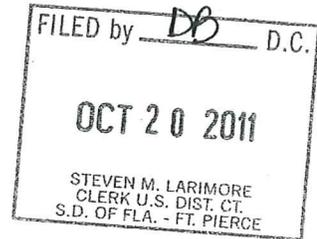


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-14052-CR-MOORE/LYNCH (s)

18 U.S.C. § 1349
18 U.S.C. § 1956(h)
18 U.S.C. § 371
18 U.S.C. § 2
31 U.S.C. § 5324(a)(3)
31 U.S.C. § 5324(d)(2)



UNITED STATES OF AMERICA

vs.

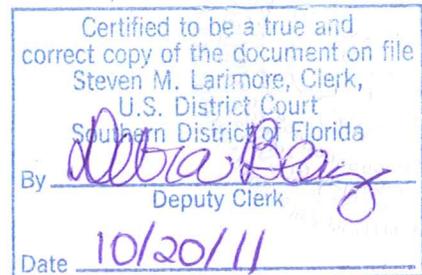
JEFFREY WAYNE AUNSPAUGH,
ANGELA BRYANT AUNSPAUGH,
and
CHRISTOPHER ANDREW HALE,
Defendants.

SUPERSEDING INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment,



Companies and Relevant Entities

1. Glades Electric Cooperative, Inc. (GEC) was a not-for-profit organization that provided electrical services to Glades, Hendry, Okeechobee, and Highlands Counties in Florida.
2. Glades Utilities Services, Inc. (GUS) was a for profit Florida corporation that provided power line construction and maintenance services to its customers throughout the State of Florida, including storm restoration. GUS was headquartered in Glades and Highland Counties in Florida.

SCANNED

3. Ener-Phase Electric, Inc. was a for profit Florida corporation headquartered in Port St. Lucie, Florida, in the Southern District of Florida.

4. The Federal Emergency Management Agency (FEMA) was the Federal Agency responsible for administering federal funds to state and local governments and certain private nonprofit organizations for emergency work and repair or replacement of disaster-damaged facilities following a Presidential declaration of a major disaster.

Hurricane Wilma and Presidential Declaration of Major Disaster

5. On or about October 24, 2005, Hurricane Wilma made landfall in the State of Florida causing widespread damage.

6. On or about October 24, 2005, the President of the United States declared Hurricane Wilma a major disaster which FEMA designated (DR-1609).

Defendants

7. Defendant **JEFFREY WAYNE AUNSPAUGH** was the President of Ener-Phase Electric, Inc.

8. Defendant **ANGELA BRYANT AUNSPAUGH** was the office manager for Ener-Phase Electric, Inc.

9. Defendant **CHRISTOPHER ANDREW HALE** was the General Manager of GUS. Among **CHRISTOPHER ANDREW HALE'S** responsibilities, was contracting with providers of goods and services on behalf of GUS and approving the invoices that were submitted to GUS for payment. **CHRISTOPHER ANDREW HALE** had a fiduciary duty to act honestly and faithfully in all business dealings with GUS.

COUNT 1
Conspiracy to Commit Mail Fraud
(18 U.S.C. § 1349)

1. Paragraphs 1 through 9 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From on or about September 5, 2005, continuing through on or about November 28, 2006, in Saint Lucie and Highlands Counties, in the Southern District of Florida, and elsewhere, the defendants,

JEFFREY WAYNE AUNSPAUGH,
ANGELA BRYANT AUNSPAUGH
and
CHRISTOPHER ANDREW HALE,

did knowingly and willfully combine, conspire, confederate, and agree with each other and with others known and unknown to the Grand Jury, to knowingly devise and intend to devise a scheme and artifice to defraud and deprive GUS of (1) its right to have its business conducted honestly; (2) its right to honest and loyal and disinterested services of its employee; and (3) its right to the secret profits obtained by its employee by kickbacks and concealment of material information, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and did cause to be delivered certain mail matter by the United States Postal Service and any private or commercial interstate carrier, according to the directions thereon, for the purposes of executing the scheme and artifice, in violation of Title 18 United States Code, Sections 1341 and 1346.

OBJECTS OF THE CONSPIRACY

3. It was a purpose of the conspiracy for the defendant, **CHRISTOPHER ANDREW HALE**, to secretly use his official position with GUS to unlawfully enrich himself by soliciting and accepting gifts, payments, and other things of value as kickbacks from defendants, **JEFFREY WAYNE AUNSPAUGH and ANGELA BRYANT AUNSPAUGH**, in exchange for favorable official action, and for defendants **JEFFREY WAYNE AUNSPAUGH and ANGELA BRYANT AUNSPAUGH** to enrich themselves by secretly obtaining favorable action for themselves and their company, Ener-Phase Electric, Inc. It was a further purpose of the conspiracy for the defendants to unlawfully enrich themselves by causing GUS to send money to Ener-Phase Electric, based on false representations and omitted concealed material facts.

