

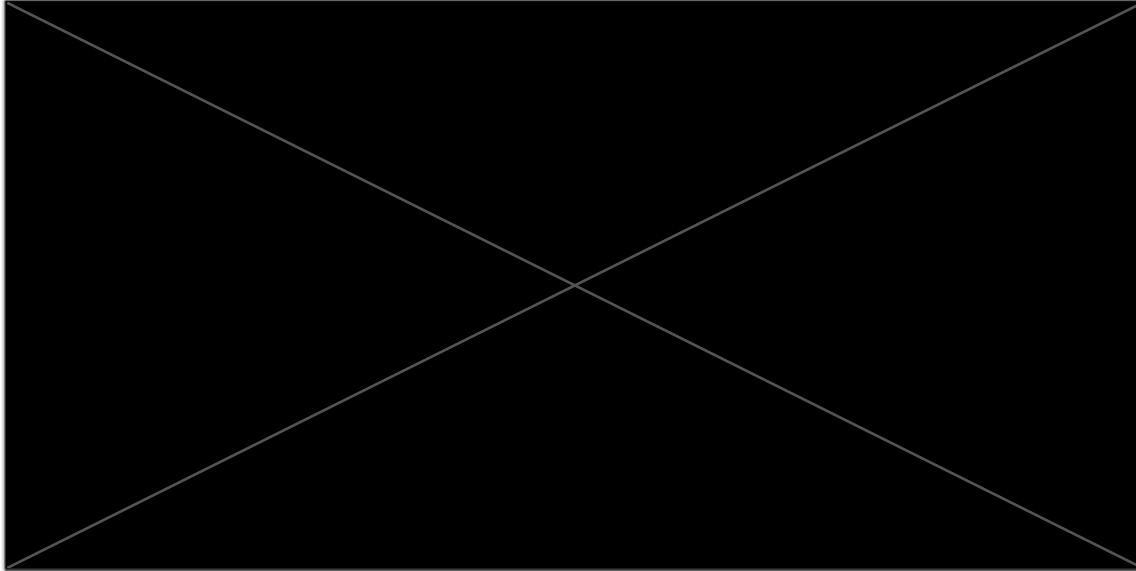
IN THE DISTRICT COURT OF THE TWENTY-FIRST JUDICIAL DISTRICT OF THE STATE OF
OKLAHOMA SITTING IN AND FOR CLEVELAND COUNTY

THE STATE OF OKLAHOMA,

Plaintiff,

vs.

AUSTIN BALL



Defendant(s).

Case No. CM-2025-

202

STATE OF OKLAHOMA } S S
CLEVELAND COUNTY }

FILED

JAN 30 2025

In the office of the
Court Clerk MARILYN WILLIAMS

INFORMATION

FOR:

COUNT 1: FALSE CERTIFICATE BY PUBLIC OFFICER ~ 21 O.S. § 587, a MISDEMEANOR

COUNT 2: EMBEZZLEMENT ~ 21 O.S. § 1451, a MISDEMEANOR

STATE OF OKLAHOMA, COUNTY OF CLEVELAND:

I, Greg Mashburn, the undersigned District Attorney of said County, in the name and by the authority of the State of Oklahoma, give information that in said County of Cleveland and in the State of Oklahoma, **AUSTIN BALL** did then and there unlawfully, willfully, knowingly and wrongfully commit the crime(s) of:

COUNT 1: FALSE CERTIFICATE BY PUBLIC OFFICER ~ a MISDEMEANOR, on or about the 10th day of November, 2023, by making false statements/omissions when filing campaign expenditure reports, contrary to the form of the Statutes in such cases made and provided and against the peace and dignity of the State of Oklahoma.

COUNT 2: EMBEZZLEMENT ~ a MISDEMEANOR, on or between the 8th day of June, 2023 and the 12th day of June, 2023, by fraudulently using campaign funds for personal expenses, contrary to the form of the Statutes in such cases made and provided and against the peace and dignity of the State of Oklahoma.

I have examined the facts in this case and recommend that a warrant do issue.

