

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

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

RODNEY J. ANDERSON,)

[DOB: 02/15/1953])

Defendant.)

No. _____

COUNT ONE:

18 U.S.C. § 371

Conspiracy to Commit Arson & Mail Fraud

[NMT: Five Years Imprisonment,

\$250,000 Fine, Three Years Supervised

Release, Plus \$100 Special Assessment]

COUNT TWO:

18 U.S.C. §§ 844(i) & 2

Arson

[NLT: Five Years Imprisonment, and

NMT: Twenty Years Imprisonment,

\$250,000 Fine, Three Years Supervised

Release, Plus \$100 Special Assessment]

COUNT THREE:

18 U.S.C. § 1341

Mail Fraud

[NMT: Twenty Years Imprisonment,

\$250,000 Fine, Five Years Supervised

Release, Plus \$100 Special Assessment]

COUNT FOUR:

18 U.S.C. §§ 844(h) & 2

Using Fire to Commit a Federal Felony

[NLT: Ten Years Imprisonment

Consecutive;

NMT: \$250,000 Fine, Three Years

Supervised Release, Plus \$100 Special

Assessment]

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

At all times relevant to this Indictment:

1. The downtown Hereford House Restaurant was located at 2 East 20th Street, Kansas City, Missouri (“Hereford House”). The Hereford House was owned by B & C Restaurant Corporation and managed by Skivers Corporation.
2. B & C Restaurant Corporation was a holding company that owned the Hereford House Restaurant business, while the building itself was owned by Hereford K.C. Realty, LLC.
3. Skivers Corporation was a restaurant management company located at 2 East 20th Street, Kansas City, Missouri. Skivers Corporation manage various restaurants in Kansas City, Missouri; Independence, Missouri; Leawood, Kansas; Shawnee, Kansas; and Lawrence, Kansas, in which defendant RODNEY J. ANDERSON held an ownership interest. Skivers Corporation managed the Hereford House.
4. Defendant RODNEY J. ANDERSON held an ownership interest in B & C Restaurant Corporation, Hereford K.C. Realty, LLC and Skivers Corporation.
5. The Hereford House was insured through an insurance policy with Travelers Property Casualty Company of America (“Travelers”). Travelers corporate headquarters are located in Hartford, Connecticut.
6. The Hereford House insurance policy with Travelers provided coverage in the event of a loss by fire to the Hereford House building and to the contents of the building located at 2 East 20th Street, Kansas City, Missouri.

7. The Hereford House insurance policy with Travelers also provided business interruption coverage in the event of a loss by fire to the Hereford House.

8. U.S. Foodservice is a national food service supplier to restaurants, hotels, schools, healthcare facilities and other businesses of food and non-food supplies. The corporate headquarters for U.S. Foodservice are located in Rosemont, Illinois. U.S. Foodservice's regional headquarters for the Kansas City, Missouri area, are located in Topeka, Kansas. U.S. Foodservice was a supplier for Skivers Corporation and the Hereford House. Most of the supply orders for the Hereford House were filled and shipped from U.S. Foodservice's distribution warehouse located in Topeka, Kansas.

Conspiracy to Commit Arson and Mail Fraud

9. From on or about September 27, 2008 to on or about October 20, 2008, in the Western District of Missouri and elsewhere, defendant RODNEY J. ANDERSON, knowingly and willfully conspired, combined, confederated and agreed with others known and unknown to the grand jury, to violate the laws of the United States, specifically, to commit arson of the Hereford House, which was property used in interstate commerce, in violation of 18 U.S.C. § 844(i) and to devise a scheme and artifice to defraud Travelers, by means of materially false pretenses, representations, and promises, and to utilize the mail for the purpose of executing that scheme and artifice, in violation of Title 18, United States Code, Section 1341.

Manner and Means of the Conspiracy

10. The manner and means by which the conspiracy to commit arson and mail fraud operated included, but was not limited to the following:

a) It was part of the conspiracy that defendant RODNEY J. ANDERSON obtained the services of others to set fire to the Hereford House.

b) It was further part of the conspiracy that defendant RODNEY J. ANDERSON and others would submit a request for payment of insurance proceeds from Travelers making a materially false representation that defendant RODNEY J. ANDERSON was not responsible for the loss caused by the fire to the Hereford House.

