

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, CO 80202	<p style="text-align: center;">▲ <b>COURT USE ONLY</b> ▲</p>
PEOPLE OF THE STATE OF COLORADO,  v.  GORDON ROBERT MOORE , Defendant.	
JOHN W. SUTHERS, Attorney General JOHN G. LEE, Assistant Attorney General II 1525 Sherman Street, 7 <sup>th</sup> Floor Denver, CO 80203  Registration Number: 29980	Case No.: 07CR10000  Div.: 6
<b>COLORADO STATE GRAND JURY INDICTMENT</b>	

Of the 2007-2008 term of the Denver District Court in the year 2007; the 2007-2008 Colorado State Grand Jurors, chosen, selected and sworn in the name and by the authority of the People of the State of Colorado, upon their oaths, present the following:

**COUNT ONE**  
**(Theft of more than \$15,000)**

On and between July 4, 2004 and June 1, 2007 in the County of Denver, State of Colorado, Gordon Robert Moore knowingly obtained or exercised control over a thing of value, namely: funds from 401(k) accounts, of the Public Employee's Retirement Association and CitiStreet, LLC, with an aggregate value of fifteen thousand dollars or more, by deception, and intended to deprive the Public Employee's Retirement Association and CitiStreet, LLC permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S. (F3)

**COUNT TWO**  
**(Computer Crime)**

On and between July 4, 2004 and June 1, 2007 in the County of Denver, State of Colorado, Gordon Robert Moore unlawfully and knowingly accessed the computer network, or computer system, or any part thereof to commit theft, and the value of the thing of value taken was fifteen thousand dollars or more; in violation of section 18-5.5-102(1)(d), C.R.S. (F3)

The offenses alleged in Counts One and Two were committed in the following manner:

The Defendant was employed by AXA Equitable Life Insurance Company as a Financial Representative. In that capacity he would enroll customers in various financial products and investments offered by AXA Equitable. Specifically, the Defendant would attempt to enroll employees of various public school districts in Colorado in AXA's 403(b) plan. This plan is specifically designed for governmental employees. In getting these customers to invest in the 403(b) plan, the Defendant would also discuss rolling money they had invested in an existing 401(k) plan with the Public Employee's Retirement Association (PERA), which was managed by CitiStreet LLC. Pursuant to rules established by the Internal Revenue Service (IRS), an individual with money invested in a 401(k) account may not remove that money unless: 1) they have terminated the employment associated with the 401(k), or 2) they are age 59 and 6 months or older, or 3) they are deceased. The Defendant would not inform his prospective clients of these rules or would tell them the transfer was permitted, and would then submit a forged termination form to CitiStreet indicating the client had been terminated from employment with the school district when they had not. He would present the form to prospective clients, usually telling them it terminated their participation in the 401(k) plan. However, the form indicated that the employee had been terminated from PERA covered employment, which made them eligible for removal of the funds invested in the 401(k) plan. There were boxes that were to be checked by the employee indicating they had been terminated, and the defendant would usually check those boxes after the employee's signature had been obtained. There was also a portion where the employer was to certify that the employee had been terminated, and Defendant would typically complete this section as well by forging the signature of a representative of the school district. The submission of this form would cause CitiStreet to release the funds that were invested in the 401(k) plan. Without that forged termination form, CitiStreet would not have released the funds from the 401(k) account to be rolled over into a 403(b) with AXA. They would not have released the money because IRS rules forbid it.

After submitting the forged termination form, the Defendant would access the client's PERA 401(k) account information online through PERA's internet website. He would do this using a Personal Identification Number (PIN) given to him by the client. Once he was able to access the client's information, he would initiate the process to have the funds released to the client in the form of a check. Once the client received the check, those funds would be turned over to Defendant for deposit in their AXA 403(b) account.

