

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No.:

UNITED STATES OF AMERICA,	)	INFORMATION	<i>CR 12-58 RHK</i>
	)		
Plaintiff,	)	(18 U.S.C. § 371)	
	)		
v.	)		
	)		
GARY ALBERT COLLYARD,	)		
	)		
Defendant.	)		

THE UNITED STATES ATTORNEY CHARGES:

COUNT 1  
(Conspiracy to Commit Securities Fraud)

From at least in or about January 2010 and continuing until in or about May 2011, in the State and District of Minnesota and elsewhere, the defendant,

GARY ALBERT COLLYARD,

conspiring with others, including but not limited to Robert Allen Walker, Dennis Luverne Desender, and others, did knowingly, willfully, and unlawfully conspire, by the use of means and instrumentalities of interstate commerce, to directly and indirectly use and employ manipulative and deceptive devices and contrivances in connection with the sale of securities, that is Bixby Energy Systems securities, and to make untrue statements of material facts and omit to state material facts necessary in order to make the statements not misleading in connection with the sale of said securities, in violation of Title 15, United States Code,

SCANNED  
FEB 22 2012  
U.S. DISTRICT COURT ST. PAUL

FILED FEB 22 2012  
RICHARD D. SLETTEN, CLERK  
JUDGMENT ENTD. \_\_\_\_\_  
DEPUTY CLERK \_\_\_\_\_

Sections 78j(b) and 78ff and Title 17, Code of Federal Regulations, Section 240.10b-5.

In furtherance of the above-described conspiracy, defendant committed one or more overt acts, including the following:

On or about November 21, 2007, Gary Albert Collyard made material false representations to investor W.J., causing investor W.J. to purchase \$240,000 in Bixby Energy Systems securities by mailing a check to The Collyard Group.

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

**COUNT 2**  
**(Conspiracy to Commit Bank Fraud)**

From at least April 2005 and continuing through September 2011, in the State and District of Minnesota and elsewhere, the defendant,

**GARY ALBERT COLLYARD,**

conspiring with others, did knowingly and unlawfully conspire, to devise a scheme and artifice to defraud multiple federally insured financial institutions, and to obtain money, funds and credits owned by and under the custody and control of those banks, by means of material false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1344.

In furtherance of the above-described conspiracy, defendant committed one or more overt acts, including the following:

On or about May 25, 2007, Gary Albert Collyard submitted a materially false loan application to MidCountry Bank, resulting in a loan of \$450,000 to Gary Albert Collyard.

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

**Forfeiture Allegations**

Counts 1 and 2 of this Information are hereby realleged and incorporated as if fully set forth herein by reference, for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

As the result of the offenses alleged in Counts 1 and 2 of this Information, the defendant 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 property, real or personal, which constitutes or is derived from proceeds traceable to the violations alleged in Counts 1 and 2 of the Information.

If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21,

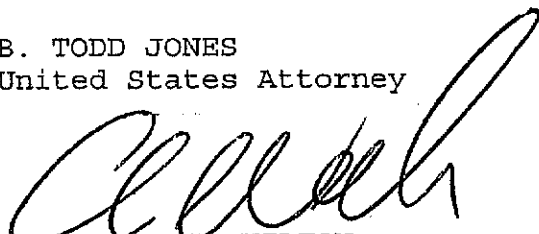
United States Code, Section 853(p), as incorporated by Title 28,  
United States Code, Section 2461(c).

All in violation of Title 15, United States Code, Sections  
78ff and 78j(b), Title 18, United States Code, Sections  
981(a)(1)(C) and 1344, and Title 28, United States Code, Section  
2461(c).

Respectfully submitted,

Dated: February 22, 2012

B. TODD JONES  
United States Attorney



BY: CHRIS S. WILTON  
Assistant U.S. Attorney