

STATE OF INDIANA )  
 ) SS: IN THE MARION SUPERIOR COURT  
 ) COUNTY OF MARION ) CRIMINAL DIVISION, ROOM

STATE OF INDIANA ) **INFORMATION**  
 ) COUNT I  
 ) V ) BRIBERY, CLASS C FELONY  
 ) DANIEL TANOOS ) I.C. 35-44.1-1-2(a)(4)  
 ) W/M DOB: 8/19/1957 ) COUNT II  
 ) CAUSE NO. ) BRIBERY, LEVEL 5 FELONY  
 ) I.C. 35-44.1-1.2(a)(4)  
 ) ) COUNT III  
 ) ) BRIBERY, LEVEL 5 FELONY  
 ) ) I.C. 35-44.1-1.2(a)(4)

On this date, the undersigned Deputy Prosecuting Attorney of the Nineteenth Judicial Circuit, being duly sworn on his/her oath (or having affirmed), stated that in Marion County, Indiana

**COUNT I: BRIBERY**

DANIEL TANOOS, on or about August 24, 2013, did solicit, accept, or agree to accept any property, that is: food and/or beverages, except property the person is authorized by law to accept, with intent to control the performance of an act, that is: recommendation to award contract and/or continued business with ESG to the Vigo County School Board related to the employment or function of a public servant, that is: Superintendent of Vigo County School Corporation;

**COUNT II: BRIBERY**

DANIEL TANOOS, on or about July 11, 2014, did solicit, accept, or agree to accept any property, that is: food and/or beverages, except property the person is authorized by law to accept, with intent to control the performance of an act, that is: recommendation to award contract and/or continued business with ESG to the Vigo County School Board related to the employment or function of a public servant, that is: that is: Superintendent of Vigo County School Corporation;

**COUNT III: BRIBERY**

DANIEL TANOOS, on or about August 10, 2014, did solicit, accept, or agree to accept any property, that is: tickets and/or beverages, except property the person is authorized by law to accept, with intent to control the performance of an act, that is: recommendation to award contract and/or

continued business with ESG to the Vigo County School Board, related to the employment or function of a public servant, that is: Superintendent of Vigo County School Corporation;

I swear or affirm under penalty of perjury as specified by I.C. 35-44-2-1 that the foregoing representations are true.

September 24, 2018

\_\_\_\_\_  
Date

TERRY CURRY  
Marion County Prosecutor  
19<sup>th</sup> Judicial Circuit

/s/ Janna Skelton

\_\_\_\_\_  
Deputy Prosecuting Attorney

State's witnesses:

Joann Dowell FBI  
Tara Asher IMPD  
Doug Tischbein  
Steve Pride  
Donna Wilson  
VCSC School Board  
Steve Arnold  
Mary Beth Harris  
Tim Thoman  
AJ Wilkerson  
Jay Etling

## AFFIDAVIT FOR PROBABLE CAUSE

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STATE OF INDIANA, COUNTY OF MARION, SS:

Detective Tara Asher swears (affirms) that:

On 08/20/2018, Detective Tara Asher, Indianapolis Metropolitan Police Department (IMPD), detailed to the Marion County Prosecutor's Office Grand Jury unit since 2018, was informed of the following information from Federal Bureau of Investigation (FBI) Special Agent Joann Dowell.

On February 23, 2016, Federal Bureau of Investigation (FBI) Special Agent (SA) Joann Dowell met with representatives from the Indiana State Board of Accounts (SBOA). They discussed allegations made by a vendor against the Vigo County School Corporation's (VCSC) Superintendent, Danny Tanoos, and his improper awarding of school contracts. On February 23, 2016, based on the information provided by the SBOA, SA Dowell opened a public corruption investigation.

On April 20, 2016, SA Dowell received, via an anonymous source (who later became a documented FBI Confidential Human Source/CHS), two bound volumes of documents supporting the CHS's concerns that contracts involving certain vendors, to include Energy Systems Group (ESG), were improperly awarded by the VCSC. ESG is a guaranteed energy savings contractor headquartered in Newburgh, Indiana, with an Indianapolis office. The office moved locations during the time period discussed. The office was located at 8910 Purdue Road, Suite 200, Indianapolis, Indiana 46268 and the other location was 3905 Vincennes Road, Suite 505, Indianapolis, Indiana 46268.

The CHS, who was in a position with access to the contracts and knowledge of the contracting processes at VCSC, advised of the close relationship between Danny Tanoos and ESG representative, Doug Tischbein. The CHS also advised Danny Tanoos controlled the decisions regarding renovation projects in the schools, with the Board routinely approving his choices. On June 8, 2016, the FBI executed sealed federal search warrants at three VCSC locations. Agents collected significant digital and documentary evidence related to the VCSC relationship with ESG. In addition, Agents served numerous Federal Grand Jury subpoenas (subpoenas) to persons and entities with whom the VCSC conducted business. On August 8, 2018, United States Magistrate Judge Tim A. Baker signed an order to partially unseal the federal search warrant and affidavit pertaining to 2:16-mj-00009.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

Evidence obtained through the investigation showed that Tischbein and ESG routinely provided benefits and perks to Tanoos and VSCS school board members in an effort to continue receiving work from VCSC. Over time, Tanoos began soliciting such perks of his own accord, sometimes pairing the request with information about ESG competitors or while otherwise offering support to ESG.

**Background on Guaranteed Energy Savings Contracts (GESC)**

A GESC is an agreement between a qualified provider and a specific governing body to reduce the energy and operating costs of a building by a specified amount. Energy savings are used to pay for the investment over a period of no more than 20 years. If the guaranteed savings are not achieved, the provider must reimburse the building owner.

The Indiana Code which provides for the administration of the GESC is IC 36-1-12.5. It requires the governing body to publish notice they are receiving proposals of conservation measures through a GESC. The governing body is not required to “bid out” the job and award the contract to the lowest bidder. The provider is hired under a professional services type of arrangement.

On April 17, 2017, SA Dowell interviewed Jenny Banks, Director of Communications, State of Indiana Department of Local Government Finance. Jenny Banks advised qualified providers of GESC must be certified by the State. As of February 23, 2017, there were eighteen qualified providers. Two such providers who had previously dealt with the VCSC were ESG and Performance Services. Jenny Banks said in recent years there appeared to be a shift of more school corporations selecting Performance Services over ESG. Jenny Banks explained the majority of local entities utilizing GESCs were school corporations acquiring new HVAC systems and new lighting.

