

APPENDIX  
KANSAS ATTORNEY GENERAL SUBPOENA

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**ATTORNEY GENERAL OF THE STATE OF KANSAS  
CONSUMER PROTECTION DIVISION**

**In the Matter of the Investigation of**

**First Family Church**

**File No. C-07-002212**

**SUBPOENA DUCES TECUM**

**TO: First Family Church  
7700 W. 143rd Street  
Overland Park, Kansas 66223**

**C/o Timothy J. Sear  
Polsinelli, Shalton, Flanigan, Suelthaus, P.C.  
6201 College Boulevard, Suite 500  
Overland Park, Kansas 66211-2423**

Pursuant to K.S.A. 17-1767, you are hereby DIRECTED to FORTHWITH furnish and identify to the undersigned, a duly appointed, qualified and acting Assistant Attorney General of the State of Kansas, Consumer Protection/Antitrust Division, the subject matter and evidence requested by sending it to the attention of Special Agent Jerry W. Howland, 120 S.W. 10<sup>th</sup> Avenue, Suite 430, Topeka, Kansas, 66612-1597.

**NOTE: Failure to comply with this subpoena is punishable by the district court which may issue an order: enjoining you from the sale or advertisement of any merchandise in this State; vacating, annulling or suspending your authority to do business in this state, or revoking or suspending any other licenses, permits or certificates issued pursuant to law to you; and granting such other relief as may be required, until you obey this subpoena.**

1. Identify the individual providing answers and/or documents in response to the following; including name, title or position, address and telephone number.
2. Provide documentation that sets forth the correct name of the Charity and the address and telephone number of the principal place of business.
3. Provide documentation that sets forth the correct address and telephone number of all branch offices of the Charity.
4. Provide documentation that sets forth the form of the Charity, i.e., corporation, partnership, sole proprietorship; and
  - (a) If incorporated, include photocopies of Articles of Incorporation or charters, a copy of the most recent annual report, and a list of the current and past officers and shareholders in the corporation and their personal and business addresses and telephone numbers;
  - (b) If a limited liability company, include a copy of the operating agreement and a list of the current and past managers and members of the company and their personal and business addresses and telephone numbers;
  - (c) If a partnership, include names of general and limited partners and their personal and business addresses and telephone numbers;
  - (d) If a sole proprietor, include name of proprietor and personal and business address and telephone number.
5. Provide a list of any other names under which the Charity operates, including the complete correct mailing address and telephone numbers.
6. Provide documentation that sets forth the identity of the registered agent for the Charity.
7. State whether FFC is currently recognized as a tax exempt organization under the Internal Revenue Code by the IRS so as to qualify for exemption from registration under K.S.A. 17-1762(r). If FFC is currently recognized as a tax exempt organization, provide supporting documentation.
8. Provide documentation that sets forth an explanation of why FFC believes it is exempt from registration pursuant to K.S.A. 17-1762.



9. Provide documentation that sets forth a statement of the nature of FFC's business or operations in Kansas.
10. Provide a documentation that includes all of the bylaws established for FFC as approved by the FFC Board of Directors.
11. Provide documentation that identifies each employee, board member, pastor and associate pastor of FFC, including all current and former persons so identified; providing their name, home address, home telephone number, and title of position.
12. For each person identified in Question 11, provide documentation that sets forth information relating to each person's duties on behalf of FFC, including all compensation for performance of such duties for each specific year the position has been or was held by each person, in terms of salary and all other benefits. Also provide all documents prepared in anticipation of and agreement for their employment or relationship with FFC.
13. Identify each employee, board member, church member, and/or any other person that plans, manages, advises, consults or prepares material for charitable solicitation on behalf of FFC. For each person identified, state whether such activities are the primary purpose of their employment or relationship with FFC, and detail all compensation each person has received for performance of such activity.
14. Admit or deny that Paul Davis is or was an employee of FFC. *\*SEARCH all to and from*
15. If Paul Davis was an employee of FFC, provide all documentation and information relating to Paul Davis' duties on behalf of FCC, including dates of employment, all compensation for performance of such duties, in terms of salaries and all other benefits, on a yearly basis for all years so employed. Also provide all documents prepared in anticipation of and agreement for Paul Davis' employment with FFC.
16. If Paul Davis' employment with FFC has ceased, provide an explanation as to why his employment was brought to an end. Include any and all documentation that supports such an explanation, including personnel or employment file.
17. Provide a list of injunctions, cease and desist orders, civil lawsuits or criminal charges involving FFC and/or any officers or board members of FFC from the date of incorporation on April 22, 1996. Identify the office or administrative agency that instituted the action, the date the action was instituted, and the outcome of the action, as well as provide a copy of the final order or judgment. (This does not include actions for the collection of debts or domestic matters but does include any actions within the continental United States and all federal actions.)

