

CF22-139

STATE OF OKLAHOMA }  
GARVIN COUNTY } SS.

**FILED**

JUN 16 2022

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.  
LAURA LEE, Court Clerk

BY \_\_\_\_\_ DEPUTY

**IN THE DISTRICT COURT  
OF GARVIN COUNTY  
STATE OF OKLAHOMA**

**AFFIDAVIT AND APPLICATION FOR ARREST WARRANT  
AND THE ARREST WARRANT FOR THE PERSON(S) OF:**

**BROWN, ERIC BRANDON (DOB 03/18/1981) SSN: [REDACTED]**

**FOR THE CHARGES OF:**

- (1) **Conspiracy to Cultivate a Controlled Dangerous Substance (Marijuana)  
Title 63 O.S. 2-408**
- (2) **Offering False or Forged Instruments for Recordation (6 Counts) Title 21 O.S. 463**
  - a. **One count relating to Dao K 88 LLC in Garvin County, false filing with Oklahoma Bureau of Narcotics**
  - b. **One count relating to Dao K 88 LLC in Garvin County, false filing with Oklahoma Medical Marijuana Authority**
  - c. **One count relating to Evergreen Cannabis LLC in Major County, false filing with Oklahoma Bureau of Narcotics**
  - d. **One count relating to Evergreen Cannabis LLC in Major County, false filing with Oklahoma Medical Marijuana Authority**
  - e. **One count relating to Tianz LLC in Mayes County, false filing with Oklahoma Bureau of Narcotics**
  - f. **One count relating to Tianz LLC in Mayes County, false filing with Oklahoma Medical Marijuana Authority**
- (3) **Cultivation of a Controlled Dangerous Substance (Marijuana) (3 Counts) Title 63 O.S. 509**
  - a. **Dao K 88 LLC (Garvin County)**
  - b. **Evergreen Cannabis LLC (Major County)**
  - c. **Tianz LLC (Mayes County)**
- (4) **Pattern of Criminal Offenses Title 21 O.S. 425**

I, Agent Cody Gibson, being first duly sworn, upon oath, deposes and says:

That the facts known to the Affiant which establish probable cause to believe that a criminal offense was committed, and that the offense was committed by the above-named person, are the following:

**Affiant's Background**

Your Affiant, is an Agent with the Oklahoma Bureau of Narcotics (OBN) and is currently assigned to the Ada Marijuana Enforcement Team. In addition, Your Affiant has the following relevant training and experience:

- 1. Your Affiant, Cody Gibson, is a duly qualified and authorized peace officer with the with the Oklahoma Bureau of Narcotics, and has been so employed since December of 2021. Your

Affiant was previously employed by the Shawnee Police Department from August 26th, 2010 until December 10<sup>th</sup>, 2021. Your Affiant's duties include the investigation of violations of the Uniform Controlled Dangerous Substances Act contained in Title 63 of the Oklahoma Statutes. Your Affiant is a certified law enforcement officer by the Council on Law Enforcement Education and Training (CLEET) and was so certified in February 2009 after completing 576 hours of training regarding investigatory processes, laws, weapons proficiency, and driving.

