

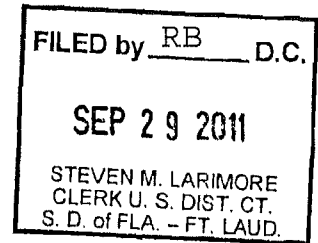
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
11-cr-80170-RYSKAMP/HOPKINS
CASE NO. _____
18 U.S.C. §§ 1349, 1343, 1346

UNITED STATES OF AMERICA

v.

WAYNE E. KEPPLE,

Defendant.



CRIMINAL INFORMATION

The United States of America, acting through its attorneys, charges:

1. WAYNE E. KEPPLE is hereby made a defendant on the charges stated below.

INTRODUCTION

At all times relevant to this Information, unless otherwise indicated:

2. Ryan International Airlines ("Ryan") is an entity organized and existing under the laws of the State of Illinois with its principal place of business in Rockford, Illinois. Ryan provides air passenger and cargo services for corporations, private individuals, professional sports teams, and the United States government. During the period covered by this Information, a significant portion of Ryan's business consisted of transporting personnel and cargo for the United States Department of Defense, United States Department of Homeland Security, and United States Marshals Service on domestic and international flights.

3. During the period covered by this Information, Defendant KEPPLE was the Vice President of Ground Operations for Ryan. Among Defendant KEPPLE's responsibilities was contracting with providers of goods and services on behalf of Ryan and approving the invoices that were submitted by those providers to Ryan for payment. Defendant KEPPLE had a fiduciary duty to act honestly and faithfully in all business dealings with Ryan.

4. Co-Conspirator Company A and Co-Conspirator Company B (collectively "Co-Conspirator Companies A/B") were entities organized and existing under the laws of the State of Florida with their principal places of business in Sunrise, Florida. Co-Conspirator Companies A/B were aviation fuel brokerage companies that purchased fuel from suppliers and sold it to individual airlines. Co-Conspirator Companies A/B were owned by Co-Conspirator 2 ("CC-2"). From October 2005 to August 2009, Co-Conspirator Companies A/B and CC-2 were engaged in the business of selling aviation fuel to Ryan for domestic and international flights.

5. From October 2005 to August 2008, James E. Murphy ("Murphy") worked as a corporate bookkeeper for Co-Conspirator Companies A/B. Among his duties was making payments from the bank account of Co-Conspirator Companies A/B at the direction of CC-2. Murphy reported directly to CC-2.

6. In August 2008, Murphy left his employment at Co-Conspirator Companies A/B and formed Co-Conspirator Company C, an entity organized and

existing under the laws of the State of Florida with its principal place of business in Davie, Florida. Co-Conspirator Company C was an aviation fuel brokerage company, and Murphy was its owner and operator. In August and September 2008, Murphy and Co-Conspirator Company C were engaged in the business of selling aviation fuel to Ryan for domestic and international flights.

7. During the period covered by Count Three of this Information, David A. Chaisson ("Chaisson") was the owner of Co-Conspirator Company D, an entity organized and existing under the laws of the State of Indiana with its principal place of business in Indianapolis, Indiana. Chaisson and Co-Conspirator Company D were engaged in the business of performing ground security coordination, security personnel training, and flight management services for airlines based in the United States.

8. In 2004, Defendant KEPPLE contacted Chaisson about Co-Conspirator Company D providing flight management services on domestic and international flights for Ryan in order to improve Ryan's on-time performance. After Ryan hired Co-Conspirator Company D, Chaisson flew on Ryan flights and obtained and coordinated aircraft services, such as aircraft cleaning, catering, crew meals and lodging, and baggage loading. Co-Conspirator Company D billed Ryan for its time and for the services that it obtained for Ryan flights. Defendant KEPPLE was responsible for approving the invoices submitted by Co-Conspirator Company D to Ryan.

9. During the period covered by Count Five of this Information, Robert A. Riddell ("Riddell") was the owner of Co-Conspirator Company E, an entity organized and existing under the laws of the State of Florida with its principal place of business in Pasco County, Florida. Riddell and Co-Conspirator Company E were engaged in the business of performing ground security and ground services coordination for airlines in the United States and Europe.