GREG MASHBURN
DISTRICT ATTORNEY

JA/HC 1-2-25

By:

Christy Miller
Assistant District Attorney

WITNESSES ENDORSED FOR THE STATE OF OKLAHOMA

Brenda Hall, c/o City Clerk's office,

Andi Hamilton, OSBI South Central Region (Oklahoma State Bureau of Investigation), OSBI 6600 North Harvey, Oklahoma City, OK 73116

Jonathan Jackson, 203 S. Jones, Norman, OK 73069

Clint Lee, Walmart 1025 W Trinity Mills Road, Carrollton, TX 75006

Justin Wishon, 201-B W. Gray, Norman, OK 73069

Adam York, OSBI South Central Region (Oklahoma State Bureau of Investigation), 6600 N. Harvey, Oklahoma City, OK 73116

Law Enforcement Incident Number: 23-01417

CMS Case ID Number: 25-630

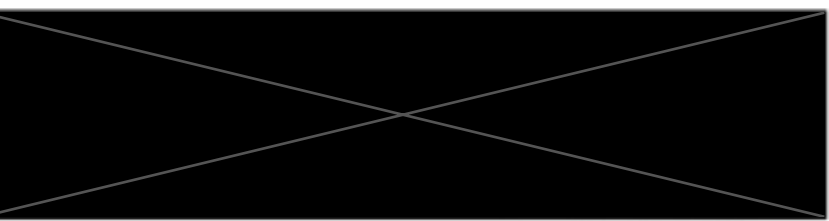
Lead Law Enforcement Agency: OSBI South Central Region (Oklahoma State Bureau of Investigation)

IN THE DISTRICT COURT IN AND FOR CLEVELAND COUNTY
STATE OF OKLAHOMA

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Plaintiff,

VS.

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Defendant(s),

Case No.

CM-25-202

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }
FILED

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In the office of the
Court Clerk MARILYN WILLIAMS
AFFIDAVIT

THE UNDERSIGNED UPON OATH DEPOSES AND STATES AS FOLLOWS TO WIT:

Your Affiant is ADAM P. YORK, a duly qualified Special Agent for the Oklahoma State Bureau of Investigation (OSBI). Your affiant has seven years of law enforcement experience as an Oklahoma Highway Patrol (OHP) State Trooper and OSBI Special Agent. Your affiant's training and education include a Bachelor's Degree in Criminal Justice from the University of Central Oklahoma (UCO), a Master's Degree in Administrative Leadership (Government and Military) from the University of Oklahoma (OU), the 65th OHP Academy, the 16th OSBI's Agents Academy, CLEET Advanced Peace Officer Certification, the Advanced Roadside Impaired Driving Enforcement (ARIDE) Course, the Traffic Homicide Investigations Course, the Reid Technique of Investigative Interviewing and Advanced Interrogation Course, the US Army Anti-Terrorism Officer Basic Course, and the Texas Rangers' Public Corruption/Integrity Investigations training. I, upon oath, depose and state as follows, to wit:

On November 28, 2023, the Norman Police Department (NPD) requested full OSBI investigative assistance for allegations of fraud/embezzlement reported by Norman City Councilman AUSTIN BALL. YORK was assigned as the case agent.

BALL reported that his wife, KAYLA BALL, fraudulently spent \$1,404 from his campaign bank account at Walmart. AUSTIN confronted KAYLA, and she claimed the expenditure was accidental. The purchases took place between June 2023 and November 2023. KAYLA was not an authorized user of AUSTIN'S campaign account. AUSTIN discovered the alleged fraud when he prepared his campaign finance report in October 2023. AUSTIN and KAYLA became estranged in November 2023.

YORK and other agents conducted interviews, subpoenaed records, and reviewed documents and found the following:

On December 4, 2023, YORK interviewed AUSTIN and reviewed purchases on his account with him, and AUSTIN reported the following:

On October 25, 2023, AUSTIN checked the account for his campaign report, and he realized the entire account was empty. AUSTIN had the only card and checkbook for the campaign bank account. KAYLA was not an authorized user of the bank account and did not have signature authority. There should have been approximately \$1,404 in the account, but the account was empty. AUSTIN asked KAYLA if she spent the money in the account, and she denied it initially. AUSTIN examined the expenditures on the account and saw KAYLA'S name on a loan payment in the transactions. KAYLA admitted that she took the debit card for the account out of AUSTIN'S wallet and claimed that she thought the card was hers since she had an account at BancFirst too. AUSTIN did not believe KAYLA but told her that if it was an honest mistake, the money needed to be replaced in the account, and AUSTIN would report the expenditures along with his campaign finance

report. AUSTIN took his position as a city councilman and the oath of office seriously and did not want to do anything to damage his position. AUSTIN'S campaign report was due, and on November 1, 2023, AUSTIN asked KAYLA to replace the money in the account so he could report the unauthorized expenditures. KAYLA told AUSTIN that she did not have the money to replace the missing funds from the campaign account. AUSTIN told KAYLA he had to report the situation to the City of Norman. AUSTIN contacted BRENDA HALL, the Norman City Clerk. AUSTIN explained the situation to HALL. AUSTIN wanted to cover his bases and resolve the situation correctly. AUSTIN was told to file a report about what KAYLA spent and to do an amended report later.

