

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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STATE OF IOWA,

Plaintiff,

vs.

THOMAS DEAN WHEELER,

Defendant.

CRIMINAL NO.

TRIAL INFORMATION

FILED  
POLK COUNTY IA.  
11 JAN 10 PM 3:14  
CLERK DISTRICT COURT

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COMES NOW Thomas Henry Miller, Robert Howard Sand, and Justin Allen, as prosecuting attorneys, and in the name and by the authority of the State of Iowa accuse Thomas Wheeler of committing the following crimes:

**COUNT 1 FELONIOUS MISCONDUCT IN OFFICE, in violation of §721.1(2) and §721.1(3) of the Iowa Code.** On or about July, 2008 through September, 2009, in the county of Polk and State of Iowa, the defendant Thomas Dean Wheeler, as Director of the Iowa Film Office, did falsify one or more public records, and delivered one or more falsified writing with knowledge that it was false, to become a public record, when he committed one or more of the following acts, on behalf of, or in connection with, a filmmaking entity doing business as Polynation Pictures, to wit:

creating and substituting an inflated film project application as part of a Film Office contract for production of the film "The Scientist;"

preparing and approving issuance of tax credit certificates for inflated or fictitious claims for a film called "The Scientist;"

approving multiple fictitious or inflated Iowa Film Project applications in June, 2009, immediately before the deadline for qualifying for generous tax credit policies that were limited by legislation that became effective July 1, 2009, and

switching two film projects so that a film project which was not approved prior to July 1, 2009, would be eligible for treatment as if it were a project approved before July 1, 2009, thus evading a cap on tax credits. (A CLASS D FELONY)

**COUNT 2 FRAUDULENT PRACTICE IN THE FIRST DEGREE, in violation**

**of §15A.3 of the Iowa Code.** On or about July, 2008 through September, 2009, the defendant Thomas Dean Wheeler, as an aider and abettor, engaged in deception and knowingly made or caused to be made, directly or indirectly, false statements in writing, for the purpose of procuring economic development assistance from a state agency made for the benefit of Polynation Pictures and related persons and entities. **(A CLASS C FELONY)**

**COUNT 3 FELONIOUS MISCONDUCT IN OFFICE, in violation of §721.1(2) and §721.1(3) of the Iowa Code.** On or about April, 2008 through April, 2009 in the county of Polk and State of Iowa, the defendant Thomas Dean Wheeler, as Director of the Iowa Film Office, did deliver one or more falsified writings, with knowledge that it was false, to become a public record, when he approved the issuance of tax credits for sponsorship expenditures for the film making entity called Changing Horses, knowing that the expenditure claims were unsupported. **(A CLASS D FELONY)**

**COUNT 4 FRAUDULENT PRACTICE IN THE FIRST DEGREE, in violation of §15A.3 of the Iowa Code.** On or about April, 2008 through April, 2009, the defendant Thomas Dean Wheeler, as an aider and abettor, engaged in deception and knowingly made or caused to be made, directly or indirectly, a false statement in writing, for the purpose of procuring economic development assistance from a state agency made for the benefit of Changing Horses and related persons and entities. **(A CLASS C FELONY)**

**COUNT 5 FELONIOUS MISCONDUCT IN OFFICE, in violation of §721.1(2) and §721.1(3) of the Iowa Code.** During the time period of October 2008 through September 2009, in the county of Polk and State of Iowa, the defendant Thomas Dean Wheeler, as Director of the Iowa Film Office, on behalf of a film making entity called Iowa Film Production Services, did deliver one or more falsified writings with knowledge that it was false, to become a public record, when he prepared contracts valued at 500% of fair market value, and later approved expenditure claims for tax credits equaling approximately \$5 in value for every \$2 that the film maker expended. **(A CLASS D FELONY)**

**COUNT 6 FRAUDULENT PRACTICE IN THE FIRST DEGREE, in violation of §15A.3 of the Iowa Code.** On or about February 3, 2009, the defendant Thomas Dean Wheeler, either as a principal or as an aider and abettor, engaged in deception and knowingly made or caused to be made, directly or indirectly, false statements in writing, for the purpose of procuring economic development assistance from a state agency made for the benefit of Iowa Film Production Services and related persons and entities. **(A CLASS C FELONY)**

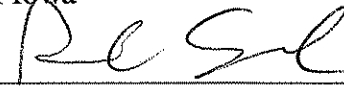
**COUNT 7 CONSPIRACY, in violation of §706.1, §714.1(1), §15A.3, §706A.2(4), §714.8(4), and §714.8(10) of the Iowa Code.** During the time period of June 1, 2008 to October 1, 2009, the defendant Thomas Dean Wheeler, as Director of the Iowa Film Office, engaged in agreements, tacit or express, to engage in conduct constituting the crimes of First-Degree Theft, Fraudulent Practices, and Ongoing Criminal Conduct. **(A CLASS D FELONY)**

We have made a full and careful investigation of the facts upon which this information is based and have determined under the authority of section 13.4 of the Code of Iowa and pursuant to rule 2.5(1) of the Rules of Criminal Procedure that a criminal prosecution is warranted in this matter.

