

EXHIBIT 1

UNITED STATES OF AMERICA

VS

RAPOWER-3, LLC

GLEND A E. JOHNSON

May 01, 2019



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May 01, 2019

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

3 UNITED STATES OF AMERICA,) No. 2:15-cv-00828-DN

) Deposition of

4 Plaintiff,

) GLENDA E. JOHNSON

5 v.

6 RAPOWER-3, LLC; INTERNATIONAL)
7 AUTOMATED SYSTEMS, INC.;)
8 LTBI, LLC; R. GREGORY SHEPARD;)
9 NELDON JOHNSON; and)
10 ROGER FREEBORN,)

11 Defendants.)



12 * * *

13 May 1, 2019

14 9:20 a.m. to 5:15 p.m.

15 Parr Brown Gee & Loveless
16 101 South 200 East, Suite 700
17 Salt Lake City, Utah 84111

18 * * *

19 Letitia L. Meredith
20 Registered Professional Reporter
21 Certified Shorthand Reporter CA
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24
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May 01, 2019

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<p>1 A P P E A R A N C E S</p> <p>2 For Court-Appointed Receiver R. Wayne Klein:</p> <p>3 Michael S. Lehr</p> <p>4 PARR BROWN GEE & LOVELESS</p> <p>5 101 South 200 East, Suite 700</p> <p>6 Salt Lake City, Utah 84111</p> <p>7 For the Receivership:</p> <p>8 R. Wayne Klein</p> <p>9 KLEIN & ASSOCIATES</p> <p>10 P.O. Box 1836</p> <p>11 Salt Lake City, Utah 84110</p> <p>12 For United States Department of Justice:</p> <p>13 (Telephonically)</p> <p>14 Erin Healy-Gallagher</p> <p>15 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>16 TAX DIVISION</p> <p>17 555 4th Street NW, Suite 8921</p> <p>18 Washington DC 20001</p> <p>19 For The Deponent:</p> <p>20 Steven R. Paul</p> <p>21 NELSON SNUFFER DAHLE & POULSEN</p> <p>22 10885 South State Street</p> <p>23 Sandy, Utah 84070</p> <p>24 Also present: Neldon Johnson</p> <p>25 * * * *</p> <p style="text-align: center;">I N D E X</p> <p>EXAMINATION PAGE</p> <p>By Mr. Klein 6</p>	<p>1 I N D E X (Continued)</p> <p>2 EXHIBITS PAGE</p> <p>3 2021 Property Search, 608.680 acres</p> <p>4 Howard County, Texas 216</p> <p>5 2022 Property Search, 18.3 acres</p> <p>6 Howard County, Texas 216</p> <p>7 2025 Agreement, December 8, 2004 219</p> <p>8 2029 Bank Records 164</p> <p>9 2030 Five Pages, Millard County Credit Union,</p> <p>10 Account Number 16804 199</p> <p>11 647 Photocopy of Check, January 27, 2012</p> <p>12 IAS to N.P. Johnson Family</p> <p>13 Limited Partnership 218</p> <p>14 648 Photocopies of Checks,</p> <p>15 BANKOFAMERICANFORK-000195 163</p> <p>16 649 Photocopy of Check, Cobblestone Centre</p> <p>17 to Howard County Tax Office, 08/25/15; 216</p> <p>18 650 Photocopy of Check, Cobblestone Centre</p> <p>19 to Randy Johnson, 12/31/14; \$30,000 105</p> <p>20 945 Bank Documents 67</p>

