

## Statement of Facts

The State and the Defendant understand, agree, and stipulate to the following Statement of Facts, which the State would prove beyond a reasonable doubt had this case proceeded to trial:

Jamel R. Franklin (hereafter “Franklin”) was an attorney licensed to practice law in the State of Maryland since 2001 and a resident of Prince George’s County. In 2009, Franklin began a campaign to be elected to represent District 9 on the Prince George’s County Council. On January 9, 2009, Franklin caused “Friends of Mel Franklin,” a political committee to promote his candidacy, to be formed.

The Friends of Mel Franklin was a campaign finance entity, also known as a political committee, which is an organization that falls under Campaign Finance Law and is regulated by Title 13 of the Election Law Article. Campaign finance entities are organizations comprised of two or more individuals with the major purpose of promoting the success or defeat of a candidate, political party, or question. Each campaign finance entity has two responsible officers: a Chairperson and a Treasurer.

From January 9, 2009 through approximately December 7, 2009, Individual 1 was listed as the Treasurer of Friends of Mel Franklin with the State Board of Elections. On December 7, 2009, Individual 1 resigned as Treasurer, and Individual 2 was listed as the Treasurer of the political committee. Franklin has been the Chairperson of the political committee since its inception on December 7, 2009.

The Treasurer is responsible for receiving and depositing all contributions into, and disbursing funds from, the campaign entity’s bank account. A campaign finance entity may not receive or disburse money or anything of value unless the political committee has a Treasurer, and a candidate may not act as the Treasurer of the candidate’s own campaign finance entity.

On January 12, 2009, Franklin and Individual 1 opened a bank account in the name of “Friends of Mel Franklin” at Capital One Bank (formerly Chevy Chase Bank) with both Franklin and Individual 1 as signatories. In December 2009, when Individual 1 resigned as Treasurer and Individual 2 became the Treasurer of the political committee, Individual 2 was never added as a signatory to the bank account; Franklin was the sole person with access to the account. On October 7, 2020, Capital One Bank closed the bank account because the account had a negative balance.

On December 14, 2020, Franklin opened a new bank account in the name of “Friends of Mel Franklin” at Truist Bank (formerly BB&T Bank). Franklin was and is the sole signatory on the account. Individual 2, held out as the Treasurer for the Friends of Mel Franklin political committee, has never been an authorized signer on the account. Although Individual 2 was listed as the Treasurer with the State Board of Elections and on advertising, Individual 2 did not exercise the responsibilities of Treasurer of a campaign finance entity after 2011. Franklin handled all contributions and expenditures, and conducted all banking transactions for the campaign committee, in violation of State law.

To ensure transparency and accountability in campaign finance entities, reports are required to be filed at least once a year and as many as six times in an election year. A Campaign Finance Report is a detailed accounting of contributions, transfers, expenditures, outstanding obligations, and loans by a political committee. All committees must electronically file their campaign finance reports with the State Board of Elections on approved software. The reports are filed under the penalties of perjury and an electronic signature is required at the time of the submission.

The campaign finance reports that are submitted and the bank accounts that support the reports are the responsibility of the Treasurer and Chairperson of the campaign. As Chairperson, Franklin had a duty to ensure that campaign finance reports that were filed with the State Board of Elections, under the penalties of perjury, accurately reported all contributions and expenditures made to or from the Friends of Mel Franklin bank accounts.

Franklin electronically signed and submitted all reports electronically on behalf of the Friends of Mel Franklin political committee, under the penalties of perjury, to the State Board of Elections in Anne Arundel County. Individual 2, the Treasurer for the committee, did not sign a report after 2011.

The law guides permissible expenditures from campaign finance entities, and those expenditures must be for the benefit of the campaign. These funds cannot be used for personal expenditures or the personal benefit of the responsible officers, including the Chairperson or Candidate.

### **Scheme #1 – Payments to Third-Parties**

Beginning in or about 2021, through at least December 18, 2023, Franklin used \$8,718.57 in campaign funds to make purchases from or payments to third parties from the political committee's bank account, for personal expenses unrelated to the Friends of Mel Franklin campaign.