10. In 2005, Defendant KEPPLE contacted Riddell about Co-Conspirator Company E providing security and ground services coordination for Ryan flights. After Ryan hired Co-Conspirator Company E, Riddell provided security for Ryan flights and obtained and coordinated ground services at destinations in Europe. Co-Conspirator Company E billed Ryan for its time and for the services that it obtained for Ryan flights. Defendant Kepple was responsible for approving the invoices submitted by Co-Conspirator Company E to Ryan.

11. Various companies and individuals not made defendants in this Information participated as co-conspirators in the offenses charged herein and performed acts and made statements in furtherance thereof. Whenever this Information refers to any act, deed, or transaction of any company, it means that the company engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

COUNT ONE - CONSPIRACY
(18 U.S.C. § 1349)

12. Each and every allegation contained in paragraphs 1-6 and 11 of this Information is hereby realleged as if fully set forth in this Count.

DESCRIPTION OF THE OFFENSE

13. Beginning at least as early as October 2005 and continuing thereafter at least through August 2009, the exact dates being unknown to the United States, in the Southern District of Florida and elsewhere, Defendant WAYNE E. KEPPLE, Co-Conspirator Companies A/B owner CC-2, and other co-conspirators did unlawfully, willfully, and knowingly conspire, combine, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 1343 and 1346, in violation of 18, United States Code, Section 1349. Murphy participated in the conspiracy from as early as October 2005 until at least September 2008.

14. It was a part and an object of the conspiracy that Defendant KEPPLE, CC-2, Murphy, and their co-conspirators unlawfully, willfully, and knowingly devised and intended to devise a scheme and artifice to defraud and deprive Ryan of the honest and faithful services of Defendant KEPPLE by making kickback payments to Defendant KEPPLE and concealing material information from Ryan, and for the purpose of executing such scheme and artifice, and attempting to do so, would and did transmit and cause to be transmitted by means of wire

communication in interstate commerce certain writings, signals, and sounds, in violation of Title 18, United States Code, Sections 1343 and 1346.

**THE MANNER AND MEANS BY WHICH THE
CONSPIRACY WAS CARRIED OUT**

The scheme and artifice was carried out in the following manner and means, among others:

15. In or about October 2005, at the request of Defendant KEPPLE, CC-2, Murphy, and others known and unknown to the United States, began making kickback payments to Defendant KEPPLE in exchange for Defendant KEPPLE awarding business for fuel supply services to Co-Conspirator Companies A/B. During the course of the scheme, Defendant KEPPLE solicited and accepted over \$88,000.00 in kickback payments for fuel supply services that Co-Conspirator Companies A/B provided to Ryan.

16. In or about August 2008, at the request of Defendant KEPPLE, Murphy began making kickback payments to Defendant KEPPLE for awarding business for fuel supply services to Co-Conspirator Company C. During the course of the scheme, Defendant KEPPLE solicited and accepted over \$42,000.00 in kickback payments for fuel supply services that Co-Conspirator Company C provided to Ryan.

17. In his capacity as an employee of Ryan, Defendant KEPPLE provided favorable treatment to CC-2 and Murphy, including continuing to award business to Co-Conspirator Companies A/B and Co-Conspirator Company C in exchange for

kickback payments. Defendant KEPPLE, CC-2, and Murphy foresaw or reasonably should have foreseen that Ryan might suffer an economic harm as a result of their breach of Defendant KEPPLE's fiduciary duty to Ryan.

18. CC-2, Murphy, and others known and unknown to the United States took steps to hide, conceal, and cover up their activity and the nature and scope of their dealings with Defendant KEPPLE, including wiring payments to the personal bank account of Defendant KEPPLE and making secret cash payments.

OVERT ACTS

In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of Florida and elsewhere:

19. From in or about October 2005 through at least August 2009, CC-2 and others known and unknown to the United States made payments to Defendant KEPPLE in cash in the Southern District of Florida and elsewhere.

20. From in or about October 2005 through at least August 2008, Murphy issued checks and caused wire transfers totaling more than \$88,000.00 to be made from the bank account of Co-Conspirator Companies A/B to Defendant KEPPLE's personal bank account in the Southern District of Florida and elsewhere.