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22	<p>1 QuickBooks data?</p> <p>2 A. There were many different computers at</p> <p>3 different times. A computer I would have -- I don't</p> <p>4 even know the first computer. And then I would -- it</p> <p>5 wasn't working correctly. I could see things were --</p> <p>6 and then I got another computer. So there were three</p> <p>7 or four computers in that particular time. Is that</p> <p>8 what you want?</p> <p>9 Q. That helps me understand. Thank you.</p> <p>10 A. And it's -- excuse me.</p> <p>11 Q. Go ahead.</p> <p>12 A. And the last computer completely crashed,</p> <p>13 and that was in November, and, to my knowledge,</p> <p>14 everybody knew that that crashed and I lost data, all</p> <p>15 the data.</p> <p>16 Q. QuickBooks has two different types of</p> <p>17 software. One is the software for the QuickBooks</p> <p>18 that will reside on the computer. They also have an</p> <p>19 online version where you can log on through the</p> <p>20 internet and the data is stored through -- on the</p> <p>21 Cloud through servers at QuickBooks.</p> <p>22 Do you know which type of QuickBooks you</p> <p>23 used? Was it housed in the computer or did you</p> <p>24 correct via the internet?</p> <p>25 A. Housed in the computer.</p>	24
23	<p>1 for some reason they asked us to leave again. And</p> <p>2 then I went to Bank of American Fork. And that's</p> <p>3 where we're at right now. Well, I'm sorry -- then --</p> <p>4 MR. PAUL: He asked about RaPower-3.</p> <p>5 A. That's true. I'm sorry. It's not</p> <p>6 Bank of American Fork then with RaPower-3. Sorry.</p> <p>7 Q. Did RaPower-3 have savings accounts and</p> <p>8 checking accounts or only checking accounts?</p> <p>9 A. I know in -- to my knowledge, Wells Fargo,</p> <p>10 there was a savings account.</p> <p>11 Q. And checking?</p> <p>12 A. Yes.</p> <p>13 Q. So did you have checking accounts at all</p> <p>14 three institutions -- Millard County Credit Union,</p> <p>15 Zions Bank, and Wells Fargo?</p> <p>16 A. Yes, they were checking, to my knowledge.</p> <p>17 I don't believe there was any other savings account</p> <p>18 in Zions.</p> <p>19 Q. Were you a signatory on these bank</p> <p>20 accounts?</p> <p>21 A. Yes.</p> <p>22 Q. Who else was? Let's start with</p> <p>23 Millard County Credit Union. Who else was a</p> <p>24 signatory on the checking account at Millard County</p> <p>25 Credit Union?</p>	25
23	<p>1 Q. What kind of records did RaPower-3 keep?</p> <p>2 A. Are you asking me -- when you say records,</p> <p>3 I have records of when the distributors were paid. I</p> <p>4 have on the checks. It's a three-part check. The</p> <p>5 two top ones go to the distributors, and the bottom</p> <p>6 one is what I kept.</p> <p>7 And then it also had the name of the</p> <p>8 distributor on a sheet that would come out when I do</p> <p>9 the accounting, and it would have all the people's</p> <p>10 names that were their success line and what they got</p> <p>11 paid.</p> <p>12 Q. And where are those records now?</p> <p>13 A. At Dahle Snuffer -- or Nelson, Snuffer,</p> <p>14 Dahle. They're all there.</p> <p>15 Q. Did RaPower-3 pay sales taxes on the lenses</p> <p>16 that it sold?</p> <p>17 A. I don't know anything about that.</p> <p>18 Q. Where did RaPower-3 have bank accounts?</p> <p>19 A. The first one was Millard County Credit</p> <p>20 Union, and they asked us to leave because they were</p> <p>21 just a little credit union and didn't like -- and so</p> <p>22 then I went to -- what's it called? Zions Bank.</p> <p>23 And after the raid in 2012, we were asked</p> <p>24 to leave, which posed a big problem trying to find</p> <p>25 another bank. And I finally got Wells Fargo. And</p>	<p>1 A. I'm not sure on that.</p> <p>2 Q. How about Zions Bank?</p> <p>3 A. I'm not sure on that either.</p> <p>4 Q. Do you know who were the signatories on the</p> <p>5 Wells Fargo checking account?</p> <p>6 A. I'm not sure on that either.</p> <p>7 Q. Do you believe there were others who were</p> <p>8 allowed -- authorized to sign checks?</p> <p>9 A. Yes.</p> <p>10 Q. If someone else signed a check, would you</p> <p>11 know about it?</p> <p>12 A. Yes.</p> <p>13 Q. How would you know about it?</p> <p>14 A. Well, they'd give me a receipt so that I</p> <p>15 would know, but I don't -- I don't know that they</p> <p>16 could come in and take one of the checks and sign it.</p> <p>17 MR. PAUL: Without you knowing.</p> <p>18 A. Without me knowing.</p> <p>19 Q. Did you reconcile the bank statements at</p> <p>20 the end of each month?</p> <p>21 A. Yes.</p> <p>22 Q. So if you reconciled the bank statements,</p> <p>23 would you discover if someone had written a check</p> <p>24 that you hadn't known about?</p> <p>25 A. Definitely.</p>