Through this scheme of submitting forged documents, Defendant got PERA and CitiStreet to release invested funds that should not have been released. Once the funds were released, they ended up with the Defendant, invested in a 403(b) plan managed by AXA Equitable in the amount of \$1,665,166.16

### **COUNT THREE**

#### **(Theft of more than \$15,000)**

On and between July 4, 2004 and June 1, 2007 in the County of Boulder, State of Colorado, Gordon Robert Moore knowingly obtained or exercised control over a thing of value, namely: commissions from AXA Equitable Life Insurance Company, with an aggregate value of fifteen thousand dollars or more, by deception, and intended to deprive AXA Equitable Life Insurance Company permanently of its use or benefit; in violation of section 18-4-401(1)(a),(2)(d), C.R.S. (F3)

The offense alleged in Count Three was committed in the following manner:

The Defendant engaged in a scheme, referred to in the description of Counts One and Two, whereby he would misrepresent or fail to tell clients about the prohibitions of moving their investments from the PERA 401(k) plan into AXA's 403(b) plan. In doing so, he would forge and submit fraudulent termination forms to PERA and CitiStreet, LLC to give the appearance that the client had been terminated from their employment, thus making the transfer appear to be legitimate. The Defendant was paid a commission, by AXA Equitable Life Insurance Company, on the funds that were transferred from the PERA 401(k) plans. He also continued to receive commissions on any gains made on those funds. Defendant received \$102,805.86 in commissions related to this scheme.

### **COUNT FOUR**

#### **(Securities Fraud)**

On or between January 1, 2007 and March 1, 2007, in the Counties of Boulder and Larimer, State of Colorado, Gordon Robert Moore, in connection with the offer, sale or purchase of any security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading to John Rector, in violation of sections 11-51-501(1)(b) and 11-51-603(1) C.R.S. (Class 3 felony)

**COUNT FIVE**  
**(Computer Crime)**

On or between January 1, 2007 and March 1, 2007, in the County of Denver, State of Colorado, Gordon Robert Moore unlawfully and knowingly accessed a computer, computer network, or computer system, or any part thereof, for the purpose of devising or executing a scheme or artifice to defraud, and the loss, damage, value of services, or thing of value taken, or cost of restoration or repair was fifteen thousand dollars or more; in violation of section 18-5.5-102(1)(b), C.R.S. (Class 3 felony)

**COUNT SIX**  
**(Attempt to Influence a Public Official)**

On or between January 1, 2007 and March 1, 2007, in State of Colorado, Gordon Robert Moore unlawfully attempted to influence employees of CitiStreet, LLC, public servants, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S. (Class 4 felony)

**COUNT SEVEN**  
**(Forgery)**

On or between January 1, 2007 and March 1, 2007, in the State of Colorado, Gordon Robert Moore, with the intent to defraud CitiStreet LLC and PERA, unlawfully and falsely completed or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, an other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: 401(k) Plan Participant Termination Notification Form in violation of section 18-5-102(1)(c), C.R.S. (Class 5 felony)

**COUNT EIGHT**  
**(Criminal Impersonation)**

On or between January 1, 2007 and March 1, 2007, in the State of Colorado, Gordon Robert Moore unlawfully and knowingly assumed a false or fictitious identity or capacity, namely: Camille Taylor, and in such identity or capacity did an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S. (Class 6 felony)

The offenses listed in Counts Four through Eight were committed in the following manner:

In late 2006 and early 2007, the Defendant began meeting with John Rector and his wife Siria. They are both employees of the St. Vrain Valley School District. The Rectors met with Defendant at their home in Loveland, Larimer County, Colorado. They decided to invest in an AXA 403(b) plan, and begin contributing to that plan. The Defendant indicated that the Rectors could remove money they had invested in the PERA 401(k) plan into an AXA 403(b) account. However, this is not true. One of three conditions must be met in order to remove money from a 401(k) account, which is a security. Mr. Rector did not meet any of the requirements for withdrawing the \$23,609.21 he had invested in the PERA 401(k) plan, and should not have been allowed to withdraw the money. In order to withdraw the funds despite the prohibition, Defendant presented Mr. Rector with a blank "401(k) Plan Participant Termination Notification Form" and had him sign it. Later, the Defendant completed the "Employment Information" section of the form by indicating Mr. Rector had terminated "PERA covered employment." Defendant also completed the "Employer Certification" portion of the form which corroborates Mr. Rector's termination. Defendant signed the form using the name "Cami Taylor", an employee of the St. Vrain Valley School District administration. He then sent the document to CitiStreet, LLC the company that manages the 401(k) plan for PERA. By sending the form, which contained false information from the defendant, CitiStreet released the money that was in the 401(k) plans. CitiStreet would not have released the funds otherwise. Defendant also accessed Mr. Rector's account using PERA's online network. He did so by using Mr. Rector's PIN number. Once in the network, Defendant was able to direct that the money be released, in the form of a check, to Mr. Rector. The money was invested in a 403(b) plan managed by AXA Equitable.

