

Page 1

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

3 UNITED STATES OF)
 4 AMERICA,) Deposition of:
 5 Plaintiff,) RICHARD JAMESON
 6 vs.) Time on record:
 7 RaPower3, LLC,,) 7 Hours 20 minutes
 INTERNATIONAL)
 8 AUTOMATED SYSTEMS,) Case No. 2:15-cv-00828 DN
 INC., LTB1, LLC, R.)
 9 GREGORY SHEPARD, ELDON) Judge David Nuffer
 JOHNSON and ROGER)
 10 FREEBORN,) CONFIDENTIAL
)
 11 Defendants.)

12
 13
 14 September 20, 2017 * 9:00 a.m. to 5:20 p.m.
 15
 16 Location: United States Attorney's Office
 17 20 East Main Street, Suite 208
 18 St. George, Utah
 19
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 22
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 24
 25 Reported by: Russel D. Morgan, CSR

Page 2

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 2
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 INTERNATIONAL AUTOMATED SYSTEMS, INC., LTB1,
 10 LLC, NELDON JOHNSON, and RICHARD JAMESON:
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Page 3

1 INDEX
 2 RICHARD JAMESON PAGE
 3 Examination by Ms. Healy-Gallagher 6
 4
 5 EXHIBITS
 6 NUMBER DESCRIPTION PAGE
 7 Exhibit 624 10-25-13 E-Mail to Richard
 Jameson from Greg Shepard 104
 8
 Exhibit 625 10-29-13 E-mail to Aaron
 9 Mayer from Greg Shepard 128
 10 Exhibit 626 10-29-13 E-mail to Preston
 Olsen from Greg Shepard 135
 11
 Exhibit 627 U.S. Code Service
 12 26 USC 469 143
 13 Exhibit 628 U.S. Code Service
 26 CFR 1.469-1T 149
 14
 Exhibit 629 U.S. Code Service
 15 26 CF 1.469.5t 152
 16 Exhibit 630 U.S. Code Service
 26 CFR 1.469.4 164
 17
 Exhibit 631 RaPower3 Tax Forms 171
 18
 Exhibit 632 4-14-15 E-Mail to Richard
 19 Jameson from Ted Fullerton 182
 20 Exhibit 633 8-6-15 E-mail to Mark Sikich
 from Trent Hanson 185
 21
 Exhibit 634 2013 Federal Tax Return for
 22 R. Greg and Diana C. Shepard 193
 23 Exhibit 635 2013 Form 1120 Tax Return 193
 24 Exhibit 636 2014 Federal Tax Return for
 R. Greg and Diana Shepard 193
 25

Page 4

1 EXHIBIT (Continued)
 2 Exhibit 637 5-1-14 letter on North Star
 Tax Services letterhead to
 3 Ms. Oyola from Richard Jameson 203
 4 Exhibit 638 9-24-14 letter on North Star
 Tax Services letterhead to
 5 Steven Miller from
 Richard Jameson 213
 6
 Exhibit 639 9-6-16 letter on North Star
 7 Tax Services letterhead to
 Steven Miller from
 8 Richard Jameson 219
 9 Exhibit 640 7-5-16 E-mail to Christopher
 Moran from Ken Riter 222
 10
 Exhibit 641 7-18-14 E-mail to
 11 coachm_96@hotmail.com
 from Rick Jameson 223
 12
 Exhibit 642 7-5-16 E-mail to Ken Riter
 13 from Rick Jameson 224
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25