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<p style="text-align: right;">26</p> <p>1 Q. So is it fair to say you were aware of all 2 the checks that were issued on any of the bank 3 accounts for RaPower-3? 4 A. Yes. 5 Q. What compensation did you receive from 6 RaPower-3? 7 A. None. Oh, sorry. That's wrong. I was a 8 distributor, and I had people that I brought into the 9 company and that I would get a check for RaPower-3 10 for my success line. 11 Q. Other than the amounts you received for 12 your success line, did you receive any other 13 compensation from RaPower-3? 14 A. I did not receive any checks from 15 RaPower-3. 16 Q. For your downline, were those payments not 17 checks or you got checks for the downline but no 18 other checks? 19 A. Checks from the downline. I got a check 20 for the downline, but RaPower-3 did not pay me 21 personally for anything that I did. 22 Q. I now want to talk about International 23 Automated Systems, and I'm going call it IAS for 24 shorthand. Is that okay? 25 A. Fine.</p>	<p style="text-align: right;">28</p> <p>1 before your marriage to Mr. Johnson. How did you 2 acquire that? 3 A. I'm not -- all I -- I'm not -- I'm sorry 4 I'm not quite understanding how to even -- 5 Q. Let me try -- 6 A. So I'm sorry. 7 Q. -- a different approach then. 8 Do you know how many shares of IAS you 9 owned at the time you married Mr. Johnson? 10 A. I can't remember that. It was before I 11 married Mr. Johnson. 12 Q. And what was the process of you obtaining 13 the shares? Did you go to a brokerage firm and give 14 them money and then they gave you the shares? Did 15 you buy them from the company? Were they given to 16 you? That's the kind of information I'm trying to 17 obtain. 18 A. To the best of my knowledge, it was given 19 to me. 20 Q. By whom? 21 A. By the company I would assume. I'm sorry. 22 I don't understand how any of this came about. I 23 don't know. 24 MR. PAUL: If you don't remember, you can say 25 you don't remember.</p>
<p style="text-align: right;">27</p> <p>1 Q. Were you ever an officer of IAS? 2 A. No. 3 Q. A director? 4 A. No. 5 Q. Manager? 6 A. No. 7 Q. Registered agent? 8 A. No. 9 Q. Employee? 10 A. No. 11 Q. Were you a shareholder of IAS? 12 (Telephonic interruption) 13 NELDON JOHNSON: Excuse me. 14 Q. Did you own any stock in IAS? 15 A. I owned stock before I ever married Neldon. 16 Is that what you want? 17 Q. I want to know what stock you owned in IAS. 18 So are you -- am I understanding you owned some stock 19 in IAS before that you acquired before you married 20 Mr. Johnson? 21 A. Correct. 22 Q. Did you acquire any stock in IAS after you 23 married Mr. Johnson? 24 A. To my knowledge, no. 25 Q. Tell me about the stock you acquired in IAS</p>	<p style="text-align: right;">29</p> <p>1 A. I don't remember. 2 Q. For the stock that you owned in IAS at the 3 time you married Mr. Johnson, did you pay for any of 4 that stock? 5 A. No. 6 Q. Do you know whether or not that stock was 7 newly issued to you by the company versus being stock 8 that had been given to somebody else and was 9 transferred to you? 10 A. I don't know. 11 Q. Do you still own that stock? 12 A. No. 13 Q. Did you sell it or did you transfer it to 14 someone else? 15 A. I'm just going to have to say I don't know. 16 My mind's -- 17 MR. PAUL: That's okay. You can answer "I don't 18 know." That's an acceptable answer, and if it needs 19 to be clarified, Mr. Klein will clarify. 20 Q. I'm going to ask some more questions to see 21 if it jogs your memory. It's not that I'm trying to 22 badger you. I'm just trying to see if I can ask 23 questions in a way that might help you remember. 24 Do you remember whether the stock you had 25 was transferred to somebody else versus whether it</p>