Sometime between October 25 and October 30, 2023, during a conversation at AUSTIN and KAYLA'S home, KAYLA admitted to taking money from AUSTIN'S campaign account. AUSTIN and KAYLA spoke about the situation several times. KAYLA'S responses varied from complete denial to accidental card use, and the story changed. On November 22, 2023, AUSTIN gave KAYLA an ultimatum to replace the money and told her that he had informed the mayor and city clerk what had happened. Next, AUSTIN discovered issues with the Arvest Bank account and the title loan. KAYLA knew that campaign money could not be spent on personal expenses because she helped with social media advertising for the campaign. AUSTIN possibly let KAYLA use his card for purchases for campaign events, but those were authorized and not personal. AUSTIN had used the card for food for campaign events, which was allowed. KAYLA may have used the card to pick up pizza or cookies for campaign workers. AUSTIN wrote checks to KAYLA for reimbursement for mileage.

On April 16, 2024, YORK interviewed KAYLA, who reported the following:

When KAYLA went to Walmart, she used the Walmart app on her phone because she never took her wallet anywhere. BALL'S husband, AUSTIN BALL, had a campaign debit card on her Walmart Pay app, so she accidentally made purchases with the campaign account. AUSTIN and KAYLA split up for a little while. When AUSTIN told KAYLA that she had used his campaign card, KAYLA wrote AUSTIN a check so AUSTIN could replace the money.

KAYLA accidentally loaded AUSTIN'S campaign card on her Apple Pay and paid for T-Mobile bills with it. KAYLA and AUSTIN'S debit cards looked the same, so she added them to Apple Pay. Someone made loan payments with AUSTIN'S campaign account. KAYLA told AUSTIN that she had no idea how the loan payments got onto the account, and she had not made them. KAYLA'S name was not on the loan.

(YORK asked KAYLA about payments to Loan Mart and told her "Kayla Ball" was listed on the records.)

The Loan Mart payments just had AUSTIN'S card saved into them. KAYLA did not withdraw any cash from AUSTIN'S campaign account. KAYLA used the Walmart App's cash back with AUSTIN'S campaign account through the Walmart pay app. AUSTIN'S campaign card ended up on KAYLA'S phone because KAYLA used it to order campaign supplies for AUSTIN because Walmart Plus had free delivery.

(KAYLA showed YORK her phone and how she used the pay in-store at Walmart with the app's QR code.)

KAYLA found out that the Walmart app used your last card on the app to make a purchase. KAYLA made all the June through October 2023 charges on AUSTIN'S campaign account using Apple Pay, Apple Cash, and Walmart Pay because she did not have a wallet. KAYLA also had her driver's license on her phone.

AUSTIN told KAYLA about the purchases on Thanksgiving Eve, and at the time, they were having marital problems. KAYLA packed her kids up and left. KAYLA did not know how the payments to Loan Mart happened. The T-Mobile payments happened through Apple Pay.

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(KAYLA showed YORK her phone and how she used the pay in-store at Walmart with the app's QR code.)

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AUSTIN told KAYLA about the purchases on Thanksgiving Eve, and at the time, they were having marital problems. KAYLA packed her kids up and left. KAYLA did not know how the payments to Loan Mart happened. The T-Mobile payments happened through Apple Pay.

On April 16, 2024, YORK interviewed AUSTIN for a second time. AUSTIN said he reconciled with KAYLA and returned the money KAYLA had spent from the campaign account. In June 2023, AUSTIN spent money at Dental Depot as a campaign expense. He had an infected tooth and was heading to a campaign event. When he went to Dental Depot, the staff told him they could pull his tooth "right now."

(AUSTIN changed his recollection of events of Dental Depot.)

AUSTIN was on his way to a city council meeting and went to Dental Depot. AUSTIN went to Dental Depot at about noon and had a City Council meeting that evening. AUSTIN had a City Council meeting the previous night and almost fought City Councilman MATTHEW PEACOCK. PEACOCK got in AUSTIN'S face. PEACOCK said, "Man, your breath stinks." AUSTIN replied, "I have an infected tooth."

On October 15, 2024, YORK interviewed HALL, who reported the following:

When AUSTIN went to file his following report in October 2023, he found that the account had been "cleaned out" and that the card was in his wife's possession. BALL'S wife admitted to making the purchases. BALL put some of the money back. Loan Mart, T-Mobile, and Dental Depot expenditures were not campaign-related. The Dental Depot expense was in June 2023. HALL did not tell BALL not to list his wife's fraudulent expenditure on his campaign report. HALL told BALL to complete his part of the investigation with the police and file all his reports with HALL with all the information he had. HALL may have told BALL he could have some extra time to file the report, but she would never tell him to omit expenditures on the report.