**Vigo County School Corporation (VCSC) School Board and Personnel**

VCSC former Chief Financial Officer, Donna Wilson, was interviewed on June 8, 2016, November 22, 2016, February 1, 2017, and May 16, 2017. Donna Wilson advised when the VCSC initially began to utilize GESCs, there was a lot of competition. Over time, ESG was always selected and other companies stopped competing. Donna Wilson advised the normal procedure for a GESC was as follows: following a Request for Qualifications (RFQ) being advertised per the statute, Danny Tanoos and his committee would make a recommendation to the School Board for the selection of the certified provider of the GESC. Following a School Board approval for selection of that provider, the negotiation of the price and scope of the project would commence. The VCSC Board approved every ESG contract recommended by Danny Tanoos. Danny Tanoos never recommended another energy savings vendor.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

\_\_\_\_\_  
AFFIANT

DATED: September 24, 2018

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**From:**

On January 19, 2017, several members of the School Board were interviewed by SA Dowell. Alpa Patel advised the VCSC had always used ESG since she had been on the Board. Alpa Patel could not recall ever hearing from an ESG competitor. She advised Danny Tanoos recommended ESG and the Board approved it. She was unaware of any personal relationship between Danny Tanoos and Doug Tischbein.

Paul Lockhart advised ESG was hired upon the recommendation of Danny Tanoos. Danny Tanoos also made the recommendation to have the projects be energy savings projects. He was unaware of a personal relationship between Danny Tanoos and Doug Tischbein but he would have wanted to know if that relationship existed.

Tammy Pearson advised Danny Tanoos formed a committee and then appeared before the Board to recommend the hiring of ESG. She was unaware of any personal relationship between Danny Tanoos and Doug Tischbein.

On June 4, 2018, additional members of the School Board were interviewed by SA Dowell. Dave Lotter advised if there had been anything which could lead to an appearance of a conflict of interest given Danny Tanoos's recommendation to hire ESG, he would have wanted to know about it. If Dave Lotter had been made aware of gifts received by Danny Tanoos, Dave Lotter would want to know the motivation behind the gifts.

Jackie Lower advised she was once gifted a turkey and believed it had come from Danny Tanoos. When she learned it had come from Doug Tischbein, she clearly told Danny Tanoos she was unhappy he had allowed a vendor to provide the gift. Jackie Lower would have wanted to know of the relationship between Danny Tanoos and Doug Tischbein prior to the Board awarding contracts to ESG. She advised it would be inappropriate for a vendor to consistently "take care of" Danny Tanoos and buy his lunch. Jackie Lower reviewed policies which addressed Public Gifts to the Schools and Conflicts of Interest for Board members. Jackie Lower advised Danny Tanoos was expected to follow the same policies outlined for the Board members. Had Danny Tanoos failed to follow the policies, the Board's only recourse would be termination of his contract.

On January 18, 2017, SA Dowell interviewed Mary Beth Harris, the Fuqua Elementary School Principal. She advised she considered Doug Tischbein a friend and they socialized a couple of times per year. Their socializing always included Danny Tanoos. On a few occasions, Doug Tischbein had provided Mary Beth and Brian Harris with tickets to the Indianapolis 500. Mary Beth Harris could not recall any time she or her husband paid for Doug Tischbein's dinner. Doug Tischbein always paid when the group was together.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

\_\_\_\_\_  
AFFIANT

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**Affidavit for Probable Cause**

**From:**

On December 13, 2015, Doug Tischbein expensed \$250 at Starbucks. The Expense Type was listed as "Gifts." In his August 4, 2017, interview, Doug Tischbein advised he provided the Starbucks gift cards to the Board members prior to the December, 2015, meeting. He had previously given the Board members turkeys.

**Energy Systems Group (ESG)**

On January 26, 2017, SA Dowell interviewed Steve Pride, the Senior Vice President of ESG's Public Sector. The Public Sector included all work for public entities. Steve Pride advised Doug Tischbein had been responsible for the VCSC account since 2003. Doug Tischbein works in the ESG Indianapolis office, located at 8910 Purdue Road, Suite 200, Indianapolis, Indiana 26268. Doug Tischbein had been involved with the account and in developing the relationship with VCSC even prior to 2003. In approximately 2006, Doug Tischbein was promoted to Regional Director after which he stopped having day-to-day contact with clients, with the exception of VCSC, he continued to maintain that sole account. Steve Pride stated VCSC had been a key account with ESG for many years.

ESG began its relationship with the VCSC in 2000. Between the years of 2000 and 2016, ESG had entered into nine contracts with the VCSC for a total of more than \$42 million. A contract ended when ESG received the final payment from the VCSC. Steve Pride provided a summary of the contracts (referred to as "Phases") completed by ESG and the donations/expenses incurred relating to the VCSC from 2006 to 2016 (Note: records of donations/expenses prior to 2006 were unavailable). Per the records provided, ESG sub-contracted the majority of the work performed for the VCSC but still realized a profit of more than \$11 million over the nine phases. Steve Pride stated ESG had donated/expensed more than \$100,000 to the VCSC and its Superintendent, Danny Tanoos, since the inception of the relationship. Donations included political donations to Vigo County politicians, scholarships for Vigo County students, a donation to name a classroom at ISU after Danny Tanoos and meals and entertainment. Steve Pride advised ESG held many season tickets for the local professional sports' teams and events. Any tickets provided to Danny Tanoos for his use, would not be included in the total expenses.

ESG has a Government Affairs division to maintain a good working relationship with government officials at all levels. The Government Affairs division also in responsible for making sure that the laws and regulations affecting government interaction with ESG are maintained.

Doug Tischbein's expense reports and emails were provided by ESG pursuant to a subpoena. His financial accounts were also obtained via a subpoena. In addition to ESG's regular support of VCSC fundraisers, the Vigo County's Education Foundation (VCEF) and other VCSC I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

entities, Doug Tischbein expensed items of value to Danny Tanoos, his family and his VCSC administrators; to include meals, gifts and entertainment.

Per the summaries provided by ESG, the company expensed \$1,527.33 in meals to the VCSC account in 2010.

Per the summaries provided by ESG, the company expensed \$852.09, including meals, events and miscellaneous, to the VCSC account in 2011.

Per the summaries provided by ESG, the company expensed \$1,389.69, including meals, events and miscellaneous, to the VCSC account in 2012.

Per the summaries provided by ESG, the company expensed \$1,867.50, including meals, events and miscellaneous, to the VCSC account in 2013.

Per the summaries provided by ESG, the company expensed \$728.93, to include meals, events and miscellaneous, to the VCSC account in 2014. In addition, Doug Tischbein personally paid for a \$1,116.81 dinner attended by Danny Tanoos at which no ESG employees were present in 2014.

Per the summaries provided by ESG, the company expensed \$2,245.68, including meals, events and miscellaneous, to the VCSC account in 2015.

Per the summaries provided by ESG, the company expensed \$114.54, including meals, events and miscellaneous, to the VCSC account in the first six months of 2016.

These amounts do not include tickets for sporting and entertainment events.

**Doug Tischbein (ESG)**

Doug Tischbein was interviewed by SA Dowell on March 30, 2017, and again on August 4, 2017. Doug Tischbein stated he took over the VCSC account sometime around 2006. About the time Doug Tischbein took over the VCSC account, Danny Tanoos (who had been Superintendent since 1999) became more involved in the process. Doug Tischbein acknowledged the sales job at the VCSC would not be easy without the support of Danny Tanoos and he said that Danny Tanoos advocated on behalf of ESG to the School Board and the community. Had Danny Tanoos advocated for a competitor of ESG's, Doug Tischbein believed ESG would have had diminished chances of being awarded contracts. Doug Tischbein advised with Danny Tanoos "a hand always [was] out".