2. Additionally, your affiant has participated in specialized training provided by the OBN or elsewhere, in relation to the investigation of narcotic offenses. These include the following courses: OBN Narcotics Investigator, "Narc Assault", Reid School of Interviewing and Interrogation, Undercover Techniques and Survival, Courtroom Prep and Testimony, Oklahoma Drug Endangered Children, Internet Investigations, Tactical Operations for Narcotics Enforcement, Oklahoma County SWAT School, Search Warrant Prep/Recon, Search Warrant Service, and Managing Informants.
3. Your Affiant was previously assigned to the District Attorney's Office for the Twenty-Third Judicial District for the State of Oklahoma and the OBN Anti-Heroin Task Force. Your Affiant has participated in the arrests and investigations of numerous subjects related to various narcotic offenses including trafficking, aggravated trafficking, and assisted with multiple large quantity seizures of drug proceeds. Your Affiant has directly controlled or was closely involved with the management of 15+ Confidential Informants.
4. Your Affiant has conducted numerous criminal investigations which have led to the successful prosecution of numerous criminal offenders. Your Affiant has conducted and/or participated in numerous narcotics investigations including offenses of unlawful possession, distribution, trafficking, cultivation and/or manufacturing of controlled dangerous substances (CDS). During the course of these investigations, your Affiant has interviewed individuals who are involved in the illegal drug trade and has gained knowledge from those individuals. During these investigations, your Affiant has presented himself in an undercover capacity, has purchased CDS in this capacity and has engaged in undercover conversations with those individuals. This has allowed your Affiant to gain specialized knowledge from these individuals which they might not readily share with law enforcement, including the utilization of coded drug talk to facilitate communications related thereto. Your Affiant has conducted or participated in several interviews of persons including drug traffickers, dealers, and users. Your Affiant is familiar with the techniques and operations of persons involved in drug trafficking, and conspiratorial distribution of controlled dangerous substances. Your Affiant states further that common practices include their methods of transportation, distribution, finances, security, and day-to-day activities.
5. Your affiant's experience includes, acting in an undercover capacity in order to make hand-to-hand drug transactions with drug dealers, conducting physical surveillance, and the execution of evidentiary search warrants. Your Affiant has consulted with other narcotics investigators who have significant experience in narcotics investigations. Your Affiant has worked with other narcotics investigators and with local, state, and federal agencies such as the Oklahoma Bureau of Narcotics and Dangerous Drugs (OBN), the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA). This has allowed your Affiant to gain a local, State, and Federal perspective of the illegal drug trade.

#### **Probable Cause**

In April of 2021, the Oklahoma Bureau of Narcotics (OBN) initiated an investigation into

Kathleen Windler, this was in reference to Windler being listed as the seventy-five percent (75%) owner on a large number of OBN Medical Marijuana Registrations. As of April 28<sup>th</sup>, 2021, Windler was listed on ninety-four (94) OBN Registrations or applications.

On April 26<sup>th</sup>, 2021, OBN Agents Denise Warren and Alicia Martinez conducted an administrative inspection on DAO K 88 Farms LLC located at 13783 N. County Road 3295 Pauls Valley, Garvin County, Oklahoma. According to the license and registration applications filed by the Jones Brown Law Firm with OBN and the Oklahoma Medical Marijuana Authority (OMMA), Windler was the seventy-five percent (75%) owner and Dao Feng was the twenty-five percent (25%) owner of Dao K 88 Farm LLC. At the time of the inspection, there was a valid OMMA license for this location. An OBN Registration had been applied for but was not yet granted. During the inspection, multiple administrative violations were found. A total of four thousand two hundred and ninety-three (4,293) marijuana plants were located on the property. To legally cultivate marijuana in the state of Oklahoma, an OMMA License and an OBN Registration must be granted, not just applied for.

On April 28<sup>th</sup>, 2021, OBN Agents Alicia Martinez and Richard Paulk made contact with Windler at her residence and conducted an audio recorded interview with her. At the time of the interview, Windler was employed at the Jones/Brown Law Firm in Tulsa, Oklahoma, as a legal assistant. Windler identified the owners of the law firm as Logan Jones and Eric Brown. Windler made a statement about the law firm conducting medical marijuana related business. When Windler was asked what her part was, Windler stated helping with the OMMA portal and acting as an Oklahoma resident. When Windler was asked what she meant by acting like an Oklahoma resident, Windler stated the law firm can help individuals from out of state that need seventy-five percent of a license held by an Oklahoma resident.

During the interview, Windler called her boss who was identified as attorney Logan Jones. Jones was asked to explain how an applicant applies for an OMMA License and OBN Registration through their law firm. Jones stated a person would come to their law firm with some sort of desire to be a cultivator or processor. Jones stated the law firm offers a bridge to fill the residency requirement. Jones referred to this as a "third party resident". Jones was later asked about the liability of the seventy-five percent (75%) owner both administratively and criminally. Jones stated the "third party" executes an agreement that states this is just to help fulfill the residency requirements and the third party has nothing to do with the operation. Jones went on to state the third party is not going to participate in the decision making, establishment of the business, cultivation, dispensing, or processing.