MANNER AND MEANS OF THE CONSPIRACY

4. The manner and means by which the defendants sought to accomplish the object and purpose of the conspiracy and to execute the scheme and artifice to defraud included, among others, the following:

- a. The defendant, **CHRISTOPHER ANDREW HALE**, solicited and accepted payments totaling more than \$200,00.00 from the defendants, **JEFFREY WAYNE AUNSPAUGH and ANGELA BRYANT AUNSPAUGH**.
- b. The defendant, **CHRISTOPHER ANDREW HALE**, provided favorable official action on behalf of defendants, **JEFFREY WAYNE AUNSPAUGH and ANGELA BRYANT AUNSPAUGH** as requested and as opportunities arose, including providing information on GUS jobs and completing and approving invoices which he sent to **JEFFREY WAYNE AUNSPAUGH and ANGELA BRYANT**

AUNSPAUGH to submit to GUS.

- c. The defendants, **JEFFREY WAYNE AUNSPAUGH** and **ANGELA BRYANT AUNSPAUGH**, paid the defendant, **CHRISTOPHER ANDREW HALE**, more than \$200,000.00 in return for his favorable official action.
- d. The defendants, **JEFFREY WAYNE AUNSPAUGH**, **ANGELA BRYANT AUNSPAUGH**, and **CHRISTOPHER ANDREW HALE**, took steps to hide, conceal, and cover up their activity and the nature and scope of their dealings, including failing to disclose their relationship to GUS, conducting financial and monetary transactions knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds used to pay kickbacks.

USE OF THE MAILS

In furtherance of the conspiracy, and to effect its aims and objects, one or more of the defendants, at the location specified, in the Southern District of Florida, knowingly deposited and caused to be deposited and delivered by mail and by private or commercial interstate carrier, according to the direction thereon and at the place at which it was directed to be delivered by the person to whom it was addressed, certain mail matter, that is GUS checks.

	Approximate Date of Mailing	Place Mail Received	Amount
5.	09/22/2005	Port St. Lucie, FL	\$14,375.84
6.	10/20/2005	Port St. Lucie, FL	\$13,779.89
7.	11/29/2005	Port St. Lucie, FL	\$7,040.53

8.	12/30/2005	Port St. Lucie, FL	\$16,285.39
9.	01/06/2006	Port St. Lucie, FL	\$17,148.49
10.	01/13/2006	Port St. Lucie, FL	\$6,391.35
11.	03/02/2006	Port St. Lucie, FL	\$4,922.92
12.	04/14/2006	Port St. Lucie, FL	\$29,750.00
13.	04/21/2006	Port St. Lucie, FL	\$67,950.00
14.	04/28/2006	Port St. Lucie, FL	\$94,050.00
15.	05/04/2006	Port St. Lucie, FL	\$92,700.00
16.	05/11/2006	Port St. Lucie, FL	\$108,450.00
17.	05/19/2006	Port St. Lucie	\$115,650.00
18.	05/25/2006	Port St. Lucie	\$158,400.00
19.	06/08/2006	Port St. Lucie	\$150,525.00
20.	06/23/2006	Port St. Lucie	\$116,550.00
21.	09/15/2006	Port St. Lucie	\$88,425.00
22.	11/10/2006	Port St. Lucie	\$23,125.00

23. As a result of the scheme, the defendants, **JEFFREY WAYNE AUNSPAUGH**, **ANGELA BRYANT AUNSPAUGH** and **CHRISTOPHER ANDREW HALE**, fraudulently obtained approximately \$1,125,519.41 from GUS.

All in violation of Title 18, United States Code, Section 1349.

