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Mark H. Robbins: *The Teflon Don*

Utah's Attorney General snubs three requests to prosecute Robbins for fraud.

By Lynn Packer
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Mark H. Robbins may become the key figure in the AG criminal investigation.

The placard that once sat on the desk of Mark Hubbard Robbins, 40, capsulizes his career as an entrepreneur. It reads: “The Teflon Don.” That was the nickname given Mafia boss John Gotti after he escaped conviction on a racketeering charge. It’s also a nickname Robbins gave himself. Despite being accused of fraud and suspected of drug use Robbins has never even been arrested let alone tried and convicted for any crime. Accusations slide off Robbins, well, like he was coated in Teflon.



A photo of the placard on Mark Robbins’ desk. Accusations never stuck; millions in debt never paid.

Perhaps nothing sticks with a little help from his friends as well. Like former Utah Attorney General Mark Shurtleff. On at least three occasions parties who believe Robbins had defrauded them of millions of dollars asked the Utah Attorney

General’s office to prosecute Robbins. All attempts failed. Not only did Shurtleff not take their side against Robbins, Shurtleff instead took Robbins’ side against two of them. But if, and it’s a big if, Shurtleff accepted any benefit that is tied to any inaction regarding Robbins, then Shurtleff could be at risk for violating Utah’s bribery code, 76-8-103.

McBride tells AG about Robbins’ alleged fraud

In 2009 Darl McBride, the former CEO of the Utah’s SCO Group sent Utah Attorney General Mark Shurtleff an email that should have set off alarm sirens in the AG’s office. McBride said he was being threatened with “bodily harm and death threats” by someone purportedly acting on Shurtleff’s behest. McBride’s March 23, 2009 email said the threats were an attempt “to get me to back down from claims that I have against a former business partner who defrauded me out of a large sum of money and has a warrant out for his arrest for fraud.” McBride sought Shurtleff’s help with both alleged crimes. Neither the person making the threats—Tim Lawson—nor the person who committed the alleged fraud—Mark Robbins—was named in the email.

The relevant part of the email reads:

On Friday afternoon, I received a call from a person who claimed to be tied closely to the AG's office. He tried to get me to back down from claims that I have against a former business partner who defrauded me out of a large sum of money and has a warrant out for his arrest for fraud. Before the call was over this person was issuing bodily harm and death threats against me. He kept referencing Mark Shurtleff's name in the context of these threats.



Darl McBride: Robbins' Nemesis & Cyber Whistleblower

McBride would later learn Shurtleff knew exactly who McBride was talking about in the email. And Shurtleff would have known McBride was exposing Robbins' alleged bad acts in cyberspace—on his website skylinecowboy.com.

Despite the seriousness of his allegations McBride initially heard nothing from the attorney general. Six weeks went by. Then out of the blue Shurtleff called McBride using the cell phone number from the email. He wanted to meet at Mimi's Café for breakfast.



**The Skyline Cowboy website logo 2009
Bounty hunting for Mark Robbins**

Thus set up the key event leading to the FBI investigation into Mark Shurtleff and John Swallow. McBride recorded the meeting, turned a copy over to the FBI and, four years later played excerpts for *The Salt Lake Tribune* which broke the story May 24,

2013. (<http://www.sltrib.com/sltrib/politics/56356205-90/shurtleff-mcbride-robbins-jenson.html.csp>)

Early in the audio recording of the meeting, in a part not previously disclosed to the press, Shurtleff brought up McBride's email that had been relayed to Shurtleff's via his assistant Helen Petersen. After ordering food Shurtleff says, "What's up? You initially contacted me and my assistant was totally intimidating."

Intimidating? McBride says that's the word Shurtleff used: "intimidating." This was the first time in six weeks McBride knew of a certainty Shurtleff had seen the email.

Prior to meeting McBride hoped the discussion would be about his being victimized by fraud and death threats. Instead, in what McBride calls Shurtleff's "BizarroWorld", the talk was not about any criminal charges against Lawson and Robbins but about taking down the web site critical of Robbins.

At the time of the breakfast meeting Robbins had dodged the civil bench warrant for his arrest and was staying at the Pelican Hill luxury resort complex in Southern California as a guest of Utahn Marc Jenson. Jenson took Robbins in so he could work on new deals to repay several million dollars he owed Jenson.