18. Describe the experience from the date of incorporation on April 22, 1996, to the present, stated individually, of each of FFC's current and all former directors and board members (including, and hereinafter to include, the Senior Pastor, all Associate Pastors, all Directors, all Leaders, and each member of the Board of Directors). With regard to each person listed, state:
  - a) Each person's principal occupations and employers;
  - b) The length of time each:
    - i. Has conducted business of the type FFC promotes; and
    - ii. Has offered or sold any services of the type FFC promotes.
19. State whether at any time from the date of incorporation on April 22, 1996, to the present, any person described in Question 18 has been:
  - a) Convicted of a felony or pleaded nolo contendere to a felony charge if the felony involved an element of fraud (including a violation of any franchise law, or unfair or deceptive practices law), embezzlement, fraudulent conversion, misappropriation of property, or misappropriation of funds;
  - b) Held liable in a civil action resulting in a final judgment or has settled out of court any civil action or is a party to any civil action:
    - i. Involving allegations of fraud (including violation of any franchise law, or unfair or deceptive practices law), embezzlement, fraudulent conversion, misappropriation of property, misappropriation of funds, or any violation of the "charitable organizations and solicitations act"; or
    - ii. Which was brought by a present or former member of FFC and which involves or involved the subject of the relationship that exists between the parties; or
    - iii. Subject to any currently effective state or federal agency or court injunctive or restrictive order, or is a party to a proceeding currently pending in which such order is sought, relating to or affecting business activities or the business relationship with clients or customers, or involving fraud (including the violation of any unfair or deceptive practices law, or the "charitable organizations and solicitations act"), embezzlement, fraudulent conversion,



misappropriation of property, misappropriation of funds, or any violation of the "charitable organizations and solicitations act".

For each affirmative answer, set forth the identity and location of the court or agency; the date of conviction, judgment, or decision; the penalty imposed; the damages assessed; the terms of settlement or the terms of the order; and the date, nature, and issuer of each such order or ruling. In providing any answer hereunder, you may include a summary opinion of counsel as to any pending litigation.

20. A statement disclosing who, if any, of the persons listed in Question 18 at any time from the date of incorporation on April 22, 1996, to the present, has:
  - a) Filed in bankruptcy;
  - b) Been adjudged bankrupt;
  - c) Been reorganized due to insolvency; or
  - d) Been a principal, director, executive officer, or partner of any other entity that has so filed or was so adjudged or reorganized, during or within one year after the period that such person held such position in such other entity. If so, the name and location of the entity having so filed, or having been so adjudged or reorganized, the date thereof, and any other material facts relating thereto.
21. Provide documentation that identifies each real property that is owned by FFC, including the location of the property, information relating to the named titled holder for each property, the appraised value of each property, the date each property was acquired, whether each property was acquired through purchase or donation, and the person or entity that purchased or donated the property.
22. Provide a list of each building project FFC has solicited charitable contributions for that were intended to be used towards building costs from the date of incorporation on April 22, 1996, to the present, including the total amount solicited and the total amount received for each project. This list should include, but is not limited to, information relating to the main sanctuary or church structure, the Children's building, and the Youth building. ~~This list should also include the names and contact information for each person that made charitable contributions towards each building project, the date and amount of each contribution, the total number of contributions, and the total amount each person contributed.~~



23. Identify each contractor and/or subcontractor that performed work on each building project described in Question 22. This list should include, but not be limited to, a designation as to which building project the contractor and/or subcontractor performed work on, any documents that were created in anticipation of and in agreement for the completion of such contracted work, the total amount paid to each contractor and/or subcontractor for the work performed, and any amount of work expense the contractor and/or subcontractor contributed to the project at no cost to FFC.
24. Identify and describe the "Build a Building" campaign, including the details of each designated phase of the campaign, the projected cost in terms of money of the campaign, the actual cost in terms of money of the campaign, the amount of charitable contributions that were used to make payments towards completion of the campaign, and a list of each person that made charitable contributions that were designated specifically towards completion of the campaign.
25. Provide information relating to all charitable solicitations made in regards to the "Cornerstone Campaign", including representations that were made in regards to what the "Cornerstone Campaign" was meant to be and the representations that were made in regards to the cost of the "Cornerstone Campaign". Also include a detailed list that provides the names and contact information for each person that made charitable contributions towards completion of the "Cornerstone Campaign", including the amount of each contribution, the total number of contributions made by each person, and the total amount contributed by each person.
26. Provide all developmental plans for the "Cornerstone Campaign", including all building plans, architectural drawings, specifications, blueprints and artistic renderings made of the project.
27. Identify each contractor that performed work on the "Cornerstone Campaign", including the contract price, the specific work that was to be performed by each contractor, and the total amount paid by FFC to each contractor. Provide all supporting documentation that includes, but is not limited to, invoices, work orders, receipts, and actual contracts.
28. Provide a list of each charitable solicitation made by FFC that was intended to be used as support of missionary work performed by members of FFC from the date of incorporation on April 22, 1996, to the present, including the total amount solicited and the total amount received for each missionary project. Also include a detailed list that provides the names and contact information for each person that made charitable contributions towards the support of missionary work performed by members of FFC, including the amount of each contribution, the total number of contributions, and the total amount each person contributed.