Specifically, Franklin, among other things, transferred money from the committee's bank account to a close personal friend who was not entitled to the funds. He also used the debit card associated with the account to fund hotel-stays and cosmetic procedures for a close personal friend, and to make a deposit for an international trip in 2024. Franklin also used funds from the political committee to pay off his personal credit card, for upkeep of his personal vehicle, and for telehealth appointments.

For example, on April 3, 2022, Franklin transferred \$214.17 to his close personal friend's PayPal account, and on March 3, 2023, paid \$500 from the campaign account to a medical facility to pay for cosmetic surgery.

Additionally, on August 7, 2023, Franklin had a personal credit card balance of \$2,406.59 with Merrick Bank. The same day, Franklin used the debit card associated with the campaign account to make a payment to Merrick Bank in the amount of \$2,406.59. Later that month, on August 24, 2023, Franklin used the debit card associated with the campaign account to make a

\$218 deposit to a travel company for an all-inclusive international trip for him and his close personal friend.

In September, October, November, and December 2023, Franklin used the debit card associated with the campaign account to make payments of \$114 for personal telehealth appointments.

Franklin submitted reports on behalf of Friends of Mel Franklin and the transactions described above were not reported as required under Title 13, nor were they permissible expenditures.

### **Scheme #2 - Payments Directly to Jamel Franklin**

From 2014 through 2020, Franklin impermissibly transferred funds from the Friends of Franklin campaign account to his personal account, but he also transferred funds from his personal account to the campaign account. Beginning in and around 2020 through October 2023, Franklin began using funds from the campaign account which he did not repay. From 2020 through October 2023, Franklin transferred \$124,450.10 more than what he returned to the campaign committee, from the Friends of Mel Franklin campaign bank account directly to his personal checking account for purchases or activities unrelated to his campaign.

Franklin used the funds from the campaign account to pay personal loans and credit card debt, for his personal rent in a two-bedroom apartment, to fund dinners unrelated to his campaign, and for personal subscriptions. Franklin also used the money to fund international trips and spent over \$11,500 on cosmetic procedures for him and a close personal friend.

For example, between January 24-26, 2021, Franklin deposited \$23,215 in checks drawn on the campaign bank account and transferred \$2,000 via Zelle from the campaign bank account into his personal account, for a total of \$25,215 moved from the campaign bank account to Franklin's personal account. Between January 25-28, 2021, Franklin spent more than \$12,000 from his personal account on himself or his personal obligations including: \$5,100 to a personal account, \$865.90 to Rent-A-Center, \$2,346.12 to repay a personal loan, and \$1,543.71 to a debt collection agency. Franklin also transferred \$4,000 into his savings account and cashed two checks totaling \$1,273.89.

Additionally, between March 1-2, 2023, Franklin transferred \$5,000 from the campaign account to his personal account. On March 2, 2023, Franklin made a \$4,500 payment to a medical facility. Similarly, between March 28-29, 2023, Franklin transferred \$5,640 from the campaign account to his personal account, and used those funds to make a \$7,000 payment to the same medical facility for cosmetic surgery.

Further, on June 9, 2023, August 6, 2023, and September 6, 2023, Franklin made over \$2,000 in personal rent payments for his apartment totaling over \$6,000 using funds that he transferred from the campaign account to his personal account.

### **False Reporting**

The transactions described above were not reported on the required campaign finance reports. The transactions were not a permissible use of campaign funds. To conceal his impermissible use of funds, Franklin falsified the information on the reports filed with the State Board of Elections, including loans and loan repayments, and bank account balances.

For example, on the 2021 Annual Report, Franklin reported that the campaign committee's bank account balance was \$103,616.83, when the actual account balance was \$30,407.27, a difference of \$73,209.56. On the same report, Franklin reported that he paid himself \$30,884 from the campaign account, but he actually paid himself \$39,184.26, a difference of \$8,300.26.

The transactions, expenditures, and bank balances are material to the requirements of the Report. The 2021 Annual Report (amended) was signed by Franklin under the penalties of perjury on August 12, 2023 and submitted to the Maryland State Board of Elections.

If called to testify, witnesses would identify Franklin as the Chairperson of the Friends of Mel Franklin campaign committee, the sole person who handled the committee's finances, and the sole person who completed and submitted reports to the State Board of Elections in Anne Arundel County, Maryland on behalf of the committee.