Overt Acts

11. In furtherance of the conspiracy to commit arson and mail fraud and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Western District of Missouri and elsewhere:

a) On September 27, 2008, defendant RODNEY J. ANDERSON met with a co-conspirator at the Hereford House and showed him the property for approximately 50 minutes.

b) On September 27, 2008, defendant RODNEY J. ANDERSON provided a co-conspirator with a key and security alarm code that had been issued to a former employee, in order for the co-conspirator to gain entry into the Hereford House and deactivate the security alarm system.

c) On October 12, 2008, defendant RODNEY J. ANDERSON's co-conspirators used the key and alarm code provided by defendant RODNEY J. ANDERSON to enter the Hereford House and conduct a walk-through in preparation for setting fire to the Hereford House.

d) On October 19, 2008, defendant RODNEY J. ANDERSON's co-conspirators used the key and alarm code provided by defendant RODNEY J. ANDERSON to enter the Hereford House and set fire to the building.

e) On October 21, 2008, Travelers sent a reservation of rights letter with a proof of loss form via electronic mail to The Hereford House in Kansas City, Missouri, from the general adjuster located in Overland Park, Kansas.

f) On November 19, 2008, defendant RODNEY J. ANDERSON submitted a request to Travelers for an advance payment on the Hereford House insurance policy in the amount of \$300,000.00.

g) On December 10, 2008, Travelers sent via DHL overnight delivery, check number 02795724, in the amount of \$300,000.00, payable to The Hereford House, from Hartford, Connecticut, to The Hereford House, at 100 E. 20th Street, Kansas City, Missouri.

h) On February 18, 2009, defendant RODNEY J. ANDERSON signed and submitted a proof of loss statement to Travelers, claiming a loss on behalf of Hereford K.C. Realty, LLC, to the building located at 2 East 20th Street to be \$962,593.00, and representing that the loss did not originate by any act, design or procurement on his part.

i) On February 18, 2009, defendant RODNEY J. ANDERSON signed and submitted a proof of loss statement to Travelers, claiming a loss on behalf of B & C Restaurant Corporation to be \$1,459,505.00, and representing that the loss did not originate by any act, design or procurement on his part.

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

COUNT TWO

12. Paragraphs 1 through 11 of Count One, as set forth above, are re-alleged and expressly incorporated as if fully set forth herein.

13. On or about October 20, 2008, in the Western District of Missouri, the defendant, RODNEY J. ANDERSON, aiding and abetting others, both known and unknown to the grand jury, maliciously damaged and destroyed, by means of fire and explosive materials, the Hereford

House Restaurant located at 2 East 20th Street, Kansas City, Missouri, which was used in and affected interstate commerce,

All in violation of Title 18, United States Code, Sections 844(i) and 2.

COUNT THREE

14. Paragraphs 1 through 11 of Count One, as set forth above, are re-alleged and expressly incorporated as if fully set forth herein.

15. On or about December 10, 2008, in the Western District of Missouri, the defendant, RODNEY J. ANDERSON, having knowingly devised a scheme and artifice to obtain money by means of false and fraudulent pretenses, representations and promises, did, for the purpose of executing the scheme and artifice, knowingly cause to be delivered by DHL, a private and commercial interstate carrier, check number 02795724, in the amount of \$300,000.00, payable to The Hereford House, from Travelers' Headquarters in Hartford, Connecticut, to The Hereford House, at 100 E. 20th Street, Kansas City, Missouri.

All in violation of Title 18, United States Code, Section 1341.

COUNT FOUR

16. On or about October 20, 2008, in the Western District of Missouri, the defendant, RODNEY J. ANDERSON, aiding and abetting others, both known and unknown to the grand jury, knowingly used fire to commit conspiracy to commit arson and mail fraud as charged in Count One of this Indictment and mail fraud as charged in Count Three of this Indictment all felonies prosecutable in a court of the United States,

All in violation of Title 18, United States Code, Sections 844(h) and 2.

A TRUE BILL.

6/22/2010

DATE

/s/Billy D. Tudor

FOREPERSON OF THE SPECIAL GRAND JURY

/s/Jess E. Michaelsen

Jess E. Michaelsen, #52253

Assistant United States Attorney

Western District of Missouri