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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)	
	Plaintiff,)
v.)	No. 09-1-07237-6 SEA
)	
MICHAEL EMERIC MOCKOVAK,)	INFORMATION
)	
)	
)	
	Defendant.)

COUNT I

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse MICHAEL EMERIC MOCKOVAK of the crime of **Solicitation to Commit Murder in the First Degree**, committed as follows:

That the defendant MICHAEL EMERIC MOCKOVAK in King County, Washington, during a period of time intervening between August 3, 2009, through November 12, 2009, with intent to promote or facilitate the commission of the crime of Murder in the First Degree of Dr. Joseph King, to-wit: with premeditated intent cause the death of Dr. Joseph King, did offer to give or gave money or other thing of value to another to engage in specific conduct which would constitute such crime or would establish complicity of such other person in its commission or attempted commission had such a crime been attempted or committed;

Contrary to RCW 9A.28.030(1) and 9A.32.030(1)(a), and against the peace and dignity of the State of Washington.

COUNT II

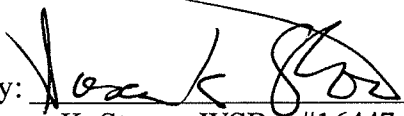
And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse MICHAEL EMERIC MOCKOVAK of the crime of **Solicitation to Commit Murder in the First Degree**, a crime of the same or similar character and based on the same conduct as another crime charged

1 herein, and which crimes were so closely connected in respect to time, place and occasion that it
2 would be difficult to separate proof of one charge from proof of the other, committed as follows:

3 That the defendant MICHAEL EMERIC MOCKOVAK in King County, Washington,
4 during a period of time intervening between January 1, 2009, through November 12, 2009, with
5 intent to promote or facilitate the commission of the crime of Murder in the First Degree of Brad
6 Klock, to-wit: with premeditated intent cause the death of Brad Klock, did offer to give or gave
7 money or other thing of value to another to engage in specific conduct which would constitute
8 such crime or would establish complicity of such other person in its commission or attempted
9 commission had such a crime been attempted or committed;

10 Contrary to RCW 9A.28.030(1) and 9A.32.030(1)(a), and against the peace and dignity of
11 the State of Washington.

12 DANIEL T. SATTERBERG
13 Prosecuting Attorney

14 By: 
15 Susan K. Storey, WSBA #16447
16 Senior Deputy Prosecuting Attorney
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Cause No. _____



1 - 07237 - 6 SEA

Seattle Police Department
Federal Bureau of Investigation – Seattle Division
Puget Sound Safe Streets Task Force

Certification for Determination of Probable Cause

That Len Carver III is a detective with the Seattle Police Department assigned to the FBI – Safe Streets Violent Crimes Task Force and has reviewed the investigations conducted in Federal Bureau of Investigation File No. 166C-SE-95743;

There is probable cause to believe that Michael E. Mockovak has committed the felony crimes of Criminal Conspiracy to commit Murder in the 1st Degree, Criminal Solicitation to Commit Murder, in violation of 9A.28.030 and 9A.28.040, and 9A.32.030, respectively, within the county of King, state of Washington.

This Certification for Determination of Probable Cause does not outline all the facts known to investigators. It is submitted to establish probable cause for the listed crimes and to support a formal filing of criminal charges.

This belief is predicated on the following facts and circumstances:

On April 10, 2009, DANIEL KULTIN (KULTIN), a permanent US Citizen who emigrated from Ulyanovsk, Russia, at age 18, believed one of his employers, Michael MOCKOVAK (MOCKOVAK), intended to hire someone to murder a former business associate, Brad KLOCK (KLOCK). KULTIN confided this to a family member who KULTIN knew to have law enforcement contacts with the Portland Division of the Federal Bureau of Investigation (FBI). KULTIN's family member, an Oregon resident, introduced KULTIN to Special Agent George STEUER, Portland Division of the FBI. KULTIN was subsequently interviewed by STEUER at a restaurant in West Linn, Oregon. Also present during the interview was Oregon State Investigator Robert Hicks. Upon being advised of the identity of the investigating officials and the nature of the interview, KULTIN provided the following information, which he said he had learned from his employment at Clearly Lasik, and from personal conversations that he had with MOCKOVAK.

KULTIN is the Director of Information Technologies for a Seattle-based business known as Clearly Lasik. The business has eight venues in which they perform Lasik procedures (eye surgery). Said venues are located in Washington, Oregon, Idaho, British Columbia and Alberta Canada. KULTIN has been employed with Clearly Lasik for approximately four years, beginning in early 2006 or late 2005. Until May of 2009, KULTIN was a full time employee of the company, responsible for maintaining the company's computer systems at each of the company's locations, and for technical maintenance of online advertising by Clearly Lasik. KULTIN's home office is in Renton, Washington; though he would on occasion travel to the company's other locations to service the computer systems. KULTIN had daily interaction with the doctors and other employees to include the company's president, CHRISTIAN MONET (MONET). Since May of 2009, KULTIN only works 20 hours a week performing the same functions.

