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Clerk, U.S. District Court
District Of Montana
Great Falls

**ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LEE VAN AUKEN,

Defendant.

CR 19-64-GF-BMM

SUPERSEDING INFORMATION

WIRE FRAUD

(Count I)

Title 18 U.S.C. § 1343

**(Penalty: 20 years imprisonment, \$250,000
fine, and three years of supervised release)**

**ENGAGING IN MONETARY
TRANSACTIONS IN PROPERTY
DERIVED FROM SPECIFIED
UNLAWFUL ACTIVITY**

(Count II)

Title 18 U.S.C. § 1957

**(Penalty: Ten years imprisonment,
\$250,000, and three years of supervised
release)**

SUBSCRIBING TO A FALSE DOCUMENT (Count III) Title 26 U.S.C. § 7206(1) (Penalty: Three years imprisonment, \$250,000 fine or twice the pecuniary gain, costs of prosecution, and one year supervised release)

THE UNITED STATES ATTORNEY CHARGES:

INTRODUCTION

At all times relevant to this indictment:

1. The defendant, MICHAEL LEE VAN AUKEN, formed various business entities that he used to facilitate and conceal his fraud and embezzlement from a family in Montana, which would become his victims. Specifically, on January 1, 2011, the defendant, MICHAEL LEE VAN AUKEN, formed Van Auken & Associates in Montana, which had a purpose of “professional service-general.” On July 26, 2011, MICHAEL LEE VAN AUKEN formed Math Toeckes Farms, Inc. On June 22, 2012, MICHAEL LEE VAN AUKEN formed MBSI, LLC, in Montana. On April 3, 2013, MICHAEL LEE VAN AUKEN formed Elevated Scientific, Inc., in Colorado. On July 10, 2013, MICHAEL LEE VAN AUKEN formed Triple Care, LLC, in Montana. On July 2, 2014, MICHAEL LEE VAN AUKEN formed LW Johnson Legacy, LLC, in Montana.

2. The defendant, MICHAEL LEE VAN AUKEN, offered to provide

various financial services for the victims, including investment opportunities, filing personal and business taxes, and the creation of wealth management plans.

3. The defendant, MICHAEL LEE VAN AUKEN, failed to provide the services as promised, and instead used the money for personal expenses and invested the money in foreign currency trading in an attempt to recover amounts owed, in whole and in part, none of which was authorized by the victims. All told, the defendant, MICHAEL LEE VAN AUKEN, defrauded victims of approximately \$719,340.67.

COUNT I - WIRE FRAUD

That in or about January 2011, and continuing thereafter until in or about September 2015, at Great Falls, in Cascade County, and Power, in Teton County, in the State and District of Montana, and elsewhere, the defendant, MICHAEL LEE VAN AUKEN, having devised and intending to devise a material scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice, knowingly transmitted and caused to be transmitted by means of wire communication, in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice.

MANNER AND MEANS

The defendant, MICHAEL LEE VAN AUKEN, misrepresented his

background to a family in Montana, who would become his victims, including that he received a law degree and an accounting degree, which misrepresentations were designed to garner trust in the abilities of MICHAEL LEE VAN AUKEN to handle the victim's money.

The defendant, MICHAEL LEE VAN AUKEN, misrepresented the value of the "investments" to the victims by creating fraudulent documents and informing the victims the investments were doing well, when in truth and in fact, the investments did not exist, the money was not invested as claimed, and the investments were not as lucrative as described.

Specifically, the defendant, MICHAEL LEE VAN AUKEN, claimed he would invest the victims' money in IRAs, when in truth and in fact, he used the money for his and others' personal expenses, in whole and in part, none of which was authorized by the victims.

The defendant, MICHAEL LEE VAN AUKEN, also claimed he would invest the victims' money in a new drill bit for oil drilling and fracking industries. Interest was to be paid at a certain rate, and MICHAEL LEE VAN AUKEN personally guaranteed the bond and all interest. Rather than invest the money in the drill bit as claimed, MICHAEL LEE VAN AUKEN fraudulently invested the money in foreign currency trading in an attempt to repay money owed, and embezzled the money for his own personal expenses, none of which was

authorized by the victims. When questioned by the victims, MICHAEL LEE VAN AUKEN attempted to cover the fraud by misrepresenting that the drill bit investment fell through and a lawsuit against one of the companies to recoup the investment would cost more money than the profits could yield.

The defendant, MICHAEL LEE VAN AUKEN, created a wealth management plan for victims, which he claimed would, among other things, double the net worth of the victims in five years. This induced the victims to utilize the services of MICHAEL LEE VAN AUKEN, and give him access to funds, which he did not invest and manage as promised.

In addition to a drill bit investment opportunity, when MICHAEL LEE VAN AUKEN embezzled and mismanaged money from the victims in other proposed investment opportunities, unbeknownst to the victims, MICHAEL LEE VAN AUKEN attempted to make the money back by placing the remaining and newly obtained funds in foreign currency trading, none of which was authorized and approved by the victims.

Victims requested that MICHAEL LEE VAN AUKEN return their money, and he failed to do so. All told, based on the above misrepresentations and scheme to defraud, victims lost approximately \$719,340.67.

THE INTERSTATE AND FOREIGN WIRE COMMUNICATIONS

During the period of the indictment, it was part of the scheme and artifice to

defraud that the defendant, MICHAEL LEE VAN AUKEN, having devised and intending to devise a material scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, as described herein, and for the purpose of executing the scheme to defraud, knowingly transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, that is, wires and checks, one of which is identified in the table below, which travelled to and from Great Falls and Power, in Cascade and Teton Counties, respectively, in the State and District of Montana, and elsewhere, to and from Minneapolis, Minnesota, in the District of Minnesota, and elsewhere, all in violation of 18 U.S.C. § 1343.

Count	Date	Amount
I	January 22, 2015	\$210,000.00

COUNT II – MONEY LAUNDERING

That in or about August 2014, and continuing thereafter until in or about January 2015, at Great Falls, in Cascade County, and Power, in Teton County, and elsewhere, in the State and District of Montana, the defendant, MICHAEL LEE VAN AUKEN, knowingly engaged, and attempted to engage, in a monetary transaction in the United States, in criminally derived property of a value greater

than \$10,000, as described below, which was derived from specified unlawful activity during the wire fraud scheme alleged in count I, all in violation of 18 U.S.C. § 1957.

II	January 22, 2015	\$100,000.00

COUNT III – SUBSCRIBING TO A FALSE DOCUMENT

That on or about June 18, 2018, at Power, in Teton County, in the State and District of Montana, and other places, the defendant, MICHAEL LEE VAN AUKEN, willfully made and subscribed to a return, statement, and other document, which contained and was verified by a written declaration made under the penalties of perjury, and which he did not believe to be true and correct as to every material matter, that is, the defendant, MICHAEL LEE VAN AUKEN, filed a United States Income Tax Return, Form 1040, for the tax year 2014, under penalties of perjury, in which he claimed a total income of -\$118,839.00, then and there well knowing that he received additional income, which was taxable and not reported to the IRS, and resulted in additional tax due and owing in the amount of \$76,819.00, all in violation of 26 U.S.C. § 7206(1).

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DATED this 2nd day of January, 2020.

KURT G. ALME
United States Attorney



RYAN G. WELDON
Assistant U.S. Attorney

KURT G. ALME
United States Attorney

JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney