Campaign material” is defined as any material that contains text, graphics, or other images, relates to a candidate or prospective candidate, or the approval or rejection of a question or prospective question and is published or distributed. Campaign material includes material transmitted by or appearing on the Internet or other electronic medium in accordance with E.L. § 1-101 (k).

3. Each item of campaign material shall contain, set apart from any other message, an authority line that states the name and address of the treasurer of each campaign finance entity responsible for the campaign material in accordance with E.L. § 13-401 (a)(1).

4. Campaign material that is published or distributed in support of or in opposition to a candidate, but is not authorized by the candidate, shall include the following statement: This message has been authorized and paid for by (name of payor or any organization affiliated with

the payor). This message has not been authorized or approved by any candidates in accordance with E.L. § 13-401 (b).

5. The Maryland State Education Association (MSEA) is a union and a professional association, representing more than 75,000 teachers and school employees who work in Maryland public schools. The MSEA endorses candidates for elected office, and was scheduled to meet on April 2, 2022, to vote on which candidates to endorse for the offices of Governor, Comptroller, and Attorney General of Maryland in the primary election, scheduled for Jul 19, 2022.

6. On March 24, 2022, select members of the Board of Directors of the MSEA received an email with two attachments, relating to the background of Wes Moore, a candidate for Governor of the State of Maryland. The email was sent from a Gmail account known as honestmddems@gmail.com. The email was sent just days prior to a MSEA meeting scheduled for April 2, 2022, to consider which gubernatorial candidate to endorse in the upcoming election. A review of the email and attachments revealed that the email met the definition of campaign material, and neither the email nor the attachments contained the required authority line.

7. A subpoena was issued to Google to identify the subscriber of the email account honestmddems@gmail.com. Review of the responsive records reflects that the subscriber did not provide his/her real name, rather the subscriber identified themselves only as "Honest Dem".

8. A subpoena was issued to Google to obtain IP addresses associated with the login activity of honestmddems@gmail.com during the pertinent time period. A review of the records reflect that the account was opened on November 9, 2021. On January 19, 2022, the "Honest Dem" account was logged into using a Verizon IP address which was subscribed to by Joseph O'Hern of Silver Spring, Maryland.

9. A review of campaign finance reports filed by the King Campaign Committee with the Maryland State Board of Elections revealed that O'Hern received more than \$123,000 in compensation from the King Campaign Committee between May 2021 and August 2022. Additionally, news and social media reports identify Joseph O'Hern as the Campaign Manager for the John King for Governor campaign.

10. Additional review of the Google response reflects that on March 26, 2022, two days after the email and attachments were sent to the MSEA, the email account honestmddems@gmail.com was logged into by a user associated with IP address 2600:1017:b404:d538:68b3:7886:36f2:1e8. A subpoena was issued to Verizon to obtain the subscriber information for this IP address. A review of the records shows that the associated subscriber is Joseph O'Hern.

11. Approximately four hours later, the email account was logged into by a user associated with IP address 69.140.77.151. A subpoena was issued to Comcast, the provider of IP address 69.140.77.151 to obtain subscriber information. A review of the records shows that the associated subscriber is "John King for Governor".

12. Investigators interviewed King Campaign Worker 1; a Senior Researcher employed by the King Campaign Committee from May 2021 through August 2021. Campaign Worker 1 reviewed the email and associated attachments sent to the MSEA Board of Directors and recognized some of the writing as his research, taken from a document which he compiled and prepared for the King Campaign Committee and which he shared with Joseph O'Hern via Google Drive.

13. King Campaign Worker 1 further identified Joseph O'Hern as the person who hired him on behalf of the King Campaign Committee and as one of his supervisors on the campaign.


14. Investigators interviewed King Campaign Worker 2, a Senior Staff member employed by the John King Campaign Committee. King Campaign Worker 2 stated that O'Hern was their supervisor. Regarding the email, King Campaign Worker 2 stated it looked very much like the opposition research the staff had compiled. According to King Campaign Worker 2, this research was saved in a folder on Google Drive in the Cloud. Only a few staffers had access to the folder and that access was controlled by King Campaign Worker 2 and O'Hern. King Campaign Worker 2 stated that the staff had discussed MSEA but did not specifically discuss sending the research to them.

15. Investigators interviewed members of the MSEA Board of Directors. On September 12, 2023, MSEA Board Member 1 confirmed that he received the email addressed to MSEA Board members on March 24, 2022. He further stated that it was received from "honestmddems" and that there was an attachment with information about Wes Moore as part of the email.

16. MSEA Board Member 2 was interviewed on September 19, 2023. He stated that he received the email from "honestmddems" on March 24, 2022. Board Member 2 further stated there were attachments to the email and that he was unable to identify the sender.

17. The Defendant is not now in the military service, as defined in the Servicemembers Civil Relief Act as defendant is a campaign finance committee.

I SOLEMNLY AFFIRM UNDER PENALTIES OF PERJURY AND UPON PERSONAL KNOWLEDGE THAT THE CONTENTS OF THE FOREGOING PAPER ARE TRUE.


Cynthia Thomas
Special Agent, Office of the State Prosecutor

Dated: 2/12/2024