On April 30, 2024, YORK spoke with Walmart Investigator CLINT LEE, who stated that the Walmart Pay app could not be used to get cashback for a purchase.

YORK reviewed bank records and found that many of KAYLA'S purchases were listed as Personal Identification Number (PIN) Point of Sale (POS), meaning she had to insert the card and enter the PIN in person, meaning she did not accidentally use apps to make many of the purchases. The following purchases listed on AUSTIN'S campaign bank records stated the following PIN POS charges or cashback:

(Note: The charges listed below are formatted similarly to how they appear on the bank records.)

- June 28, 2023, \$74.08 PIN POS PURCHASE WAL-MART #7308 Wal-Mart Su NORMAN OK 730800
- June 29, 2023, \$71.74, 71.97 PIN POS PURCHASE WAL WAL-MART #7308 612675 NORMAN OK 730800
- July 21, 2023, \$11.49 PIN POS PURCHASE MCDONALD'S F191353106 S M TULSA OK 286233
- August 16, 2023, \$56.46 PIN POS PURCHASE WAL WAL-MART SUPER 002829 NORMAN OK 273400
- August 18, 2023, \$33.66 PIN POS PURCHASE WAL-MART #73082551 CLASSE NORMAN OK 247308
- September 18, 2023, \$9.03 PIN POS PURCHASE DOLLAR-GE DG 023241221 NORMAN OK 302324
- September 18, 2023, \$15.66 PIN POS PURCHASE DOLLAR GE DG 139687401 NORMAN OK 313968
- September 21, 2023, \$10.60 PIN POS PURCHASE DOLLAR-GE DG 023241221 NORMAN OK 302324
- August 30, 2023, \$52.79 POS PURCHASE W/CASHBACK WAL-MART #7308Wal-Mart Su NORMAN OK 730800
- September 14, 2023, \$69.47 POS PURCHASE W/CASHBACK WAL-MART #7308Wal-Mart

Su NORMAN OK 730800

- September 22, 2023, \$16.95 PIN POS PURCHASE WAL WAL-MART SUPER 652992
NORMAN OK 730800

Furthermore, the bank records had the below-listed charges:

- June 12, 2023, \$306.25 POS PURCHASE TMOBILE*POSTPAI 800-937-8997 WA
- July 31, 2023, \$306.25 POS PURCHASE CORRECTION TMOBILE*POSTPAID PDA 800-937-8997
- July 31, 2023, \$225.00 POS PURCHASE CORRECTION PNM * LoanMart Santa Clara paynea
- September 8, 2023, \$191.11 LOANMART/BILLPAY 109427016 KAYLA BALL
- September 11, 2023, \$167.00 POS PURCHASE TMOBILE*POSTPAI 800-937-8997 WA
- September 15, 2023, \$130.13 POINT OF SALE DEBIT TMOBILE*POSTPAI 800-937-8997
WA

The June 2023 beginning balance for AUSTIN'S campaign account was \$3,687.59, and the ending balance was \$2,738.93. The July 2023 beginning balance for AUSTIN'S campaign account was \$2,738.93, and the ending balance was \$2,398.95. The August 2023 beginning balance for AUSTIN'S campaign account was \$2,398.95, and the ending balance was \$1,251.00. The September 2023 beginning balance for AUSTIN'S campaign account was \$1,251.00, and the ending balance was \$7.39. The October 2023 beginning balance for AUSTIN'S campaign account was \$7.39, and the ending balance was \$-5.61. The November 2023 beginning balance for AUSTIN'S campaign account was \$-5.61, and the ending balance was \$-18.61. The December 2023 beginning balance for AUSTIN'S campaign account was \$-18.61, and the ending balance was \$00.00.

YORK reviewed AUSTIN'S candidate committee contributions and expenditures reports, which were filed with the Norman City Clerk and available on the City of Norman's website. YORK found that the second quarter report, filed on July 31, 2023, listed a \$255.00 expense for Dental Depot on June 8, 2023. Furthermore, YORK found that the third-quarter report, filed on November 10, 2023, did not list any of KAYLA'S unauthorized expenditures. Both reports had a signature that appeared to say "Austin Ball."

