

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

UNITED STATES OF AMERICA,	)	No. 11- _____
)	
Plaintiff,	)	COUNT ONE
	)	26 U.S.C. § 7212(a)
v.	)	Attempts to interfere with administration of
	)	internal revenue laws
	)	NMT 3 years' imprisonment and/or a fine of
KAREN L. PLETZ,	)	NMT \$5,000
[DOB: 09/28/1947]	)	NMT 1 year supervised release
	)	Class E Felony
Defendant.)	
	)	COUNTS TWO THROUGH FOUR
	)	26 U.S.C. § 7206(1)
	)	Fraud and false statements on tax returns
	)	NMT 3 years' imprisonment and/or a fine of
	)	NMT \$100,000
	)	NMT 1 year supervised release
	)	Class E Felony
)	
	)	COUNTS FIVE THROUGH TWENTY
	)	18 U.S.C. §§ 666 and 2
	)	Theft concerning programs receiving federal
	)	funds
	)	NMT 10 years' imprisonment and/or a fine of
	)	NMT \$250,000
	)	NMT 3 years supervised release
	)	Class C Felony
)	
	)	COUNTS TWENTY-ONE THROUGH
	)	TWENTY-FOUR
	)	18 U.S.C. § 1957
	)	Money Laundering
	)	NMT 10 years' imprisonment and/or a fine of
	)	NMT \$250,000
	)	NMT 3 years supervised release
	)	Class C Felony
)	
	)	Allegation of Criminal Forfeiture
	)	18 U.S.C. §§ 982(a)(1) and (a)(2)(A)
)	
	)	\$100 Mandatory Special Assessment for all
	)	Counts

INDICTMENT

THE GRAND JURY CHARGES THAT:

Introduction and Background

1. Kansas City University of Medicine and Biosciences (“KCUMB”) is a Missouri nonprofit corporation with its principal place of business at 1750 Independence Avenue, Kansas City, Missouri. Before 2004, KCUMB operated under the name University of Health Sciences.

2. KCUMB is a private, non-profit university committed to the education of students in osteopathic medicine and the life sciences. For each calendar year from 2004 through 2009, KCUMB participated in federal student aid programs administered by both the United States Department of Education (“USDOE”) and the United States Department of Health and Human Services (“HHS”). For each of the same calendar years, KCUMB was an organization that received benefits in excess of \$10,000 annually from USDOE and HHS under federal programs involving grants, subsidies, loans, guarantees, and other forms of federal assistance.

3. At various times from 2004 through 2009, KCUMB also received federal grants from programs run by the Departments of Defense, Agriculture, HHS, Homeland Security, and the National Science Foundation. Many of these grants exceeded \$10,000 annually.

4. KAREN L. PLETZ was the President and CEO of KCUMB and was a member of the Board of Trustees of KCUMB (“Board”) from 1995 until December 2009. By virtue of her positions, PLETZ owed KCUMB the fiduciary duties of good faith, due care, honesty, and loyalty. PLETZ was an agent of the institution, occupying a position of the highest trust and confidence. As such, she was required to act in the utmost good faith and in the best interests of KCUMB, and to subordinate her personal interests to the interests of KCUMB.

5. In 2008, her last full year of employment at KCUMB, PLETZ made a salary of \$549,715, plus an incentive of \$412,286. From 2003 through 2006, PLETZ had a bank account at Bank of America, account number ending in 6909, and from 2006 through 2009, PLETZ had a bank account at Commerce Bank, account number ending in 2257.

The Scheme and Artifice

6. From in or about October 2002 through December 2009, PLETZ engaged in a fraudulent scheme and artifice to obtain money from KCUMB by false and fraudulent misrepresentations and omissions, and the concealment of material facts. Through this scheme PLETZ illegally obtained more than \$1.5 million.

7. It was part of the scheme and artifice that beginning on or about October 14, 2002, PLETZ, in her position as President, CEO, and Trustee for KCUMB, caused to be created KCUMB Executive Committee meeting minutes for meetings that did not actually occur. These minutes falsely reported that a Board member had moved, and the Committee had unanimously authorized that two lump sum payments of \$60,000 be paid to PLETZ. One \$60,000 payment was to be made on or before October 18, 2002, and one \$60,000 payment was to be made on or before July 15, 2003. On or about October 14, 2002, PLETZ caused to be created an 'addendum' to these minutes, which purportedly authorized a third payment, of \$54,000, so that PLETZ would not be penalized by tax liability resulting from the earlier payments.