21. From in or about August 2008 through September 2008, Murphy issued checks and caused interstate wire transfers totaling more than \$42,000.00 to

be made from the bank account of Co-Conspirator Company C to Defendant KEPPLE's personal bank account in the Southern District of Florida and elsewhere.

JURISDICTION AND VENUE

22. The conspiracy charged in Count One of this Criminal Information was formed in part and carried out, in part, in the Southern District of Florida in Broward and Palm Beach Counties within the five years preceding the filing of this Criminal Information.

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

COUNT TWO - WIRE FRAUD
(18 U.S.C. §§ 1343, 1346)

The United States of America further charges:

23. Each and every allegation contained in paragraphs 1-6, 11, and 13-22 of this Information is hereby realleged as if fully set forth in this Count.

24. Beginning at least as early as October 2005 and continuing thereafter at least through August 2009, the exact dates being unknown to the United States, in the Southern District of Florida and elsewhere, Defendant

WAYNE E. KEPPLE,

CC-2, and others unlawfully, willfully, and knowingly devised and intended to devise a scheme and artifice to defraud and deprive Ryan of the honest and faithful services of Defendant KEPPLE by making kickback payments to Defendant KEPPLE and concealing material information from Ryan, and for the purpose of executing such scheme and artifice to defraud and deprive, and attempting to do so,

did transmit and cause to be transmitted by means of wire communication in interstate commerce, the following writings, signals, and sounds:

25. On or about November 16, 2007, in the Southern District of Florida and elsewhere, CC-2 and Murphy caused a wire transfer in the amount of \$10,000 to be made from Co-Conspirator Company A's bank account in Sunrise, Florida, to Defendant KEPPLER's personal bank account in Loves Park, Illinois.

JURISDICTION AND VENUE

26. The offense charged in Count Two of this Criminal Information was formed in part and carried out, in part, in the Southern District of Florida in Broward and Palm Beach Counties within the five years preceding the filing of this Criminal Information.

All in violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT THREE - CONSPIRACY (18 U.S.C. § 1349)

The United States of America further charges:

27. Each and every allegation contained in paragraphs 1-3, 7-8, and 11 of this Information is hereby realleged as if fully set forth in this Count.

DESCRIPTION OF THE OFFENSE

28. Beginning at least as early as January 2005 and continuing thereafter at least through July 2008, the exact dates being unknown to the United States, in the Southern District of Florida and elsewhere, Defendant WAYNE E. KEPPLER and Chaisson did unlawfully, willfully, and knowingly conspire, combine, confederate,

and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 1343 and 1346, in violation of 18, United States Code, Section 1349.

29. It was a part and an object of the conspiracy that Defendant KEPPLE and Chaisson unlawfully, willfully, and knowingly devised and intended to devise a scheme and artifice to:

- (a) defraud Ryan and obtain money and property by means of materially false and fraudulent pretenses, representations, and promises; and
- (b) defraud and deprive Ryan of the honest and faithful services of Defendant KEPPLE through kickbacks and the concealment of material information from Ryan,

and for the purpose of executing such scheme and artifice, and attempting to do so, would and did transmit and cause to be transmitted by means of wire communication in interstate commerce certain writings, signals, and sounds, in violation of Title 18, United States Code, Sections 1343 and 1346.

**THE MANNER AND MEANS BY WHICH THE
CONSPIRACY WAS CARRIED OUT**

The scheme and artifice was carried out in the following manner and means, among others:

30. In or about January 2005, at the request of Defendant KEPPLE, Chaisson began submitting fabricated invoices on behalf of Co-Conspirator

Company D to Ryan for services that had not been provided. Defendant KEPPLE approved payment of the fraudulent invoices. Chaisson paid to Defendant KEPPLE as kickbacks a portion of the money received from Ryan as payment for the fraudulent invoices. During the course of the scheme, Chaisson submitted, and Defendant KEPPLE approved and directed payment of, \$101,454.96 in fraudulent invoices.

31. Defendant KEPPLE further solicited and accepted kickback payments totaling approximately \$8,000.00 in relation to flight management services that Co-Conspirator Company D did provide to Ryan.

32. In his capacity as an employee of Ryan, Defendant KEPPLE provided favorable treatment to Chaisson, including continuing to award business to Co-Conspirator Company D for flight management services, in exchange for kickback payments. Defendant KEPPLE and Chaisson foresaw or reasonably should have foreseen that Ryan might suffer an economic harm as a result of their breach of Defendant KEPPLE's fiduciary duty to Ryan.