Page 5

1 P R O C E E D I N G S
 2 RICHARD JAMESON
 3 having been first duly sworn to tell the
 4 truth, was examined and testified as
 5 follows:
 6 E X A M I N A T I O N
 7 BY MS. HEALY-GALLAGHER:
 8 Q All right. Good morning, Mr. Jameson.
 9 A Good morning.
 10 Q We are on the record today in the case
 11 of United States vs. RaPower-3, et al, on
 12 September 20th, 2017.
 13 We met a moment ago. But my name is
 14 Erin Healy-Gallagher of the U.S. Department of
 15 Justice in the Tax Division appearing on behalf of
 16 the United States.
 17 Mr. Paul, would you like to make your
 18 appearance?
 19 MR. PAUL: Yes. I am Steven Paul. I
 20 represent RaPower-3 and Neldon Johnson and the
 21 RaPower-3 entities.
 22 MS. HEALY-GALLAGHER: Erin Hines is on
 23 the phone also representing the United States
 24 Department of Justice. Christopher Moran is not
 25 present for the United States. Similarly, R.

Page 6

1 Gregory Shepard and Roger Freeborn are not present
 2 today.
 3 This deposition will be governed by the
 4 federal Rules of Civil Procedure and the local
 5 rules of the District of Utah. All exhibits will
 6 be marked and kept today by the court reporter.
 7 Mr. Paul, did you have any stipulations
 8 for this deposition?
 9 MR. PAUL: Not at this point.
 10 MS. HEALY-GALLAGHER: Okay. We'll
 11 address any as they arise.
 12 BY MS. HEALY-GALLAGHER:
 13 Q All right. Would you please state and
 14 spell your name for the record?
 15 A Richard Jameson, J-a-m-e-s-o-n.
 16 MR. PAUL: Actually, yes. I just
 17 represented the stipulation. We would like to
 18 invoke the confidentiality provision and the
 19 protective order and designate this deposition as
 20 confidential.
 21 BY MS. HEALY-GALLAGHER:
 22 Q And would you spell your last name,
 23 please?
 24 A J-a-m-e-s-o-n.
 25 Q And would you please provide the city

Page 7

1 and state of your home address?
 2 A Mailing address or physical address?
 3 Q Physical address.
 4 A Seventy North 200 West, Ivins, Utah
 5 84738. Just moved there.
 6 Q And the city and state of your business
 7 address?
 8 A The city is St. George, Utah.
 9 Q Mr. Jameson, have you ever been deposed
 10 before?
 11 A Yes, I have.
 12 Q How many times?
 13 A One, maybe two.
 14 Q All right. So, you are probably
 15 generally familiar with how depositions go. But,
 16 for today, I would like to just cover a few ground
 17 rules so that we are all on the same page. So, in
 18 this deposition, I will ask you questions. My
 19 questions and your answers will be recorded by the
 20 court reporter who is here. So, you need to speak
 21 loudly enough for him to hear you and answer my
 22 questions verbally. Do you understand?
 23 A Yes, ma'am.
 24 Q You are doing a great job so far. But
 25 the court reporter cannot record a nod or shake of

Page 8

1 the head, and words like uh-huh or uh-uh are
 2 unclear on the transcript that will be created.
 3 A Understood.
 4 Q So, if there comes a time when there is
 5 sort of one of those situations, I'll stop and ask
 6 you for a verbal answer. Do you understand?
 7 A Yes, ma'am.
 8 Q Also, we have a tendency in casual
 9 conversation to sometimes speak over one another.
 10 For example, you'll start to answer a question
 11 before it's finished being asked. So, here,
 12 please wait until I am finished asking my question
 13 before you start to answer, because the court
 14 reporter can't take down two people talking at
 15 once. Do you understand?
 16 A Yes, ma'am.
 17 Q And, again, if there is a situation that
 18 comes up today, I'll just stop, slow us down so
 19 that the court reporter can make a clear
 20 transcript.
 21 All right. So, when I do finish each
 22 question, your task for today is to give full and
 23 complete answers. Do you understand that
 24 obligation?
 25 A Yes, ma'am.