**COUNT NINE**  
**(Securities Fraud)**

On or between June 1, 2004 and August 31, 2004 in the County of Weld, State of Colorado, Gordon Robert Moore, in connection with the offer, sale or purchase of any security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they

are made, not misleading to Tamara McDivitt, in violation of sections 11-51-501(1)(b) and 11-51-603(1) C.R.S. (Class 3 felony)

**COUNT TEN**

**(Attempt to Influence a Public Official)**

On or between June 1, 2004 and August 31, 2004, in State of Colorado, Gordon Robert Moore unlawfully attempted to influence employees of CitiStreet, LLC, public servants, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S. (Class 4 felony)

**COUNT ELEVEN**

**(Forgery)**

On or between June 1, 2004 and August 31, 2004, in the State of Colorado, Gordon Robert Moore, with the intent to defraud CitiStreet LLC and PERA, unlawfully and falsely uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, an other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: 401(k) Plan Participant Termination Notification Form in violation of section 18-5-102(1)(c), C.R.S. (Class 5 felony)

The offenses alleged in Counts Nine, Ten and Eleven were committed in the following manner:

In July of 2004, the Defendant met with Tamara McDivitt who was employed by the St. Vrain Valley School District. They met at her home in Greeley, Weld County, Colorado. When they met, Defendant told Ms. McDivitt that she could remove funds invested in her 401(k) account with PERA and place them in a 403(b) account managed by AXA Equitable. Ms. McDivitt did not meet the criteria to remove her investments from the 401(k) plan. The Defendant had her sign a form that indicated she had been terminated from PERA covered employment but did not tell her the purpose of this form. Defendant later completed the section indicating Ms. McDivitt had been terminated from her employment, which was not true. The Defendant then had an employee of the school district's administration sign the form corroborating Ms. McDivitt's termination, when in fact, she continued employment with the school district. The Defendant sent that form to CitiStreet, LLC, the company that managed the fund for PERA. But for the false information in the 401(k) Plan Participant Termination Notification Form, CitiStreet would not have released the funds from the account. The funds were turned over to the Defendant and invested in an AXA 403(b) plan.

**COUNT TWELVE**  
**(Securities Fraud)**

On or between August 1, 2006 and October 31, 2006 in the Counties of Weld and Larimer, State of Colorado, Gordon Robert Moore, in connection with the offer, sale or purchase of any security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading to Amy Hazel-Colley, in violation of sections 11-51-501(1)(b) and 11-51-603(1) C.R.S. (Class 3 felony)

**COUNT THIRTEEN**  
**(Computer Crime)**

On or between August 1, 2006 and October 31, 2006, in the County of Denver, State of Colorado, Gordon Robert Moore unlawfully and knowingly accessed a computer, computer network, or computer system, or any part thereof, for the purpose of devising or executing a scheme or artifice to defraud, and the loss, damage, value of services, or thing of value taken, or cost of restoration or repair was more than five hundred dollars but less than fifteen thousand; in violation of section 18-5.5-102(1)(b), C.R.S. (Class 4 felony)

**COUNT FOURTEEN**

**(Attempt to Influence a Public Official)**

On or between August 1, 2006 and October 31, 2006, in State of Colorado, Gordon Robert Moore unlawfully attempted to influence employees of CitiStreet, LLC, public servants, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S. (Class 4 felony)

**COUNT FIFTEEN**

**(Forgery)**

On or between August 1, 2006 and October 31, 2006, in the State of Colorado, Gordon Robert Moore, with the intent to defraud CitiStreet LLC and PERA, unlawfully and falsely completed or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, an other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: 401(k) Plan Participant Termination Notification Form in violation of section 18-5-102(1)(c), C.R.S. (Class 5 felony)

**COUNT SIXTEEN**

**(Criminal Impersonation)**

On or between August 1, 2006 and October 31, 2006, in the State of Colorado, Gordon Robert Moore unlawfully and knowingly assumed a false or fictitious identity or capacity, namely: Cheryl Brewster, and in such identity or capacity did an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S. (Class 6 felony)

The crimes alleged in Counts Twelve through Sixteen were committed in the following manner:

