UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA **v.** **JAMES KYLE BELL,** **Defendant.**	**No. 21-cr-00284-JDB**

STATEMENT OF THE OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, JAMES KYLE BELL, with the concurrence of his attorney agree and stipulate as follows:

1. Defendant JAMES KYLE BELL resided in the State of Nevada. BELL was the sole operator of a political action committee called the Keep America Great Committee ("KAGC") which purported to support the re-election of President Donald Trump. BELL also operated a political action committee called Best Days Lie Ahead Committee ("BDLAC") which purported to support the election of then-candidate Joseph Biden.

2. BELL was also the sole operator of six separate Nevada companies opened in his own name and in his wife's name: Keep America Great Committee LLC ("KAGC-LLC"), Echo Three LLC, Myson Rules LLC, Red Five LLC, Bella Threads LLC, and 5K Media LLC.

KAGC and KAGC-LLC

3. On or about January 7, 2020, BELL registered a political action committee with the Federal Election Commission in Washington, D.C., called Keep America Great Committee ("KAGC") by submitting FEC Form 1. BELL registered KAGC as a Section 527 independent

expenditure-only committee. Such a committee is often referred to as a "Super PAC" or a "527 Group."

4. In the Form 1, that BELL submitted for KAGC, BELL provided the following information about KAGC's operations:

FEC ID:	C00733519
Address:	7121 W. Craig Rd Ste 113-6, Las Vegas, NV 89129
Official URL:	http://keepamericagreatcommittee.com
Email:	help@keepamericagreatcommittee.com
Agent:	James Bell 7121 W Craig Rd #113-6, Las Vegas, NV
Bank:	Bank of America 8550 W Cheyenne Ave Las Vegas, NV

BELL submitted this form over the interstate wires to the FEC located in Washington, D.C.

5. On or about April 10, 2020, BELL registered Keep America Great Committee, LLC ("KAGC-LLC") with the Nevada Division of Corporations. The address BELL provided for KAGC-LLC was 7121 W Craig Rd #113-6, Las Vegas, NV, 89129, which was the same address as KAGC.

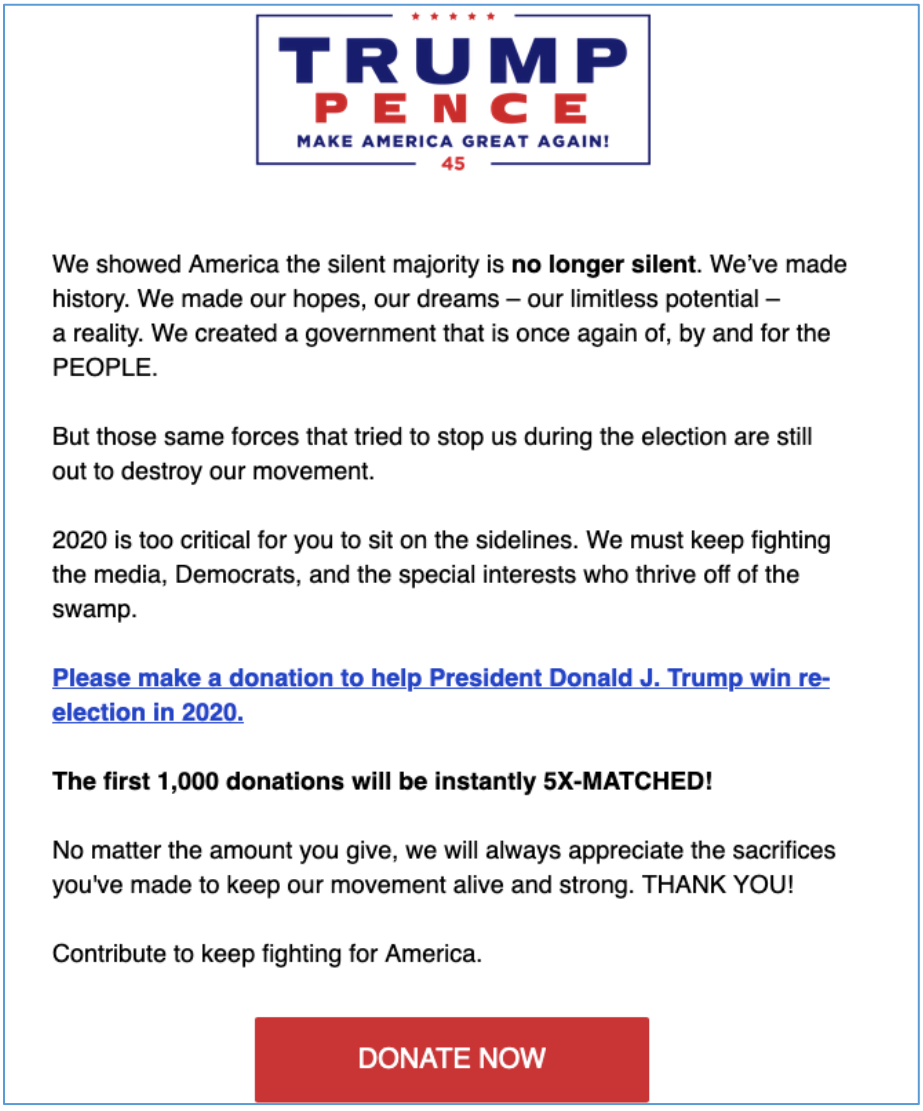
6. BELL opened two bank accounts for KAGC-LLC with Bank of America which were set up to receive contributions made online to KAGC.

