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IN THE THIRD DISTRICT COURT, SALT LAKE DEPARTMENT  
IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

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THE STATE OF UTAH,  
  
Plaintiff,

-vs-

**TRISHA LEE PAISOLA**  
**DOB 01/05/1977,**  
**AKA NONE**  
**3950 Davencourt Loop**  
**Lehi, UT**  
**D.L.# 153658861**  
OTN  
SO#

**Defendant.**

**G. JASON PAISOLA**  
**DOB 12/21/1975**

**Co-Defendant(s)**

Screened by: STEVEN GIBBON  
Assigned to: STEVEN GIBBON (TUESDAY)

DAO # 10027471

SUMMONS TO BE ISSUED  
Warrant/Release: NON-JAIL

**I N F O R M A T I O N**

Case No.

Co-Def DAO# 10027467

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The undersigned Tom Brady - UTAH DIVISION OF SECURITIES, Agency Case No. 10-0013, upon a written affidavit states on information and belief that the defendant, TRISHA LEE PAISOLA, committed the crime of:

COUNT 1

SECURITIES FRAUD, (941) 61-1-1 UCA, second degree felony, as follows: That on or about July 26, 2007 at , in Salt Lake County, State of Utah the defendant did, in connection with the offer, sale, or purchase of a security, directly or indirectly,

- (1)(a) employ a device, scheme, or artifice to defraud;
- (b) make an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) engage in an act, practice, or course of business which operates or would operate as a fraud or deceit upon any person; and
- (2)(a) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth \$10,000 or more; or
- (b)(i) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth less than \$10,000; and
- (ii) in connection with that violation, the violator knowingly accepted any money representing:
  - (A) equity in a person's primary residence;
  - (B) a withdrawal from any individual retirement account; or
  - (C) a withdrawal from any qualified retirement plan as defined in the Internal Revenue Code.

COUNT 2

SECURITIES FRAUD, (941) 61-1-1 UCA, second degree felony, as follows: That on or about December 21, 2007 at , in Salt Lake County, State of Utah the defendant did, in connection with the offer, sale, or purchase of a security, directly or indirectly,

- (1)(a) employ a device, scheme, or artifice to defraud;
- (b) make an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) engage in an act, practice, or course of business which operates or would operate as a fraud or deceit upon any person; and
- (2)(a) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth \$10,000 or more; and
- (b) in connection with that violation, the violator knowingly accepted any money representing:
  - (i) equity in a person's primary residence;
  - (ii) a withdrawal from any individual retirement account; or
  - (iii) a withdrawal from any qualified retirement plan as defined in the Internal Revenue Code.

COUNT 3

THEFT, (320) 76-6-404 UCA, second degree felony, as follows: That on or about December 21, 2007 at , in Salt Lake County, State of Utah the defendant did obtain or exercise unauthorized control over the property of another person with a purpose to deprive the person thereof, and

- (i) the value of the property or services was or exceeded \$5,000;
- (ii) the property stolen is a firearm or an operable motor vehicle;
- (iii) the defendant was armed with a dangerous weapon, as defined in Section 76-1-601, at the time of the theft; or
- (iv) the property was stolen from the person of another.

COUNT 4

SECURITIES FRAUD, (941) 61-1-1 UCA, second degree felony, as follows: That on or about August 01, 2008 at , in Salt Lake County, State of Utah the defendant did, in connection with the offer, sale, or purchase of a security, directly or indirectly,

- (1)(a) employ a device, scheme, or artifice to defraud;
- (b) make an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) engage in an act, practice, or course of business which operates or would operate as a fraud or deceit upon any person; and
- (2)(a) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth \$10,000 or more; or
- (b)(i) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth less than \$10,000; and
- (ii) in connection with that violation, the violator knowingly accepted any money representing:
  - (A) equity in a person's primary residence;
  - (B) a withdrawal from any individual retirement account; or
  - (C) a withdrawal from any qualified retirement plan as defined in the Internal Revenue Code.

THIS INFORMATION IS BASED ON EVIDENCE OBTAINED FROM THE FOLLOWING WITNESSES:

Carlos Santos, Araceli Santos, Tom Brady, Michael Hines

AFFIDAVIT OF PROBABLE CAUSE:

OVERVIEW

Santos works for the Church of Jesus Christ of Latter-day Saints in the call center of the Salt Lake Temple in Salt Lake City, Utah. In early 2007, G. Jason Paisola and his wife, Trisha Lee Paisola, volunteered at the call center and Santos was assigned to be their supervisor. Santos and the Jason Paisola quickly became friends. A short time later, Santos met with the Jason Paisola in Santos's office. Jason Paisola told Santos that he was in the business of realty investments. Jason Paisola said he purchased homes from people who could not afford payments and resold them for a profit. Jason Paisola said past investors had earned profits by investing in Utah Growth through investment contracts. Jason Paisola said Utah Growth's investors received monthly interest payments for the term of the contract and a lump sum payment at the end of the contract. Santos expressed interest in investing with Utah Growth, but Jason Paisola told Santos to wait for an opening.