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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Doug Tischbein stated if he had continually declined to contribute when solicited by Danny Tanoos and others associated with the VCSC, it would have impacted his relationship with Danny Tanoos and the “sales process would be more difficult.” Doug Tischbein wanted to stay in front of Danny Tanoos and keep competitors away. He wanted to keep Danny Tanoos happy. ESG anticipated additional projects with the VCSC as Danny Tanoos stated he wanted to renovate every school in the system prior to his retirement. Although Doug Tischbein had been promoted within ESG and taken other roles, he did not pass the VCSC account to another ESG salesman because he wished to continue his long-lasting relationship with Danny Tanoos and the VCSC.

Doug Tischbein was also interviewed on September 10, 2018, by Deputy Prosecutor Janna Skelton, Tim DeLaney, Det. Tara Asher and SA Dowell. Tischbein characterized himself as a generous guy and always offered to pay for things with clients or friends. Tischbein considered all the items, lunches, dinners, drinks, tickets that he paid for and/or expensed to ESG regarding Tanoos as account management and/or client retention and a routine part of business. Tischbein indicated that Tanoos may have infrequently offered to pay, but that Tishbein paid. Tischbein also said that had Tanoos told him that he could not accept, he would have respected that. Tischbein denied that he felt threatened to provide the benefits or lose the business. Tischbein stated that ESG was providing value and that the VCSC Board was happy with their work.

In addition, Tanoos would from time to time solicit such benefits from Tischbein.

**Chronology of School Board Meetings and Items of Value Provided by ESG, 2006-2016**

Pursuant to a subpoena, ESG provided records regarding expenses and donations related to the VCSC account. Those records included internal company emails and Doug Tischbein’s expense reports.

Investigators reviewed publically-accessible School Board meeting minutes. On November 13, 2006, the Board unanimously approved “a Resolution covering the selection of Energy Systems Group (ESG) as the Qualified Provider for the Guaranteed Energy Savings Contract.” Per the School Board meeting minutes, on December 11, 2006, “Mr. Tanoos recommended that permission be granted for the administration to advertise for Requests for Qualifications for a Performance Based Energy/Operating Cost Reduction Program at Terre Haute North Vigo, Terre Haute South Vigo and West Vigo High Schools. He noted that the advertisement for Requests for Qualifications is the initial step in the selection of a provider for the vocational area renovation for each of these facilities.” The motion passed unanimously.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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**From:**

Per the School Board meeting minutes, on February 12, 2007, Danny Tanoos recommended approval of ESG as the qualified energy savings provider on the vocational area renovation project. The Board approved unanimously.

On February 26, 2007, ESG and the VCSC signed the Phase 4 contract or \$900,000.

On February 13, 2009, the Phase 4 contract ended.

On March 23, 2009, ESG and VCSC entered the Phase 5 contract for \$1.6 million.

**Indiana State University (ISU) Classroom/Phase 5 Ends**

SA Dowell interviewed Karen Dyer, a former Indiana State University Foundation (ISU Foundation) employee, on February 2, 2017. Karen Dyer advised that in 2009, ISU was renovating at the College of Education and had a large fundraising campaign. She was approached by members of the VCSC administration who wished to dedicate a classroom to Danny Tanoos. Such a dedication would require a \$25,000 donation. She was later contacted by Danny Tanoos who advised he had solicited a large donor, Doug Tischbein and ESG, and advised how much they would gift. Danny Tanoos put Doug Tischbein and Karen Dyer in contact. Karen Dyer advised ESG was by far the largest donor.

Pursuant to a subpoena, the ISU Foundation provided documents, on March 14, 2017, related to the Danny Tanoos classroom. The documents included notes maintained on ISU Foundation employees' contact with Danny Tanoos. ISU Foundation documents read, on August 15, 2009, "KFO met with Danny to discuss details of the gifts to the classroom project. Danny shared with KFO that Energy Systems Group, Doug Tischbein, would be providing a \$15,000 gift in his honor." An ISU Foundation note dated September 10, 2009, discussed the celebration dinner, hosted by the VCSC, ISUF and ISU, for guests who had donated more than \$100. At the dinner, it was announced more than \$50,000 had been raised for the Danny Tanoos classroom. Per ISU Foundation records, the amount donated above the necessary \$25,000 for the classroom naming was used to establish an endowment for the Daniel T. Tanoos Educational Leadership Scholarship. The scholarship recipients were to be part-time graduate students at the College of Education and VCSC employees.

The ISU Foundation no longer maintained copies of the gift documentation or acknowledgment letters for the classroom donation. However, a listing of the amounts of individual donations received was provided. A \$15,000 donation was received on November 12, 2009. The next largest donation to the classroom was \$3,000 received on July 14, 2009. Danny Tanoos, himself, made a donation of \$2,000, split over four years. No other donations over \$1,000 were received.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

In his March 30, 2017, interview Doug Tischbein stated Danny Tanoos contacted him regarding the donation for the classroom. Danny Tanoos said he would like for Doug Tischbein to make a generous donation. Doug Tischbein determined he wanted to donate at least half of what was needed and obtained ESG management approval for \$15,000. Doug Tischbein knew Danny Tanoos wanted to get his doctorate at ISU and Danny Tanoos planned to teach at ISU when he retired from the VCSC. Doug Tischbein advised he could have declined to contribute to the classroom fundraiser but if he had, he believed his relationship with Danny Tanoos would have been tarnished.

On September 9, 2009, the Phase 5 contract ended.

On November 6, 2009, ESG made a donation of \$15,000 to ISU for the "Danny Tanoos Classroom Sponsorship."

**ESG Wins Phase 6 Contract**

On January 24, 2017, Jay Etling, the VCSC Purchasing Manager, was interviewed by SA Dowell. He advised the VCSC had not received a response on a RFQ from any company other than ESG in many years. The last time Tim Thoman, of Performance Services, was before the School Board, he was upset as he believed ESG had more time and access to the sites to put together a better bid.

Tim Thoman, President, Performance Services, was interviewed on February 2, 2017, and April 25, 2017, by SA Dowell. Tim Thoman advised his company had not submitted responses to the VCSC for several years as he knew the VCSC had a long relationship with ESG and it cost a lot of money to put a response together. However, in 2010, Danny Tanoos told Tim Thoman the VCSC would welcome a response from Performance Services on the next energy savings project. Tim Thoman had worked for years to get the opportunity to work with the VCSC. When the VCSC issued a RFQ, Tim Thoman was eager to submit a response. Although it was only a RFQ, Tim Thoman asked Jay Etling if he could survey the location in order to identify problem areas, provide conceptual solutions and put his best bid forward. Jay Etling told Tim Thoman there was no need to survey the location as the decision would be made on the responses to the RFQ.