33. Chaisson took steps to hide, conceal, and cover up his activity and the nature and scope of his dealings with Defendant KEPPLE, including wiring payments to the personal bank account of Defendant KEPPLE, which Defendant KEPPLE accessed near his home located in the Southern District of Florida.

OVERT ACTS

In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of Florida and elsewhere:

34. From in or about January 2005 through at least September 2006, Chaisson submitted over \$100,000.00 in fraudulent invoices from Co-Conspirator Company D to Ryan. Defendant KEPPLE directed payment of all of the invoices on behalf of Ryan with knowledge that they were fraudulent.

35. From in or about April 2005 through November 2007, Chaisson issued checks and caused interstate wire transfers totaling more than \$60,000.00 to be made from the bank account of Co-Conspirator Company D to Defendant KEPPLE's personal bank account in the Southern District of Florida and elsewhere.

JURISDICTION AND VENUE

36. The conspiracy charged in Count Three of this Criminal Information was formed in part and carried out, in part, in the Southern District of Florida in Palm Beach County within the five years preceding the filing of this Criminal Information.

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

COUNT FOUR - WIRE FRAUD
(18 U.S.C. §§ 1343, 1346)

The United States of America further charges:

37. Each and every allegation contained in Paragraphs 1-3, 7-8, 11, and 28-36 of this Information is hereby realleged as if fully set forth in this Count.

38. Beginning at least as early as January 2005 and continuing thereafter at least through July 2008, the exact dates being unknown to the United States, in the Southern District of Florida and elsewhere, Defendant

WAYNE E. KEPPLE

and Chaisson unlawfully, willfully, and knowingly devised and intended to devise a scheme and artifice to:

- (a) defraud Ryan and obtain money and property by means of materially false and fraudulent pretenses, representations, and promises; and
- (b) defraud and deprive Ryan of the honest and faithful services of Defendant Kepple through kickbacks and the concealment of material information from Ryan,

and for the purpose of executing such scheme and artifice to defraud and deprive, and attempting to do so, did transmit and cause to be transmitted by means of wire communication in interstate commerce, the following writings, signals, and sounds:

39. On or about June 21, 2007, in the Southern District of Florida and elsewhere, Chaisson caused a wire transfer in the amount of \$1,500.00 to be made from Co-Conspirator Company D's bank account in Indianapolis, Indiana, to Defendant KEPPLE'S personal bank account in Lake Worth, Florida.

JURISDICTION AND VENUE

40. The offense charged in Count Four of this Criminal Information was formed in part and carried out, in part, in the Southern District of Florida in Palm Beach County within the five years preceding the filing of this Criminal Information.

All in violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT FIVE - CONSPIRACY
(18 U.S.C. § 1349)

The United States of America further charges:

41. Each and every allegation contained in paragraphs 1-3 and 9-11 of this Information is hereby realleged as if fully set forth in this Count.

DESCRIPTION OF THE OFFENSE

42. Beginning at least as early as March 2006 and continuing thereafter at least through August 2009, the exact dates being unknown to the United States, in the Southern District of Florida and elsewhere, Defendant WAYNE E. KEPPLE and Riddell did unlawfully, willfully, and knowingly conspire, combine, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 1343 and 1346, in violation of 18, United States Code, Section 1349.

43. It was a part and an object of the conspiracy that Defendant KEPPLE and Riddell unlawfully, willfully, and knowingly devised and intended to devise a scheme and artifice to:

- (a) defraud Ryan and obtain money and property by means of materially false and fraudulent pretenses, representations, and promises; and
- (b) defraud and deprive Ryan of the honest and faithful services of Defendant KEPPLE through kickbacks and the concealment of material information from Ryan,

and for the purpose of executing such scheme and artifice, and attempting to do so, would and did transmit and cause to be transmitted by means of wire communication in interstate commerce certain writings, signals, and sounds, in violation of Title 18, United States Code, Sections 1343 and 1346:

**THE MANNER AND MEANS BY WHICH THE
CONSPIRACY WAS CARRIED OUT**

The scheme and artifice was carried out in the following manner and means, among others:

44. In or about March 2006, at the request of Defendant KEPPLE, Riddell began submitting fabricated invoices on behalf of Co-Conspirator Company E to Ryan for services that had not been provided. Defendant KEPPLE approved payment of the fraudulent invoices. Riddell paid to Defendant KEPPLE as kickbacks a portion of the money received from Ryan as payment for the fraudulent invoices. During the course of the scheme, Riddell submitted, and Defendant KEPPLE approved and directed payment of, \$131,540 in fraudulent invoices.