**1st Promissory Note**

On or around June of 2007, Jason Paisola and Trisha Paisola met Santos and his wife, Araceli, at their home in West Jordan, Utah and told them that there was an opening to invest with Utah Growth. Jason Paisola told the Santoses to invest a "small amount" at first and he would talk with them later when a larger amount could be invested. Jason Paisola asked the Santoses whether they had any money "lying around in savings" accounts, such as children's education funds or credit card accounts which allow cash withdrawals. Jason Paisola said that the Santoses would make a much higher interest with Utah Growth than if they left that money in the bank. Jason Paisola made the following statements about a potential \$10,000 investment with

Utah Growth:

- The Santoses would receive \$375 every quarter for a year, totaling \$1500 in interest at the end of the contract;
  - The Santoses would receive a lump sum payment of the \$10,000 principal at the end of the contract;
  - The Santoses had nothing to worry about in investing \$10,000 with Utah Growth because the money was secure and there was no way they would ever lose their money;
  - There was no risk involved in the investment;
  - Even in a worst-case scenario, the Santoses would be paid their interest and principal;
- and
- In no way would he ever hurt the Santoses or their family.

### Securities Fraud -Second Degree Felony

Based on Jason Paisola's representations, the Santoses decided to invest \$10,000 in Utah Growth. On July 26, 2007, Santos gave Jason Paisola a \$10,000 check made payable to Jason Paisola. Trisha Paisola deposited the check in the Paisola's personal bank account at Wells Fargo. In exchange for the \$10,000 funds the Santoses received a promissory note dated July 26, 2007, listing Utah Growth as the borrower and Santos as the payee. The note was signed and executed by Jason Paisola and Trisha Paisola.

Using a source and use analysis, Jason Paisola and Trisha Paisola used the \$10,000 funds from July 26, 2007 to approximately June 13, 2008 in the following manner:

- o \$9,258.60 in credit card payments for Jason Paisola and Trisha Paisola; and
- o The remainder on personal living expenses.

Jason Paisola fulfilled the terms of the note and paid the Santoses their investment return totaling \$11,500.

### **2<sup>nd</sup> Promissory Note**

On December 21, 2007, Jason Paisola and Trisha Paisola met the Santoses at their home in Salt Lake County, Utah about making a larger investment. Jason Paisola said that this particular investment opportunity would require \$100,000 from them. When Santos told Jason Paisola that \$100,000 was too much money to come up with in cash, Jason Paisola said the Santoses could get that money if they had that amount of equity in their home, which they did. Jason Paisola then encouraged the Santoses to get a second loan on their home so they could have the \$100,000 to invest. Jason Paisola made the following statements about a potential \$100,000 investment with his company:

- The Santoses had nothing to worry about because Jason Paisola had "fail-safes" in place in case the market went bad;
- Jason Paisola would ensure that the Santoses receive their total investment back at the end of the contract;
- The Santoses would earn 2% return on their money;
- The Santoses would receive a bonus payment of \$25,000 along with the \$100,000 principal at the end of the contract;

- A \$5,000 deposit that day was required to secure the investment; and
- Jason Paisola only had three positions to fill with investors so the Santosos must "think quickly" because he could not wait one more day before he let other investors take their position;

Santos told Jason Paisola he was worried that Jason Paisola would destroy their family finances and "leave them on the street" if he lost their investment funds. Jason Paisola tried to calm and persuade Santos, saying he would never hurt their family by losing their money.

Jason Paisola also told Santos that he was simply an investor too. Because he did not have a realtor license or broker's license, Jason Paisola also told Santos not to mention Jason Paisola's name to any realtor because he did not want to be "investigated."

#### Securities Fraud -Second Degree Felony Enchanced

Based on Jason Paisola's representations, the Santosos decided to invest \$100,000 in the Paisola's company. On December 21, 2007, Santos gave Jason Paisola a \$5,000 check made payable to ABM to secure their place in the investment. On January 22, 2008, Santos gave Jason Paisola a \$95,000 check made payable to ABM from a \$100,000 home equity loan. Trisha Paisola endorsed and deposited the check. In exchange for the \$100,000 funds SANTOS and AS received a second promissory note dated January 25, 2008, listing Jason Paisola, Trisha Paisola, and Utah Growth as the borrowers and the Santosos as the payees. The note was signed and executed by Jason Paisola and Trisha Paisola.

