

PACKERCHRONICLE 8

# John Swallow: Lobbying without a License?

*Aiding TEEMS Utah LLC in its quest to  
get Senate Bill 261 passed.*

By Lynn Packer  
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Beleaguered Utah Attorney General John E. Swallow may have let his lobbying license lapse after joining the Utah Attorney General's office. But in early 2011 he asked State Senator Curt Bramble to sponsor a bill proposed by a Utah company funded by Swallow's former lobby client, George Evan Bybee.

A watered-down version of Senate Bill 261, the Wrongful Foreclosure Act, was eventually passed into law to combat abusive home foreclosures by big lenders. "Deputy Attorney General John Swallow brought the idea forward," said Senator Bramble. "But once he brought the idea forward my duty as a senator is to fully vet the idea" and the bill "went forward through the crucible of sausage making."

In late February, during the "sausage making", Swallow appeared on KSL Television with TEEMS, LLC founder Marco Fields to promote the bill. Fields had barely founded the non-profit homeowner advocacy group that month. She had set up a website, and was soliciting donations. (The solicitation link was later removed after Utah's Division of Corporations issued a cease and desist order because TEEMS lacked a permit to engage in charitable solicitations.)

Fields was TEEMS public face and sole manager. But behind the scenes was her and Swallow's close friend and former Swallow lobby client George Evan Bybee. Bybee was paying the salaries of the non-profit's early employees. And he met with the proposed bills' proponent and poster child, Layton Mayor Steve Curtis whose family was suffering through a particularly egregious foreclosure. Both Curtis and Fields use the term "bless" to describe Bybee's philanthropic support of TEEMS. "He wants to help and bless people," Fields said.

Fields insists TEEMS never received any donations. She said they hoped to get funded though federal government grants but those dried up and her support group has faded into near inactivity.



Fields, who was formerly a mortgage broker, said he first met Swallow about ten years ago when she handled a residential mortgage for him. Late she met Swallow's legal client, George Bybee. She eventually helped Bybee and his Winterfox entity do a hard money loan with Brian Kitts, the deal that led to several years of litigation in connection with Bybee's attempt to foreclose on Kitts. (See *PACKERCHRONICLE* August 1) The trial court eventually found that it was Fields who was involved with preparing false truth-in-lending documents in an attempt to deceive the court.



Marco Fields arrested Sept. 2011  
Case Dismissed

Within a year of the finding that she was involved in falsifying the closing documents she had formed TEEMS to advise others about their foreclosures.

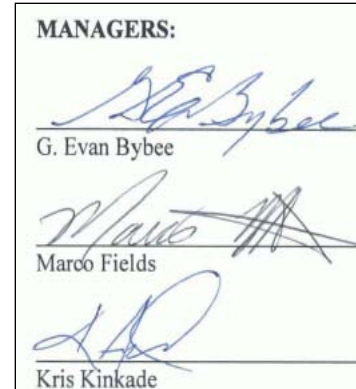
Fields says her support of the Wrongful Foreclosure Act cost her dearly. She said the state's administrative action against her website and an arrest in connection with a purported bad check a few weeks earlier were in retaliation for her criticism of the Utah's Division of Consumer Protection and of the big banks that practice abusive foreclosures. She told *PC* that both actions against her were politically motivated. "I did a lot of interviews speaking out against the banks and the Division of Consumer Protection," she said. She believed the division was failing badly to protect homeowners being foreclosed upon. Fields said that made some people angry, particularly an interview she did with KUTV's Rod Decker.. She had agreed with John Swallow that

the state's Consumer Protection Division should be moved under the Attorney General's Office.

Fields also wonders who tipped the police leading to her arrest on a bad check-related matter. "People within state agencies were looking for anything to intimidate me into backing off my political position and my vocalizations about the lack of action by consumer protection," she said. The Salt Lake District Attorneys Office dropped the charge because of insufficient evidence. Utah Department of Commerce Public Information Officer Jennifer Bolton declines comment about Field's accusations.

Although Fields says has worked for George Bybee and that he is a "dear friend" she claimed she never entered into any business relationship with him. But Utah Commerce Division records show otherwise. In 2008 Fields, Bybee and Kris Kinkade of Alpine formed an entity called MEK, LLC. MEK's offices were located at an Orem industrial park location used by Bybee. MEK was dissolved a year later after Kinkade got into trouble with the law.

The month after MEK was dissolved Kinkade was charged with felony securities fraud. He was accused of lying to investors about what he was doing with their money. The charging document said he took in almost \$2million but had since repaid all but \$100,000. He eventually negotiated a guilty plea, served some jail time coupled with electronic monitoring.



Kris Kinkade arrested March 2009  
Pled Guilty

He is now on probation and making restitution according to his attorney.

A former Bybee employee says Bybee may have “pissed away” a lot of the money he was rumored to have been paid when he reportedly sold his interest in Basic Research, LLC. . “Evan is not a businessman,” he said. “He does not have the first clue about how to run a business.”

Bybee invested in and still owns properties sprinkled around Utah. He bought a home in Henderson, Nevada where Marco Fields lived while she supervised interior decorating. But the real estate market tanked and the house may have lost several hundred thousand dollars in value. Fields now lives in one of his Salt Lake City homes where she says she has a rental agreement with Bybee. She says she is in the process of setting up a new equestrian-related business.



### **G. Evan Bybee’s \$1.2 Million Nevada House**

Fields is critical of how the media are covering the Swallow controversy. “It does not matter if John is exonerated, she said. “His name will be mud for a long time.” She is concerned that her name being linked with Swallow will be blown out of proportion. “All of a sudden John Swallow owns an equestrian center,” she quipped. “And he and I have been married for seven years and he’s a polygamist.”