8. In like manner, PLETZ caused to be created KCUMB Executive Committee meeting minutes for additional meetings that did not occur, using the first set of minutes as a template, on or about: August 6, 2003; April 20, 2004; October 19, 2004; April 19, 2005; May 2, 2006; April 17, 2007; April 22, 2008; and April 21, 2009. The only business ever reported in these Executive

Committee meeting minutes was the authorization of lump sum payments, also sometimes referred to as 'leadership stipends' or 'leadership compensation,' for PLETZ.

9. It was further part of the scheme and artifice that PLETZ caused a false insertion to be placed into otherwise legitimate Compensation and Benefits Committee minutes on October 17, 2005, stating that leadership stipends awarded 2002 through 2005 be continued for 2005 through 2008. In like manner, PLETZ caused a false insertion to be placed into the October 20, 2008, Compensation and Benefits Committee meeting minutes which stated that PLETZ's stipends be continued from 2008 through 2013.

10. It was further part of the scheme and artifice that PLETZ caused false insertions to be placed into otherwise legitimate Board meeting minutes on October 31, 2006, and October 16, 2007, purportedly authorizing leadership compensation for PLETZ.

11. For each lump sum payment, false Executive Committee meeting minutes and/or false Compensation and Benefits Committee meeting minutes were used to create a personnel action form, which was unwittingly signed by the Chairman of the Board and submitted to the finance department, in reliance on which PLETZ's lump sum was paid.

12. As a result of her scheme and artifice to obtain additional pay for herself in the form of lump sum payments, PLETZ wrongfully obtained a total of \$1,409,500 from KCUMB.

13. It was further part of the scheme and artifice that PLETZ submitted numerous fraudulent vouchers claiming business purposes for her personal travel and entertainment expenses and for personal purchases in order to obtain payments from KCUMB.

14. It was further part of the scheme and artifice that PLETZ did not declare the fraudulent travel and entertainment reimbursement as income on her Form 1040, United States

Individual Income Tax Returns. An audit conducted by the Tax Exempt Government Entities Division (TEGE) determined that for the years 2006 through 2008, PLETZ received unreported income from disallowed travel and entertainment claims totaling \$1,074,917, leading to a tax loss to the United States of at least \$280,000.

15. It was further part of the scheme and artifice that PLETZ signed and filed materially false Forms 1040 for tax years 2003 through 2006. These personal returns falsely claimed itemized deductions for charitable contributions on line 15 of Schedule A. PLETZ had provided her tax preparer with a handwritten list of charitable deductions she intended to claim as personal deductions. As PLETZ well knew, KCUMB, not she, made the contributions either by KCUMB check or KCUMB credit card to organizations including United Way, Lyric Opera, Deron Cherry Foundation, Truman Medical Center, Boys & Girls Clubs, and Benedictine College. The false portions of PLETZ's charitable deductions were as follows:

2003: \$81,250
2004: \$116,680
2005: \$160,445
2006: \$207,253

After the Internal Revenue Service ("IRS") audited PLETZ's personal returns for tax years 2005 and 2006, she filed amended returns for those years, drastically reducing her charitable contributions. For 2005, she reduced them from \$183,546 to \$46,097; and for 2006, from \$243,503 to \$44,073. Through her authorized representative, PLETZ told the IRS that her executive assistant had mistakenly commingled KCUMB donation receipts with PLETZ's personal donation receipts.

16. It was further part of the scheme and artifice that for tax years 2004 through 2006, PLETZ failed to report as income reimbursements she had fraudulently obtained from KCUMB for

charitable donations she falsely claimed that she personally made. In February 2004, PLETZ pledged \$20,000 to Benedictine College in Atchison, Kansas, and requested that Benedictine use her home address for all correspondence regarding the gift. In March 2004, PLETZ submitted to KCUMB a claim for reimbursement for \$20,000, attaching to the claim a copy of her personal check in the amount of \$20,000 made payable to Benedictine College. Benedictine never received PLETZ's personal check, and the check never cleared her account. KCUMB paid PLETZ \$20,000. On June 10, 2004, and June 30, 2004, at PLETZ's direction, Benedictine charged PLETZ's KCUMB Visa account \$10,000 in two installments to fulfill PLETZ's pledge. PLETZ claimed this \$20,000 donation which KCUMB, not she, made, as a charitable contribution deduction on her 2004 Form 1040, and did not declare the \$20,000 income she received from the fraudulent reimbursement.