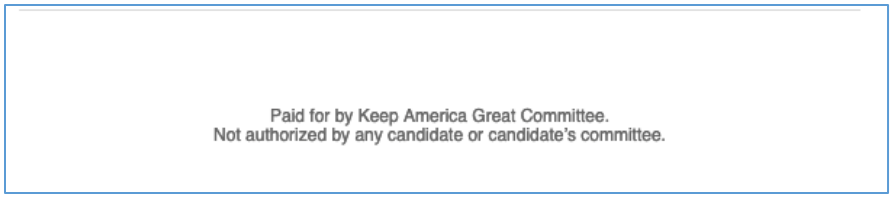
7. BELL used the websites "www.keepamericagreatcommittee.com" and "trump2020maga.com" to solicit donations. Prior to June 28, 2020, much of the content on that website was copied from other websites for campaigns and committees supporting President Trump's reelection. The KAGC website also copied source code and copyrighted materials without permission from the website of another political action committee.

8. BELL utilized an e-mail marketing company, Company A, in order to send out e-mails to distribution lists of potential donors. On one e-mail list, KAGC had e-mail addresses for over 42,000 unique recipients.

9. KAGC's e-mail marketing contained material misrepresentations including promising "5X" matching of any donation to KAGC. The marketing materials also had the appearance of solicitations from the Trump Campaign containing the official campaign logo.

10. Below is an example e-mail from KAGC sent on July 27, 2020, to thousands of e-mail addresses.





11. On June 25, 2020, The Daily Beast published an article entitled "This Fake Trump Group Is Trying to Get Your Money by Pretending It's the Trump Campaign: Keep America Great Committee has run hundreds of paid Facebook ads that are verbatim copies of what Trump's re-election team's doing. But the group isn't a pro-Trump entity at all."

12. On or about June 28, 2020—three days after The Daily Beast article—BELL filed an amended Form 1 (Statement of Organization) for KAGC with the FEC. That form was submitted electronically over the interstate wires to the FEC in Washington, D.C. The form had several changes. First, BELL changed KAGC's address as "1300 Pennsylvania Avenue NW, Washington DC 20002." That is the address for the Ronald Reagan Building and International Trade Center. KAGC was not listed as a tenant on that building's website. Second, BELL updated KAGC's bank as "Bank of America," located at "222 Broadway, New York, NY 20004." Bank of America did not have a branch location at the address reported by BELL. Rather, the address reported by BELL at 222 Broadway, New York, NY 10038 was the Bank of America address used for wire transfers.

13. On or about June 29, 2020, the BELL removed KAGC home page or landing page from the website, however, subpages remained active.

14. In July 2020, BELL filed a Quarterly Report for KAGC with the FEC. That report was sent to the FEC in hardcopy via the U.S. Postal Service and received by the FEC in Washington, D.C., on or about July 13, 2020. BELL reported a total of $28,650.00 in receipts for KAGC for the reporting period, which covered activity from April 1, 2020, through July 1,

2020. KAGC reported all of these receipts as unitemized individual contributions, *i.e.*, contributions not exceeding $200 per individual per calendar year.

15. However, between April 1, 2020 and July 1, 2020, bank accounts controlled by BELL in the name of KAGC-LLC received approximately $500,000 in incoming deposits, far exceeding the amount reported to the FEC in KAGC's July 2020 Quarterly Report.

16. BELL used a payment processing company to receive donations made to KAGC. That company's records show that no less than 113 individuals gave over $200 to KAGC in 2020.

17. BELL also reported on the July 2020 Quarterly Report that KAGC had made a total of $23,499.00 in disbursements for the reporting period. However, the bank records for KAGC-LLC show that BELL made at least $90,000 in withdrawals or wire transfers out of the account, far exceeding the amount reported to the FEC.