Bank records show that on December 24, 2007 the Paisolas deposited the \$5,000 check into a Wells Fargo Bank account bringing the balance to \$5,078.91. On January 28, 2008, the Paisolas deposited the \$95,000 check into the same Wells Fargo account bringing the balance to 97,504.86.

### Theft -Second Degree Felony

Using a source and use analysis, Jason Paisola and Trisha Paisola used the funds from December 28, 2007 to approximately June 13,2008 in the following manner:

- o \$901.85 paid to NCO Financial Systems;
- o \$1890 paid to National City;
- o \$3,750 paid to Diosi Properties Ltd., which were for rent payments on the Paisolas' residence;
- o \$16,300 paid to Russell Fuller;
- o Personal living expenses; and
- o Credit card payments.

The Paisolas made eight payments to the Santoses totaling \$16,000. That is the total amount that the Paisolas have paid the Santoses on the second note.

### <sup>rd</sup> 3 Promissory Note

In or around August 2008, Jason Paisola and Trisha Paisola met the Santoses at their home and told them that there was another "small" investment opening with Utah Growth for the Santoses to invest \$10,000 with substantially identical terms as the first promissory note.

### Securities Fraud -Second Degree Felony

Based on Jason Paisola's representations, the Santoses invested \$10,000 in Utah Growth. In or around August 2008, Santos gave the Paisolas a check for \$10,000. In exchange for the \$10,000 investment, the Santoses received a third promissory note dated August 28, 2008, listing Utah Growth as the borrower and Santos as the payee. The note was signed and executed by Jason Paisola and Trisha Paisola.

The Paisolas made three payments to the Santoses totaling \$1,125. That is the total amount that the Paisolas have paid the Santoses on the third note.

MISREPRESENTATIONS:

- That the investment was completely secure, when in fact, the investment was not secure;
- That there was no possible way that the Santoses would lose their money, when in fact, it was possible for the Santoses to lose their money, which they did;
- That the worst-case scenario would be the Santoses getting their money back, when in fact, the worst-case scenario was the Santoses not getting their money back, which they didn't;
- That the investment was foolproof, when in fact, the Paisolas were unable to return the investment funds;
- That there was no risk, when in fact, every investment has risk; and
- That the Santos family would not be harmed financially, when in fact, their family was harmed financially; and
- That the investment funds would go towards a realty investment, when in fact, the vast majority of the funds went to the Paisolas' personal living expenses.

OMISSIONS

- That the Santoses' funds on the first promissory note went to credit card payments and personal living expenses;
- The business and operating history for Utah Growth, ABM, Jason Paisola, or Trisha

- Paisola;
- Financial statements;
- Risk factors for investors;
- Suitability factors for the investment;
- Whether the investment is a registered security or exempt from registration; and
- That neither Jason Paisola nor Trisha Paisola were licensed to sell securities.

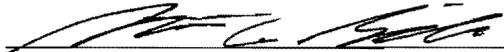
Pursuant to Utah Code Annotated § 46-5-101 (2007) I declare under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my belief and knowledge.

Executed on : \_\_\_\_\_

\_\_\_\_\_  
Tom Brady Affiant

Authorized for presentment and filing:

LOHRA L. MILLER, District Attorney

  
\_\_\_\_\_  
Deputy District Attorney  
1st day of December, 2010  
/JLP/DAO # 10027471



RETURN ON SUMMONS  
Personal

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STATE OF UTAH                    )  
  :SS  
COUNTY OF SALT LAKE        )

I hereby certify and return that I received the within and hereto annexed Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, and served the same upon TRISHA LEE PAISOLA , the within named Defendant, personally, by delivering to and leaving with said Defendant, in Salt Lake County, State of Utah, a true copy of said Summons on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

I further certify that, at the time of such service, on the copy of the Summons so served, I endorsed the date and place of service and added my name and official title thereto.

Dated at Salt Lake County, Utah, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By

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**Metro Jail  
Book and Release Instructions**

You have been instructed to report to the Metro Jail to complete the *Book and Release* process. You are being provided the following instructions in order to facilitate this process as quickly as possible.

**LOCATION:**

The Metro Jail is located at 3415 South 900 West. Parking is available in the visitor's parking lot which is located south of the building. You will need to report to the Security Officer located at the top of the ramp in the visiting area.

