

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
JAMES SCOTT POPE,)	
)	
Defendant.)	

INFORMATION

The United States Attorney charges, at all times material to this Information:

Introduction

1. Defendant JAMES SCOTT POPE was an attorney licensed to practice law in the state of Missouri. POPE was employed as general counsel to Sinclair Financial Group, Inc. and its successor, Stevens Financial Group, Inc. (collectively referred to herein as “SFG”).
2. SFG was a Springfield, Missouri based consumer finance company which also sold unregistered securities, known as “Time Certificates”, to Missouri investors.
3. Individual A and Individual B were Missouri residents who owned SFG until they transferred the company in or about October, 1999.
4. Individual C was a high level executive at SFG’s when Individual A and Individual B transferred ownership of SFG to him in or about October, 1999.
5. Sinclair Management Services, Inc. (“SiMS”) was Springfield, Missouri based company owned by Individual A. In addition to Individual A’s ownership interest in SiMS, Individual A and Individual B were both associated with and employed by SiMS.

6. Spartan Finance Company (“Spartan”) was an Arizona based consumer finance company owned by Individual D

7. Individual D resided in Arizona and Missouri and was at various times employed by or otherwise associated with SFG.

8. Individual E was an attorney licensed to practice law in the state of Missouri.

9. The Office of the Comptroller of the Currency (“OCC”) was the federal agency charged with regulating the national banking system.

COUNT ONE
(Conspiracy – 18 U.S.C. § 371)

10. Immediately after the transfer of SFG to Individual C, SiMS owed SFG approximately \$5,000,000 as a result of advances and loans SFG made to SiMS. As required under the terms of the transfer, Individual C executed a promissory note to Individual A in the amount of \$5,000,000.

11. Individual A and Individual B used a portion of the \$14,500,000 in consideration they received from the transfer of SFG to purchase a financial institution. As a prerequisite to that purchase, the OCC required Individual A and Individual B to submit a form application (“the OCC Application”) detailing their educational, employment, and personal backgrounds, as well as their financial condition.

12. In or about August, 1999, Individual A instructed POPE to assist in preparing the OCC Application. Individual A instructed POPE not to list SiMS on the OCC Application among the corporations that Individual A and Individual B had an ownership interest in or were

associated with. POPE followed Individual A's instructions and failed to list SiMS on the OCC Application.

13. On December 8, 1999, Individual A and Individual B executed the OCC Application and certified under oath that it was true, correct, and complete. They also acknowledged that any misrepresentation or omission of material fact on the document constituted a violation of federal law.

14. The information Individual A and Individual B provided on the OCC Application failed to disclose: (1) that Individual A had any then-existing or previous employment relationship with SiMS; (2) that Individual A held any proprietary or beneficial interest in SiMS; (3) that Individual B had any then-existing or previous employment relationship with SiMS; (4) that Individual A or Individual B had ever had any association with SiMS; or (5) that Individual C owed Individual A \$5,000,000. POPE was aware that the OCC Application as executed by Individual A and Individual B contained these material false statements and omissions.

15. Based in part on the information contained in the OCC Application, the OCC approved the application for change of control on or about March 1, 2000. On or about March 3, 2000, Individual A and Individual B purchased Northwest National Bank, a financial institution based in Gravette, Arkansas, and re-named the institution Sinclair National Bank ("SNB").

16. Individual A's relationship to SiMS was not disclosed to the OCC until May 1, 2000. By letter dated May 18, 2000, the OCC requested information about Individual A's relationship to various individuals and entities, including SFG, SiMS, and Individual C. That correspondence requested that Individual A provide responsive information by not later than May 26, 2000.

17. On May 23, 2000, POPE met with Individual A, Individual C, Individual D, and Individual E (“the Conspirators”) in at SFG’s offices in Springfield, Missouri. During that meeting, the Conspirators formulated a plan to misrepresent the nature of Individual A’s relationship to SiMS, SFG, and Individual C in an effort to obstruct the OCC in its monitoring, review, and examination of SNB. As part of this plan, the Conspirators agreed to create and backdate a document to suggest that Individual C had agreed on February 15, 2000 to sell SiMS to Spartan.

18. On or about June 1, 2000, Individual E sent or caused to be sent to POPE by electronic mail a document entitled “Stock Purchase Agreement by and between Spartan Finance Company, as Buyer, and [Individual A] as Seller Dated as of February 15, 2000” (“Draft Purchase Agreement”). The Draft Purchase Agreement purported to reflect Individual A’s agreement to sell SiMs to Spartan for \$100.00 and falsely reflected an execution date of February 15, 2000.

19. The Conspirators discussed and further refined the Draft Purchase Agreement. After several changes were made, Individual A and Individual D signed the document, which was entitled “Purchase Agreement by and between Spartan Finance Company, as Buyer, and [Individual A] as Seller Dated as of February 15, 2000” (“Final Purchase Agreement”).

20. By letter dated June 16, 2000, Individual A represented to the OCC that he had sold all of his ownership in SiMS in accordance with the Final Purchase Agreement. Individual A subsequently provided a copy of the backdated Final Purchase Agreement to the OCC by letter dated August 4, 2000.

21. As a result of the false information provided to it, the OCC was required to monitor and review SNB's activities for an extended period. During this period, the OCC expended substantial government resources. SNB ultimately failed and was closed by the OCC on September 7, 2001.

All in violation of Title 18, United States Code, Section 371.

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