18. BELL also reported on the July 2020 Quarterly Report that during the reporting period KAGC had $0 in contribution refunds to individuals. However, the bank records for KAGC-LLC show refunds to six individuals during April 2020. The total of these refunds should have been reported in KAGC's FEC report.

Best Days Lie Ahead Committee

19. On or about June 19, 2020, BELL organized another Super PAC called Best Days Lie Ahead Committee ("BDLAC") which purportedly supported the election of then-candidate Joseph Biden. BELL submitted the Form 1 for BDLAC to the FEC in Washington, D.C., over the interstate wires.

20. BELL solicited donations for BDLAC using a website that he created called "bestdayslieaheadcommittee.com."

21. Between June and September 2020, BELL purchased no less than 33 advertisements on Google for BDLAC at a cost of $22,800.

22. BELL also registered BDLAC to receive funds through an online portal maintained by another political action committee. BELL raised approximately $100,000 in donations on behalf of BDLAC through that portal. However, BELL refunded all of those donations when BDLAC was removed from the online portal.

Echo Three LLC

23. Echo Three LLC was a Nevada Corporation formerly registered at 180 Taylor Creek Road, Gardnerville, Nevada. BELL was its registered agent.

24. BELL applied for a Paycheck Protection Program ("PPP") loan on behalf of Echo Three LLC during 2020. In connection with the application BELL submitted an IRS Form W-3 for 2019 indicating that Echo Three LLC had a payroll of $2,328,078 and had provided 83 Form W-2s to its employees. Echo Three LLC's employer identification number (EIN) listed on that Form W-3 was 47-1068223. Echo Three LLC's business address on the Form W-3 was "8593 Verde Park Circle, Las Vegas, NV 89129."

25. BELL's representations in Echo Three LLC's PPP loan application were false, misleading, or fraudulent. BELL falsely stated that Echo Three had a payroll of over $2 million per year when, in fact, Echo Three had at most six employees and Echo Three had never obtained a local business license. And the address for Echo Three provided on the loan application was a private residence, not a business address for 83 employees.

26. On May 11, 2020, BELL opened Bank of America Account Number x5884 in the name of BELL and his wife.

27. On or about May 12, 2020, Bank of America Account Number x5884, held in the name of BELL and his wife received a $485,016 disbursement from Customer Bank through the Paycheck Protection Program. The loan was designated for Echo Three LLC (loan #45752674-04).

28. On or about May 27, 2020, BELL transferred $484,000 from Bank of America Account Number x5884 to Bank of America Account Number x2589, which is another account held by BELL and his wife.

29. On or about June 3, 2020, BELL transferred $75,000 from Bank of America Account x2589 to Bank of America Account Number x8444 which is an account BELL had opened in the name of KAGC-LLC.

30. On or about June 29, 2020, BELL transferred $305,981 from Bank of America Account x2589 to Bank of America Account Number x8444 which is an account BELL had opened in the name of KAGC-LLC.

31. One result of these various transfers was that approximately $380,981 of funds that came directly from the PPP loan to Echo Three LLC were transferred to an account used by KAGC-LLC.

32. Another result was that approximately $103,019 of funds from the PPP loan to Echo Three LLC ended up in a personal account controlled by BELL and his wife.

Myson Rules LLC

33. Myson Rules LLC was a Nevada corporation, although the company's business registration was revoked in or about December 2016. BELL was is its registered agent. The company's address of record with the State of Nevada was 180 Taylor Creek, Gardnerville, Nevada.

34. BELL used his wife's name and signature to apply for a PPP loan on behalf of Myson Rules LLC. In connection with the application, BELL submitted an IRS Form W-3 for 2019 indicating that Myson Rules LLC had a payroll of $2,365,220 and had provided 74 Form W-2s to its employees. Myson Rules LLC's business address on the Form W-3 was "8593 Verde Park Circle, Las Vegas, NV 89129."

35. BELL's application for a PPP loan for Myson Rules included several falsehoods and misrepresentations. Myson Rules LLC never had a payroll over $2 million and never had 74 employees. The W-3 form that BELL submitted was false and fabricated. BELL had never obtained a local business license for Myson Rules LLC for any kind of operations.

36. On or about May 19, 2020, Bank of America Account Number X2589 held in the name of BELL and his wife received a disbursement of $492,754, from Customer's Bank through the Paycheck Protection Program. The loan money was designated for Myson Rules LLC (Loan #68361174-03).

37. On or about May 19, 2020—the same day that BELL received the PPP loan funds for Myson Rules LLC—BELL transferred $492,000 to Bank of America Account Number X2519 which is a personal account controlled by BELL. The result of this transfer was that almost all of the PPP loan proceeds were transferred to BELL's personal control.