Five days prior to the School Board meeting date and the day of vendor presentations, Jay Etling told Tim Thoman he needed to provide hard bids. Tim Thoman did not know why the VCSC would change the RFQ to a Request for Proposals (RFP) on such short notice. Tim Thoman made great efforts to acquire the numbers for a hard bid. He contacted one sub-contractor for an estimate and was told the sub-contractor could provide a hard bid as he had provided the hard bid to ESG two months earlier, meaning that he had access to the site.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

\_\_\_\_\_  
AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

At his presentation to the School Board, when some expressed disappointment he did not have a design and firm numbers but ESG did, Tim Thoman tried to explain and requested additional time to put together a more complete response. Tim Thoman believed ESG had obviously been given access to the location and more time to prepare a bid. Tim Thoman was not given additional time and ESG was awarded the contract. Tim Thoman advised Performance Services would not respond to another RFP from the VCSC as long as Danny Tanoos was there. Per the School Board meeting minutes, on March 22, 2010, Danny Tanoos recommended the Board approve ESG as the provider on the Phase 6 project. The motion passed unanimously. Per the School Board meeting minutes, on April 12, 2010, Danny Tanoos recommended the Board approve the contract for more than \$4 million with ESG for the Phase 6 project. The motion passed unanimously.

Per the School Board meeting minutes, on March 28, 2011, Donna Wilson requested permission to develop and seek proposals from guaranteed energy savings providers for renovations at Fuqua Elementary and Meadows Elementary. The motion was passed unanimously.

On May 23, 2011, the Phase 6 contract ended.

**Tanoos requests permission to hire ESG for Phase 7 Contract**

Per the August 22, 2011, School Board meeting minutes, Danny Tanoos requested permission to seek qualifications from GESG providers for renovations at numerous additional schools. The motion passed unanimously.

Per the October 24, 2011, School Board meeting minutes, Danny Tanoos requested permission to hire ESG for the energy-related projects at numerous schools (Phase 7).

Per the School Board meeting minutes, on February 13, 2012, Danny Tanoos “noted that on October 24, 2011, the Board of School Trustees approved Energy Systems Group (ESG) as the qualified energy savings provider for proposed projects at fifteen schools. After a thorough project review and negotiations with ESG, the administration recommends approval of a contract totaling \$3,289,357 for completion of the 2012 Energy Projects.” The motion passed.

On February 13, 2012, ESG and the VCSC entered the Phase 7 contract for \$3.2 million.

On November 16, 2012, the Phase 7 contract ended.

On December 9, 2012, Doug Tischbein, Danny Tanoos and his wife, Claudia Tanoos, Mary Beth Harris (a VCSC school principal) and her husband, Brian Harris, attended a Colts game together. I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

Per Doug Tischbein's expense report, he expensed \$125.41 at PF Changs in Indianapolis, Indiana. On the food receipt included with Doug Tischbein's expense report, were handwritten the names of the attendees and "Colts game – Business Retention."

Throughout the entirety of 2013, the VCSC and ESG were not engaged in any contract.

On March 15, 2013, Danny Tanoos and Claudia Tanoos were hosted by Doug Tischbein and his wife at a hospitality suite at an Indianapolis Pacers/Los Angeles Lakers game. Doug Tischbein expensed \$1,200 for the suite. In his interview, Doug Tischbein stated he had been told by Danny Tanoos and Jay Etling that ESG competitors were approaching Danny Tanoos. In a March 13, 2013, email to an ESG manager, to justify the expense, Doug Tischbein wrote:

From: Doug Tischbein  
Sent: Wed 3/13/2013  
To: Rick Doss  
Cc:  
Bcc:  
Subject: Vigo County High Schools

Rick,  
As we discussed today, Danny Tanoos has started discussions regarding the renovation of the high schools, as you know these have been on our radar for a number of years. He has 2, North and South and they are in need of a major renovation which will require significant mechanical upgrades. I expect to be attending a mtg within the next few weeks with his professional team to start talking about the details of the structure of the project. I would like to request that you approve an expense for me to invite Danny and his wife over for dinner and a Pacer game this week.

Pis let me know if you approve this investment and thanks for the consideration.

Doug Tischbein  
Corporate Director - Business Development  
3905 Vincennes Road, Suite 505  
Indianapolis, IN 46268

There was further discussion related to the Pacers suite internally at ESG. On April 23, 2013, Doug Tischbein received an email from an ESG Vice President:

Superintendent of schools for Terre Haute is listed as the recipient, but we do not have an open or projected project with them. What is the business purpose?

Branch approved, so why did the branch not purchase the tickets?

What is the actual event for the tickets - single game, playoff or season tickets? How many tickets? Concur will need each recipient/attendee listed with title.

If I am to approve such a major expenditure, please discuss it with me prior to incurring the expense.

Ken Durham  
Vice President, Sales and Marketing

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

\_\_\_\_\_  
AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

Doug Tischbein responded via email,

Good morning,

The business purpose was Client retention, as you know the Supt has completed over \$35M worth of business with ESG over the past several years and remains a very strong reference for the entire ESG business. We are always in discussion regarding projects, however they may not be ready for TAS. Currently these projects include the development of a natatorium, renovation of his 3 high schools and possibly the development of a CNG fueling station for the school and potentially the city buses. The Supt receives a considerable amount of competitors approaching him, including Performance Services, Trane, and several A&E firms working hard to capture his business. He remains loyal to us. Rick and I have discussed this in depth and we both agree that a certain level of investment into maintaining the relationship is vital.

The customer event developed very quickly when we learned of his availability to attend the event. It was an expedited process for me to purchase the tickets directly since we utilized a broker.

The event was a single game, Pacers/Lakers, 4 tickets and the attendees were the Supt and his wife, myself and my wife. I will add this information to the expense report.

On April 16, 2013, Danny Tanoos emailed Doug Tischbein regarding a natural gas station in Terre Haute through Vectren for their (VCSC) buses and ESG's interest in discussing. And they make plans to talk. In addition, Doug Tischbein also informed Danny Tanoos about race tickets,

On Tue, Apr 16, 2013 at 3:50 PM, Doug Tischbein <dtischbein@energysystemsgroup.com> wrote:  
Ok. It works economically with just your fleet, but there is a conversion cost for the engines. If you are buying replacement buses on an annual basis, most clients are working them into the fleet when at that time.

Lets talk next week. I am in St Thomas and Puerto Rico this week.  
I have 8 tix for you as I won't be attending the race this week.

Danny Tanoos replied:

On Apr 16, 2013, at 4:02 PM, "Daniel Tanoos" <dt@vigoschools.org> wrote:  
Talk to you next week. You did not go last year so we all 8 sat together...which made it nice in that we did not have to split up food, etc.

On May 14, 2013, Danny Tanoos received a FedEx delivery from ESG at his home.

**Tanoos requests - Mo's Steakhouse – Hoosier Prairie (Phase 8)**

On August 14, 2013, Claudia Tanoos emailed Danny Tanoos regarding a request and then Danny Tanoos forwarded the email to Doug Tischbein.