17. As a further part of her scheme, in February 2005, PLETZ pledged \$20,000 to Benedictine College and instructed Benedictine to bill her home address for the gift, as PLETZ said it was a personal donation. On February 25, 2005, PLETZ submitted to KCUMB a claim for reimbursement for \$20,000, attaching to the claim a copy of her personal check in the amount of \$20,000 made payable to Benedictine College. As in 2004, Benedictine never received PLETZ's personal check, and the check never cleared her account. KCUMB paid PLETZ \$20,000. On May 25, 2005, and June 30, 2005, at PLETZ's direction, Benedictine charged PLETZ's KCUMB Visa account \$10,000 in two installments to fulfill PLETZ's pledge. PLETZ claimed this \$20,000 donation which KCUMB, not she, made, as a charitable contribution deduction on her 2005 Form 1040, and did not declare the \$20,000 income she received from the fraudulent reimbursement.

18. As a further part of her scheme, in February 2006, PLETZ pledged \$25,000 to Benedictine College. On February 17, 2006, PLETZ submitted to KCUMB a claim for

reimbursement for \$25,000, attaching to the claim a copy of her personal check in the amount of \$25,000 made payable to Benedictine College. As in 2004 and 2005, Benedictine never received PLETZ's personal check and the check never cleared her account. KCUMB paid PLETZ \$25,000. From May 1, 2006, to June 30, 2006, at PLETZ's direction, Benedictine charged PLETZ's KCUMB Visa account a total of \$25,000 in three installments to fulfill PLETZ's pledge. PLETZ claimed this \$25,000 donation which KCUMB, not she, made, as a charitable contribution deduction on her 2006 Form 1040, and did not declare the \$25,000 income she received from the fraudulent reimbursement.

COUNT ONE

19. Paragraphs One through Eighteen of this indictment are incorporated herein.

20. Beginning in or about April 2004 and continuing thereafter up to and including December 2009, in the Western District of Missouri and elsewhere, defendant KAREN L. PLETZ did corruptly endeavor to obstruct and impede the due administration of the internal revenue laws by the following conduct:

21. From March 2004 through February 2006, PLETZ submitted false and fraudulent claims to KCUMB for the reimbursement of charitable donations she falsely claimed she had personally made to Benedictine College on KCUMB's behalf; PLETZ then falsely failed to declare this income on her Forms 1040 United States Individual Income Tax Return.

22. PLETZ signed and filed materially false Forms 1040 for tax years 2003 through 2006, which falsely claimed itemized deductions for charitable contributions on line 15 of Schedule A. As PLETZ well knew, KCUMB, not she, made the contributions, either by KCUMB check or KCUMB credit card. The false portions of the charitable deductions were as follows:

2003: \$81,250
2004: \$116,680
2005: \$160,445
2006: \$207,253

23. For tax years 2004 through 2008, PLETZ filed Forms 1040 United States Individual Income Tax Return that falsely omitted the proceeds of the fraudulent travel and entertainment expense reimbursement she had obtained from KCUMB.

24. On or about April 16, 2007, PLETZ instructed her assistant at KCUMB to alter a Federal application for extension of time to file return for tax year 2006, which PLETZ's tax preparer had completed and sent to her. PLETZ instructed the assistant to reduce the estimated total federal tax due from \$333,912 to \$200,912, which reduced the amount of federal tax due immediately from \$160,000 to \$27,000.

25. On or about April 15, 2008, PLETZ instructed her assistant at KCUMB to alter a Federal application for extension of time to file return for tax year 2007, which PLETZ's tax preparer had completed and sent to her. PLETZ instructed the assistant to reduce the estimated total federal tax due from \$374,107 to \$202,107, which reduced the amount of federal tax due immediately from \$190,000 to \$18,000.

26. In or about October 2008, PLETZ, by and through her authorized representative, falsely claimed to a representative of the IRS that she inadvertently claimed KCUMB charitable donations as her own personal donations for tax years 2005 and 2006, because her executive assistant mistakenly commingled KCUMB charitable donation receipts with PLETZ's personal donation receipts.

