

FEB - 6 2013

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

JAMES W. McCORMACK, CLERK
By:  DEPT. CLERK

UNITED STATES OF AMERICA)	4:13CR00158 JLH
)	
v.)	18 U.S.C. § 1951(a)
)	18 U.S.C. § 666(a)(1)(B)
MARTHA ANN SHOFFNER)	18 U.S.C. § 1341

SECOND SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNTS 1-6

From in or about mid 2010 and continuing through in or about December 2012, in the Eastern District of Arkansas, defendant,

MARTHA ANN SHOFFNER,

did knowingly obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by extortion, as those terms are defined in Title 18, United States Code, Section 1951; that is defendant MARTHA ANN SHOFFNER, while the Treasurer of the State of Arkansas, engaged in a course of conduct whereby defendant MARTHA ANN SHOFFNER, obtained money for the benefit of MARTHA ANN SHOFFNER from a broker doing business with the State of Arkansas, with the broker's consent, in exchange for defendant MARTHA ANN SHOFFNER'S official actions and influence benefitting the broker's business, all under color of official right, as follows:

Count	Date	Amount of payment
1	In or about mid 2010	\$6,000
2	In or about late 2010	\$6,000
3	In or about mid 2011	\$6,000
4	In or about late 2011	\$6,000
5	In or about mid 2012	\$6,000
6	In or about December 2012	\$6,000

All in violation of Title 18, United States Code, § 1951(a).

COUNT 7

From in or about January 2013 and continuing through on or about May 18, 2013, in the Eastern District of Arkansas, defendant,

MARTHA ANN SHOFFNER,

did knowingly attempt to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by extortion, as those terms are defined in Title 18, United States Code, Section 1951; that is, defendant MARTHA ANN SHOFFNER, while the Treasurer of the State of Arkansas, engaged in a course of conduct whereby defendant MARTHA ANN SHOFFNER, obtained money for the benefit of MARTHA ANN SHOFFNER from a broker doing business with the State of Arkansas, with the broker's consent, that is \$6,000 in exchange for defendant MARTHA ANN SHOFFNER'S official actions and influence benefitting the

broker's business, all under color of official right.

All in violation of Title 18, United States Code, § 1951(a).

COUNTS 8-14

From in or about mid 2010 and continuing through on or about May 18, 2013, in the Eastern District of Arkansas, defendant,

MARTHA ANN SHOFFNER,

being an agent of a State government, that is the Treasurer of the State of Arkansas, which state government received in excess of \$10,000 in federal assistance per year in 2010, 2011, and 2012, corruptly solicited, demanded, accepted, and agreed to accept money and things of value for her own benefit, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions of the State of Arkansas involving a thing of value of \$5,000 or more, that is, for the use of her official action and influence to benefit a broker who did business with the State of Arkansas, as follows:

Count	Date	Amount of payment
8	In or about mid 2010	\$6,000
9	In or about late 2010	\$6,000
10	In or about mid 2011	\$6,000
11	In or about late 2011	\$6,000
12	In or about mid 2012	\$6,000

13	In or about December 2012	\$6,000
14	On or about May 18, 2013	\$6,000

All in violation of Title 18, United States Code, § 666(a)(1)(B).

COUNTS 15-24

THE SCHEME AND ARTIFICE TO DEFRAUD

From on or about October, 2009 through on or about October 9, 2011, in the Eastern District of Arkansas, defendant,

MARTHA ANN SHOFFNER,

knowingly and willfully devised and intended to devise a scheme and artifice to defraud and to obtain money by false and fraudulent pretenses, representations, and promises, from the Martha Shoffner Campaign Fund (hereafter "Campaign Fund") and its contributors.

THE PURPOSE OF THE SCHEME

The purpose of the scheme was to use the money obtained from the Campaign Fund and its contributors for the personal enrichment and for the expenses of defendant MARTHA ANN SHOFFNER.

