

FILED

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AT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON**

UNITED STATES OF AMERICA

V.

INDICTMENT NO. S:18 CR-155-DCR-MAS

PAUL ANTHONY LONG II

* * * * *

THE GRAND JURY CHARGES:

BACKGROUND

1. At all relevant times, **PAUL ANTHONY LONG II** functioned as attorney-in-fact for his grandfather, H.L., pursuant to a Power of Attorney executed on or about July 31, 2007. Pursuant to the Power of Attorney, **LONG** was authorized to deposit money collected on behalf of H.L. and to pay any of H.L.'s bills, accounts, or debts.
2. The Power of Attorney did not authorize **LONG** to make gifts of H.L.'s property or financial assets to himself or others.
3. On or about March 8, 2011, **LONG** admitted H.L. to the Thomson-Hood Veterans Center, a long-term care facility located in Wilmore, Kentucky, with a diagnosis of Alzheimer's Disease. H.L.'s medical records upon admission to Thomson-Hood noted that he "needs constant supervision."
4. Following his admission to Thomson-Hood, H.L.'s mental status progressively declined. For example, H.L.'s medical records reflect that as of March 2013, he was

unable to identify the year or season, unable to identify the city or state in which he lived, unable to repeat simple words like “ball,” and unable to follow simple instructions. H.L. passed away on or about December 19, 2015, with the cause of death listed as End-Stage Alzheimer’s Dementia.

5. Beginning in March 2011 and continuing through December 2015, **LONG**, purporting to act as H.L.’s attorney-in-fact pursuant to the Power of Attorney, wrote checks to himself and his wife from H.L.’s accounts, paid his personal credit card bills with online transfers from H.L.’s accounts, and withdrew hundreds of thousands of dollars in cash from H.L.’s accounts. In making these gifts and expenditures, **LONG** was at all times acting in his own interest and not in the best interests of his grandfather, H.L.

6. **LONG** did not disclose his use of H.L.’s assets for his own personal interests to H.L.’s other grandchildren, M.L. and R.L., each of whom were entitled to a share of H.L.’s Estate according to the terms of H.L.’s will. When required to account for H.L.’s assets after H.L.’s death, **LONG** falsely stated, under oath, that H.L. had approved of and directed each withdrawal and expenditure made by **LONG**.

COUNT 1-10
18 U.S.C. § 1344(2)

7. The allegations contained in paragraphs 1 through 6 of the Indictment are incorporated by reference as if fully restated and set forth herein.

8. From on or about March 8, 2011, and continuing through December 19, 2015, in Fayette County and elsewhere in the Eastern District of Kentucky,

PAUL ANTHONY LONG II

knowingly executed a scheme and artifice to obtain, by means of materially false and fraudulent pretenses, representations, promises, and concealment of material facts, money and funds from H.L.'s accounts under the custody and control of Central Bank and Trust Company, a financial institution insured by the Federal Deposit Insurance Corporation.

MANNER AND MEANS

The manner and means used to accomplish the objectives of the scheme included, among others, the following:

8. **LONG** abused his authority as H.L.'s attorney-in-fact and his access to H.L.'s financial accounts to use H.L.'s funds for unauthorized purposes.
9. **LONG** wrote checks drawn on H.L.'s accounts at Central Bank and Trust Company and made payable to "cash," to himself, to his wife, or for personal expenses.
10. **LONG** endorsed these checks as "Paul Long POA," i.e., "Paul Long Power of Attorney," and falsely represented that he was acting in H.L.'s interests under the Power of Attorney, when in truth and in fact **LONG** withdrew the money from H.L.'s accounts for his own personal benefit.
11. **LONG** further abused his authority and access to H.L.'s accounts by withdrawing more than \$100,000 from H.L.'s accounts at ATMs.
12. **LONG** did not disclose to Central Bank & Trust Company and his siblings that he was using H.L.'s money for his own personal benefit.

EXECUTION OF THE SCHEME

13. On or about the dates listed below, in Fayette County and elsewhere in the Eastern

District of Kentucky,

PAUL ANTHONY LONG II,

for the purpose of executing the scheme described above, and in order to effect the objects thereof, knowingly wrote and caused to be deposited or cashed the following checks drawn on H.L.'s accounts at Central Bank & Trust Company.