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30	<p>1 was sold and you received money for it?</p> <p>2 A. I know it was sold, and I did not receive</p> <p>3 any money for it.</p> <p>4 Q. Do you recall how much it sold for?</p> <p>5 A. I do not.</p> <p>6 Q. Do you remember the process of how it was</p> <p>7 sold?</p> <p>8 A. I do not.</p> <p>9 Q. Do you remember whether you gave your stock</p> <p>10 certificates to somebody to have them take it to a</p> <p>11 brokerage firm or you took it to a brokerage firm?</p> <p>12 A. I do not.</p> <p>13 Q. Do you recall whether it seemed odd to you</p> <p>14 that your stock would be sold and you did not get any</p> <p>15 money out of it?</p> <p>16 A. No.</p> <p>17 Q. Tell me did you perform any role helping</p> <p>18 IAS do its accounting records.</p> <p>19 A. I didn't do any of their -- wait a minute.</p> <p>20 I can't remember. I can't remember on all of that.</p> <p>21 Q. Do you recall whether you were signatory on</p> <p>22 any of the IAS bank accounts?</p> <p>23 A. Yes, I was with the one that was just in</p> <p>24 Delta.</p> <p>25 Q. When you say "just in Delta," do you recall</p>	32	<p>1 relating to checks written on the IAS bank account?</p> <p>2 A. Only the ones that was in Delta.</p> <p>3 Q. So for the checks -- are you saying that</p> <p>4 for the checks -- IAS checks that you signed, you</p> <p>5 entered that information into QuickBooks?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if other people would enter</p> <p>8 data into QuickBooks for checks written on the IAS</p> <p>9 bank account that were signed by someone else?</p> <p>10 MR. PAUL: Objection. Compound and foundation.</p> <p>11 A. I'm not positive on that.</p> <p>12 Q. Did you reconcile the bank statements for</p> <p>13 the IAS checking account?</p> <p>14 A. Yes. Just in Delta.</p> <p>15 Q. So for the Delta operations of IAS, you</p> <p>16 reconciled the bank statements; correct?</p> <p>17 MR. PAUL: Objection. Foundation.</p> <p>18 Q. Is that correct?</p> <p>19 A. For the Delta --</p> <p>20 Q. The Delta -- let me back up then. Let me</p> <p>21 try and make sure we're talking about same thing.</p> <p>22 When you talk about the Delta operations,</p> <p>23 are you talking about a particular bank account that</p> <p>24 IAS had in Delta or are you talking about checks</p> <p>25 relating to an office that IAS had in Delta?</p>
31	<p>1 which financial institution that would have been at?</p> <p>2 A. I know it was one of them -- could have</p> <p>3 been one or two, but I'm not for sure.</p> <p>4 Q. Do you know if others wrote checks from the</p> <p>5 IAS bank account other than you?</p> <p>6 A. I'm sorry. Say that again.</p> <p>7 Q. I believe you said you were authorized to</p> <p>8 sign checks on behalf of IAS; correct?</p> <p>9 A. That's correct. But only in Delta. I did</p> <p>10 not sign them for anything that went on that was up</p> <p>11 in the main office of IAS.</p> <p>12 Q. Where was the main office of IAS?</p> <p>13 A. Salem.</p> <p>14 Q. Do you know who else was authorized to sign</p> <p>15 checks on the IAS bank account?</p> <p>16 A. No.</p> <p>17 Q. Did you enter any of the IAS information in</p> <p>18 QuickBooks?</p> <p>19 MR. PAUL: I'm going to object to the form of</p> <p>20 the question as to foundation. I don't think you've</p> <p>21 established if IAS had QuickBooks or whether she had</p> <p>22 a role in QuickBooks. So you may want to clarify.</p> <p>23 Q. Did you understand my question?</p> <p>24 A. Say it again, please.</p> <p>25 Q. Did you enter any data into QuickBooks</p>	33	<p>1 A. An office in Delta?</p> <p>2 Q. Let me back up again. You said, as I</p> <p>3 recall, that you were authorized to sign checks</p> <p>4 relating to IAS in Delta. Did I understand that</p> <p>5 correctly?</p> <p>6 A. Just the bank account.</p> <p>7 Q. So when you say the bank account, is this a</p> <p>8 bank account that IAS had with a financial</p> <p>9 institution in Delta?</p> <p>10 A. With a bank.</p> <p>11 Q. With a bank in Delta?</p> <p>12 A. Yes.</p> <p>13 Q. And did IAS have bank accounts at banks</p> <p>14 other than the bank in Delta, to your knowledge?</p> <p>15 A. Yes.</p> <p>16 Q. So for the bank account that IAS had at the</p> <p>17 bank in Delta, did you recognize -- did you reconcile</p> <p>18 those bank statements at the end of each month?</p> <p>19 A. There was only one bank statement. I only</p> <p>20 did the bank statement for the one in Delta, nothing</p> <p>21 up in Salem.</p> <p>22 Q. So for the bank account that IAS had in</p> <p>23 Delta, you reconciled that bank statement every</p> <p>24 month; correct?</p> <p>25 A. Correct.</p>