YORK reviewed the Oklahoma Ethics Commission's Ethics Rules, Rule 2.39. Personal Use of Contributions Prohibited. Rule 2.39, which stated, "Personal Use of Contributions Prohibited. No contributions accepted by a political party committee, a political action committee or a candidate committee may be converted by any person to personal use. "Personal use" includes any use of funds to fulfill a commitment, obligation or expense of any person that would exist irrespective of a political party's activities, a political action committee's activities or a candidate's campaign or responsibilities as holder of a state elective office, as the case may be. "Personal use" by a candidate includes, but is not limited to, food purchased for daily consumption in the candidate's home or supplies needed to maintain the household; clothing (excluding campaign clothing of low monetary value such as T-shirts or caps); mortgage, rent or utility payments for the candidate's personal residence, even if part of the residence is being used for the campaign; use of a motor vehicle for noncampaign purposes or non-officeholder expenses; interest on a loan made by the candidate or the candidate's spouse to the campaign; costs of a vacation or other trip not related to the campaign or officeholder expenses; admission to athletic events, concerts, theater or other forms of entertainment (except for events that are part of the campaign); dues in country clubs, health clubs, recreational facilities or other nonpolitical organizations and earnings from investment of contributions other than as permitted by these Rules."

YORK reviewed the Oklahoma Ethics Commission's Municipal Campaign Finance and Financial Disclosure Act, sections § 56-106. Duty of Campaign Committee and Municipal Political Committee to File a Report of Contributions and Expenditures and § 56-107. Statements of Organization and Reports of Contributions and Expenditures – Public Records - Internet Copies section. The sections stated the following:

§ 56-106: Every campaign committee and every municipal political committee shall file a report of contributions and expenditures with the municipal clerk subject to the same requirements as set forth for candidate committees and political action committees, respectively, required to file reports of contributions and expenditures with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

§ 56-107: Statements of organization and reports of contributions and expenditures required to be filed with the municipal clerk under the Municipal Campaign Finance and Financial Disclosure Act shall be public records. The municipal clerk shall maintain statements of organization and reports of contributions and expenditures for four (4) years after the date on which they are filed, if not posted on the municipality's website as provided herein, at which time the documents may be destroyed or retained subject to the discretion of the municipal clerk. If the municipality in which the statements of organization and reports of contributions and expenditures are filed maintains an Internet website, the municipal clerk may post on the website copies of statements of organization and reports of contributions and expenditures.

YORK reviewed Title 21, Chapter 19, Section 587, which stated that "Every public officer who, being authorized by law to make or give any certificate or other writing, knowingly makes and delivers as true any such certificate or writing containing any statement which he knows to be false, is guilty of a misdemeanor."

Based on this investigation, YORK believed AUSTIN embezzled campaign funds for personal use and filed two false documents with the Norman City Clerk, claiming that a dental visit was a campaign expense and omitting KAYLA'S unauthorized expense.

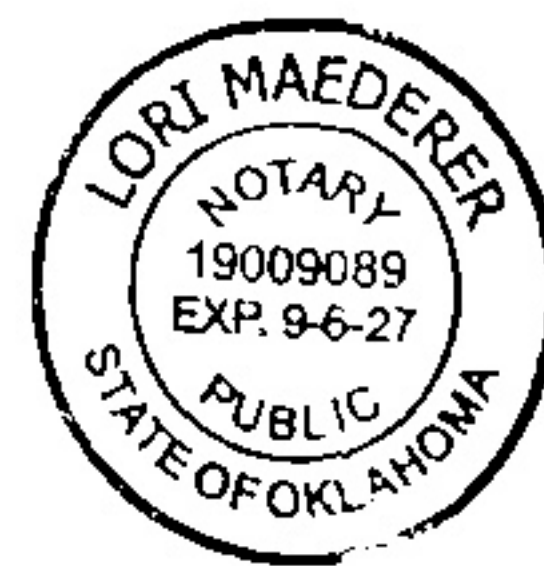
Based on this information, the undersigned prays that this honorable court issue a finding of fact that probable cause exists to believe that the crime of Embezzlement, a misdemeanor, Oklahoma Statute Title 21, Chapter 59, Section 1451, and the crime of a Public Officer Making False Certificate or Writing, a misdemeanor, Oklahoma Statute Title 21, Chapter 19, Section 587, has been committed and that there is probable cause to believe the defendant above committed that crime.

Adam P. York
Special Agent Adam P. York
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 28th DAY OF January, 2025.

MY COMMISSION EXPIRES: 09/06/2027

Lori Maederer
NOTARY PUBLIC



FINDING OF PROBABLE CAUSE

THE UNDERSIGNED JUDGE OF THIS COURT, UPON SWORN TESTIMONY AND/OR AFFIDAVIT, HEREBY DETERMINES THERE TO BE PROBABLE CAUSE TO ARREST/DETAIN THE DEFENDANT.

DATED THIS _____ DAY OF _____, 2025.

JUDGE