According to KULTIN, the business performs Lasik procedures on approximately 350 patients each month, at a fee of \$3,500 per procedure. The business previously reported earnings of \$17 million per year, but has slumped to \$10 million in 2008 due to the weak economy. The current president of the business is CHRISTIAN MONET, who is related to ED PEPPIN (PEPPIN) by marriage – MONET married PEPPIN's daughter.

The business was founded, and is now owned, by two doctors, Dr. JOSEPH KING (KING) and Dr. MICHAEL MOCKOVAK (MOCKOVAK). According to the Washington Secretary of State KING and MOCKOVAK incorporated the business "Clearly Lasik, INC" on 05/04/2007, which is headquartered in Renton, Washington, Unified Business Identifier (UBI) # 602506093. The business is domiciled in Nevada.

KULTIN further told investigators that, KING and MOCKOVAK were once related by marriage – MOCKOVAK and KING had married sisters. However, MOCKOVAK recently divorced his wife and a rift has developed between the two physicians. Additionally, the doctors, according to KULTIN, in early 2008 fired all the physicians they had performing Lasik procedures throughout their eight clinics, and KING and MOCKOVAK now perform all the procedures themselves.

KULTIN stated that, in early 2007, Doctors KING and MOCKOVAK fired the former president of the company, BRAD KLOCK (KLOCK). KLOCK had been a former professional hockey player from Vancouver, British Columbia. KING and MOCKOVAK hired him in late 2004 to run the company. Over time, the doctors became dissatisfied with KLOCK's performance and fired him prior to the term of his contract. KULTIN learned this information through personal conversations he had with MOCKOVAK.

According to KULTIN, KLOCK has disputed his firing for approximately the past two years, and has filed a wrongful termination suit. A records search revealed that KLOCK filed a suit in King County Superior Court on 01/13/2009, cause number 09-2-03018-9, in which Clearly Lasik, MOCKOVAK and KING are named as defendants. The case is still active and has a scheduled court date in June 2010.

KULTIN described in detail certain conversations that MOCKOVAK had initiated with him. Sometime in the spring of 2008, Dr. MOCKOVAK approached KULTIN while they were both at the Renton, Washington, office and jokingly asked if he (KULTIN) had any contacts with the Russian mafia who might resolve his problems with KLOCK's lawsuit. KULTIN dismissed the conversation, believing MOCKOVAK was joking about the matter.

However, in early 2009, MOCKOVAK approached KULTIN again at work and asked if he had any Russian mafia connections that could take care of KLOCK. MOCKOVAK was visibly upset, and let KULTIN know that his being upset was a result of some issue related to the lawsuit filed by KLOCK. KULTIN said that it seemed anytime a court date approached or an attorney's bill would come to the office, MOCKOVAK would become angered. KULTIN believed the doctor was only half-serious and told MOCKOVAK that doing that sort of thing in the United States was risky business, as state and federal law enforcement would aggressively investigate the matter. KULTIN further commented to MOCKOVAK that such matters did not occur in the United States like they did back in Russia in the 1990's.

The following day, MOCKOVAK approached KULTIN in the office's break room and advised that he had learned that KLOCK would be traveling to Germany within the next month, and that it would be the perfect time and place to have KLOCK "eliminated." KULTIN had the distinct impression that MOCKOVAK seriously wanted to have KLOCK killed.

KULTIN said that nobody was present for, or close enough to overhear any of the above-described conversations between himself and MOCKOVAK.

KULTIN told Agent STEUER that he did not believe Dr. KING was aware of MOCKOVAK's intentions relative to KLOCK. Additionally, KULTIN did not believe MOCKOVAK had approached anyone else regarding the arranged murder of KLOCK. MOCKOVAK only approached KULTIN when the KLOCK's civil action progressed and caused MOCKOVAK to become upset. At this point, Agent STEUER concluded his interview with KULTIN.

Because the subjects in this investigation reside and work within the state of Washington, the matter was referred to the Seattle Division of the FBI. FBI Special Agent Lawrence D. Carr was provided KULTIN's contact information by FBI Special Agent George Steuer, Portland Division.

On or about May 8, 2009, FBI Agent CARR met with KULTIN to discuss the information he had earlier provided to the Portland Division. KULTIN stated that, since MOCKOVAK'S early 2009 inquiry about eliminating KLOCK in Germany, MOCKOVAK has not again broached the subject. SA Carr advised KULTIN not to bring up the matter and if MOCKOVAK did, only listen to what he had to say, and provide no direction or contribution to the conversation.