Shurtleff asked nicely what Lawson had previously asked under threat of violence: Take down the anti-Robbins website. Shurtleff told McBride that Robbins was very concerned and "can't get any deals done because people go out and see that (website)."

McBride wanted the money Robbins failed to provide him. Two million would do the trick. (Note: McBride had an out-of-pocket loss to Robbins of some \$286,000 for an advance fee paid for securing a \$5 million loan for McBride's business. But McBride figured a \$2 million loan would tide the company over.) Shurtleff believed Marc Jenson might come up with the cash. "I think he'll do it," he said. Shurtleff said he had a "kind of weird relationship with Jenson because he is still under a plea-in-abeyance program." "We put him on a three-year plea-in-abeyance. He's got to pay the money back. If he does that, the charges will be dropped." Shurtleff disclosed he would soon see Jenson in California and try to get the money.

After the breakfast meeting McBride understood that his request that Robbins be prosecuted for fraud was DOA.

Wahlquist provides AG with a readymade Robbins fraud case

In 2010 Utah attorney David Wahlquist referred to the Utah Attorney General's office what he thought was a slam dunk criminal case against Robbins. Wahlquist had already won a \$2.3 million judgment against Robbins after alleging "fraudulent misrepresentation" and "unjust enrichment" in a civil complaint. Wahlquist said he requested the government bring a criminal action and was told the AG would get back "if they decided they were going to do anything with it." "We followed up with them and both times they told us, 'Don't call us we'll call you.' And they never did."



David M. Wahlquist asked AG to prosecute Mark Robbins

The matter involved a loan Robbins had agreed to arrange for the Australian company Fairstar Resources Ltd. Fairstar provided about \$2-plus million worth of security to Robbins for him to arrange a loan. But Robbins failed to get the loan yet took about \$2 million of the security instead of returning it to Fairstar.

Wahlquist, Fairstar's attorney, obtained a \$2.3 million judgment for his client. Then he got the court to issue the civil bench warrant for Robbins' arrest when he failed to show up to disclose what assets he had to pay the judgment. (It's the arrest warrant McBride mentioned in his email to Shurtleff.)

While Robbins was in hiding in 2009 Utah's Channel Five News reported that Robbins was "on the run" and could not be located. After the story aired Robbins responded that "your statement that 'I am on the run' is untrue; I have been traveling extensively on business." In his statement Robbins wrote that "the 'warrant' is a civil bench warrant and has nothing to do with any criminal proceeding, as there is none."

It turned out that Robbins was hiding out at the posh Pelican Hill resort on Marc Jenson's tab. Jenson was on probation in connection with a deal that also involved Robbins. Unlike Jenson, Robbins escaped being charged. Some speculate he was helping the Attorney General's office with its case against Jenson in exchange for immunity.

What Channel Five News did not know or report is that Robbins was not the only one that summer of 2009 who was being wined and dined at Pelican Hill at Marc Jenson's expense. Utah Attorney General Mark Shurtleff was also there, working on a book, spending time with Robbins, and planning and raising money for a run for the U.S. Senate.

Robbins never was arrested on the civil warrant. Instead it was withdrawn after his attorney arranged for him to appear at a deposition to disclose his assets and reveal his ability to pay the \$2 million-plus judgment. In April 2010 Wahlquist deposed Robbins and explored assets that might be used to pay the judgment. Assets like Robbins ownership interest in a Caribbean island. But blood cannot be squeezed out of a turnip and, to this day, the judgment remains unpaid.

After taking the deposition Wahlquist says he asked the Attorney General to prosecute Robbins.

“I think it’s surprising you could have a deal as big as \$2 million that had evidence as clear as what we presented that nobody wanted to do anything about it, “ Wahlquist told *PackerChronicle*. “We handed them all the evidence they needed for conviction including a deposition of Robbins wherein he admitted everything for criminal fraud. We had sworn statements from him in an independent action where the Fifth Amendment was not asserted and I delivered that to the AG’s office.”

The spokesman for the Attorney General’s office said he checked mail logs and found no letter regarding any request to prosecute Mark Robbins. “I have also checked with prosecutors and investigators and they are not aware of any letter or any request for an investigation,” said Paul Murphy, Utah AG director of communications.