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<p style="text-align: right;">222</p> <p>1 Q. Yes.</p> <p>2 A. I don't know.</p> <p>3 Q. Do you own any solar lenses?</p> <p>4 A. A few.</p> <p>5 Q. How many?</p> <p>6 A. I don't know.</p> <p>7 Q. Did you purchase them?</p> <p>8 A. I don't know how it was done.</p> <p>9 Q. Are any of the lenses that you purchased</p> <p>10 installed?</p> <p>11 A. I don't know.</p> <p>12 Q. Have you received any revenue from the use</p> <p>13 of your lenses?</p> <p>14 A. I don't know.</p> <p>15 Q. Do you own any structures other than what</p> <p>16 we've talked about?</p> <p>17 A. I don't know.</p> <p>18 Q. Do you own any equipment other than what</p> <p>19 you've identified?</p> <p>20 A. I don't know.</p> <p>21 Q. Do you own any real estate other than what</p> <p>22 we've identified?</p> <p>23 A. I don't think so. I'm going to say I don't</p> <p>24 know.</p> <p>25 Q. In Mr. Johnson's bankruptcy petition in</p>	<p style="text-align: right;">224</p> <p>1 questions.</p> <p>2 NELDON JOHNSON: No thank you.</p> <p>3 MR. KLEIN: Then we are concluded, and I thank</p> <p>4 you for your perseverance.</p> <p>5 (Whereupon the taking of this deposition was</p> <p>6 concluded at 5:15 p.m.)</p> <p>7 * * *</p> <p>8 The reading copy was submitted to the witness</p> <p>9 at spaul@nsdplaw.com; denversnuffer@gmail.com.</p>
<p style="text-align: right;">223</p> <p>1 2011 he listed ownership of a time-share interest</p> <p>2 from Worldmark by Wyndham. Are you familiar with</p> <p>3 that?</p> <p>4 A. Yes.</p> <p>5 Q. What's the current status of that</p> <p>6 time-share?</p> <p>7 A. I don't know what you're talking about.</p> <p>8 Q. Is that time-share still in use? Who owns</p> <p>9 that time-share?</p> <p>10 A. Neldon and I.</p> <p>11 Q. Are the payments current on that</p> <p>12 time-share?</p> <p>13 A. Yes.</p> <p>14 MR. KLEIN: Let me take a quick break and see if</p> <p>15 I have any more questions.</p> <p>16 (A break was taken.)</p> <p>17 MR. KLEIN: Back on the record. Those are all</p> <p>18 the questions I have.</p> <p>19 Ms. Healy-Gallagher, do you have any</p> <p>20 questions?</p> <p>21 MS. HEALY-GALLAGHER: Not at this time.</p> <p>22 MR. KLEIN: Mr. Paul, did you want to ask any</p> <p>23 questions?</p> <p>24 MR. PAUL: No.</p> <p>25 MR. KLEIN: Mr. Johnson, did you want to ask any</p>	<p style="text-align: right;">225</p> <p>1 C E R T I F I C A T E</p> <p>2 STATE OF UTAH)</p> <p>3)</p> <p>4 COUNTY OF UTAH)</p> <p>5 THIS IS TO CERTIFY that the foregoing</p> <p>6 deposition was taken before me, Letitia L. Meredith,</p> <p>7 Registered Professional Reporter and Notary Public</p> <p>8 for the State of Utah and Certified Shorthand</p> <p>9 Reporter for the State of California.</p> <p>10 That the said witness was by me, before</p> <p>11 examination, duly sworn to testify the truth, the</p> <p>12 whole truth, and nothing but the truth in said cause.</p> <p>13 That the testimony was reported by me in</p> <p>14 Stenotype, and thereafter transcribed by computer</p> <p>15 under my supervision, and that a full, true, and</p> <p>16 correct transcription is set forth in the foregoing</p> <p>17 pages.</p> <p>18 I further certify that I am not of kin or</p> <p>19 otherwise associated with any of the parties to</p> <p>20 said cause of action and that I am not interested in</p> <p>21 the event thereof.</p> <p>22 WITNESS MY HAND and official seal at</p> <p>23 Spanish Fork, Utah, this 17th of May 2019.</p> <p style="text-align: center;">  _____ Letitia L. Meredith, CSR, RPR </p>