MANNER AND MEANS OF THE SCHEME

1. On or about October 13, 2009, MARTHA ANN SHOFFNER opened Iberia Bank Account Number XXXXXX90947, in the name of the Campaign Fund, which was established for the purpose of receiving contributions and funding her re-election campaign for the office of Treasurer of the State of Arkansas, and which was subject to Arkansas Code Annotated § 7-6-203(g), providing, in part, that "a candidate shall not take any campaign funds as personal

income” and that for “a candidate who uses campaign funds to fulfill any commitment, obligation, or expense that would exist regardless of the candidate’s campaign shall be deemed to have taken campaign funds as personal income.”

2. MARTHA ANN SHOFFNER obtained money contributions for her re-election to the office of Treasurer of the State of Arkansas from contributors under the false pretense that all such monies would be used for campaign expenses in accord with Arkansas law, and deposited certain of those contributions to her Campaign Fund Iberia bank account.

3. Defendant MARTHA ANN SHOFFNER charged personal expenses on her personal Wells Fargo credit card, account number XXXXXXXXXXXXX9594, which included clothing, cosmetics and other personal expenses that would exist regardless of MARTHA ANN SHOFFNER’S campaign, and MARTHA ANN SHOFFNER used money obtained from contributors and deposited in her Campaign Fund to make payments for her personal Wells Fargo credit card, account number XXXXXXXXXXXXX9594.

4. MARTHA ANN SHOFFNER concealed the scheme by failing to comply with her duty to truthfully report expenditures from her Campaign Fund as required by Arkansas Code Annotated §§ 7-6-206 and 7-6-207.

EXECUTION OF THE SCHEME

On or about the dates listed below, in the Eastern District of Arkansas,

MARTHA ANN SHOFFNER,

having devised the above-described scheme to obtain money by means of false and fraudulent pretenses and representations, for the purpose of executing and in order to effect the scheme, knowingly caused checks to be delivered by mail according to the directions thereon, as follows:

COUNT	DATE ON CHECK	DATE POSTED	AMOUNT	CHECK NUMBER	PAYEE & ADDRESS
15	11/5/2010	11/15/2010	\$5,000.00	2419	Wells Fargo Card Services, PO Box 6412, Carol Stream, IL 60197-6412
16	12/4/2010	12/9/2010	\$900.00	2429	Wells Fargo Card Services, PO Box 6412, Carol Stream, IL 60197-6412
17	3/1/2011	3/4/2011	\$700.00	2248	Wells Fargo Card Services, PO Box 6412, Carol Stream, IL 60197-6412
18	4/4/2011	4/8/2011	\$500.00	2255	Wells Fargo Card Services, PO Box 6412, Carol Stream, IL 60197-6412
19	4/2/2011	5/2/2011	\$500.00	2259	Wells Fargo Card Services, PO Box 6412, Carol Stream, IL 60197-6412
20	5/28/2011	6/2/2011	\$500.00	2265	Wells Fargo Card Services, PO Box 6412, Carol Stream, IL 60197-6412
21	7/6/2011	7/9/2011	\$500.00	2272	Wells Fargo Card Services, PO Box 6412, Carol Stream, IL 60197-6412
22	8/4/2011	8/7/2011	\$500.00	2281	Wells Fargo Card Services, PO Box 6412, Carol Stream, IL 60197-6412
23	8/30/2011	9/4/2011	\$500.00	2290	Wells Fargo Card Services, PO Box 6412, Carol Stream, IL 60197-6412
24	10/9/2011	10/14/2011	\$200.00	2292	Wells Fargo Card Services, PO Box 6412, Carol Stream, IL 60197-6412

All in violation of Title 18, United States Code, § 1341.

FORFEITURE ALLEGATION 1

Upon conviction of any of the offenses set forth in Count 1 through 14 of this Second Superseding Indictment, Defendant shall forfeit to the United States, under Title 18, United States Code, § 981(a)(1)(c) and Title 28, United States Code, § 2461, any property, real or personal, which constitutes or is derived from the proceeds of such an offense. The property to be forfeited is a sum of money in the amount of \$4,020.00.

[End of Text. Signature page attached.]