27. In March and April, 2009, PLETZ wrote two memoranda to her executive assistants in which she repeated her false story, that is, that she had accidentally claimed KCUMB charitable donations as her own because KCUMB and PLETZ's personal charitable donation paperwork were commingled and sent to her tax preparer. These memoranda were attempts to bolster PLETZ's claim of negligence with the IRS, when in truth, as PLETZ well knew, she had provided handwritten lists of charitable donations, most of which were made by KCUMB, to her tax preparer.

28. On March 19, 2009, PLETZ wrote a letter to Benedictine College, claiming she had just discovered that her personal check for a \$25,000 contribution in 2006 had not cleared. This letter was an attempt to bolster PLETZ's claim of negligence with the IRS, when in truth, as PLETZ well knew, she had made the \$25,000 contribution to Benedictine with a KCUMB credit card.

All in violation of Title 26, United States Code, Section 7212(a).

COUNT TWO

29. Paragraphs One through Sixteen of this indictment are incorporated herein.

30. On or about April 15, 2005, in the Western District of Missouri, defendant KAREN L. PLETZ, a resident of Kansas City, Missouri, did willfully make and subscribe a Form 1040, United States Individual Income Tax Return for the year 2004 (hereafter "return"), which was verified by a written declaration that it was made under the penalties of perjury, and which she did not believe to be true and correct as to every material matter. That return, which was prepared in the Western District of Missouri and was filed with the Internal Revenue Service, stated that she had personally made \$116,680 in charitable contributions, and it failed to declare income she had obtained by fraud, whereas, as the defendant then well knew and believed, the return materially

overstated her charitable contributions by claiming as her personal contributions those that KCUMB had made, and it materially failed to declare fraudulently obtained income.

All in violation of Title 26, United States Code, Section 7206(1).

COUNT THREE

31. Paragraphs One through Seventeen of this indictment are incorporated herein.

32. On or about October 18, 2006, in the Western District of Missouri, defendant KAREN L. PLETZ, a resident of Kansas City, Missouri, did willfully make and subscribe a Form 1040, United States Individual Income Tax Return for the year 2005 (hereafter “return”), which was verified by a written declaration that it was made under the penalties of perjury, and which she did not believe to be true and correct as to every material matter. That return, which was prepared in the Western District of Missouri and was filed with the Internal Revenue Service, stated that she had personally made \$160,445 in charitable contributions, and it failed to declare income she had obtained by fraud, whereas, as the defendant well knew and believed, the return materially overstated her charitable contributions by claiming as her personal contributions those that KCUMB had made, and it materially failed to declare fraudulently obtained income.

All in violation of Title 26, United States Code, Section 7206(1).

COUNT FOUR

33. Paragraphs One through Eighteen of this indictment are incorporated herein.

34. On or about October 18, 2007, in the Western District of Missouri, defendant KAREN L. PLETZ, a resident of Kansas City, Missouri, did willfully make and subscribe a Form 1040, United States Individual Income Tax Return for the year 2006 (hereafter “return”), which was verified by a written declaration that it was made under the penalties of perjury, and which she did

not believe to be true and correct as to every material matter. That return, which was prepared in the Western District of Missouri and was filed with the Internal Revenue Service, stated that she had personally made \$207,253 in charitable contributions, and it failed to declare income she had obtained by fraud, whereas, as the defendant well knew and believed, the return materially overstated her charitable contributions by claiming as her personal contributions those that KCUMB had made, and it materially failed to declare fraudulently obtained income.

All in violation of Title 26, United States Code, Section 7206(1).

COUNTS FIVE through SIXTEEN

35. Paragraphs One through Twelve of this indictment are incorporated herein.

36. On or about the below-listed dates, within the Western District of Missouri, defendant KAREN L. PLETZ, an agent of KCUMB, aided and abetted by another, intentionally misapplied and knowingly embezzled, stole, obtained by fraud and otherwise without authority knowingly converted to her own use, property valued at \$5,000 or more that was owned by and under the care, custody, and control of KCUMB, an organization that annually and during the one-year period from March 30, 2006, through March 29, 2007, and during each of the three succeeding one-year periods thereafter ending on March 29, 2010, received benefits in excess of \$10,000 from federal programs involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of federal assistance, that is, on twelve separate occasions defendant PLETZ caused money that was under the care, custody, and control of KCUMB to be deposited into bank accounts she controlled, and thereby obtained by fraud and other improper means, approximately \$780,000 of KCUMB's money that she was not authorized and entitled to receive.