From: Daniel Tanoos  
Sent: Wed 8/14/2013 3:26 PM (GMT-04:00)  
To: Claudia Tanoos; Doug Tischbein  
Co:

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

Bcc:  
Subject: Re: Benefit Bowl for the VCEF

I am sure you would be willing to help Claudia at this event. I promise I won't ask for much more the rest of the year.

On Wed, Aug 14, 2013 at 2:21 PM, Claudia Tanoos <ctanoos@terrehautcedc.com> wrote:

Danny Tanoos and Doug Tischbein had additional email communication regarding the event. Tischbein asked Tanoos for information on Hoosier Prairie, but Tanoos said not to "mix the issues", but persisted in asking for a donation on behalf of his wife.

From: Daniel Tanoos  
Sent: Wed 8/14/2013 4:03 PM (GMT-04:00)  
To: Doug Tischbein  
Cc:  
Bcc:  
Subject: Re: Benefit Bowl for the VCEF

Back to my original question..... ?????

On Wed, Aug 14, 2013 at 4:02 PM, Doug Tischbein <dtischbein@energysvstemsgroup.com> wrote:

I wouldn't... But it would help as its Ricks money, not mine... Short and sweet will do.. Hope all is well with you... In Connecticut this week...

**From:** Daniel Tanoos [mailto:dt@vigoschools.org]  
**Sent:** Wednesday, August 14, 2013 04:00 PM  
**To:** Doug Tischbein  
**Subject:** Re: Benefit Bowl for the VCEF

Can't mix the two issues.

On Wed, Aug 14, 2013 at 3:33 PM, Doug Tischbein <dtischbein@energysvstemsgroup.com> wrote:

If u send me an email on Hoosier Prairie asking to mobilize engineering it would help.

On August 14, 2013, Doug Tischbein replied to Claudia Tanoos, copying Danny Tanoos, that ESG would again contribute \$1,500.

From: Doug Tischbein  
Sent: Wed 8/14/2013 11:20 PM (GMT-04:00)  
To: Claudia Tanoos  
Cc: Daniel Tanoos  
Bcc:  
Subject: Re: Benefit Bowl for the VCEF

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

\_\_\_\_\_  
AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

Claudia,

We are privileged to participate again this year in the Benefit Bowl for VCEF. We will again be contributing \$1500.

Hope all is well and look forward to seeing you soon.

Doug Tischbein  
Sent from my iPad

On August 16, 2013, Doug Tischbein emailed Danny Tanoos asking if he knew the Superintendent at the Clay County Schools. Doug Tischbein advised ESG had heard Clay County was looking to do a project with another company and they wanted a shot at it. Danny Tanoos responded and asked for Colts tickets.

From: Daniel Tanoos  
Sent: Fri 8/16/2013  
To: Doug Tischbein  
Cc:  
Bcc:  
Subject: Re: Clay county schools  
That would be perfect.

On Fri, Aug 16, 2013 at 11:10 AM, Doug Tischbein <dtischbein@energysystemsgroup.com> wrote:  
We have 4 tix and they are yours, pls confirm.

DT

From: Daniel Tanoos [mailto:dt@vigoschools.org]  
Sent: Friday, August 16, 2013 10:53 AM  
To: Doug Tischbein  
Subject: Re: Clay county schools

Yes, I know her. She has called me on several occasions about issues. Do you have preseason tickets? The Browns are in Indy next week.

On August 24, 2013, the Indianapolis Colts hosted the Cleveland Browns at Lucas Oil Stadium, Indianapolis, Indiana. Doug Tischbein paid \$364.65 for a dinner at Mo's Steakhouse, located at 15 E. Maryland St., Indianapolis, Indiana 46204, that night. On his September 2013, expense report, Doug Tischbein expensed the cost of the dinner but did not list himself as an attendee. The expense report was dated on 9/30/2013. Also on September 30, 2013, Doug Tischbein emailed Danny Tanoos asking him about the dinner at Mo's Steakhouse.

From: Doug Tischbein  
Sent: Mon 9/30/2013 3:19 PM (GMT-04:00)  
To: Daniel Tanoos  
Cc:  
Bcc:

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

Subject: RE: Friday

Who went to dinner with you at Mo's last time you were there, there were 7 of you

**Doug Tischbein**  
Corporate Director - business Development  
Enmij Sysloms Group  
www.cn.orgsystemsgroup.com

The expense report listed the following as attendees at the Mo's Steakhouse dinner: Danny Tanoos, Claudia Tanoos, their son, their son's girlfriend, two other Danny Tanoos family members and a family friend. Two of the attendees, as listed on the report, were interviewed by SA Dowell. Both denied Doug Tischbein attended the dinner and both believed Danny Tanoos had paid for the meal. The dinner had occurred either before or after a Colts football game. In his interview, Doug Tischbein told investigators it was not "typical" to attend such a dinner. No other client had ever before asked Doug Tischbein to purchase a dinner for the client and several relatives.

Another email about Colts tickets occurred on September 15, 2013. Doug Tischbein emailed Danny Tanoos about tickets and Danny Tanoos accepted.

From: Daniel Tanoos  
[mailto:dt@vigoschools.org<mailto:dt@vigoschools.org>]  
Sent: Tuesday, September 03, 2013 3:17 PM  
To: Doug Tischbein  
Subject: Re: Colts tickets

Sept. 15th sounds good...4 tix or two?

On Tue, Sep 3, 2013 at 2:23 PM, Doug Tischbein  
<dtischbein@energysystemsgroup.com<mailto:dtischbein@energysystemsgrou  
p.com>>  
wrote:

Pick a game except for the Broncos and let me know ASAP so I can reserve.  
Broncos is taken...

Doug Tischbein  
Corporate Director - Business Development Energy Systems Group  
www.energysystemsgroup.com<http://www.energysystemsgroup.com/>

On October 21, 2013, Danny Tanoos emailed an ESG manager and wrote, in part, "I wanted to thank you for the tickets to the game last night. It was an electric atmosphere. The lead up to kick off was great, the seats were awesome and the game was perfect.....because we won!!" Doug Tischbein replied to Danny Tanoos's email that same day.

On Mon, Oct 21, 2013 at 9:37 AM, Doug Tischbein <dtischbein@energysystemsgroup.com>  
wrote:

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

Thanks for sending him the note, appreciate it.

When would be a good time to talk today about HP?

**Doug Tischbein**  
*Corporate Director Business Development*  
Energy Systems Group  
[www.energysystemsgroup.com](http://www.energysystemsgroup.com)

HP refers to Hoosier Prairie Elementary, the location of an energy savings project and a part of the Phase 8 contract eventually awarded to ESG in 2014. Danny Tanoos advised he had a Board meeting that evening and the following morning would be better. Doug Tischbein responded in email.

**Sent:** Monday, October 21, 2013 10:25 AM  
**To:** Doug Tischbein  
**Subject:** Re: Re:

Not tonight due to the Aquatic Center being the center of attention. Friday 1 talked to Franklin about getting with you to talk about the project.

