

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

KRAIG GIER,
[DOB: 01/19/1961]

Defendant.

Case No. 20-00040-01-CR-W-DGK

COUNTS 1 & 2:

18 U.S.C. § 1343

NMT Twenty Years Imprisonment

NMT \$250,000 Fine

NMT Three Years Supervised Release

Class C Felony

FORFEITURE ALLEGATION

18 U.S.C. § 981(a)(1)(C) and 28 U.S.C § 2461

\$100 Mandatory Special Assessment each
count

INFORMATION

THE UNITED STATES CHARGES THAT:

At all times relevant to this Information:

Introduction

1. Defendant, KRAIG GIER, resided in Independence, Missouri, and was the COO and President of Security Planning Corporation which he operated out of 3675 S. Noland Rd. #302, Independence, Missouri.

2. M.S., resided in Lee's Summit, Missouri, who began using defendant GIER as a financial advisor in 2008 after her financial planner retired.

3. E.S., resided in Topeka, Kansas, and has known defendant GIER since 1991 when her late husband G.S. worked with GIER at the same insurance company. E.S. utilized defendant GIER as a financial advisor and had significant investments that defendant GIER managed on her behalf.

4. Athene Holding Ltd. Is a retirement services company that issues, reinsures and acquires retirement savings products with offices located in the Des Moines, Iowa, metropolitan area.

5. United Life Insurance Company is an insurance company located in the Cedar Rapids, Iowa metropolitan area that offers annuities and various life insurance products.

6. EquiTrust Life Insurance Company is located in the Des Moines, Iowa, metropolitan area and provides annuity and life insurance products.

Scheme to Defraud

7. From beginning on or about February 2015 and continuing until on or about July 2018, defendant KRAIG GIER, voluntarily and intentionally devised and intended to devise a scheme and artifice to defraud two separate individuals, E.S. and M.S., and to obtain money by means of material false and fraudulent pretenses, representations, and promises by providing them with false and fictitious documentation in connection with investments he was purportedly overseeing for them.

Manner and Means

It was part of the scheme that:

8. Defendant GIER would have E.S. sign blank checks from her personal checking account and give them to him for additional investment opportunities.

9. At times, defendant GIER would forge the signature of E.S. and/or M.S. on paperwork associated with withdraw requests from various financial companies.

10. At times, defendant GIER would fax withdrawal paperwork from Independence, Missouri to various financial companies outside of the state of Missouri.

11. At times, defendant GIER would prepare false and fictitious documentation purportedly from the financial companies holding E.S. and/or M.S.s' investments. This

documentation would fraudulently represent that E.S. and/or M.S. were making a significant profit even though he had oftentimes depleted their accounts.

12. Defendant GIER would send a facsimile request to one of the above-described financial companies requesting a withdrawal on one of the two victim's financial investment account. That facsimile would contain a fraudulent voided check with the victim's name on it but with his personal or business bank account as the intended recipient of requested funds.

13. Defendant GIER would spend the money obtained from these fraudulent payments on himself.

14. On or about each of the dates set forth below, in the Western District of Missouri, defendant KRAIG GIER for the purpose of executing the scheme described above, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below for each count, each transmission constitution a separate count:

| COUNT | DATE | DESCRIPTION |
|-------|------------------|--|
| One | July 9, 2018 | A facsimile from Independence, Missouri to EquiTrust in Des Moines, Iowa, requesting a \$25,000 partial withdraw from an account owned by M.S. |
| Two | October 11, 2017 | A facsimile from Independence, Missouri to Athene Holding Ltd. Located in Des Moines, Iowa, requesting a \$25,000 withdraw from an account owned by E.S. |

All in violation of Title 18, United States Code, Section 1343.

ALLEGATION OF FORFEITURE

15. The factual allegations of Paragraphs 1 through 14 of the Information are re-alleged and incorporated as though fully set forth herein for the purpose of alleging forfeiture to the United States pursuant to the provisions of Title 18, United States Code, Sections 981(a)(1)(C), 1343, and Title 28, United States Code, Section 2461.

16. As a result of the offenses alleged in Counts 1 and 2 of this Information, and pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461, the defendant shall forfeit to the United States all property, real and personal, constituting and derived from any proceeds the defendant obtained directly and indirectly as a result of the violation incorporated by reference in this Allegation, including, but not limited to:

Money Judgment

17. A money judgment representing proceeds obtained by the defendant in that the sum in aggregate, constitutes or is derived from proceeds traceable to the offenses set forth in Counts 1 and 2. That amount being \$50,000.00.

Substitute Assets

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

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred, sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of forfeitable property.

Timothy A. Garrison
United States Attorney
Western District of Missouri

By /s/ David M. Ketchmark
David M. Ketchmark
Assistant United States Attorney

Dated: January 31, 2020
Kansas City, Missouri

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

CRIMINAL CASE COVER SHEET

| | | | |
|---|--|---|---|
| Division of Filing <input checked="" type="checkbox"/> Western <input type="checkbox"/> Central <input type="checkbox"/> Southwestern | <input type="checkbox"/> St. Joseph <input type="checkbox"/> Southern | Place of Offense <u>Jackson</u> County and elsewhere | Matter to be Sealed <input type="checkbox"/> Secret Indictment <input type="checkbox"/> Juvenile |
|---|--|---|---|

Defendant Information

Defendant Name Kraig Gier
Alias Name _____
Birthdate 01/19/1961

Related Case Information

Superseding Indictment/Information ☐ Yes ☒ No if yes, original case number _____
New Defendant ☒ Yes ☐ No
Prior Complaint Case Number, if any _____
Prior Target Letter Case Number, if any _____

U.S. Attorney Information

AUSA Dave Ketchmark

Interpreter Needed

☐ Yes Language and/or dialect _____
☒ No

Location Status

Arrest Date _____

☐ Currently in Federal Custody
☐ Currently in State Custody
☐ Currently on Bond

Writ Required ☐ Yes ☒ No

Warrant Required ☐ Yes ☒ No

U.S.C. Citations

Total # of Counts 2

| Set | Index Key/Code/Offense Level | Description of Offense Charged | Count(s) |
|-----|------------------------------|-------------------------------------|----------|
| 1 | 18:1343.F/4700/4 | Fraud by Wire, Radio, or Television | 1 & 2 |

(May be continued on reverse)

Date 01/31/2020

Signature of AUSA /s/ David Ketchmark