

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
02/21/19
JEFFREY P. COLWELL, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. 19-cr-00082-GPG

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. CORY THOMPSON,

Defendant.

INDICTMENT

The Grand Jury charges:

COUNTS 1-13

1. From on or about December 5, 2013, to on or about January 11, 2017, in the State and District of Colorado and elsewhere, the defendant, CORY THOMPSON, devised and intended to devise a scheme and artifice to defraud K.B., and to obtain money and property by means of false and fraudulent pretenses, representations, and promises (hereinafter "the scheme").

2. On or about January 14, 2013, THOMPSON formed DACK Energy Services, LLC. (hereinafter "DACK"). The primary function of DACK was to provide roustabout services (i.e. maintenance, welding, miscellaneous repairs, and labor) for well sites owned by oil and gas companies in Colorado and surrounding states.

3. It was part of the scheme that:

a. On or about December 5, 2013, THOMPSON entered into a business partnership with K.B. to operate DACK. Knowing that K.B. was a wealthy investor with limited knowledge of, or experience with, the oil and gas industry, THOMPSON convinced K.B. to agree that THOMPSON would act as the operating partner.

b. As the operating partner, THOMPSON was solely responsible for managing work production, hiring employees, procuring required vehicles and equipment, and establishing contracts with oil and gas companies. K.B., in turn, set up the operating bank account for DACK and provided investment capital for operations.

c. Between on or about January 6, 2014, and on or about January 15, 2016, THOMPSON submitted invoices, purportedly representing work performed by DACK, to K.B. and to the DACK accountant. These invoices were entered into DACK's business accounting system as Accounts Receivables, reflecting expected future income for DACK. While some of these invoices represented legitimate work performed by DACK, many of the invoices THOMPSON submitted to K.B. and the DACK accountant were completely fabricated and did not represent any future income DACK would receive. In several instances THOMPSON had not established any sort of business relationship at all with the companies identified in the fabricated invoices.

d. By submitting these fabricated invoices, THOMPSON was able to falsely represent the nature and extent of the work performed by DACK, giving the

appearance that DACK was profitable and growing when in reality that was not the case. As a result, THOMPSON was able to convince K.B. to invest additional capital into DACK to support operations that were, in large part, non-existent. In total, K.B. invested over \$1,400,000 into DACK.

e. From on or about July 24, 2014, to on or about January 8, 2016, THOMPSON diverted funds from DACK for his own personal benefit. THOMPSON received a lucrative salary from DACK while performing little to no actual work on behalf of the company. Not content with this, THOMPSON created two fictitious employee records, using false identities. THOMPSON personally collected the paychecks for these fictitious employees and deposited the proceeds into his own accounts. THOMPSON then used these proceeds for his and his family's personal expenses.

f. THOMPSON also ensured a number of family and friends were on DACK's payroll. Several of these purported "employees" were paid a salary, but performed little, if any, actual work for DACK. Typically, THOMPSON had these "employees" perform personal services for himself and his immediate family.

g. On or about January 11, 2016, THOMPSON created a similarly named company, DACK Field Services, LLC, as a means to continue drawing on the few legitimate contracts he previously established under the DACK name and business. Thompson did not notify K.B. of the continued revenue stream derived from DACK operations and failed to provide K.B. with any portion of these funds.

h. Unbeknownst to K.B., THOMPSON also opened separate bank accounts in the name of DACK for the purpose of controlling and concealing payments to DACK. These accounts were created and used without K.B.'s knowledge.

i. Between on or about March 3, 2016 and on or about January 11, 2017, THOMPSON deposited proceeds from work performed by DACK into these accounts. Rather than share these proceeds with DACK or K.B., THOMPSON used them for his own personal benefit.

4. On or about the dates set forth below, for the purposes of executing the scheme, CORY THOMPSON did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, as set forth below:

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF WIRE</u>
1	March 10, 2014	Email from THOMPSON to K.B. with attached fabricated invoices purportedly representing funds, totaling \$17,179.00, owed by Enterprise Production.
2	March 21, 2014	Email from THOMPSON to K.B. with attached fabricated invoices purportedly representing funds, totaling \$10,935.00, owed by Enterprise Production.
3	April 16, 2014	Email from THOMPSON to K.B. with attached fabricated invoices purportedly representing funds, totaling \$19,365.00, owed by Enterprise Production.
4	April 30, 2014	Email from THOMPSON to K.B. with attached fabricated invoices purportedly representing funds, totaling \$20,147.00, owed by Enterprise Production.
5	June 2, 2014	Email from THOMPSON to K.B. with attached fabricated invoices purportedly representing funds, totaling \$37,382.00, owed by Enterprise Production and Berry Petroleum.
6	June 30, 2014	Email from THOMPSON to K.B. with attached fabricated invoices purportedly representing funds, totaling \$29,745.50, owed by Berry Petroleum.