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| <p style="text-align: right;">Page 9</p> <p>1 Q It's my obligation to ask understandable 2 questions to you. So, if you don't understand a 3 question for any reason, please let me know, and I 4 will try to ask a better one. Will you do that? 5 A Yes, ma'am. 6 Q Sometimes it will happen that you will 7 give an answer as completely as you can in the 8 moment, but then later on you may remember 9 different information or additional information 10 about that answer, and you may need to clarify or 11 amplify the previous answer. And that's fine. 12 When that occurs, if it occurs, please let me 13 know, and we'll make sure to clarify the record 14 right away. Will you do that? 15 A Yes, ma'am. 16 Q And when you are answering a question, 17 if you think that a document or documents might 18 help refresh your recollection or help you 19 remember an answer, please let me know, and we'll 20 see if we have that document here today. Will you 21 do that? 22 A Yes, ma'am. 23 Q And Mr. Paul is here representing you 24 today, correct? 25 A Yes, ma'am.</p> | <p style="text-align: right;">Page 11</p> <p>1 A Yes, ma'am. 2 Q Would you please identify any email 3 addresses you have used since 2010. 4 A Rjameson, j-a-m-e-s-o-n, 08 @Gmail.com. 5 Then I have Rick@northstartaxservices, make sure 6 there is an "S" on services, .com. 7 Q Any others? 8 A No, ma'am. 9 Q All right. Mr. Jameson, I would like to 10 get an idea of your background as we begin. Where 11 did you go to high school? 12 A I went to high school, let's see, 13 University High School in West Los Angeles. I 14 went to high school in Portsmouth, New Hampshire. 15 I went to high school in Fresno, California. I 16 went to high school in Manhattan Beach, 17 California. I think there was another one in 18 there, but I don't remember exactly. 19 Q All right. Where did you graduate high 20 school? 21 A I did not graduate from high school. 22 Q Have you had any formal education since 23 high school? 24 A Yes, ma'am. 25 Q What's that?</p> |
| <p style="text-align: right;">Page 10</p> <p>1 Q So, if at any time you want to talk to 2 Mr. Paul during the deposition, that's fine, but 3 if there is a question pending, I will ask that 4 you answer the question first before you talk to 5 Mr. Paul. Will you do that? 6 A Yes, ma'am. 7 Q So, we are here today to get as accurate 8 a record as we can of the facts of this case as 9 you remember them or know them. So, I have to ask 10 you, is there anything that would prevent you from 11 understanding and answering my questions today 12 with the full capacity of your recollection? 13 A Not to my knowledge, no. 14 Q Are you taking any medications or drugs 15 of any kind that might interfere with your memory? 16 A No, ma'am. 17 Q Have you had anything alcoholic to drink 18 in the last eight hours? 19 A No, ma'am. 20 Q Is there any other reason you can think 21 of why you may not be able to answer my questions 22 fully and accurately today? 23 A No, ma'am. 24 Q Mr. Jameson is how you pronounce it, 25 right?</p> | <p style="text-align: right;">Page 12</p> <p>1 A I have a Bachelor of Science degree in 2 industrial technology with a major in business 3 administration and economics. I have a masters of 4 science degree in social science interdisciplinary 5 public administration with a major in economics. 6 I have a masters degree in taxation. And I am 7 currently working on my Ph.D. in taxation. 8 Q Okay. Let's start with your bachelors 9 of science. And did you say industrial 10 technology? 11 A Industrial technology with a major in 12 economics and business administration. 13 Q When did you get that degree? 14 A I think I got it in 1980, if I remember 15 correctly. 16 Q From which institution? 17 A It's now called Southern Utah State 18 University up in Cedar City. 19 Q And your masters in social science? 20 A It's a masters in social science 21 interdisciplinary administration with a major in 22 economics. I received it from Utah State 23 University in Logan, Utah. 24 Q When did you receive that degree? 25 A I think, if I remember correctly, 1985</p> |