Pursuant to Title 18, United States Code, Section 1341, it is further alleged that the offense conduct occurred in relation to, and involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

COUNT 2
Conspiracy to Commit Money Laundering
(18 U.S.C. § 1956(h))

1. Paragraphs 1 through 9 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From on or about September 5, 2005, and continuing through on or about November 28, 2006, in Saint Lucie and Highlands Counties, in the Southern District of Florida, the defendants,

JEFFREY WAYNE AUNSPAUGH,
ANGELA BRYANT AUNSPAUGH
and
CHRISTOPHER ANDREW HALE,

did knowingly and intentionally combine, conspire, confederate, and agree with each other and with other persons, known and unknown to the Grand Jury, to commit offenses against the United States in violation of Title 18, United States Code, Section 1956, that is:

- a. to knowingly conduct a financial transaction affecting interstate and foreign commerce, which financial transaction involved the proceeds of specified unlawful activity, knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and knowing that the transaction was designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); and
- b. to knowingly conduct a financial transaction affecting interstate and foreign commerce, which financial transaction involved the proceeds of specified

unlawful activity, knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and with the intent to promote the carrying on of the specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

It is further alleged that the specified unlawful activity is conspiracy to commit mail fraud, in violation of Title 18, United States Code, Sections 1341, 1346, and 1349.

All in violation of Title 18, United States Code, Section 1956(h).

COUNT 3
Conspiracy to Structure Financial Transactions
(18 U.S.C. §371)

1. Beginning on or about April 14, 2006, and continuing through on or about October 20, 2006, in Saint Lucie County, in the Southern District of Florida, the defendants,

JEFFREY WAYNE AUNSPAUGH
and
ANGELA BRYANT AUNSPAUGH

did knowingly and intentionally combine, conspire, confederate, and agree with each other, and with other persons, known and unknown to the Grand Jury, to commit an offense against the United States, that is, to knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a), and the regulations promulgated thereunder, structure and assist in structuring, and attempt to structure and assist in structuring, any transaction with one or more domestic financial institutions, in violation of Title 31, United States Code, Section 5324(a)(3).

OBJECT OF THE CONSPIRACY

2. The purpose and object of the conspiracy was to convert funds deposited in various bank accounts into United States currency, while evading the requirement that transactions in excess

of ten thousand dollars (\$10,000.00) in United States currency be reported to the Secretary of the Treasury.

MANNER AND MEANS OF THE CONSPIRACY

3. The Manner and Means by which the defendants sought to accomplish the object and purpose of the conspiracy included, among other things, the following:

a. **JEFFREY WAYNE AUNSPAUGH** and **ANGELA BRYANT AUNSPAUGH** deposited or caused to be deposited illegally obtained funds into Seacoast National Bank (f/n/a First National Bank and Trust Company) account number XXXXXX1931.

b. **JEFFREY WAYNE AUNSPAUGH** and **ANGELA BRYANT AUNSPAUGH** then withdrew funds from this account in amounts of ten thousand dollars (\$10,000.00) or less to disburse to one or more of their co-conspirators.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish the purposes thereof, at least one of the defendants committed and caused to be committed, in the Southern District of Florida, at least one of the following overt acts:

4. On or about June 9, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew approximately \$9,700.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1197 payable to Jeff Aunspaugh and endorsed by **JEFFREY WAYNE AUNSPAUGH** and **ANGELA BRYANT AUNSPAUGH**.

5. On or about June 26, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew approximately \$9,800.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1211 payable to Jeff Aunspaugh and endorsed by

JEFFREY WAYNE AUNSPAUGH and ANGELA BRYANT AUNSPAUGH.

6. On or about June 30, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew approximately \$9,800.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1213 payable to Jeff Aunspaugh and endorsed by **JEFFREY WAYNE AUNSPAUGH and ANGELA BRYANT AUNSPAUGH.**

7. On or about July 7, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew approximately \$9,850.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1224 payable to Jeff Aunspaugh and endorsed by **JEFFREY WAYNE AUNSPAUGH and ANGELA BRYANT AUNSPAUGH.**

8. On or about July 14, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew approximately \$9,500.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1226 payable to Jeff Aunspaugh and endorsed by **JEFFREY WAYNE AUNSPAUGH and ANGELA BRYANT AUNSPAUGH.**

9. On or about August 1, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew approximately \$9,500.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1231 payable to Jeff Aunspaugh and endorsed by **JEFFREY WAYNE AUNSPAUGH and ANGELA BRYANT AUNSPAUGH.**

10. On or about August 4, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew approximately \$10,000.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1242 payable to Jeff Aunspaugh and endorsed by **JEFFREY WAYNE AUNSPAUGH and ANGELA BRYANT AUNSPAUGH.**

11. On or about August 14, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew

approximately \$9,500.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1243 payable to Jeff Aunspaugh and endorsed by **JEFFREY WAYNE AUNSPAUGH** and **ANGELA BRYANT AUNSPAUGH**.

12. On or about August 28, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew approximately \$9,300.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1258 payable to Jeff Aunspaugh and endorsed by **JEFFREY WAYNE AUNSPAUGH** and **ANGELA BRYANT AUNSPAUGH**.