In September of 2006, Defendant met with Amy Hazel-Colley and convinced her to invest in an AXA Equitable 403(b) plan. She also transferred money invested in a PERA 401(k) account into the AXA account. Defendant did not tell her that the rollover was a violation of the plan rules, and contrary to IRS regulations. Ms. Hazel-Colley was not eligible to remove the invested money from the PERA 401(k) account. Defendant got her to sign a “401(k) Plan Participant Termination Notification Form” by telling her that it was to terminate the 401(k), not her employment. Then, Defendant signed the “Employer Certification” portion of the form in the name of Cheryl Brewster, a Payroll/HR Representative for the school district, and submitted it to CityStreet, LLC. CityStreet would not have released the funds without this completed form. Ms. Hazel-Colley also gave Defendant her PIN number which was used by Defendant to access her account via the PERA website. Defendant used the website to access Ms. Hazel-Colley’s account and direct where the funds be released. Ultimately, they were given to Defendant and invested in an AXA 403(b) account.

### **COUNT SEVENTEEN**

#### **(Securities Fraud)**

On or between September 1, 2006 and October 31, 2006 in the County of Boulder, State of Colorado, Gordon Robert Moore, in connection with the offer, sale or purchase of any security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading to Kellie Lynn Courtney, in violation of sections 11-51-501(1)(b) and 11-51-603(1) C.R.S. (Class 3 felony)

### **COUNT EIGHTEEN**

#### **(Attempt to Influence a Public Official)**

On or between September 1, 2006 and October 31, 2006, in State of Colorado, Gordon Robert Moore unlawfully attempted to influence employees of CitiStreet, LLC, public servants, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S. (Class 4 felony)

**COUNT NINETEEN**

**(Forgery)**

On or between September 1, 2006 and October 31, 2006, in the State of Colorado, Gordon Robert Moore, with the intent to defraud CitiStreet LLC and PERA, unlawfully and falsely completed or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, an other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: 401(k) Plan Participant Termination Notification Form in violation of section 18-5-102(1)(c), C.R.S. (Class 5 felony)

**COUNT TWENTY**

**(Criminal Impersonation)**

On or between August 1, 2006 and October 31, 2006, in the State of Colorado, Gordon Robert Moore unlawfully and knowingly assumed a false or fictitious identity or capacity, namely: Cami Taylor, and in such identity or capacity did an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S. (Class 6 felony)

The offenses alleged in Counts Seventeen through Twenty were committed in the following manner:

The Defendant met with Kellie Courtney and her husband in September of 2006. Ms. Courtney had \$28,758.42 invested in a 401(k) account with PERA and managed by CitiStreet, LLC. The Defendant told her that she could transfer the invested funds into an AXA 403(b) investment account and did not inform her of any of the conditions that were necessary for a rollover. Ms. Courtney was not eligible to remove the invested money from the PERA 401(k) account. He then presented her with the "401(k) Plan Participant Termination Notification Form" and told her it was required to terminate her 401(k) plan when it actually indicates that she has terminated employment. Ms. Courtney signed the form, but did not check any of the boxes. The Defendant later completed the form by checking boxes indicating her termination, which is required for withdrawal of the funds, when she had not been terminated. He also completed the "Employer Certification" portion of the form by signing it as "Cami Taylor", a payroll clerk with the St. Vrain School District. He then submitted the form to CitiStreet, LLC. Without this falsely completed form that purported to corroborate her termination from PERA covered employment, CitiStreet, LLC would not have released the funds to Ms. Courtney. CitiStreet did release the funds, and they were invested in an AXA Equitable 403(b) plan.

**COUNT TWENTY-ONE**

**(Securities Fraud)**

On or between October 1, 2005 and December 1, 2005 in the County of Boulder, State of Colorado, Gordon Robert Moore, in connection with the offer, sale or purchase of any security, directly or indirectly, unlawfully, feloniously, and

willfully made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading to Randy C. Deeter, in violation of sections 11-51-501(1)(b) and 11-51-603(1) C.R.S. (Class 3 felony)

**COUNT TWENTY-TWO**  
**(Computer Crime)**

On or between October 1, 2005 and December 1, 2005, in the County of Denver, State of Colorado, Gordon Robert Moore unlawfully and knowingly accessed a computer, computer network, or computer system, or any part thereof, for the purpose of devising or executing a scheme or artifice to defraud, and the loss, damage, value of services, or thing of value taken, or cost of restoration or repair was more than five hundred dollars but less than fifteen thousand; in violation of section 18-5.5-102(1)(b), C.R.S. (Class 4 felony)