On April 30<sup>th</sup>, 2021 OBN Agents assisted the Garvin County Sheriff's Office with a knock and announce search warrant at 13783 N. County Road 3295 Pauls Valley, Garvin County, Oklahoma. During the execution of the search warrant, two thousand five hundred and ninety-four (2,594) plants were located, that is one thousand six hundred and ninety-nine (1,699) plants less than what was on the property during the administrative inspection four (4) days prior. Agents observed plants inside of man-made greenhouse structures. The plants were in individual pots and some of the greenhouses had exhaust fans placed on the exterior of them to assist in venting the inside of the structure.

On June 01<sup>st</sup>, 2021 OBN Agents executed a knock and announce search warrant at 256946 E. County Rd. 49 Fairview, Major County, Oklahoma. At the time of the search warrant, this location had an active OMMA license and a pending OBN Registration. According to the license and registration information submitted to OBN and OMMA, for Evergreen Cannabis LLC, Raul

Luna was listed as the seventy-five percent (75%) owner and Huan Pan was listed as the twenty-five percent (25%) owner. Evergreen Cannabis LLC was the applicant for the OMMA License and OBN Registration at this location. During the search warrant eight-thousand two-hundred and sixty-four (8,264) marijuana plants were located. All of the marijuana plants located during this search warrant were inside of an indoor grow facility. Agents located plants of various stages and growth, this included smaller seedling plants up to larger mature plants.

On September 10<sup>th</sup>, 2021, OBN Agent in Charge (AIC) Mitch Smith and Agent Heath Miller conducted an audio recorded interview with Windler. Windler's attorneys were present during the interview. This interview was directed at obtaining more information about Windler and the Jones Brown Law Firm's involvement in medical marijuana. Windler stated that when she started working for the firm in 2008, it was named the Garrett Law Firm. An employee who Windler could only identify as "Bryan" approached Jones and convinced him to get into the medical marijuana business. Windler stated sometime in 2018 the law firm formed Cannabis Business Professionals of Oklahoma (CBPOK). In either December of 2019 or January of 2020 Windler was approached by Jones. Windler stated Jones told her he had a client that needed a seventy-five percent (75%) owner and asked Windler if she would be interested. Windler asked Jones what this would require. Jones told Windler she would put her name on the license in the OMMA portal. Windler would not be involved in the medical marijuana operation. Jones stated they needed this because his client did not meet the residency requirements because the client had not lived in Oklahoma long enough to meet the requirement to be a seventy-five percent (75%) owner. Jones told Windler she could make extra money for her retirement. Windler stated she received a flat fee of three thousand dollars (\$3,000) per license she signed as a seventy-five percent (75%) owner for. Windler did not receive any money for any marijuana sold from any grow operations.

Windler stated the three thousand dollars (\$3,000) was referred to as a "resident fee". During Windler's employment with the firm, this fee was also referred to as a "third party resident" and a "third party consultant". Windler stated if the client paid in cash, she would receive the "resident fee" in cash. If the client did not pay in cash, Windler would be issued a check from the law firm, that was separate from her normal pay check. Windler stated Eric Brown's wife also worked at the law firm and was responsible for paying the employees. Windler stated when word got out the firm was offering seventy-five percent (75%) ownership that type of business became more common. Windler said she was meeting with clients so frequently this was the only type of work she was doing. In January of 2021, Windler said she had to start paying back one third (1/3) of the "resident fee" back to the law firm, this was referred to as an overhead payment. Windler stated it was Eric Brown's idea for these payments to be paid back to the Jones Brown Law Firm. Windler stated she never asked if what they were doing was illegal but she was assured by Jones that everything was fine. Windler stated Jones told her she would have no responsibilities for the grow operations. Jones told Windler she was an owner "in name only". Jones told Windler she was not an owner and would not participate in any of the taxes or banking. Windler was told the purpose of this was only to help the other party meet the residency requirements. Windler further stated she did not receive any profits from the marijuana grow operations and had never been to any of the marijuana grow operations records indicate she is the seventy-five percent (75%) owner of.