Red Five

38. Red Five LLC was a company controlled by BELL and registered in the State of Nevada. In or about April 2020, BELL applied for a PPP loan on behalf of "Red Five LLC." In those application materials, BELL submitted a Form 940 employer tax return for Red Five LLC for tax year 2019 in which Bell stated that the company had an annual payroll of $490,500. The

Form 940 that BELL submitted Red Five LLC also stated that the company's address was 7121 W. Craig Rd.#113-6, Las Vegas, Nevada.

39. BELL's application for a PPP loan for Red Five LLC included representations that were false, misleading, and fraudulent. BELL never obtained a local business license for Red Five LLC. The address that BELL provided for Red Five LLC—7121 W. Craig Road—was a private mailbox store, not a business address. Red Five LLC had no payroll expenditures, let alone let alone payroll expenditures totaling more than $490,000.

40. On or about May 4, 2020, Red Five LLC received a disbursement of $112,187 through the Paycheck Protection Program (Loan #61868977-05) into Bank of America Number X1400 in the name of Red Five LLC.

41. "Red Five" is also the name of a political action committee controlled by BELL. On or about December 28, 2019, BELL used his wife's name to register Red Five as an independent expenditure-only Super PAC. BELL submitted a Form 1 for Red Five to the FEC which stated the PAC's mailing address as 7121 W Craig Rd. 113-6, Las Vegas, NV 89129, which was the same private mailbox address used by Red Five LLC. BELL never submitted any additional reports of activity by the PAC called Red Five to the FEC, despite requirements and reminders from the FEC to do so.

Bella Threads LLC

42. Bella Threads LLC is a Nevada corporation owned by BELL's wife. It is registered to the address 7121 W Craig Rd. 113-6, Las Vegas, NV 89129—the same private mailbox address used by Red Five LLC, the Red Five Super PAC, and KAGC.

43. In or about April 2020, BELL used his wife's name to apply for a PPP loan on behalf of Bella Threads LLC. In connection with the loan application, BELL represented that the company had an annual payroll of $239,423.

44. BELL's application for a PPP loan for Bella Threads LLC included false statements and representations. The company did not have an annual payroll of $293,423, as BELL claimed.

45. On or about May 1, 2020, Bank of America Account Number X2519—a personal account held in the name of BELL—received a $49,879 disbursement from Celtic Bank through the Paycheck Protection Program designated for Bella Threads (Loan # 43089973-08).

5K Media LLC

46. 5K Media LLC was a Nevada company controlled by BELL.

47. On or about May 5, 2020, BELL applied for a PPP loan for 5K Media LLC. In connection with the loan application, BELL submitted false documents claiming that the company had 41 employees with an annual payroll of $2,503,880. BELL requested a PPP loan for 5K Media LLC in the amount of $521,625, which was two-and-a-half times the company's purported monthly payroll.

48. BELL's application for a PPP loan for 5K Media LLC included false statements and representations. 5K Media had at most six employees—not forty-one.

49. On or about May 14, 2020, BELL sent an email to his lender for the PPP loan for 5K Media LLC which stated: "I guess I'm just wondering how long this process normally takes? [T]his money will help me to keep paying my workers through this time[.]"

50. On or about May 15, 2020, after BELL's lender responded that no definite timeline could be provided, BELL emailed his lender as follows: "I'd like to just cancel my application at this point please."

51. On or about June 5, 2020, BELL's lender notified BELL that 5K Media LLC would not be receiving a PPP Loan due to BELL withdrawing the application.

Limited Nature of Statement of Facts

This proffer of evidence is not intended to constitute a complete statement of all facts known by BELL or the government. Rather, it is a limited statement of facts intended to provide the minimal necessary factual predicate for the defendant's guilty plea.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney

By: _____

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May 17, 2021

DEFENDANT'S ACCEPTANCE

I have read every word of this Statement of Offense. Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, after consulting with my attorney, Brandi Harden, Esq., I agree and stipulate to this Statement of Offense. The Statement of Offense is a summary made for the purpose of providing the Court with a factual basis for my guilty plea. It does not include all of the facts known to me regarding these offenses. I make this statement knowingly and voluntarily and because I am in fact guilty of the crime to which I am pleading guilty.

Dated: 5/6/21

JAMES KYLE BELL, Defendant

ATTORNEY'S ACKNOWLEDGEMENT

I have read this Statement of the Offense, and have reviewed it with my client fully. I concur in my client's desire to adopt and stipulate to this Statement of the Offense.

Dated: May 6, 2021

BRANDI HARDEN, ESQ.
Attorney for James Kyle Bell