On Mon, Oct 21, 2013 at 10:16 AM, Doug Tischbein <dtischbein@energysystemsgroup.com> wrote:

I will call you then. Can you/do you need to discuss with your bd the RFQ for the HP project tonight? I really need to get inside the bldg..

Thanks, hope you got some rest...

**Doug Tischbein**  
*Corporate Director - Business Development*  
Energy Systems Group  
[www.cnergysystemsgroup.com](http://www.cnergysystemsgroup.com)  
**ESG0112997**

On November 25, 2013, Danny Tanoos replied to a Doug Tischbein email discussing the energy savings as required in their agreement with VCSC, "Please send the tickets to Brian Harris..." and provided Harris's address. Doug Tischbein replied, "Pls let him know they are coming regular mail."

Per the December 9, 2013, School Board meeting minutes, Danny Tanoos requested permission to seek qualifications from GESC providers for a project at Hoosier Prairie Elementary. The motion passed.

On January 3, 2014, ESG sent a package, via FedEx, to Danny Tanoos's home.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

\_\_\_\_\_  
AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

On January 4, 2014, per his expense reports, Doug Tischbein hosted Danny Tanoos and Claudia Tanoos. Doug Tischbein expensed \$41.42 at St. Elmo's, Indianapolis, and \$374.19 at Prime 47, Indianapolis. Both expenses listed "Business Development" as the purpose.

In his March 30, 2017, interview, Doug Tischbein advised Danny Tanoos hosted a Superbowl party each year for his friends and family and some VCSC employees. Doug Tischbein did not attend. Although he felt it inappropriate, Doug Tischbein stated he was not surprised Danny Tanoos solicited him to donate something for the party. Doug Tischbein usually sent ESG marketing materials but, at one point, Danny Tanoos requested something other than ESG items. Doug Tischbein traveled frequently to the U.S. Virgin Islands for work and was able to purchase rum duty-free. On January 27, 2014, Doug Tischbein sent Danny Tanoos an email which read in part, "I am having Nick bring you 3 btls of Bacardi Rum for superbowl. You will need to walk out with him after the mtg and he will hand a bag to you. I am back in Puerto Rico Thursday and Friday and cant deliver." Doug Tischbein gave the rum to Danny Tanoos.

Per the February 10, 2014, School Board meeting minutes, Danny Tanoos "noted that the Vigo County School Corporation has had a good longstanding relationship with Energy Systems Group, and requested approval to hire them as the Qualified Energy Savings Provider for Hoosier Prairie Elementary School." The motion passed.

On March 24, 2014, ESG and the VCSC entered the Hoosier Prairie/Phase 8 contract for \$4 million.

On June 27, 2014, Claudia Tanoos asked Doug Tischbein to donate to the VCEF bowling fundraiser. On June 30, 2014, Doug Tischbein forwarded the email to an ESG General Manager and wrote, "Attached is a sponsorship opportunity for Vigo schools. As Claudia Tanoos mentions we have been. sponsor of this event for a number if years and I believe it's worth continuing this investment..." Claudia Tanoos emailed again on July 22, 2014, asking for ESG's support. On July 23, 2014, Doug Tischbein replied, in part, "Of course we will be contributing this year I am just not sure at what level. Alpa has also asked that we sponsor the "dance" fund raiser and that one isn't in our typical budget so unfortunately our budget is shrinking this year..." The name Alpa referred to the School Board member, Alpa Patel.

**Palm Restaurant, Nashville, TN**

On July 6, 2014, Danny Tanoos forwarded an email received from a competitor's salesman to Doug Tischbein with the message, "FYI." Doug Tischbein responded to the email.

From: Doug Tisehbein •

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

\_\_\_\_\_  
AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

Date: Mon. 7 Jul 20 14 01:19:29 | 0000  
To: dtt@vigoschools.org  
Subject: Re: Energy savings at Columbus. Id. Wayne, and Muncie

Thanks That dude is persistent.

We are doing better than that for Vigo. I am traveling thru Thursday. Can you have lunch Friday this week?

Doug Tischbein

Danny Tanoos replied, at 10:16 pm, that he would be at a Principal's Conference in Nashville, Tennessee, with Claudia Tanoos, Mary Beth Harris and Brian Harris, a School Board member and two other VCSC Administrators. Danny Tanoos also emailed Doug Tischbein that the same competitor would be at the conference. Doug Tischbein responded to that information with the following email:

On Jul 7, 2014, at 7:40 AM, "Daniel Tanoos" <dtt@vigoschools.org> wrote:

Call me when you get a chance.

On Mon, Jul 7, 2014 at 6:14 AM, Doug Tischbein <dtischbein@energysystemsgroup.com> wrote:

Should I come down and buy dinner Friday night?

**Doug** Tischbein  
Director Business Development

As a continuation of this email chain, Tischbein then asks about ESG business with VCSC in the following:

On Mon, Jul 7, 2014 at 9:55 AM, Doug Tischbein <dtischbein@energysystemsgroup> wrote:

Do you want a bd update on HP soon? Or a walk thru to show them progress, let me know and we can set up for late next week like Thursday or Friday.

Doug Tischbein

Danny Tanoos responded via email that a Board update would look good on the part of ESG. And Doug Tishbein asks Danny Tanoos for a date and he tells him the July 21<sup>st</sup> Board meeting. Doug Tischbein then informs Tanoos that he is unable to make it Friday night and Danny Tanoos responds with a request in the following exchange:

On Jul 8, 20 14, at 8:19 AM, "dtt@vigoschools.org" dtt@vigoschools wrote:

No problem. Do you want to buy dinner like you did in Houston?

Sent from my Verizon Wireless BlackBerry

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

**From:** Doug Tischbein -'dtischbein@energysystemsgroup.com'  
**Date:** Tue, 8 Jul 2014 12:06:04 TOOOO" " ..... "\*\*  
**To:** Daniel Tanoos<[dt@vigoschools.org](mailto:dt@vigoschools.org)>  
**Subject:** Re: Energy savings at Columbus, IT. Wayne, and Muncie

Sara works Saturday so won't make it Friday night, sry. Also, how was Hoosier Prairie yesterday?

Doug Tischbein  
Sent from my iPad

Doug Tischbein replied to his request, "For you, absolutely." And Danny Tanoos thanked him.

**From:** Daniel Tanoos  
**Sent:** Tue 7/08/2014 8:55 AM (GMT-O4:00)  
**To:** Doug Tischbein  
**Cc:**  
**Rcc:**  
**Subject:** Re: Energy savings at Columbus, Ft. Wayne, and Muncie

Thank, you. I will call you from Nashville.

On Tue, Jul 8, 20 14 at 8:28 AM, Doug Tischbein • dtischbein@energysystemsgroup' wrote:

For you, absolutely.