**COUNT TWENTY-THREE**

**(Attempt to Influence a Public Official)**

On or between October 1, 2005 and December 1, 2005, in State of Colorado, Gordon Robert Moore unlawfully attempted to influence employees of CitiStreet, LLC, public servants, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S. (Class 4 felony)

**COUNT TWENTY-FOUR**

**(Forgery)**

On or between October 1, 2005 and December 1, 2005, in the State of Colorado, Gordon Robert Moore, with the intent to defraud CitiStreet LLC and PERA, unlawfully and falsely completed or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, an other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: 401(k) Plan Participant Termination Notification Form in violation of section 18-5-102(1)(c), C.R.S. (Class 5 felony)

**COUNT TWENTY-FIVE**

**(Criminal Impersonation)**

On or between October 1, 2005 and December 1, 2005, in the State of Colorado, Gordon Robert Moore unlawfully and knowingly assumed a false or fictitious identity or capacity, namely: Cami Taylor, and in such identity or capacity did an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S. (Class 6 felony)

**COUNT TWENTY-SIX**

**(Securities Fraud)**

On or between October 1, 2005 and December 1, 2005 in the County of Boulder, State of Colorado, Gordon Robert Moore, in connection with the offer, sale or purchase of any security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading to Christi L. Deeter, in violation of § § 11-51-501(1)(b) and 11-51-603(1) C.R.S. (Class 3 felony)

**COUNT TWENTY-SEVEN**

**(Computer Crime)**

On or between October 1, 2005 and December 1, 2005, in the County of Denver, State of Colorado, Gordon Robert Moore unlawfully and knowingly accessed a computer, computer network, or computer system, or any part thereof, for the purpose of devising or executing a scheme or artifice to defraud, and the loss, damage, value of services, or thing of value taken, or cost of restoration or repair was more than five hundred dollars but less than fifteen thousand; in violation of section 18-5.5-102(1)(b), C.R.S. (Class 4 felony)

**COUNT TWENTY-EIGHT**

**(Attempt to Influence a Public Official)**

On or between October 1, 2005 and December 1, 2005, in State of Colorado, Gordon Robert Moore unlawfully attempted to influence employees of CitiStreet, LLC, public servants, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S. (Class 4 felony)

**COUNT TWENTY-NINE**

**(Forgery)**

On or between October 1, 2005 and December 1, 2005, in the State of Colorado, Gordon Robert Moore, with the intent to defraud CitiStreet LLC and PERA, unlawfully and falsely completed or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, an other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: 401(k) Plan Participant Termination Notification Form in violation of section 18-5-102(1)(c), C.R.S. (Class 5 felony)

**COUNT THIRTY**

**(Criminal Impersonation)**

On or between October 1, 2005 and December 1, 2005, in the State of Colorado, Gordon Robert Moore unlawfully and knowingly assumed a false or fictitious identity or capacity, namely: Cami Taylor, and in such identity or capacity did an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S. (Class 6 felony)

The offenses alleged in Counts Twenty-One through Thirty were committed in the following manner:

On November 3, 2005, Randy and Christi Deeter met with the Defendant in their home in Longmont, Boulder County, Colorado. They decided to enroll in a 403(b) account with AXA Equitable. When they did, Defendant told them they could transfer the money invested in the PERA 401(k) plan to a 403(b) investment account with AXA. He did not tell them about the criteria that is necessary to make such a transfer. At that time, Randy Deeter had \$9,485.74 in his 401(k) account, and Christi Deeter had \$7,794.29. Neither one of them met the criteria for transferring their investments out of the PERA 401(k) plan. They both signed the "401(k) Plan Participation Termination Notification Form." In both cases, Defendant completed the form by signing the form as "Cami Taylor" a Payroll/HR Representative, corroborating that both Randy and Christi Deeter had been terminated from PERA covered employment. He then submitted the forms to CitiStreet, LLC. Without the purported signature of Cami Taylor, CitiStreet, LLC would not have released the funds to the Deeters. Further, Defendant used PIN numbers he obtained from the Deeters to access their 401(k) accounts online, via PERA's website. He accessed the PERA network in order to indicate where the funds should be sent once they were released by CitiStreet. The funds were ultimately invested in an AXA 403(b) account.