One source said Robbins was bragging that he had Shurtleff in his back pocket. The source said Wahlquist and another man named Kenny Griswold “were trying to get the AG to come after Robbins but Robbins had some sort of deal going on with Shurtleff and Shurtleff is going to bury the thing.” (Note: Two years earlier Park City’s Wolf Mountain Resort’s managing partner Kenny Griswold sued Robbins for allegedly provided confidential information to the Canadian company Talisker headed up by Jack Bistricher Robbins countersued alleging breach of contract.)

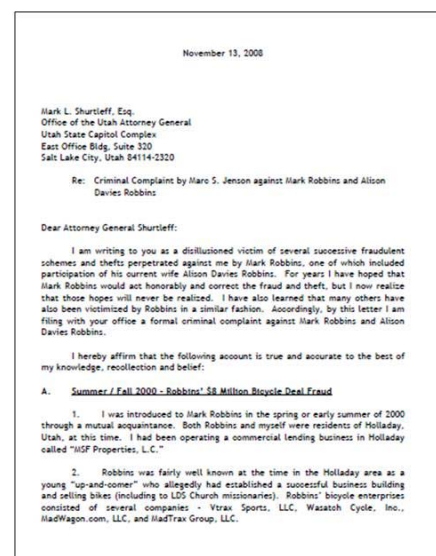
Wahlquist said he never learned why the AG’s office had no interest in pursuing Robbins.

Jenson wants AG to prosecute Robbins for fraud

Wahlquist’s and McBride’s failed attempts to get the Attorney General to take action against Robbins were preceded by yet another unsuccessful effort in November 2008. Marc Jenson filed a formal criminal complaint against Robbins directly with Attorney General Mark Shurtleff.

“I am writing to you as a disillusioned victim of several successive fraudulent schemes and thefts perpetrated against me by Mark Robbins, one of which included participation of his current wife Alison Davies Robbins,” Jenson told the AG. “I have also learned that many others have also been victimized by Robbins in a similar fashion.”

Jenson’s detailed, 12-page letter outlined his \$8 million loss to Robbins in a venture that involved selling bicycles to LDS Church missionaries through a company named Wasatch Cycle. Jenson claimed that Robbins made



Marc Jenson's 2008 letter to Mark Shurtleff alleging Mark Robbins committed fraud.

false and materially misleading statements to get the money as well as “the financial statements Robbins provided to me were complete fabrications.”

“During this time period, I invested hundreds of thousands of dollars of additional funds into the bicycle companies in order to keep them from imploding,” Jenson told the AG in the letter. “Parents of LDS missionaries frequently called Wasatch Cycle to report that their missionary son or daughter had ordered a bicycle from Wasatch Cycle months before and was still waiting to get it or that the bicycle the missionary had received needed repair – I would dole out additional cash to see that it happened.”

Jenson disclosed to the AG that in the summer of 2001 Jenson sued Robbins. But he dropped it when Robbins said he was destitute, suicidal and depressed and had been hospitalized for psychiatric problems. Jenson said the reason he dropped the suit was so Robbins could recover and repay the loan.

And Jenson reported an additional, serious allegation to Shurtleff. He said Robbins confided to him that Robbins had given a banker “improper inducements” to produce misleading letters, clearing bad checks and making illegal loans.

Jenson’s letter to Shurtleff said in 2004, in the hope Robbins would repay the \$8 million loan, Jenson lent him another \$350,000 collateralized by Robbins’ third wife’s day spa. Then, unbeknownst to Jenson, Robbins and his wife sold the spa and “thus committed theft against me by secretly converting my collateral to their gain.”

The letter revealed that Jenson knew Shurtleff had met with Robbins in the summer of 2005 the year the AG undertook a prosecution of Jenson but not Robbins. Jenson expressed his belief that Robbins was helping Shurtleff prosecute Jenson so that Robbins would not have to repay the money he owed.

Like the two other, subsequent requests to prosecute Robbins, Jenson’s complaint came to naught.

Yet Jenson’s hope that Robbins still might pay sprung eternal. Which led to a BizarroWorld on steroids at Pelican Hill.