Doug Tischbein  
Sent from my iPhone

On July 11, 2014, a \$1,116.80 charge was listed on Doug Tischbein's personal credit card from the Palm Restaurant in Nashville, TN. There was no corresponding expenditure listed for the dinner on any of Doug Tischbein's expense reports. Tischbein paid for the dinner without attending, at Danny Tanoos' request, and did not expense the dinner to ESG.

On July 21, 2014, per the School Board meeting minutes, Doug Tischbein appeared before the Board to present a report on the renovations at Hoosier Prairie as discussed in the email exchanges between Danny Tanoos and Doug Tischbein arranging for the meal in Nashville.

On August 8, 2014, Claudia Tanoos again emailed Doug Tischbein regarding the contribution to the VCEF's bowling fundraiser. She referenced seeing Doug Tischbein that coming weekend and not wanting to bother him with the request then. Doug Tischbein replied that he would get back to her regarding the amount of the donation.

**REO Speedwagon Concert**

On January 16, 2014 Danny Tanoos sent Doug Tischbein the following email:

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

\_\_\_\_\_  
AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

On Jan 16, 2014, at 2:39 PM, "Daniel Tanoos" <dlt@vigoschools.org> wrote:  
This is the one!!!!

----- Forwarded message-----  
From: **Ticketmaster Performer** Alert <newsletter@replv.ticketmaster.com>  
Thu, Jan 16, 2014 at 12:54 PM  
Subject: Don't miss Chicago  
To: DTT@vigoschools.org

**ticketmaster** PerformerAlert  
January 16, 2014  
**Hi Daniel.** Tickets are going on sale for one of your favorites.  
**Chicago ■ On Sale 01/17/14**  
**Chicago and REO Speedwagon**  
Fri, 01/17/14 10:00am  
Klipsch Music Center  
Noblesville  
Sun, 08/10/14 7:30pm  
on Live  
Nation EH

**And Doug Tischbein responded:**

From: Doug Tischbein  
Sent: Thu/1/16/2014 1:48 PM (GMT-05:00)  
To: Daniel Tanoos  
Cc:  
Bcc:  
Subject: Re: Don't miss Chicago

I want to go?  
Doug Tischbein  
Sent from my iPhone

In his March 30, 2017 interview, Doug Tischbein advised either he or the other VCSC vendor paid for the Danny Tanoos tickets. Danny Tanoos did not offer to pay for them. In an email, dated July 14, 2014, Doug Tischbein emailed Danny Tanoos and others and advised the concert tickets had been purchased and the limousine was ready to pick them up. Per his expense reports, Doug Tischbein expensed \$75 at Klipsch Music Center on the date of the concert. The day prior to the concert, Doug Tischbein expensed \$63.08 at Payless Liquors. For each expense listed on his reports, Doug Tischbein listed the "Attendees." For the charges on both August 9<sup>th</sup> and 10<sup>th</sup>, Doug Tischbein listed himself, Danny Tanoos, Claudia Tanoos, Mary Beth Harris and Brian Harris.

On August 11, 2014, the day following the REO Speedwagon concert, Doug Tischbein emailed Danny Tanoos and advised which checks were forthcoming, to include checks for golf, bowling and dancing. Doug Tischbein also expensed, on August 11, 2014, a meal at Bagger Dave's in  
I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

Terre Haute for \$52.07. The attendees listed were Doug Tischbein, Danny Tanoos and ESG employee Nick Koon.

On August 15, 2014, ESG donated \$800 to the Dancing With the Stars fundraiser. On August 15, 2014, ESG also donated \$1,000 to the VCEF bowling fundraiser.

On September 16, 2014, the Phase 8 contract was ended.

On May 5, 2015, Danny Tanoos asked Doug Tischbein, via email, for Doug Tischbein's tickets to a Boston concert. In his August 4, 2017, interview, Doug Tischbein could not recall having seen the band perform but also did not recall whether he provided the tickets to Danny Tanoos. On November 17, 2015, Danny Tanoos drafted a memorandum to the School Board members providing his 2016 Superintendent Goals. Danny Tanoos advised he would begin to evaluate the future of the three comprehensive high schools; to include a meeting to discuss renovation/replacement, hiring an architect/engineering firm to assess the needs, and a conversation with an energy performance company. In his January 24, 2017, interview, Jay Etling advised there had been no RFQ issued on the high school projects as there had not yet been a decision made regarding their futures. Jay Etling believed if the project touched more than 20% of a building, it could not be considered eligible for an energy savings project. Jay Etling questioned why Doug Tischbein had been included in a meeting to discuss the high schools in the summer of 2016.

**West Vigo Elementary (WVE), Phase 9**

On December 14, 2015, per the School Board meeting minutes, "Dr. Tanoos asked the Board to approve the contract that ESG designed and constructed to improve various Vigo Schools facilities to provide guaranteed energy, operational and capital cost avoidance savings to Vigo Schools. He also stated we have worked with ESG for about 20 years." The motion passed. On December 18, 2015, Donna Wilson emailed Doug Tischbein and advised she had spoken to Danny Tanoos regarding Doug Tischbein's visit to WVE. Donna Wilson asked Doug Tischbein to send her some repayment scenarios.

In the February 1, 2017 interview, Donna Wilson advised Danny Tanoos informed the VCSC staff, in late 2015, of a project at WVE which would commence in the summer of 2016. Donna Wilson was aware the project had not been budgeted as an expected energy savings project and she asked Danny Tanoos whether it would be so. Donna Wilson advised someone would have to review the project and determine if it was appropriate as an energy savings project. Danny Tanoos had Doug Tischbein look at the school and the project went forward as an energy savings project.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

\_\_\_\_\_  
AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

Donna Wilson advised there was a committee established for the building projects but the committee did not vote. Danny Tanoos made all final decisions regarding the contractors and the scope of the project. Danny Tanoos then made a recommendation to the School Board for approval. Donna Wilson had never seen the School Board not approve what Danny Tanoos recommended.

During the WVE project, Donna Wilson believed the price proposed by ESG was too high. She told Danny Tanoos and he directed her to negotiate with Doug Tischbein. Donna Wilson attempted to negotiate with Doug Tischbein but was not able to lower the price to an acceptable level. She told Danny Tanoos she believed the VCSC would save \$1 million if they bid the project. Danny Tanoos advised her the project would remain an energy savings project and he completed the price negotiations with Doug Tischbein.

Steve Arnold, Architect, was interviewed on June 13, 2016, and May 3, 2017. Steve Arnold is a local architect hired as a sub-contractor hired by ESG in February 2016, on the recommendation from the VCSC, to work on the WVE project. At that time, he believed ESG had already been awarded a contract as he was being hired to complete work. Steve Arnold was told the budget for the project was \$5 million even though he had not completed the drawings. Steve Arnold advised, typically, the drawings would have been used to bid the project. Steve Arnold advised the majority of the WVE project was not energy-related and Doug Tischbein and Danny Tanoos had conversations regarding the need to include energy-related items. During his interview, Steve Arnold viewed the contract between ESG and the VCSC for the WVE project. He stated it went against logic to believe the project at WVE could provide capital savings of more than \$500,000 per year as stated in the contract. Steve Arnold was not asked by anyone at the VCSC to review the contract prior to its signing.