A TRUE INFORMATION,

THOMAS J. MILLER  
Attorney General of Iowa

By: \_\_\_\_\_  
THOMAS HENRY MILLER AT0005416  
Deputy Attorney General in and for the  
State of Iowa

By:  \_\_\_\_\_  
ROBERT HOWARD SAND AT0010489  
Assistant Attorney General in and for the  
State of Iowa

JOHN P. SARCONI  
Polk County Attorney

By: \_\_\_\_\_  
JUSTIN G. ALLEN AT0000409  
Assistant County Attorney in and for Polk  
County, Iowa

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, I find that the evidence contained in the Trial Information and the minutes of testimony, if unexplained, would warrant a conviction by the trial jury.

\_\_\_\_\_  
JUDGE

Copy of Information and minutes received this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Defendant/Attorney for Defendant

**WITNESSES**

Don Dursky, IDED, 200 E. Grand Ave., Des Moines, IA  
Matt Cliffron, DPS, 2006 S. Ankeny Blvd, Ankeny, IA  
Matt Sauer, DPS, 2006 s. Ankeny Blvd., Ankeny, Iowa  
Larry Mortorff, 9701 Wilshire Blvd, Beverly Hills, CA  
Tony Wilson, 2430 106<sup>th</sup> St. Des Moines, IA  
Michael Tramontina, 4819 Waterbury Road, Des Moines, IA  
Vincent Lintz, 7114 Franklin Ave., Windsor Heights, IA  
Amy Johnson, 1421 43<sup>rd</sup> St., Des Moines, IA  
Zachary LeBeau, 1208 W. Hill Ave, Carbondale, IL  
Matthias Saunders, 3367 Columbia Trace, Decatur, GA  
Kathleen Caggiano, 2247 Grand Avenue, Unit #4, West Des Moines, IA  
Robert Williams, 1406 S.13<sup>th</sup> St. Apt. #1, Omaha, NE  
Craig Ladwig, 7520 Burlington St., Omaha, NE  
Michael Hendley, 2637 27<sup>th</sup> Ave. South, Minneapolis, MN  
Jim McNulty, 9318 Happy Hollow Dr, Norwalk, IA  
Michelle West, 1627 Laurel Ave. #21, Los Angeles, CA  
Jonathan Matt, 2806 S. 102nd St., Omaha, NE  
Steve Faust, 3600 Patricia Drive #24, Urbandale, IA  
Bob Saar, PO Box 602, Burlington, IA  
Phillip Manke, 421 may Avenue, Burlington, IA  
Chris Warren (BeVauns), 224 26<sup>th</sup> St NW Cedar Rapids, IA  
Kristina Swanson, 451 Rundell St Iowa City, IA  
Helen Roushar, 725 Walnut St Iowa City, IA  
Mike Saunders, 127 E Pennsylvania, Ottumwa, IA  
Max Nelson or guardian, 522 Carroll Ave, Ames, IA  
Christine Youngstrom, 2100 River St Burlington, IA  
Lonnie Schuyler, 205 Marietta, Burlington, IA  
John Van Allen, 1020 Clay St Cedar Falls, IA  
Eric Freese, 1524 Elmhurst Drive NE, Cedar Rapids, IA  
Nikki Hynek, 2530 A Ave, Cedar Rapids, IA  
Paul Burge, 11872 G 58 Hwy, Indianola, IA  
Dawn Jennings, 511 South Riggs, Lone Tree, IA  
Mark Britton, 2845 Ridgeview Way, Marion, IA  
Paul Hynek, PO Box 33, Swisher, IA  
Geery Howe, PO Box 869, West Branch, IA  
Amber Rowley, 3105 EP True Parkway #213, West Des Moines, IA  
Nathaniel Kinnetz, Stew Hansen Auto, 12103 Hickman Road, Des Moines, IA  
Ken Bright, Toyota of Des Moines, 4475 Merle Hay Road, Des Moines, IA  
Skipp Jacobson, Lujack's Northpark Auto Plaza, 3700 N Harrison St, Davenport, IA  
Brian Gonder, Central Iowa Featherlite, 1605 Garfield St NE, Bondurant, IA  
Joe Hotchkin, Noble Ford, 2406 N. Jefferson, Indianola, IA  
Ken Scarpino Jr., Willis (Betts) Auto, 9800 Hickman Rd, Des Moines, IA  
Rick Pack, National Sponsorship Group, 1623 Bridgegate St., Westlake Village, CA

This information, together with the minutes of testimony relating thereto, is duly filed in the District Court.

This \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Clerk of the Polk County District Court  
of the State of Iowa

By

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Deputy Clerk

REVIEW BY JUDGE

On the \_\_\_\_\_ day of \_\_\_\_\_, 2011, I find that the evidence contained in the within Trial Information and Minutes of Evidence, if unexplained, would warrant a conviction by the trial jury, and being satisfied from the showing made herein that this case should be prosecuted by Trial Information the same is approved.

\_\_\_\_\_ Clerk of Court shall issue an arrest warrant.  
\_\_\_\_\_ Clerk of Court shall issue a summons for Defendant to Appear.

\_\_\_\_\_ Bond is set in the amount of \$ \_\_\_\_\_.

\_\_\_\_\_ Bond may be unsecured.  
\_\_\_\_\_ Bond must be cash.  
\_\_\_\_\_ 10% cash may be posted.

\_\_\_\_\_ Bond previously set shall continue.

\_\_\_\_\_ Defendant is released on personal recognizance.

\_\_\_\_\_ THE DEFENDANT IS ORDERED TO APPEAR FOR ARRAIGNMENT AT:

place \_\_\_\_\_

date \_\_\_\_\_

time \_\_\_\_\_

\_\_\_\_\_  
DISTRICT JUDGE