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| <p style="text-align: right;">Page 73</p> <p>1 your customers' lenses were placed in service? 2 A Not sure I really understand the 3 question having to do with -- how I understand 4 they were placed in service? 5 Q Yes. 6 A Because I got a letter saying they were 7 placed in service from RaPower-3. 8 Q So, in 2012 -- 9 A Correct. 10 Q -- did you have any understanding of how 11 RaPower-3 placed in service your customer's solar 12 lenses? 13 A I did not do research on that because I 14 had the Placed in Service letter. 15 Q In 2012, did you know what RaPower-3 did 16 with your customers' solar lenses? 17 A No. 18 Q In 2012, did you talk with anyone, other 19 than your customers, affiliated with RaPower-3? 20 A Not affiliated with RaPower-3, no. 21 Q With anyone else affiliated with solar 22 lenses? 23 A I did contact a CPA in Salt Lake City 24 who had prepared tax returns with solar lenses on 25 it, and discussed it with him to make sure that he</p> | <p style="text-align: right;">Page 75</p> <p>1 A I prepared two tax returns that claimed 2 benefits with regards to the benefits of solar 3 lenses. 4 Q How about in 2013? How many tax returns 5 did you prepare that claimed tax benefits 6 connected with solar lenses? 7 A I'm not sure exactly. I would say maybe 8 four or five at the most. 9 Q How about in 2014 for tax year 2013? 10 A I think the number went up dramatically, 11 but I can't give you an exact number, dramatically 12 meaning, maybe, 30. I do know that it was 13 probably less than 5 percent of my overall 14 preparation. 15 Q And, to your recollection, in 2015 for 16 tax year 2014, about how many tax returns did you 17 prepare that claimed tax benefits related to solar 18 lenses? 19 A Probably around 30 or 35. 20 Q In 2016 for tax year 2015, about how 21 many returns did you prepare claiming tax benefits 22 with respect to solar lenses? 23 A Thirty-five, 38. Something like that. 24 Q And how about this year in 2017? For 25 tax year 2016, about how many returns did you</p> |
| <p style="text-align: right;">Page 74</p> <p>1 had done his research. And we were both on the 2 same page. 3 Q Who was that? 4 A Brian Bolander, if I remember correctly. 5 Q What did Mr. Bolander tell you? 6 A He basically confirmed the basic 7 research I had done concerning the Placed in 8 Service letter, Purchase Agreement and Operating 9 and Maintenance Agreement and the forms that were 10 required to report the information on the clients' 11 tax return. 12 Q Did you speak with anyone else in 2012 13 in connection with the solar lenses? 14 A Not that I can remember, no, I don't 15 think so. 16 Q Did you speak with a gentleman named R. 17 Gregory Shepard in 2012? 18 A No, ma'am. 19 Q Did you speak with anyone named Neldon 20 Johnson in 2012? 21 A No, ma'am. 22 Q So, for 2012, for tax year 2011, in 23 calendar year 2012, did you prepare two tax 24 returns only that claimed tax benefits in 25 connection with RaPower-3?</p> | <p style="text-align: right;">Page 76</p> <p>1 prepare claiming tax benefits -- 2 A Probably -- 3 Q Hang on. About how many tax returns did 4 you prepare claiming tax benefits related to solar 5 lenses? 6 A Forty, 42. Something like that. 7 Q At any time between 2012 and 2017, did 8 Lori Gailey also prepare tax returns claiming 9 benefits with respect to solar lenses? 10 A No. 11 Q Did anyone else prepare tax returns 12 claiming benefits with respect to solar lenses 13 through North Star Tax Services? 14 A No. 15 Q Did anyone else at the H & R Block 16 location in Cedar City prepare tax returns 17 claiming any tax benefits relating to solar 18 lenses? 19 A With regards to what year? 20 Q At any time. 21 A No. I should qualify that statement. 22 Q Go ahead. 23 A I haven't worked there for four years 24 now. So, in the time that I was there, the answer 25 would be no.</p> |