29. Identify each person who was sponsored by or performed missionary work in the name of FFC from the date of incorporation on April 22, 1996, to the present. Include the total amount of monetary support each missionary received from FFC, the location of their mission, the length of time spent on their mission, and all non-monetary support received from FFC.
30. Identify each youth camp that has been sponsored by FFC from the date of incorporation on April 22, 1996, to the present. Provide the dates of each youth camp, the number of persons enrolled in each youth camp, the cost of enrollment in each youth camp, and the total amount of money contributed to each youth camp by FFC.
31. Provide a list of each charitable solicitation made by FFC that was intended to be used as payment and support of any and all youth camps described in Question 30, including the total amount solicited and the total amount received for each youth camp. Also include a detailed list that provides the names and contact information for each person that made charitable contributions towards the support of any and all youth camps sponsored by FFC, the amount of each contribution, the total number of contributions, and the total amount each person contributed.
32. Identify any and all plans to construct and operate a school on FFC property that will be, or was intended to be, primarily responsible for the daily, full-time education of school-aged students.
33. For each school identified in Question 32, identify any and all monetary solicitations made by FFC in an effort to raise funds that would be applied towards the construction and operational costs of each identified school.
34. For each school identified in Question 32, identify each person that was or has been hired by FFC to work in each school. Include name, date of hire, home address, home telephone number, and position for which each person was or has been hired.
35. Provide detailed information in regards to FFC's tithing policy for church members, including each stated purpose set forth by FFC as to how monies received from tithing is spent by FFC. *All tithing Series, booklets, videos Audios*
36. Identify each FFC member, including both current and former members, as well as correct address and telephone numbers for each current and former member of FFC, from the date of incorporation on April 22, 1996, to the present.
37. Provide a detailed list of the number of charitable contributions, including tithing contributions, made to FFC by each current and former member of FFC, the amount

of each charitable contribution, and the total amount contributed by each current and former member of FFC, from the date of incorporation on April 22, 1996, to the present.

38. Identify each guest speaker that has appeared at FFC, including all payments made to each guest speaker from FFC funds, from the date of incorporation on April 22, 1996, to the present.

FF 39. Identify each financial institution at which FFC deposits monies received from tithing and all other charitable solicitations. *All Investment and Bank Ac.*

40. Identify each financial institution from which FFC pays its employees from accounts held at each financial institution.

41. Identify each financial institution that FFC uses for any other purpose not stated in Question 39 and Question 40.

42. By date, list each transaction between FFC and Jerry Johnston Publications, 11835 Roe, Suite 191, Leawood, Kansas, since January 26, 1995.

43. For each transaction identified in Question 42 above, state the goods and/or services involved, the invoiced amount, the method of payment, and the date of payment.

44. For each transaction identified in Question 42 above, provide all documentation related to each transaction, including but not limited to contracts, agreements, bids, proposals and invoices.

.y 45. By date, list all transactions between FFC and J Cubed Media, L.L.C., 11730 W. 135th Street, Suite # 2, Overland Park, Kansas, since July 26, 2004.

46. For each transaction identified in Question 45 above, state the goods and/or services involved, the invoiced amount, the method of payment, and the date of payment.

47. For each transaction identified in Question 45 above, provide all documentation related to each transaction, including but not limited to contracts, agreements, bids, proposals and invoices.

Identify specifically the answer and/or document by corresponding question number.

All requests to identify documents are intended to include documents for which a claim of privilege or confidentiality is asserted. As to any such document, please provide sufficient




information so that the identity of the document can be determined for purposes of in camera inspection and include a full statement of the factual and legal basis for the asserted privilege or confidentiality.

You are not to disclose the existence of this directive except to any attorney you may consult or retain to represent you. Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of the law.

Any questions pertaining to the subpoena should be called to the attention of Jerry W. Howland, Special Agent, or Michael J. Allen, Assistant Attorney General, Consumer Protection/Antitrust Division, Office of the Attorney General, 120 S.W. 10<sup>th</sup> Avenue, Suite 430, Topeka, Kansas, 66612-1597, (785) 296-3751.

FAILURE TO COMPLY with this subpoena within twenty (20) days may make you liable for such penalties as are provided by law.

WITNESS MY HAND at Topeka, Kansas, this 3<sup>rd</sup> day of July, 2007.


  
Michael J. Allen  
Assistant Attorney General

#### CERTIFICATE OF MAILING

I hereby certify that the above and foregoing subpoena was sent by placing a true and accurate copy of the subpoena in a Federal Express envelope addressed to:

First Family Church  
7700 W. 143rd Street  
Overland Park, KS 66223

That such envelope was delivered to Federal Express with all necessary arrangements for cost of delivery paid by the Office of the Attorney General on the 30<sup>th</sup> day of July, 2007.

  
Jerry W. Howland  
Special Agent and Process Server  
(Please Respond to the Attention of this Agent)