Count	Date of Deposit	Lump Sum Payment	Deposit Amount	Committee Minutes	Account
5	03/30/2006	\$65,000.00	\$63,407.50	04/19/2005	BOA acct #6909
6	09/22/2006	\$65,000.00	\$63,407.50	05/02/2006	Commerce acct #2257
7	01/02/2007	\$65,000.00	\$59,382.50	05/02/2006	Commerce acct #2257
8	04/06/2007	\$65,000.00	\$63,407.50	05/02/2006	Commerce acct #2257
9	09/14/2007	\$65,000.00	\$63,407.50	04/17/2007	Commerce acct #2257
10	12/14/2007	\$65,000.00	\$63,407.50	04/17/2007	Commerce acct #2257
11	02/25/2008	\$65,000.00	\$62,318.22	04/17/2007	Commerce acct #2257
12	09/12/2008	\$65,000.00	\$63,407.50	04/22/2008	Commerce acct #2257
13	01/05/2009	\$65,000.00	\$59,377.50	04/22/2008	Commerce acct #2257
14	03/26/2009	\$65,000.00	\$63,407.50	04/22/2008	Commerce acct #2257
15	09/04/2009	\$65,000.00	\$63,407.50	10/20/2008 04/21/2009	Commerce acct #2257
16	11/05/2009	\$65,000.00	\$63,407.50	10/20/2008 04/21/2009	Commerce acct #2257

All in violation of Title 18, United States Code, Sections 666 and 2.

COUNTS SEVENTEEN through TWENTY

37. Paragraphs One through Five of this indictment are incorporated herein.

38. On or about the below-listed dates, within the Western District of Missouri, defendant KAREN L. PLETZ, an agent of KCUMB, intentionally misapplied and knowingly embezzled, stole, obtained by fraud and otherwise without authority knowingly converted to her own use, property valued at \$5,000 or more that was owned by or under the care, custody, and control of KCUMB, an organization that annually and during the one-year period from January 1, 2007, through December 31, 2007, received benefits in excess of \$10,000 from federal programs involving a grant, contract,

subsidy, loan, guarantee, insurance, and other form of federal assistance, that is, defendant PLETZ caused KCUMB to pay for her personal travel and expenses by falsely claiming the travel and expenses were business related when in fact, as she well knew, there was no business purpose for the travel and expenses, and she was not authorized and entitled to receive reimbursement and payments from KCUMB.

Count	Dates of Payments	Amount Taken by Fraud	Non-business purpose
17	05/04/2007-06/29/2007	\$6,078.74	Trip to Harbor Beach Marriott Resort, Fort Lauderdale, Florida to visit Pletz's parents
18	06/05/2007-12/17/2007	\$24,815.17	Trip to Four Seasons Hotel, Jackson Hole, Wyoming to vacation with Pletz's friend
19	06/05/2007-12/05/2007	\$8,556.61	Trip to Wild Dunes Resort, Isle of Palms, Charleston, South Carolina to visit with Pletz's high school friends
20	10/27/2007-12/18/2007	\$11,846.07	Purchase of items at the Vera Wang boutique in Halekulani Hotel, Honolulu, Hawaii

All in violation of Title 18, United States Code, Section 666.

COUNT TWENTY-ONE

39. Paragraphs One through Five of this indictment are incorporated herein.

40. On or about April 11, 2006, in the Western District of Missouri and elsewhere, KAREN L. PLETZ, defendant herein, did knowingly engage and cause to be engaged in a monetary transaction, in or affecting interstate commerce, in criminally derived property of a value greater than \$10,000, with the funds represented by the transaction having been derived from a specified unlawful activity, that is, theft from a program receiving federal funds as described in Count Five, and PLETZ

knew said monetary transaction involved proceeds of a criminal offense, in that PLETZ caused \$63,407.50 to be wired from her Bank of America account to American Express.

All in violation of Title 18, United States Code, Section 1957.

COUNT TWENTY-TWO

41. Paragraphs One through Five of this indictment are incorporated herein.

42. On or about January 12, 2009, in the Western District of Missouri and elsewhere, KAREN L. PLETZ, defendant herein, did knowingly engage and cause to be engaged in a monetary transaction, in or affecting interstate commerce, in criminally derived property of a value greater than \$10,000, with the funds represented by the transaction having been derived from a specified unlawful activity, that is, theft from a program receiving federal funds as described in Count Thirteen, and PLETZ knew said monetary transaction involved proceeds of a criminal offense, in that PLETZ caused \$25,000 to be wired from her Commerce Bank account to American Express.

