Defendant's Name: Lewis Green Clinton Jr.

PFN: DRR751 CEN: 4317465

CEPD REPORT #14F0182

DECLARATION IN SUPPORT OF PROBABLE CAUSE

THE UNDERSIGNED HEREBY DECLARES:

- That he is an INSPECTOR with the Alameda County District Attorney's Office, Oakland, California.
- 2. That the contents of this declaration, provides probable cause to believe the above-named defendant committed the following offenses:
 - a.) PC § 487(a) x's 4
- I declare under information and belief that the following is true and correct:

The Allen Temple Baptist Church, a large religious organization located in Alameda County, created corporations through which it provides housing and delivers other services to low- and moderate-income persons in the community. Among these are the Allen Temple Housing and Economic Development Corporation (ATHEDCO), and an affiliated corporation called the Allen Temple Housing Corporation IV (ATC IV).

Another organization affiliated with the church is the Allen Temple Foundation, Inc. (ATF). ATF was established to receive philanthropic gifts and endowments from benefactors.

These three corporations have tax-exempt status. They are all based in Alameda County. Each corporation is governed by a board of directors. ATHEDCO and ATC IV have overlapping boards.

Offenses

Beginning in or about 2007, Defendant, Lewis Green Clinton Jr., became president of the boards of ATHEDCO and ATC IV, a position he held throughout the period of time pertinent to the charged offenses. Defendant was a signatory on financial accounts for the corporations. Defendant was also a board member of ATF and, due to resignations and deaths of other board members, eventually became the only member of the ATF board.

Count 1

During the period of April 12, 2007 through February 4, 2013, Defendant, in his position on the boards of each of these corporations, used his access to the corporate financial accounts to divert in excess of \$500,000.00 to a checking account for Eagle Asset Management (EAM), an entity solely owned and controlled by Defendant.

Additional Counts

Specifically, Defendant committed the following acts:

- --between April 1, 2007 and November 22, 2012, Defendant illegally diverted to his EAM account over \$400,000 in funds acquired from the sale of cell phone tower rights belonging to ATC IV and/or ATHEDCO (its parent corporation). Defendant caused the funds to be deposited into an account belonging to ATF, from which he withdrew said funds and deposited them into the EAM account (Count 2);
- --between March 1, 2008 and February 28, 2013, Defendant improperly took approximately \$66,000 from Wells Fargo account(s) belonging to ATHEDCO. These amounts were withdrawn in the form of debit card purchases and ATM withdrawals (Count 3);
- --between October 1, 2008 and January 31, 2011, Defendant illegally diverted to his EAM account over \$100,000 in funds held by ATHEDCO at the Alliant Credit Union (Count 4).

The total amount of loss attributable to the charged offenses is greater than \$500,000.

Additional Facts

Evidence shows Clinton used the EAM account for personal expenses including among other things, mortgage payments on his home, tuition payments for private school for his children, loan payments, personal real estate tax payments, golf club membership and the purchase of at least one luxury automobile.

With the possible exception of the improper ATM withdrawals, these thefts were not discovered until March of 2013, when a shortage of operating capital at ATHEDCO prompted a preliminary investigation. The improper use of the Wells Fargo ATM/Debit cards was discovered no earlier than December 2012, when a bookkeeper began to notice a pattern of ATM improper withdrawals. Although in the preceding years, a church official had noted relatively high board expenses, she was reassured by Defendant in his capacity as board president that nothing was inappropriate. These offenses were not discovered earlier because Defendant held a position of trust with the various corporations involved, all of which were church-related organizations whose board members were expected to serve in a volunteer capacity.

I declare under penalty of perjury under the laws of the State of California that the foregoing is correct.

Dated: April 10, 2014 at Oakland, California	Inspector's Signature
	Inspector James Taranto, #253
The Court, upon the review of this declaration, hereby	
Finds	Does not Find
good cause to detain the above-named individual.	
Date:	
Time:	

Magistrate of the Superior Court