7	August 1, 2014	Email from THOMPSON to K.B. with attached fabricated invoices purportedly representing funds, totaling \$85,736.00, owed by Enterprise Production and Berry Petroleum.
8	September 4, 2014	Email from THOMPSON to K.B. with attached fabricated invoices purportedly representing funds, totaling \$62,410.00, owed by Enterprise Production, Berry Petroleum, and Linn Energy.
9	December 3, 2014	Email from THOMPSON to K.B. and the DACK accountant with attached fabricated invoices purportedly representing funds, totaling \$21,040.00, owed by Linn Energy.
10	January 14, 2015	Email from THOMPSON to the DACK accountant with attached fabricated invoices purportedly representing funds, totaling \$38,150.00, owed by Linn Energy and Merit Energy.
11	March 13, 2015	Email from THOMPSON to the DACK accountant with attached fabricated invoices purportedly representing funds, totaling \$49,836.00, owed by Linn Energy and Merit Energy.
12	April 22, 2015	Email from THOMPSON to the DACK accountant with attached fabricated invoices purportedly representing funds, totaling \$27,717.50, owed by Linn Energy, and an "invoice" detailing an expected future project for Merit Energy.
13	May 1, 2015	Email from THOMPSON to the DACK accountant with attached fabricated invoices purportedly representing funds, totaling \$71,616.50, owed by Linn Energy and Enerflex.

All in violation of Title 18, United States Code, Sections 1343.

Count 14

5. On or about July 14, 2014, in the State and District of Colorado, the defendant, CORY THOMPSON did, for any purpose and with intent to deceive, falsely represent a number to be the Social Security account number assigned to Alejandro Bustos by the Commissioner of Social Security when in fact such number was not the Social Security

account number assigned to such person by the Commissioner, in violation of Social Security Act § 208(a)(7), 42 U.S.C. § 408(a)(7)(B).

Count 15

6. On or about July 14, 2014, in the State and District of Colorado, the defendant, CORY THOMPSON did, for any purpose and with intent to deceive, falsely represent a number to be the Social Security account number assigned to Adam Martinez by the Commissioner of Social Security when in fact such number was not the Social Security account number assigned to such person by the Commissioner, in violation of Social Security Act § 208(a)(7), 42 U.S.C. § 408(a)(7)(B).

FORFEITURE ALLEGATION

1. The allegations contained in Counts One through Fifteen of this Indictment are hereby re-alleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the violations alleged in Counts One through Fifteen of this Indictment involving violations of Title 18, United States Code, Section 1343, the defendant, CORY THOMPSON, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c) any and all of the defendant's right, title, and interest in all property constitution

and derived from any proceeds obtained directly and indirectly as a result of such violations, including, but not limited to:

- a. A money judgment in the amount of proceeds obtained by the scheme and by the defendant;
 - b. Real property located at 509 W. Applewood Dr., Fruita, Colorado 80521;
 - c. 2014 GMC 2500 Denali HD, VIN 1GT120C81EF133872;
 - d. 2001 Yamaha Gp800r, HULL YAMA2203A101;
 - e. 2001 Yamaha Gp800r, HULL YAMA1162B101;
 - f. 2013 Hyundai Sonata; VIN 5NPEB4AC1DH731609;
 - g. 2005 Caravelle 232 Interceptor, HULL VCN18140E505;
 - h. 2005 Tenn trailer, VIN 1TPSB262451053456;
 - i. 2016 GMC Sierra, VIN 1GT12UE82GF134388; and
 - j. 2015 GMC Sierra, VIN 1GT120E8XFF666138;
3. If any of the property described above, as a result of any act or omission of the defendant:
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the Court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendant up to the value of the forfeitable

property.

A TRUE BILL

Ink signature on file in Clerk's Office
FOREPERSON

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s/ Jeremy Chaffin
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