All in violation of Title 18, United States Code, Section 1957.

COUNT TWENTY-THREE

43. Paragraphs One through Five of this indictment are incorporated herein.

44. On or about September 8, 2009, in the Western District of Missouri and elsewhere, KAREN L. PLETZ, defendant herein, did knowingly engage and cause to be engaged in a monetary transaction, in or affecting interstate commerce, in criminally derived property of a value greater than \$10,000, with the funds represented by the transaction having been derived from a specified unlawful activity, that is, theft from a program receiving federal funds as described in Count Fifteen, and

PLETZ knew said monetary transaction involved proceeds of a criminal offense, in that PLETZ caused \$15,000 to be wired from her Commerce Bank account to an antique dealer.

All in violation of Title 18, United States Code, Section 1957.

COUNT TWENTY-FOUR

45. Paragraphs One through Five of this indictment are incorporated herein.

46. On or about November 9, 2009, in the Western District of Missouri and elsewhere, KAREN L. PLETZ, defendant herein, did knowingly engage and cause to be engaged in a monetary transaction, in or affecting interstate commerce, in criminally derived property of a value greater than \$10,000, with the funds represented by the transaction having been derived from a specified unlawful activity, that is, theft from a program receiving federal funds as described in Count Sixteen, and PLETZ knew said monetary transaction involved proceeds of a criminal offense, in that PLETZ caused \$30,000 to be wired from her Commerce Bank account to American Express.

All in violation of Title 18, United States Code, Section 1957.

ALLEGATION OF CRIMINAL FORFEITURE

The allegations contained in Counts Five through Twenty-Four of this Indictment are re-alleged and incorporated by reference for the purpose of alleging a forfeiture pursuant to the provisions of Title 18, United States Code, Sections 982(a)(1) and (a)(2)(A).

The defendant named herein shall forfeit to the United States all property, real and personal, constituting and derived from any proceeds said defendant obtained directly and indirectly as a result of the violation incorporated by reference in this Allegation and all property used, or intended to be used, in any manner or part, to commit, and to facilitate the commission of the violation incorporated by reference in this Allegation, including but not limited to the following:

Cash Proceeds

Defendant KAREN L. PLETZ shall forfeit any and all interest in approximately \$830,000 in United States Currency, and any interest and proceeds traceable thereto, in that at least this sum, in aggregate, was proceeds of the offenses charged in Counts Five through Twenty-Four.

Personal Property

A 2002 Lexus convertible SC430, VIN: JTHFN48Y920022500, which was seized on October 7, 2010, and is in the custody of the United States Marshals Service; \$39,337.42 in United States currency, which was seized on October 7, 2010, from defendant's Commerce bank account #2257, and is in the custody of the Internal Revenue Service.

Real Property

The real property located at 411 W. 46th Terrace #100, Kansas City, Missouri and more fully described as:

Unit 100, Townsend Place Condominium, a condominium subdivision according to the recorded plat thereof recorded on September 25, 1989, as Document No. K-896030, in Book 37 at Page 95, created by Declaration of Townsend Place Condominium dated July 3, 1989, by Townsend Place Associates, a Missouri general partnership and recorded on September 25, 1989, as Document No. K-896031, in Book K-1956 at Page 1, as re-recorded November 22, 1989, as Document No. K-903932 in Book K-1973 at Page 2073, as amended by, among other things, Amendment recorded February 18, 1992, as Document No. K-1010441, in Book K-2210 at Page 1883, all in the Office of the Recorder of Deeds, Kansas City, Jackson County, Missouri, together with all rights, interests, benefits and burdens attributable or appurtenant to such unit.

Substitute Assets

If any of the above-described forfeitable property of the above-named defendant, as a result of any act or omission of the defendant --

- (1) cannot be located upon the exercise of due diligence;

- (2) has been transferred or sold to or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of said defendant up to the value of the above-described forfeitable property.

A TRUE BILL:

/s/ Micheal R. Bailey
FOREPERSON OF THE GRAND JURY

/s/ Kathleen D. Mahoney
Kathleen D. Mahoney #38828
Assistant United States Attorney

/s/ Linda Parker Marshall
Linda Parker Marshall #24954
Assistant United States Attorney

Dated: 3/29/11
Kansas City, Missouri