**COUNT THIRTY-ONE**

**(Securities Fraud)**

On or between July 1, 2005 and August 31, 2005 in the County of Weld, State of Colorado, Gordon Robert Moore, in connection with the offer, sale or purchase of any security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading to Darron Diemert, in violation of sections 11-51-501(1)(b) and 11-51-603(1) C.R.S. (Class 3 felony)

**COUNT THIRTY-TWO**

**(Computer Crime)**

On or between July 1, 2005 and August 31, 2005, in the County of Denver, State of Colorado, Gordon Robert Moore unlawfully and knowingly accessed a computer, computer network, or computer system, or any part thereof, for the purpose of devising or executing a scheme or artifice to defraud, and the loss, damage, value of services, or thing of value taken, or cost of restoration or repair was more than five hundred dollars but less than fifteen thousand; in violation of section 18-5.5-102(1)(b), C.R.S. (Class 4 felony)

**COUNT THIRTY-THREE**

**(Attempt to Influence a Public Official)**

On or between July 1, 2005 and August 31, 2005, in State of Colorado, Gordon Robert Moore unlawfully attempted to influence employees of CitiStreet, LLC, public servants, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S. (Class 4 felony)

### **COUNT THIRTY-FOUR**

#### **(Forgery)**

On or between July 1, 2005 and August 31, 2005, in the State of Colorado, Gordon Robert Moore, with the intent to defraud CitiStreet LLC and PERA, unlawfully and falsely completed or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, an other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: 401(k) Plan Participant Termination Notification Form in violation of section 18-5-102(1)(c), C.R.S. (Class 5 felony)

### **COUNT THIRTY-FIVE**

#### **(Securities Fraud)**

On or between July 1, 2005 and August 31, 2005 in the County of Weld, State of Colorado, Gordon Robert Moore, in connection with the offer, sale or purchase of any security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading to Marsha Diemert, in violation of § § 11-51-501(1)(b) and 11-51-603(1) C.R.S. (Class 3 felony)

### **COUNT THIRTY-SIX**

#### **(Computer Crime)**

On or between July 1, 2005 and August 31, 2005, in the County of Denver, State of Colorado, Gordon Robert Moore unlawfully and knowingly accessed a computer, computer network, or computer system, or any part thereof, for the purpose of devising or executing a scheme or artifice to defraud, and the loss, damage, value of services, or thing of value taken, or cost of restoration or repair was more than five hundred dollars but less than fifteen thousand; in violation of section 18-5.5-102(1)(b), C.R.S. (Class 4 felony)

**COUNT THIRTY-SEVEN**

**(Attempt to Influence a Public Official)**

On or between July 1, 2005 and August 31, 2005, in State of Colorado, Gordon Robert Moore unlawfully attempted to influence employees of CitiStreet, LLC, public servants, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S. (Class 4 felony)

**COUNT THIRTY-EIGHT**

**(Forgery)**

On or between July 1, 2005 and August 31, 2005, in the State of Colorado, Gordon Robert Moore, with the intent to defraud CitiStreet LLC and PERA, unlawfully and falsely completed or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, an other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: 401(k) Plan Participant Termination Notification Form in violation of section 18-5-102(1)(c), C.R.S. (Class 5 felony)

**COUNT THIRTY-NINE**

**(Criminal Impersonation)**

On or between July 1, 2005 and August 31, 2005, in the State of Colorado, Gordon Robert Moore unlawfully and knowingly assumed a false or fictitious identity or capacity, namely: Cami Taylor, and in such identity or capacity did an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S. (Class 6 felony)

The offenses alleged in Counts Thirty-One through Thirty-Nine were committed in the following manner:

In July of 2005, Darron and Marsha Diemert met with Defendant at their home in Johnstown, Weld County, Colorado. When they met with him, the Diemerts decided to invest in a 403(b) plan with AXA Equitable. Both of them had money invested in 401(k) accounts with PERA. Darron Diemert had \$4,139.88 and Marsh Diemert had \$3,263.44. Defendant told them they could move that money from the 401(k) account to an AXA 403(b) account. He did not tell them that neither one of them met the criteria for removing their money from the 401(k) plan. He then presented them with a “401(k) Plan Participant Termination Notification Form” and had them sign it. He then completed the form, indicating that both of the Diemerts had been terminated from PERA covered employment. Defendant then completed the “Employer Certification” portion, which is used by CitiStreet to corroborate the employee’s termination. In completing that section of the form, he signed Marsha Diemert’s form as “Cami Taylor.” Both forms were relied upon by CitiStreet in determining whether this was a proper removal of investment funds. But for the completed forms, CitiStreet would not have allowed the Diemert’s to remove the money. The Diemerts also gave Defendant their PIN numbers which allowed him to access their PERA account online. Defendant used that number to access the Diemert’s accounts through PERA’s online network and direct where the released funds should go once CitiStreet received the termination paperwork. The funds were sent to the Diemerts who, in turn, sent them to Defendant for investment with AXA.