After this interview, Windler provided documents to OBN Agents that corroborated her statements in reference to getting the "resident fees" and having to pay the "overhead payments". These documents were copies of checks and also receipts given to Windler after she paid the "overhead payments". These documents also included other documents titled "Consulting

Agreement" or "Third Party Resident Agreement". These documents further indicate facts inconsistent with actual ownership. These facts include a requirement that assets and ownership all belong to the company and not the Resident (Windler) as well as a statement that the Resident (Windler) would not be entitled to any profits or compensation made through sales of medical marijuana. Windler also provided documentation in reference to the separate "rent" payments required to be paid back to the Jones Brown Law Firm. These payments were two thousand dollars (\$2,000) a month. Statements made by other employees in this affidavit corroborate and detail the rent payments.

Windler also identified other employees who worked at the law firm and signed as seventy-five percent (75%) owners. These employees were identified as Raul Luna, Cynthia Ruiz, and Kimberly Johnson.

On January 28<sup>th</sup>, 2022 OBN Agent David Gonzales and your Affiant conducted an audio recorded interview with Raul Luna. Luna stated he worked at the Jones Brown Law Firm as a legal assistant from April 2019 to January 2021. Luna was originally working for Eric Brown but was later approached by Jones and asked if he would help work with Jones's clients. Luna stated Jones told him to go home and study the medical marijuana laws. Jones later told Luna to start answering clients phone calls and answering and medical marijuana questions the clients had. Luna stated this is how he initially began working in the medical marijuana business. Luna identified two employees at the firm acting as a "resident" as Brian Williams and a subject who Luna could only identify as Brandon. Luna stated Williams died in his sleep and within two (2) week of Williams death. Jones approached Luna and asked Luna if he would be interested in acting as a "resident". Jones told Luna that Brandon was getting the next client, but Luna could act as the "resident" for the next client. When your affiant asked Luna what he meant by "resident", he stated a seventy-five percent (75%) owner. In exchange for agreeing to be listed as a seventy-five percent (75%) owner of the application, Luna was paid a "resident fee" of three thousand dollars (\$3,000). According to Luna, if this fee was paid for in cash, Luna would be paid in cash. If the "resident fee" was paid by check, the Jones Brown Law Firm would provide Luna with a check for the fee. Luna stated he was listed as a seventy-five percent (75%) owner on approximately fifty-six licenses/registrations. Of these fifty-six (56) grows, Luna stated he had only been to one (1) or two (2) of them. Otherwise, Luna did not know where the grows were located nor did he know the status of the grow Luna stated once he signed as the seventy-five percent (75%) owner and was paid the three thousand dollars (\$3,000) that was the last time Luna saw the client. Luna also explained how he had to pay rent back to the law firm. Luna stated he had to pay two thousand dollars (\$2,000) per month in rent back to the law firm.

On March 03<sup>rd</sup>, 2022 Agent Gonzales and your Affiant conducted an audio recorded interview with Cynthia Ruiz. Ruiz stated she worked as a legal assistant for the Jones Brown Law Firm from October 2020 to May 2021. Ruiz stated that one day in approximately November of 2020, Windler was busy and Jones asked her to go into a meeting with a client. Ruiz stated she signed as a seventy-five percent (75%) owner for this client. After this client paid, Ruiz was told by Jones she could keep three thousand dollars (\$3,000) and to give the remainder of the money to Tracy Brown, the wife of Eric Brown. After this occurred, Jones asked Ruiz to go into Eric Brown's Office. At this point, Jones and Brown asked Ruiz if she was interested in becoming a resident. Ruiz stated Jones did the majority of the talking during the meeting. Ruiz stated she could not remember the exact number of grows she signed as a seventy-five percent (75%) for but believed it was approximately fifty (50). Ruiz stated in January of 2021 the law firm began charging an "overhead fee" of one thousand dollars (\$1,000) per license and also a two thousand dollar (\$2,000) per month fee for which was paid back to the law firm. Ruiz stated when she was

working at the law firm, she did not know where any of the grow operations were and had not been to any of the grow operations. Ruiz stated she did not consider herself an actual owner. Ruiz claims she did not know anything about the grow operations she was signed up as the seventy-five percent (75%) owner for. Ruiz stated she did not make any money from the grow operations other than the three thousand dollars (\$3,000) she initially made.