During the course of this investigation, investigators obtained records from the above-referenced civil litigation between KLOCK and Clearly Lasik. In the complaint filed January 13, 2009, KLOCK, through his attorney, states the following:

- He resides in Vancouver, British Columbia, and is a Canadian Citizen.
- Clearly Lasik, Inc is a Nevada corporation; its principal place of business is in Renton, Washington.
- KLOCK was approached about heading up the corporation in December, 2004. He was made a member of the Board of Directors in January, 2005.
- On November 29, 2006, MOCKOVAK and KING told KLOCK that they were terminating his employment.
- On January 27, 2009, the defendants in this civil matter filed a motion to remove the case to federal court, citing as grounds for removal, that KLOCK is a Canadian resident and citizen; the defendant corporation is a citizen of Nevada and California; Dr. MOCOVAK is a resident of Camas, Washington; Defendant Heather Mockovak is a resident of Vancouver, Washington; Defendant King is a resident of Newcastle, Washington; KLOCK's claims amount to well in excess of the Superior court's jurisdictional amount. The case was ordered removed to Federal Court, but returned to State court on March 2, 2009.

On or about June 11, 2009, SA Carr met with KULTIN. KULTIN said MOCKOVAK still has not brought up any conversation about eliminating KLOCK. He did say he has had many conversations with MOCKOVAK about life in Russia and Russian organized crime. KULTIN seemed to think MOCKOVAK is overly interested in these topics as they are a precursor for many of their conversations.

In this same meeting, KULTIN shared with Agent Carr that he was traveling to Los Angeles to visit some friends. Since MOCKOVAK had asked KULTIN if he had Russian Mafia connections, SA Carr directed KULTIN to share with MOCKOVAK that his friends in Los Angeles might have mafia connections.

In early July of 2009, Agent Carr made phone contact with KULTIN in which KULTIN discussed a brief conversation he had with MOCKOVAK. KULTIN said that when he told MOCKOVAK he was going to Los Angeles and that his friends might have mob connections, MOCKOVAK said he would like to meet them. MOCKOVAK brought up the possibility of the two of them (KULTIN and himself) traveling to Los Angeles for a weekend. MOCKOVAK did not bring up any discussion of using these connections to arrange a murder.

On or about August 3, 2009, KULTIN contacted Agent Carr and advised that MOCKOVAK called him to request a meeting to discuss "that thing they had talked

about." KULTIN, because of the unusual cryptic tone MOCKOVAK used, took this request to be about their discussions about MOKOVAK's intended murder for hire.

On August 4, 2009, Agent Carr and I met with KULTIN and formally opened him as an FBI source.

On August 5, 2009, KULTIN met with MOCKOVAK at his (KULTIN's) office, Clearly Lasik, 900 SW 16th Street, Renton, Washington. On August 6, 2009, Agent Carr and I met and debriefed KULTIN regarding the meeting. KULTIN reported the following:

KULTIN met with MOCKOVAK at approximately 2:30 PM on Wednesday, August 5, 2009. When he arrived at the office, MOCKOVAK stated he wanted to take a walk around the parking lot. KULTIN agreed and the two went outside. Nobody was in the vicinity while the two talked. KULTIN stated that as they walked, MOCKOVAK began to tell him about plans to split the business in the fall of 2009. He stated that he was upset with his current business partner, Dr. JOSEPH KING, and felt there would be problems when the split occurs.

MOCKOVAK told KULTIN that he was angry with the way things have been going for him, and said, "I hate people taking advantage of me, like Joe [Dr King], he is a greedy snake." MOCKOVAK told KULTIN there is a \$5,000,000 life insurance policy on Dr. KING, should something happen to him. He followed by adding, "If Joe becomes a stumbling block maybe we can look at him." It appears, MOCKOVAK believes he and/or the business is the beneficiary of the life insurance policy on KING.

KULTIN said the conversation then turned to the original target, BRAD KLOCK. MOCKOVAK stated, "I don't know how these things work? What do I do? Do we just have someone follow him?" KULTIN said he responded by telling MOCKOVAK he would make contacts with his friend in Los Angeles.

KULTIN said MOCKOVAK was being guarded and careful with his words but the tone of the meeting was clear -- that MOCKOVAK wished to move forward in developing a plan to have BRAD KLOCK murdered, and that MOCOVAK was also considering whether to have KING murdered. MOCKOVAK told KULTIN that KLOCK will be in Seattle on September 16-17, 2009, for mediation in regard to his lawsuit against MOCKOVAK's business, Clearly Lasik. (KULTIN knows from conversations at work that KLOCK resides in Vancouver, British Columbia, and is a Canadian citizen.)

KULTIN said that, at the end of their meeting, he and MOCKOVAK agreed that he (KULTIN) would make contact with his people in Los Angeles. KULTIN said he told MOCOVAK that he would make inquiries as to how to proceed with eliminating KLOCK, and that they would meet again to discuss what he had learned. KULTIN added that he believed MOCKOVAK was moving away from wanting KLOCK killed and starting to focus on his business partner, Dr. Joe KING. SA Carr told KULTIN that,