**COUNT FORTY**  
**(Securities Fraud)**

On or between October 1, 2005 and November 30, 2005 in the County of Weld, State of Colorado, Gordon Robert Moore, in connection with the offer, sale or purchase of any security, directly or indirectly, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading to Tammy Leann Miller, in violation of sections 11-51-501(1)(b) and 11-51-603(1) C.R.S. (Class 3 felony)

**COUNT FORTY-ONE**  
**(Computer Crime)**

On or between October 1, 2005 and November 30, 2005, in the County of Denver, State of Colorado, Gordon Robert Moore unlawfully and knowingly accessed a computer, computer network, or computer system, or any part thereof, for the purpose of devising or executing a scheme or artifice to defraud, and the loss, damage, value of services, or thing of value taken, or cost of restoration or repair was more than five hundred dollars but less than fifteen thousand; in violation of section 18-5.5-102(1)(b), C.R.S. (Class 4 felony)

**COUNT FORTY-TWO**

**(Attempt to Influence a Public Official)**

On or between October 1, 2005 and November 30, 2005, in State of Colorado, Gordon Robert Moore unlawfully attempted to influence employees of CitiStreet, LLC, public servants, by means of deceit, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S. (Class 4 felony)

**COUNT FORTY-THREE**

**(Forgery)**

On or between October 1, 2005 and November 30, 2005, in the State of Colorado, Gordon Robert Moore, with the intent to defraud CitiStreet LLC and PERA, unlawfully and falsely completed or uttered a written instrument which was or which purported to be, or which was calculated to become or to represent if completed, an other instrument which document did or may have evidenced, created, transferred, terminated, or otherwise affected a legal right, interest, obligation, or status, namely: 401(k) Plan Participant Termination Notification Form in violation of section 18-5-102(1)(c), C.R.S. (Class 5 felony)

**COUNT FORTY-FOUR**

**(Criminal Impersonation)**

On or between October 1, 2005 and November 30, 2005, in the State of Colorado, Gordon Robert Moore unlawfully and knowingly assumed a false or fictitious identity or capacity, namely: Cheryl Brewster, and in such identity or capacity did an act with intent to unlawfully gain a benefit for himself or another or to injure or defraud another; in violation of section 18-5-113(1)(e), C.R.S. (Class 6 felony)

The offenses alleged in counts Forty through Forty-Four were committed in the following manner:

In October of 2005, Defendant met with Tammy Leanne Miller at her home in Evans, Weld County, Colorado. When they met, Defendant told Ms. Miller that she could transfer the money she had invested in the PERA 401(k) plan into AXA's 403(b) account. However, she did not meet any of the criteria for such a transfer. Based on Defendant's representations, Ms. Miller decided to remove the money she had invested in PERA's 401(k) plan. Defendant presented her with a "401(k) Plan Participation Termination Notification Form" which she signed. Defendant later completed the "Employer's Certification" and "Employment Information" portions of the form indicating Ms. Miller had been terminated from her position, when in fact, she was still employed. Defendant completed it by signing as "Cheryl Brewster" a Payroll/HR representative with the school district. Defendant then submitted this form to CitiStreet, LLC. Since CitiStreet believed Ms. Miller had been terminated, they allowed the release of her funds from their investments. Ms. Miller then provided Defendant with her PERA PIN number which he used to access her account online via PERA's online network. Once online, Defendant was able to indicate where the funds should be sent once they were released. They were released to Ms. Miller who then gave them to the Defendant for investment in an AXA 403(b) plan.