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| <p style="text-align: right;">Page 173</p> <p>1 people? 2 A Representation is something I like to 3 do. And so, it keeps me active. One of the 4 things I have learned over the years in doing tax 5 returns that people who retire and don't have a 6 plan die very shortly after they retire. The ones 7 who have a plan live a lot longer. Personal 8 opinion. 9 Q Mr. Jameson, did you ever ask any of 10 your solar lens customers where their lenses were? 11 A No. Because I knew that they were being 12 set up in Delta as part of the, I think it spells 13 that out in the operating and maintenance 14 agreement. I would have to look at one again. 15 But there is a section that tells them where the 16 lenses are being set up. 17 Q Does it tell a customer exactly which 18 lenses the customer is buying? 19 A I don't know that. 20 Q Have you ever asked anybody? 21 A No. 22 Q Have you ever asked anybody how to trace 23 which customer owns which lens? 24 A Don't think I have, no. I think that's 25 something that the people on-site have to do.</p> | <p style="text-align: right;">Page 175</p> <p>1 Department of Justice, or it's included in audits 2 and appeals. 3 Q Have any of your preparation or 4 representation customers asked you questions about 5 what it means that's taking so long to get rental 6 payments? 7 A I have had a couple clients make 8 comments but not really ask me, because I told 9 them it's not my responsibility. My job is to do 10 their taxes. They need to contact RaPower-3. 11 Q Have you ever asked Neldon Johnson why 12 it's taking so long to get rental payments? 13 A I have never talked to Neldon Johnson 14 except for those two meetings in Delta. 15 Q So, the answer is no? 16 A The answer is no. 17 Q Have you ever asked Greg Shepard why 18 it's taking so long to get rent? 19 A No. 20 Q Have you ever asked anyone else why it's 21 taking so long to get rental payments? 22 A No. 23 Q Why not? 24 A Not my responsibility. 25 Q You said you were curious about it?</p> |
| <p style="text-align: right;">Page 174</p> <p>1 Q Mr. Jameson, do you ever help anybody 2 decide how many lenses to purchase? 3 A No, ma'am. That would not be ethical. 4 Q Do you refer them to anybody else who 5 does? 6 A No, ma'am. Would not be ethical. 7 Q Have you ever wondered, Mr. Jameson, why 8 it's taken so long to get any rental payments for 9 lenses? 10 A I have thought about that, yes. 11 Q What have you wondered? 12 A That it's taken a while to get the 13 rental payments. 14 Q Does that raise a red flag for you with 15 respect to any of your customers purportedly being 16 in the leasing business with respect to the solar 17 lenses? 18 A Not really. Because, again, I have done 19 my due diligence and did research and found some 20 court cases that specifically talk about leasing 21 of property and the way payments are received and 22 the timing of the payments. 23 Q And which cases are those? 24 A I don't have them on the top of my head. 25 I would have provided all that information to the</p> | <p style="text-align: right;">Page 176</p> <p>1 A I was curious. But that's just my 2 personal opinion. It has nothing to do with, 3 again, I'm not in the business of auditing the 4 client. 5 Q Do you know, Mr. Jameson, how the price 6 of each lens is set? 7 A No. 8 Q To your knowledge, has anyone ever 9 negotiated the price of the lens? 10 A Not to my knowledge. 11 Q Have you ever asked anyone why they paid 12 the particular price for the lens? 13 A No. 14 Q To your knowledge, has anyone ever 15 sought an appraisal of the lens before buying 16 them? 17 A Not to my knowledge, no. 18 Q Handing you, Mr. Jameson, what's already 19 been marked Plaintiff's Exhibit 279. Please take 20 a look at that and let me know when you are ready. 21 The Bates number on Plaintiff's Exhibit 279 is 22 Greg_P&R002173 through 2174. 23 A Okay. I finished reading it. 24 Q Mr. Jameson, do you recognize 25 Plaintiff's Exhibit 279?</p> |