Ruiz stated when documents were submitted to OMMA it would show she was the seventy-five percent (75%) owner, and the client was the twenty-five percent (25%) owner. When the client received the documents to open a bank account, the client will be listed as the one hundred percent (100%) owner. Ruiz stated Jones asked for it to be done this way. Ruiz stated Jones was the final person to review the documents. Ruiz stated she had a meeting with Eric Brown in reference to processing transport license. When Ruiz told Brown she was creating lease agreements for these individuals, Eric Brown told Ruiz effective immediately the firm was not doing this anymore. Ruiz stated after this meeting Eric Brown directed anymore medical marijuana related questions to Jones. Eric Brown stated he was not involved in the medical marijuana department any longer. Ruiz stated Eric Brown still continued to make sure she and the other employees continued to pay the "overhead payments". Ruiz stated that she, Windler, and Johnson, had a meeting with Jones and Eric Brown in reference to why they still had to pay the overhead payments. Ruiz stated this meeting occurred in March of 2021.

On April 2<sup>nd</sup>, 2022 OBN Agents executed a knock and announce search warrant at 15972 N. Highway 82 Strang, Mayes County, Oklahoma. When the search warrant was executed four (4) Limited Liability Companies (LLC) were associated with this address. One of them was identified as Tianz LLC. Applications submitted to OBN and OMMA indicate Luna was listed as a seventy-five percent (75%) owner and Zhong Zhang was listed as a twenty-five percent (25%) owner of Tianz LLC. This LLC had an OMMA License with a pending renewal and an active OBN Registration with a pending renewal application. A total of nine thousand three hundred and sixty (9,360) marijuana plants were located on the property. Your Affiant was present during the execution of the warrant and made contact with an individual who was actively watering the plants inside one of the indoor grow facilities. Your Affiant observed plants in different stages of growth including smaller plants and larger more mature plants. Your Affiant also observed irrigation systems inside of the indoor grows, fertilizer materials, and lighting associated with growing marijuana indoors.

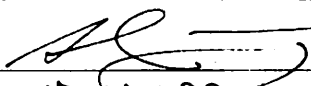
From at least approximately December of 2019 through at least April of 2022, the Jones Brown law firm was engaged in a conspiracy to cultivate marijuana. As part of the conspiracy, Logan Jones was encouraging and directing legal assistants working for the firm to provide false information to both OBN and OMMA wherein they would falsely claim that they owned seventy five percent of marijuana grow operations. According to OBN records, legal assistants Kathy Windler, Raul Luna, Cynthia Ruiz, and Kimberly Johnson were seventy-five percent owners of over approximately 400 marijuana grows in the State of Oklahoma. This fraud caused licenses to grow marijuana to be issued by OMMA and/or OBN to companies that would otherwise not be eligible for a license. They would further receive funds in the form of rent and overhead payments from these legal assistants, knowing that the payments were proceeds of having submitted false information as part of licensing applications to OBN and OMMA. Money used from these rental payments made at the direction of Eric Brown and Logan Jones facilitated continuation of the conspiracy. Companies were using these licenses which had been issued based on fraud perpetrated by Logan Jones and other employees of the Firm, assisted by Eric Brown, to unlawfully grow marijuana in locations including the locations listed within the affidavit.

Based on the above information, in my opinion, there is probable cause to believe that the defendant, Eric Brandon Brown is involved in illegal activities. Further, I believe a crime has been committed and there is probable cause to believe that the defendant named above committed the crime. I am requesting a warrant be issued through this court, on the defendant, for the above listed offenses.

  
AFFIANT

Subscribed and sworn to before me this 15<sup>th</sup> day of June, 2022.

ANDREW TERRY  
NOTARY PUBLIC - STATE OF OKLAHOMA  
MY COMMISSION EXPIRES AUG. 08, 2025  
COMMISSION # 17007288

My Commission expires: Aug 8, 2025  
  
17007288 Notary Public

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JUDGE OF THE DISTRICT COURT