**TIMES:**

4:00 AM to 8:00 AM  
10:30 AM to 12:00 PM  
3:30 PM to 5:00 PM  
8:30 PM to 11:00 PM

If you cannot come during these hours, you will not be turned away; however, Jail staff may be able to process you quicker during these hours. Due to unforeseen operational problems or circumstances beyond our control it may occasionally take several hours to complete the *Book and Release* process. We will make every effort to process you as quickly as possible.

**WHAT TO BRING:**

Court documents – Summons, Warrants, and/or Pretrial Services documents.  
Government issued photo identification such as Driver's License, State ID, Passport or Military ID.

**WHAT NOT TO BRING:**

Family or friends as seating is very limited.  
Children as they cannot be left unattended while you are being processed. Personal items not necessary for the process as it may slow down the process.

Following these guidelines will facilitate this process being completed as quickly as possible. If you have any questions call the Metro Jail at (801) 743-5000 or Pretrial Services at (801) 743-5025. Thank you

**WEEKLY REPORT**  
**DEPARTMENT OF COMMERCE**  
**DIVISION OF SECURITIES**  
**December 8, 2010**

**PRESENTATIONS AND NEWSWORTHY EVENTS:**

- The Securities Commission meeting originally scheduled for Dec. 16, 2010, has been rescheduled for Jan. 20, 2011, and will be held in conjunction with a formal administrative hearing on the Division's case brought against Nutorque Engine Corporation and Amos R. Mansfield.

**ADMINISTRATIVE AND CRIMINAL ACTIONS:**

- The Division issued a Petition to sanction the license of Andrew V. Payne, a Utah branch office manager with PFS Investments based in the state of Georgia. The Petition alleges Payne failed to safeguard customer funds for nearly a one year period and failed to maintain books and records evidencing the customer's funds were received by the firm. The Division also alleges Payne failed to conduct his supervisory responsibilities by not enforcing industry standards and firm procedures when he gave the customer's check and documents to one of his agents, who ultimately lost the check. The Petition seeks to censure Payne requiring him to retake and pass the FINRA Series 26 Examination (Principal/Supervisor) and imposes a fine of \$5,000. Ken Barton was the examiner.
- The Salt Lake District Attorney's office filed criminal charges against G. Jason Paisola and Trisha Paisola in Third Judicial District Court. From approximately December 2006 to August 2008, Respondents offered and sold securities to investors, in or from Utah, and collected a total of \$120,000. Paisola told investors he would use the funds to buy a distressed property and resell the property at a profit. Paisola encouraged investors to use the equity in their home to come up with the investment funds. Investors lost approximately \$92,000 of their principal. Tom Brady was the investigator.
- Kevin Lawrence Wright was sentenced to 1-15 years of prison (suspended), thirty-six months of probation, and ordered to pay \$75,000 in restitution. Wright pleaded guilty to one count of securities fraud, a second degree felony. Dave Hermansen was the investigator.
- Johnny Edward Maestas pleaded guilty to two counts of second degree felony securities fraud. Maestas told investors he needed money for his insurance company and that he would pay them a return of 10-12% per year. In total, Maestas took \$281,461 from five different investors. Maestas will be sentenced on January 21, 2011 in front of Judge Katie Bernards-Goodman. Jonny Stewart was the investigator.
- Dale Clark Lloyd pleaded guilty to one count of second degree felony communications fraud. Lloyd's guilty plea will be held in abeyance for thirty-six

months. Lloyd was ordered to pay \$10,000 in restitution at the rate of \$300 per month. Lloyd told the investor he would invest her money in a REIT located in Texas that would turn her \$10,000 into \$60,000 in two years. Jonny Stewart was the investigator on the case.

- Ronald Haycock entered a guilty plea in federal court in Utah to money laundering and conspiracy. The case, Lawrence Skinner & Associates, was originally investigated by the Division of Securities. Employees of the Division conducted undercover meetings with Haycock and the evidence collected was turned over to the FBI. Lawrence Skinner & Associates recruited straw buyers for homes in Utah. Division employees were offered the opportunity to become straw buyers. Loan applications were then falsified by inflating the appraisal and income of the straw purchasers. Lawrence Skinner & Associates were paid a large fee from the closing of the home for arranging the financing. Purchasers were told they would not have to make any payments and could occupy the home with no risk to themselves, facts for at least 11 purchasers proved not to be true.

*Submitted by: Keith Woodwell, Division Director, 530-6606; [kwoodwell@utah.gov](mailto:kwoodwell@utah.gov)*