

# Pay to Play: John Swallow and Vivint, Inc.

By Lynn Packer  
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Sen. Curtis Bramble R-Provo

A member of the Utah legislature may have become the most credible witness to Attorney General John Swallow's pay-to-play fundraising tactics. Senator Curtis S. Bramble, R-Provo, said he was surprised by the attitude of a corporate donor he uncounted at a Swallow fundraiser last year.

"There is nothing necessarily evil or untoward about having a fundraiser," Bramble told *PC*. "That's part of our political landscape. It just surprised me that a company would be so cavalier about saying, 'Well, if there is a problem with the law we go to the attorney general without going to the legislature.'"

Until now allegations of influence peddling against Swallow have come from sources with checkered pasts, like Jeremy Johnson, Marc Jensen and Brian Kitts. *The Salt Lake Tribune*, typical of dozens of Utah media accounts, wrote, "Three Utah businessmen have said that Swallow, as a fundraiser for Shurtleff in 2009, had suggested that a donation to Shurtleff's campaign would win them special consideration if complaints arose about their operations to the attorney general's office."

But now Senator Bramble, a CPA and former senate majority leader, describes an encounter he had with some top executives of Vivint, Inc. a Utah County-based company engaged in the door-to-door sales of home burglar detection, automation and solar power systems across the United States. The incident occurred during the 9<sup>th</sup> Annual "Wasatch Shotgun Blast" held at Browning Arms headquarters in Morgan, Utah. The event was begun by former Attorney General Mark Shurtleff and taken over by Swallow. Swallow's flyer sent to prospective donors said, "Three member teams: Each participant receives a Browning firearm. Steaks, shooting competition, music, raffle prizes and more."

Shurtleff spoke at the affair and Senator Bramble was an invited guest. Otherwise attendees became "sponsors" paying \$20,000 for the platinum, \$10,000 for gold, \$5,000 for silver and \$2,500 for individual to "join the team fighting to protect our freedom."

Senator Bramble said when he arrived he noticed Vivint was there, a company in his district. "I was curious. I went over and introduced myself to them and said, 'My name is Curt, who are you guys?'"

Not disclosing who he was Bramble said, "Gosh, why would Vivint be here with the attorney general's fundraiser?"



**Mark Shurtleff speaking at John Swallow's Wasatch Shotgun Blast August 21, 2012**

legislatures they are useless. If we have the attorney general we don't need state legislators.”

Bramble told *PC* he was rather stunned, given rumors that float around about “fire insurance” and “pay-to-play.”

“I then proceeded to extend my hand and say, ‘Let me introduce myself. My name is Curt Bramble, president pro tem of the Utah Senate. Vivint’s headquarters are in my district. Thank you very much, I’m one of the legislators you have no use for, have a wonderful day.’”

A Vivint spokesperson declined naming their participants at the event and would not set up an interview.

It was Mitt Romney who cut the ribbon on Vivint’s new headquarters (then named APX) in December 2009. “A lot of politicians and economists will come together to talk about how to create jobs,” he said. “I wish they were here instead, seeing how jobs are actually created — not just talking about it, not just wondering how government can make things happen, but seeing how jobs are actually created in the private sector by real businesses.”



**Mitt Romney helps cut the ribbon for the APX (now Vivint, Inc.) headquarters, December 2009**

Most of the jobs Vivint creates are part time and mostly for Mormon college students—preferably returned missionaries who are skilled at door approaches—working springs and summers selling home alarm systems and now also home automation and solar power systems.

Over the years Vivint has been investigated for alleged sleazy sales tactics. The FTC issued a public warning urging caution that “during the spring and summer months, home security or alarm companies hire traveling sales agents to go door-to-door, making unsolicited cold calls’ on homeowners. In some cases the sales people use high pressure or deceptive sales tactics to get potential customers to buy expensive and sometimes substandard systems or equipment they don’t need.”

“ Well, their response was, well we have problems with state laws we need to have an attorney general who knows our business and that is friendly to us.”

“Well hold it, if you have a problem with a state law why don’t you talk to a state legislator and get the law changed?” Bramble replied.

“And this guy looked at me and said, ‘Well we have no use for state

Since then Vivint claims to have beefed up its customer service department and now clears all complaints.

Nine months ago the publicly traded company Blackstone Capital Partners acquired Vivint for more than \$2 billion.

Also at Swallow's Wasatch Shotgun Blast were what Fox 13 News reported were "Get Rich Quick" Companies who failed to report their donations in connection with the event. The Utah station said the telemarketing company 1-800-ACCOUNTING donated \$2,500 in connection with the Wasatch Shotgun Blast. (It's no surprise that the Utah Attorney General's Office has not joined its counterparts in New York and Florida to bring fraud charges against the Swallow donor.)

In 2009 about two months before Shurtleff dropped out of the United States Senate race the incumbent, Robert Bennett, criticized the PComing 6th Annual Wasatch Shotgun Blast as an attempt to skirt federal law. "It appears that there has been commingling, and if there has been it's illegal," Bennett told *The Associated Press*. Shurtleff campaign spokesman Jason Powers told *The Salt Lake Tribune* the Bennett accusation was a sign of desperation.

"Shurtleff has raised more than a quarter of a million dollars in his PAC for Utah's Future this year, with huge donations from frequent backers of the attorney general, including companies like The Tax Club, Dreamworks Mortgage, MSL Holdings and Infusion Media, all of which gave \$25,000 or more," the Trib reported. "Shurtleff's invitation to the Shotgun Blast says that the money donated to the state PAC will be used for "non-election purposes, such as occasional charitable donations, or other purposes permitted by law."

But in 2010 the US Supreme Court, in *Citizens United v. Federal Election Commission*, the United States Supreme Court overturned sections of the Campaign Reform Act of 2002 that had prohibited corporate and union political expenditures in political campaigns. Now corporations and unions can donate to campaigns, not directly but through traditional PACs and Super PACs.