45. Defendant KEPPLE further solicited and accepted additional kickback payments totaling more than \$265,000 in relation to the services that Co-Conspirator Company E did provide to Ryan.

46. In his capacity as an employee of Ryan, Defendant KEPPLE provided favorable treatment to Riddell, including continuing to award business to Co-Conspirator Company E for security and ground services coordination, in exchange for kickback payments. Defendant KEPPLE and Riddell foresaw or reasonably should have foreseen that Ryan might suffer an economic harm as a result of their breach of Defendant KEPPLE's fiduciary duty to Ryan.

47. Riddell took steps to hide, conceal, and cover up his activity and the nature and scope of his dealings with Defendant KEPPLE, including wiring payments to the personal bank account of Defendant KEPPLE, which Defendant KEPPLE accessed near his home located in the Southern District of Florida.

OVERT ACTS

In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of Florida and elsewhere:

48. From in or about March 2006 through at least March 2009, Riddell submitted over \$130,000 in fraudulent invoices from Co-Conspirator Company E to Ryan. Defendant KEPPLE directed payment of all of the invoices on behalf of Ryan with knowledge that they were fraudulent.

49. From in or about May 2006 through August 2009, Riddell issued checks, made cash deposits, and caused wire transfers to be made in order to transfer a total of more than \$330,000 in kickback payments from the bank account of Co-Conspirator Company E to Defendant KEPPLE's personal bank account in Lake Worth, Florida, in the Southern District of Florida, and elsewhere.

JURISDICTION AND VENUE

50. The conspiracy charged in Count Five of this Criminal Information was formed in part and carried out, in part, in the Southern District of Florida in Palm Beach County within the five years preceding the filing of this Criminal Information.

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

COUNT SIX - WIRE FRAUD
(18 U.S.C. §§ 1343, 1346)

The United States of America further charges:

51. Each and every allegation contained in Paragraphs 1-3, 9-11, and 42-50 of this Information is hereby realleged as if fully set forth in this Count.

52. Beginning at least as early as March 2006 and continuing thereafter at least through August 2009, the exact dates being unknown to the United States, in the Southern District of Florida and elsewhere, Defendant

WAYNE E. KEPPLE

and Riddell unlawfully, willfully, and knowingly devised and intended to devise a scheme and artifice to:

- (a) defraud Ryan and obtain money and property by means of materially false and fraudulent pretenses, representations, and promises; and
- (b) defraud and deprive Ryan of the honest and faithful services of Defendant KEPPLE through kickbacks and the concealment of material information from Ryan,

and for the purpose of executing such scheme and artifice to defraud and deprive, and attempting to do so, did transmit and cause to be transmitted by means of wire communication in interstate commerce, the following writings, signals, and sounds:


53. On or about December 16, 2008, Riddell caused a wire transfer in the amount of \$9,000 to be made from Co-Conspirator Company E's bank account in Wesley Chapel, Florida, to Defendant KEPPLE's personal bank account in Loves Park, Illinois.

JURISDICTION AND VENUE


54. The offense charged in Count Six of this Criminal Information was formed in part and carried out, in part, in the Southern District of Florida in Palm Beach County within the five years preceding the filing of this Criminal Information.

All in violation of Title 18, United States Code, Sections 1343 and 1346.

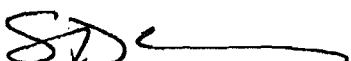
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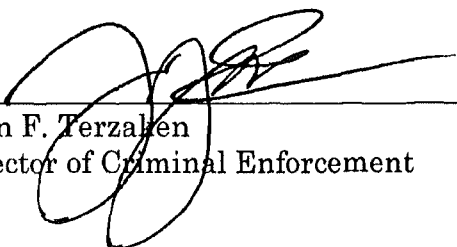
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