Count	Payee	Amount	Check	Account	Date
1	"AT&T Universal Card"	\$6,400	5513	*8405	8/9/2011
2	"Cash"	\$5,000	619908	*8405	9/8/2011
3	"Paul Long II"	\$10,000	5497	*8405	2/12/2012
4	"Heather Long"	\$10,000	5498	*8405	2/12/2012
5	"Cash"	\$25,000	602996	*8405	2/15/2012
6	"IRH"	\$15,500	5530	*8405	11/8/2012
7	"Cash"	\$2,275	5550	*8405	5/2/2013
8	"Cash"	\$2,755	5557	*8405	6/19/2013
9	"Cash"	\$2,000	5558	*8405	6/26/2013
10	"Cash"	\$2,000	824897	*8405	2/25/2014

Each in violation of Title 18, United States Code, Section 1344(2).

COUNT 11-13
18 U.S.C. § 1343

14. The allegations contained in paragraphs 1 through 6 of the Indictment are incorporated by reference as if fully restated and set forth herein.

15. From on or about March 8, 2011, and continuing through on or about December 19, 2015, in Fayette County and elsewhere in the Eastern District of Kentucky,

PAUL ANTHONY LONG II

devised and intended to devise a scheme to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, promises, and concealment of material facts.

MANNER AND MEANS

The manner and means used to accomplish the objectives of the scheme included, among others, the following:

16. **LONG** abused his authority as H.L.'s attorney-in-fact and his access to H.L.'s financial accounts to use H.L.'s funds for unauthorized purposes.

17. **LONG** incurred expenses on personal credit cards issued to him and his wife. **LONG** then repeatedly used his online access to H.L.'s financial accounts to transfer money from H.L.'s accounts to pay down the balance on **LONG's** personal credit cards.

18. **LONG** did not disclose his use of H.L.'s funds to pay **LONG's** personal credit card balances to H.L. or to **LONG's** siblings.

EXECUTION OF THE SCHEME

19. On or about the dates listed below, in Fayette County and elsewhere in the Eastern District of Kentucky,

PAUL ANTHONY LONG II,

for the purpose of executing the scheme described above, and in order to effect the objects thereof, knowingly caused to be transmitted by means of wire communication in

interstate commerce the items listed below:

Count	Date and Description
11	December 5, 2013 wire transfer of \$6,000 from Central Bank & Trust Company account *8405, held in the name of H.L., to U.S. Bank Platinum Visa Card account *2853, held in the name of Paul A. Long.
12	December 5, 2013 wire transfer of \$2,000 from Central Bank & Trust Company account *8405, held in the name of H.L., to CITI CARDS account *7031, held in the name of Paul A. Long.
13	February 19, 2014 wire transfer of \$9,116.76 from Central Bank & Trust Company account *8405, held in the name of H.L., to U.S. Bank Platinum Visa Card account *2853, held in the name of Paul A. Long.

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

FORFEITURE ALLEGATIONS

18 U.S.C. § 981(a)(1)(C)

28 U.S.C. § 2461(c)

20. The allegations contained in paragraphs 1 through 19 of the Indictment are hereby realleged and incorporated by reference for the purpose of proposing the forfeiture allegations pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

21. Upon conviction of the offenses in violation of 18 U.S.C. §§ 1343 and 1344 set forth in Counts 1-13 of this Indictment, **PAUL ANTHONY LONG II** shall forfeit to the United States of America, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses, including the following:

MONEY JUDGMENT:

\$608,395.32, representing the approximate gross proceeds derived from the offenses.

22. If any of the property described above, as a result of any act or omission of **PAUL ANTHONY LONG II:**

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

All pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

A TRUE BILL


ROBERT M. DUNCAN JR.
UNITED STATES ATTORNEY

PENALTIES

COUNTS 1-10: Imprisonment for not more than thirty years, a fine of not more than \$1,000,000 or twice the amount of loss, and supervised release for not more than five years.

COUNTS 11-13: Imprisonment for not more than twenty years, a fine of not more than \$250,000, and supervised release for not more than three years.

PLUS: Forfeiture of all listed property.

PLUS: Mandatory special assessment of \$100 per count.

PLUS: Restitution, if applicable.