Robbins, Shurtleff & Jenson at Pelican Hill

In 2009 while still on probation for a plea bargain and still under the supervision of the Utah the Attorney General’s office to make sure he paid restitution, Jenson moved into the Pelican Hill resort at Newport Beach, California. A story already full of twists turned even more bizarre:

- Shurtleff, whose AG office was supervising Jenson’s probation, visited Pelican Hill on Jenson’s tab.
- Shurtleff arranged for his campaign finance manager at the time and chief-deputy-to-be, John Swallow, to consult for Jenson. Swallow also visited Pelican Hill.
- Robbins-- who Jenson suspects provided the AG testimony against



The Resort at Pelican Hill: Marc Jenson alleges Mark Robbins and friends were involved with booze, drugs and girls .

him and the same man Jenson asked the AG to prosecute-- turned suicidal again in 2009, for the second time, won Jenson's sympathy for the second time, and convinced Jenson to let him stay at Pelican Hill. Shurtleff and Swallow then visit and socialize with Robbins at Pelican Hill, the man their office was asked to prosecute.

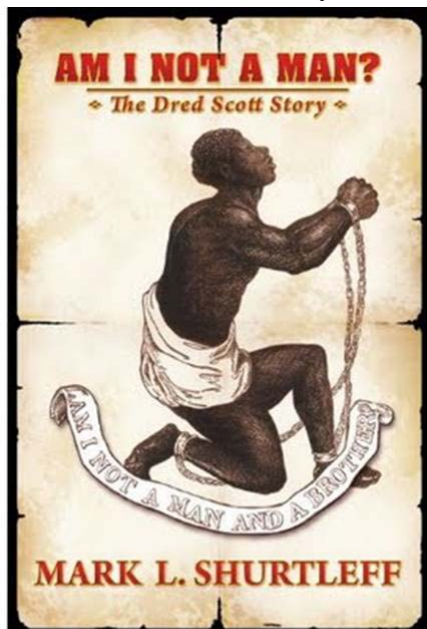
- Jenson, who claims Robbins swindled him earlier, nevertheless invested in Robbins' Caribbean island while Robbins was at Pelican Hill in the hopes of recovering the money Robbins owed him and paying restitution.
- And then there's the \$110,000 bill Robbins rang up for what Jenson claims was alcohol and escorts in addition to room and board.

Jenson's renewed hope was that Robbins would use his R&R time at Pelican, escaping warrants and lawsuits in Utah, to put together new deals that would result in repayment of an obligation that has today swelled to more than \$21 million with interest and penalties. But that was difficult for Robbins to accomplish in 2009 while he had an outstanding arrest warrant and while another of his alleged fraud victims was using skylinecowboy.com to trumpet Robbins' misdeeds to the world.

Jenson, in an interview this summer from Davis County jail, described a Pelican Hill meeting with Shurtleff four years ago: "We were in the upper club house. And it was me and Shurtleff and Swallow. And Shurtleff said, 'I need you to give us \$2 million for Darl McBride. I know you're here helping Robbins and Robbins will pay all the money back.'"

Shurtleff knew why Robbins was there, to do deals, to pay Jenson the \$8 million he owed which would help Jenson pay restitution. But McBride also needed to be paid to dismantle his web site.

Jenson continued with his account of the meeting: "I said Mark I do not have \$2 million. I'm working my butt off to get this restitution thing done. And Mark said, 'I've spoken to your contacts I know who they are.'" (The contacts, Jenson explained during his jailhouse interview,



Shurtleff allegedly wanted Jenson to buy \$250,000 worth of this book with no need to take delivery.

were Jenson's well-to-do acquaintances, who Shurtleff was hitting up for campaign donations.)

"Just go get it from them." Jenson claims Shurtleff told him. "I said 'Marc, my own plea in abeyance says I can't do that.' He said, 'Listen you have coverage. You don't have to worry about that anymore.' And Swallow is sitting there nodding his head trying to be part of it." (Note: Jenson's plea deal prohibited him from making hard money loans and a \$2 million loan to McBride would have been considered hard money.)

Shurtleff did complete his book, *Am I Not A Man? - The Dred Scott Story*, the historically-based novel he worked on at Pelican Hill. And, according to Jenson but denied by Shurtleff, he asked Jenson to buy a quarter million dollars worth of them.

"He explained how 'I don't get paid much my family really needs this.'" Jenson said of Shurtleff's purported request to buy books. "He said, 'I have to be careful about how many campaign contributions I take in on a non-

campaign year because it looks strange if I collect a bunch of money then take it all out. He said, 'Just buy a quarter million dollars of my book and don't worry about taking delivery.'"