13. On or about September 1, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew approximately \$9,400.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1261 payable to Jeff Aunspaugh and endorsed by **JEFFREY WAYNE AUNSPAUGH** and **ANGELA BRYANT AUNSPAUGH**.

14. On or about September 8, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew approximately \$9,761.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1272 payable to Jeff Aunspaugh and endorsed by **JEFFREY WAYNE AUNSPAUGH** and **ANGELA BRYANT AUNSPAUGH**.

15. On or about September 22, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew approximately \$9,000.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1283 payable to Jeff Aunspaugh and endorsed by **JEFFREY WAYNE AUNSPAUGH** and **ANGELA BRYANT AUNSPAUGH**.

16. On or about September 29, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew approximately \$9,000.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1287 payable to Jeff Aunspaugh and endorsed by

JEFFREY WAYNE AUNSPAUGH and ANGELA BRYANT AUNSPAUGH.

17. On or about October 13, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew approximately \$8,932.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1306 payable to Jeff Aunspaugh and endorsed by **JEFFREY WAYNE AUNSPAUGH and ANGELA BRYANT AUNSPAUGH.**

18. On or about October 20, 2006, **ANGELA BRYANT AUNSPAUGH** withdrew approximately \$8,632.00 in United States currency from Seacoast National Bank account number XXXXXX1931, by cashing check number 1317 payable to Jeff Aunspaugh and endorsed by **JEFFREY WAYNE AUNSPAUGH and ANGELA BRYANT AUNSPAUGH.**

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

COUNT 4
Structuring Financial Transactions
(31 U.S.C. 5324(a)(3))

Beginning on or about May 26, 2006 and continuing through on or about October 20, 2006, in Saint Lucie and Martin Counties, in the Southern District of Florida, the defendants,

JEFFREY WAYNE AUNSPAUGH
and
ANGELA BRYANT AUNSPAUGH

did knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a), and the regulations promulgated thereunder, structure and assist in structuring, and attempt to structure and assist in structuring transactions, that is, cash withdrawals and cashing of checks from account number XXXXXX1931, at Seacoast National Bank (f/n/a First National Bank and Trust Company), then a domestic financial institution, as set forth below:

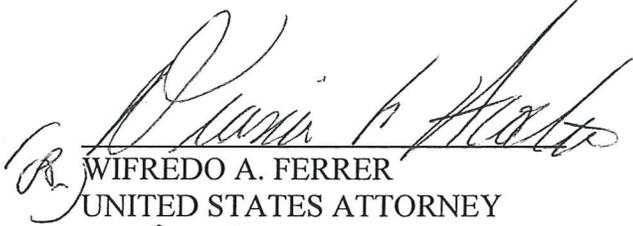
Approximate Date	Monetary Transaction
06/09/2006	Check number 1197 cashed in the amount of \$9,700.00
06/26/2006	Check number 1211 cashed in the amount of \$9,800.00
06/30/2006	Check number 1213 cashed in the amount of \$9,800.00
07/07/2006	Check number 1224 cashed in the amount of \$9,850.00
07/14/2006	Check number 1226 cashed in the amount of \$9,500.00
08/01/2006	Check number 1231 cashed in the amount of \$9,500.00
08/04/2006	Check number 1242 cashed in the amount of \$10,000.00
08/14/2006	Check number 1243 cashed in the amount of \$9,500.00
08/28/2006	Check number 1258 cashed in the amount of \$9,300.00
09/01/2006	Check number 1261 cashed in the amount of \$9,400.00
09/08/2006	Check number 1272 cashed in the amount of \$9,761.00
09/22/2006	Check number 1283 cashed in the amount of \$9,000.00
09/29/2006	Check number 1287 cashed in the amount of \$9,000.00
10/13/2006	Check number 1306 cashed in the amount of \$8,932.00
10/20/2006	Check number 1317 cashed in the amount of \$8,632.00

In violation of Title 31, United States Code, Section 5324(a)(3), and Title 18, United States Code, Section 2.

Pursuant to Title 31, United States Code, Section 5324(d)(2), it is further alleged that the defendants committed the offense conduct while violating another law of the United States.

Pursuant to Title 31, United States Code, Section 5324(d)(2), it is further alleged that the offense conduct occurred as part of a pattern of illegal activity involving more than one hundred thousand dollars (\$100,000.00) in a twelve (12) month period.

A TRUE BILL


WIFREDO A. FERRER
UNITED STATES ATTORNEY


RUSSELL KILLINGER
ASSISTANT UNITED STATES ATTORNEY