On March 21, 2016, per the School Board meeting minutes, Danny Tanoos advised the Board of concerns regarding West Vigo Elementary and stated it was time to renovate. Danny Tanoos went on to say the cost to build a new building would be approximately \$12 million and by renovating they would be saving money.

Per the April 11, 2016, School Board meeting minutes, the Board approved a contract with ESG for \$4,899,000, for work on WVE (Phase 9).

On April 28, 2016, Alpa Patel solicited Doug Tischbein for a donation to the Ivy Tech Gala. In his email response, Doug Tischbein copied Danny Tanoos and pledged to contribute \$500. Donna Wilson advised ESG was part of the Danny Tanoos committee at WVE prior to the School Board approving the selection of ESG. Doug Tischbein presented at the second School I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

Board meeting (which finalized the cost/scope of the project and presented the signed contract) and publically admitted ESG had already begun demolition of the school.

In his August 4, 2017, interview, Doug Tischbein advised ESG drafted the contracts on the guaranteed energy savings projects. ESG calculated and included in the contracts all savings, to include energy, operational and capital cost avoidance. Doug Tischbein advised the VCSC and Danny Tanoos accepted the savings as outlined in the contracts provided by ESG. No one pushed back on the savings numbers listed in the contracts by ESG.

In her May 16, 2017, interview, Donna Wilson advised she did not know who at the VCSC verified the savings listed in the contracts from ESG. She did not read the contracts and simply passed them to the VCSC counsel. Donna Wilson was confident Danny Tanoos did not read the contracts from ESG.

Per ESG records, the company and Doug Tischbein expensed more than \$18,000 from 2006 to June 2016 for meals, events and miscellaneous. That amount did not include items such as company-owned season tickets to professional sporting events or items paid for by Doug Tischbein but not expensed through the company. Between 2012 and June 2016, there were at least eight instances where emails documented Danny Tanoos receiving sports tickets. On at least four occasions, FedEx packages were tracked from ESG/Doug Tischbein to Danny Tanoos at either his home or office. Doug Tischbein advised any items FedEx'd to Danny Tanoos would likely have included tickets. Doug Tischbein also advised he gave Danny Tanoos Indianapolis 500 tickets every year. In the same period of 2006 to June 2016, the company made more than \$83,000 in donations related to the VCSC.

In his March 30, 2017, interview, Doug Tischbein advised Danny Tanoos reached out to him more than any other client. No other of Doug Tischbein's clients solicited him as Danny Tanoos had. Doug Tischbein described Danny Tanoos as being "in front and that's where he wants to be."

**Daniel Tanoos**

On July 9, 2018, pursuant to a State subpoena, the VCSC provided a copy of Danny Tanoos's personnel file. There was no documentation of Danny Tanoos ever having received training or notification of VCSC policies regarding his receipt of gifts from VCSC vendors.

On August 17, 2018, Tanoos and his counsel agreed to toll any statute of limitations regarding potential criminal charges for 30 days. On September 11, 2018, counsel agreed to extend the deadline to September 24, 2018.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

Daniel Tanoos, with his counsel James Voyles and Jennifer Lukemeyer, voluntarily appeared at the Marion County Prosecutor's Office for a statement in this matter on September 7, 2018. Deputy Prosecutors Tim DeLaney, Janna Skelton, IMPD Det. Asher and SA Dowell were present for the statement. The statement was video recorded.

Tanoos stated that he became Superintendent of the Vigo County School Corporation on an interim basis in July 1998 and then approximately six months later became the acting Superintendent until his retirement this year. He indicated that VCSC began doing business with ESG in approximately 2000. He said he initially did not have involvement, but later was more involved and a part of the committee that did interviews and worked on these types of projects.

Tanoos indicated that he and Tischbein had both a professional relationship and were very good friends. He indicated that when he saw Tischbein in Terre haute it would primarily be for business purposes, but that when he saw him in Indianapolis, that was more personal and any business was a small part of the conversation.

Tanoos indicated that as Superintendent he did not vote on contracts, that was up to the VCSC School Board, but that he would make a recommendation. He agreed that the Board never disagreed with his recommendation, and specifically with regard to ESG, he always recommended them. Tanoos indicated that Tischbein or someone from ESG may have had to present to the Board, but that Tischbein knew that Tanoos supported them. Tanoos stated that on occasion he would inform the Board of contacts/event with Tischbein.

In regards to the dinners, drinks, events, Tanoos denied that he ever asked anyone to pay for himself or his wife. Tanoos indicated that he always offered to pay when with Tischbein.

In regards to the August dinner at Mo's steakhouse, Tanoos recalled that it was a gathering of family and friends and that Tischbein did not attend. Tanoos thought that he had paid for dinner though Tischbein might have purchased drinks.

Tanoos explained that since Tischbein had offered to pay for dinner at the Nashville Principal's conference, that he asked him to do so even though Tischbein could not attend. He said that there were a number of businesses at the conference that would sponsor dinners. Everyone at the dinner knew that Tischbein had paid for dinner and that they spoke with him on the phone to thank him that evening.

When asked about the email exchange in August 2013, regarding a request by Claudia Tanoos (Daniel's spouse) to Tischbein for sponsorship, Tanoos expressed that he was offended and upset I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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AFFIANT

DATED: September 24, 2018

**Affidavit for Probable Cause**

**From:**

with Tischbein for asking for an update on HP in that discussion and that he called him and asked him not to do that again.

Lastly, regarding the REO Speedwagon concert, Tanoos said that Tischbein liked to go to concerts and that there were other ESG employees present and that Tischbein asked them to come along. He did not recall who paid for the tickets or the limo.

Both Tischbein and Tanoos denied that Tanoos solicited or expected Tischbein to buy things for his support/recommendation with the VCSC School Board.

**Summary**

This investigation has revealed a pattern of giving from ESG and Tischbein to Tanoos and VCSC concerns. Over time, an additional pattern emerged of Tanoos soliciting favorable treatment and paired with implicit favoritism toward ESG as an incentive. Of greatest concern to this investigation were the following instances:

1. The August 24, 2013 dinner at Mo's Steakhouse and/or J. Hamman Prime and Colts' game for Tanoos and friends and family. The dinner was paid for by ESG at Tanoos' request without ESG employees present. Tanoos solicited the Colts' tickets immediately following Tischbein asking him if he knew another county's school superintendent for an opportunity to do a project there;
2. The July 11, 2014 dinner at Palm Restaurant, Nashville. Tanoos solicited this dinner immediately after making Tischbein privy to a competitor's solicitation of VCSC. The dinner cost over \$1000 and neither Tischbein nor any other ESG employees attended. Notably, Tischbein did not expense this dinner as a business expense;
3. The August 10, 2014 REO Speedwagon concert. Tanoos directly solicited tickets for this concert, which included a limousine ride and complimentary liquor near the end of the Phase 8 contract.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Tara Asher

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AFFIANT

DATED: September 24, 2018