Jenson said Shurtleff's big pitch was "I'm not going to be attorney general any more but Swallow is going to be the next attorney general." "He said, "I sit on a committee of attorneys general and I've got friends in every state of this country, If anybody like comes after you like they came after you in Utah I can help you."

Jenson said at that point he became tired of Shurtleff and his friends making demands and "tired of these guys down there just living it up."

And living it up is what he claimed they did. He said Robbins never repaid any old debt that Jenson could have used to pay restitution. All Robbins did accomplish, according to Jenson, was to run up an additional \$110,000 tab for wine, liquor and escorts. Part of that tab, Jenson claims, was run up while Shurtleff was visiting. "Mark Shurtleff routinely spent more times with Robbins than with me," Jenson said, "and during that time Robbins hired escorts and drank heavily."

Jenson said he never saw Shurtleff drink. But Jenson said he did not attend the dinners that included Robbins, Shurtleff and other visitors. Jenson said Shurtleff, whose guest villa was next to Jenson's and near Robbins' would routinely sleep in and appear to have morning hangovers.

Shurtleff and Addiction

Shurtleff declined comment on whether he partied and drank at Pelican Hill or elsewhere. But Kirk Torgensen who was his chief deputy at the time did respond to email questions on the topic. Torgensen and Shurtleff were often out of town together and Torgensen could have observed if Shurtleff ever imbibed outside the news media spotlight.

Specifically Torgensen was asked about Shurtleff having purportedly been seen drinking at times other than at Pelican Hill with people who have criminal convictions associated with intoxication. "There have been so many sightings of Shurtleff drinking, even drunk, in and outside Utah, that there is no way you could not have either been told about some of them or indeed, personally observed Shurtleff's drinking in public," Torgensen was asked via email.

"I don't see how Shurtleff drinking is anyway a story," Torgensen responded in an email. "I have never seen him intoxicated."

What about seeing him drink even if not to excess? Or hearing complaints about Shurtleff drinking?

"No comment," Torgensen answered via mail.

Even if Shurtleff never drank or had any problem with alcohol addiction he did talk to a *Deseret News* reporter about his addiction to prescription pain killers after a 2007 motorcycle accident crushed his left leg:

During what turned out to be an extremely painful 18-month recovery, the attorney general became dependent on painkillers. He returned home from work one night to find his wife, M'Liss, had flushed his



Shurtleff admits becoming addicted to prescription pain medication during multiple surgeries on his leg.

OxyContin and oxycodone. He protested that he was tapering, but she insisted he go cold turkey. Shurtleff went through withdrawals as a result. "I can totally empathize with a drug addict and how hard it is to rehab," he said, indicating relief is always just a pill away.



Shurtleff on chemotherapy tells KSL he's thinking about asking Utah lawmakers to legalize medicinal marijuana.

In January, 2011, Shurtleff was diagnosed with colon cancer and began five months of chemotherapy. In June that year he told KTVX News that he was tempted to use medical marijuana during his cancer treatment and was even offered some by a friend. KTVX did not name the friend or whether the friend had obtained the marijuana legally. Shurtleff, who declines comment, won't say if it was someone he associated with at Pelican Hill.

That same month KSL News also reported that "someone suggested Shurtleff try marijuana to alleviate the pain. While he did not take that advice, he says he now knows why people would use marijuana for medical purposes." "I'm open to it now because I've experienced (intense pain), and I've seen others suffer," Shurtleff told KSL.

Meanwhile, since Pelican Hill, Mark Robbins and his family ended up living in Scottsdale, Arizona. Marc Jenson said he was told that one of Robbins' business partners, Jack Bistricher, paid for Robbins' housing and a Range Rover while Robbins was in Arizona. Bistricher is CEO of the Canadian company Talisker. He was recently pushed aside as the primary operator of Park City's Canyons ski resort. Bistricher declines returning phone calls.

In May Robbins renewed the registration of one of his main companies, Seven Investments LLC, a possible signal he is now or may if the future conduct business under that banner.

Robbins was seen recently in Park City and is rumored to be moving back there. He could not be reached for comment and his attorney, Eric Pearson, declined returning phone calls. Neither was available to answer whether Robbins gave Shurtleff any benefit in connection with Shurtleff snubbing three requests to prosecute Robbins.