**COUNT FORTY-FIVE**  
**(Securities Fraud)**

On and between July 4, 2004 to June 1, 2007, in the State of Colorado, Gordon Robert Moore, in connection with the offer, sale or purchase of any security, directly or indirectly, unlawfully, feloniously, and willfully engaged in an act, practice, or course of business which operated as a fraud or deceit upon public school employee investors, in violation of § § 11-51-501(1)(c) and 11-51-603(1) C.R.S. (Class 3 felony)

The offense alleged in Count Forty-Six was committed in the manner described in Counts One and Two

AS TO COUNT ONE:  
A TRUE BILL

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Foreperson

AS TO COUNT TWO:  
A TRUE BILL

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Foreperson

AS TO COUNT THREE:  
A TRUE BILL

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Foreperson

AS TO COUNT FOUR:  
A TRUE BILL

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Foreperson

AS TO COUNT FIVE:  
A TRUE BILL

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Foreperson

AS TO COUNT SIX:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT SEVEN:  
A TRUE BILL

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AS TO COUNT EIGHT:  
A TRUE BILL

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Foreperson

AS TO COUNT NINE:  
A TRUE BILL

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Foreperson

AS TO COUNT TEN:  
A TRUE BILL

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Foreperson

AS TO COUNT ELEVEN:  
A TRUE BILL

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Foreperson

AS TO COUNT TWELVE:  
A TRUE BILL

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Foreperson

AS TO COUNT THIRTEEN:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT FOURTEEN:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT FIFTEEN:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT SIXTEEN:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT SEVENTEEN:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT EIGHTEEN:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT NINETEEN:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT TWENTY:  
A TRUE BILL

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Foreperson

AS TO COUNT TWENTY-ONE:  
A TRUE BILL

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Foreperson

AS TO COUNT TWENTY-TWO:  
A TRUE BILL

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Foreperson

AS TO COUNT TWENTY-THREE:  
A TRUE BILL

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Foreperson

AS TO COUNT TWENTY-FOUR:  
A TRUE BILL

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Foreperson

AS TO COUNT TWENTY-FIVE:  
A TRUE BILL

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Foreperson

AS TO COUNT TWENTY-SIX:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT TWENTY-SEVEN:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT TWENTY-EIGHT:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT TWENTY-NINE:  
A TRUE BILL

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A NO TRUE BILL

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AS TO COUNT THIRTY:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT THIRTY-ONE:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT THIRTY-TWO:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT THIRTY-THREE:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT THIRTY-FOUR:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT THIRTY-FIVE:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT THIRTY-SIX:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT THIRTY-SEVEN:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT THIRTY-EIGHT:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT THIRTY-NINE:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

AS TO COUNT FORTY:  
A TRUE BILL

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AS TO COUNT FORTY-ONE:  
A TRUE BILL

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Foreperson

AS TO COUNT FORTY-TWO:  
A TRUE BILL

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Foreperson

AS TO COUNT FORTY-THREE:  
A TRUE BILL

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Foreperson

AS TO COUNT FORTY-FOUR:  
A TRUE BILL

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Foreperson

AS TO COUNT FORTY-FIVE:  
A TRUE BILL

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Foreperson

A NO TRUE BILL

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A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

A NO TRUE BILL

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Foreperson

I, \_\_\_\_\_, the Foreperson of the 2007-2008 Colorado State Grand Jury, do hereby swear and affirm that each and every True Bill returned in this indictment by the 2007-2008 Colorado State Grand Jury was arrived at after deliberation and with the assent and agreement to the existence of probable cause by at least nine members of the Colorado State Grand Jury. The Colorado State Grand Jury further authorizes and instructs the Colorado Attorney General to return this indictment to open court with or without the presence of the foreperson.

\_\_\_\_\_  
Foreperson

Subscribed to before me in the City and County of Denver, State of Colorado, this \_\_\_\_\_ day of August 2007.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

JOHN W. SUTHERS  
Attorney General

\_\_\_\_\_  
JOHN G. LEE, 29980  
Assistant Attorney General II  
Special Prosecutions Unit  
Criminal Justice Section

The 2006-2007 Colorado Statewide Grand Jury presents the within Indictment, and the same is hereby ORDERED FILED this \_\_\_\_\_ day of August 2007.

Pursuant to § 13-73-107, C.R.S., the Court designates \_\_\_\_\_ County, Colorado as the county of venue for the purposes of trial.

So ORDERED, this \_\_\_\_ day of August, 2007

\_\_\_\_\_  
District Court Judge