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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,

vs.

1. Trevor Wesley Gabler,
(Counts 1-24)
2. Brandon Trevor Ball,
(Counts 1-24)
3. Gordon Lynn Hardy,
(Counts 1-24)
4. Jackie Nikiel Whitley
(Counts 1-24)
5. Brian Lee Gibson
(Counts 1-24)

Defendants.

CR-18-01420-PHX-SPL-(DMF)

INDICTMENT

VIO: 18 U.S.C. § 1349
(Conspiracy)
Count 1

18 U.S.C. 1341, 2326 and 2
(Mail Fraud)
Counts 2-24

18 U.S.C. §§ 981(a)(1)(C), 982,
& 2328
28 U.S.C. § 2461(c)
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

At all times material to this indictment, within the District of Arizona and elsewhere:

1. Defendants TREVOR WESLEY GABLER, BRANDON TREVOR BALL, GORDON LYNN HARDY, JACKIE NIKIEL WHITLEY and BRIAN LEE GIBSON worked together in a telemarketing operation to defraud elderly consumers of at least \$1,017,000.

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COUNT 1
(18 U.S.C. § 1349)
Conspiracy to Commit Mail and Wire Fraud

The Conspiracy and Its Objects

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2. From at least February 2015 through at least June 2017, in the District of Arizona and elsewhere, defendants GABLER, BALL, HARDY, WHITLEY and GIBSON knowingly and willfully conspired with each other, and with other persons known and unknown to the grand jury, to commit the following offenses against the United States: 18 U.S.C. §§ 1341 (mail fraud) and 1343 (wire fraud).

Manner and Means of the Conspiracy

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3. It was part of the conspiracy that defendants organized telemarketing rooms in and around Phoenix, Arizona where interstate telephone calls were placed purporting to offer an investment opportunity. The calls targeted senior citizens.

4. It was further part of the conspiracy that the defendants recruited employees to place the calls, from the “front end” and from the “back end” of the operation. The front end was the initial interaction; the back end was where the large financial transactions took place. Financial transactions included transactions by check, and also credit card transactions through out-of-state merchant account processors.

5. The defendants and their employees created scripts to manipulate the senior citizen victims.

6. Defendants misrepresented the nature of the investment opportunity, and also misrepresented the location of the business. In fact, defendants selected victims from outside of Arizona to limit their exposure and accountability. Moreover, defendants encouraged their employees to use false names when speaking with victim customers.

Overt Acts

7. In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed within the district of Arizona and elsewhere:

1 a. Formation of Bank Accounts/Entities

2 i. On or about October 1, 2011, BALL opened business account -6978
3 at Wells Fargo (at the 44th and Thomas branch) in the name of BB
4 Marketing Consulting LLC.

5 ii. On or about December 19, 2013, HARDY opened a Gold Business
6 Services Package business account -5636 at Wells Fargo Bank (at the
7 West Camelback branch) as the sole owner of Elite Business
8 Strategies LLC.

9 iii. On or about February 23, 2015, HARDY opened business bank
10 account -3252 at Chase Bank (at the Tempe Broadway branch) as the
11 Manager of Elite Business Strategies LLC.

12 iv. On or about February 26, 2015, HARDY opened business account -
13 9158 at BBVA Compass Bank (at the 40th Street branch) as the single
14 member of Elite Business Strategies LLC.

15 v. On or about March 27, 2015, GABLER opened individual account -
16 6580 at Chase Bank (at the Indian School and 33rd Avenue branch).

17 vi. On or about June 8, 2015, GABLER opened business account -3472
18 at Bank of America as the manager of First Trend Marketing LLC.

19 vii. On or about June 30, 2015, GIBSON opened business account -3583
20 at Chase Bank (at the Tempe Broadway branch) as the manager of KB
21 Consulting LLC.

22 viii. On or about January 7, 2016, GIBSON opened business account -
23 2033 at Chase Bank (at the Glendale and 7th Branch) as the manager
24 of RFL Consulting LLC.

25 ix. On or about January 13, 2016, GABLER incorporated Trexel
26 Operations LLC in Arizona.

27 x. On or about February 16, 2016, GIBSON opened business account -
28 7035 at Chase Bank (at the Southern and 48th branch) as the manager

1 of.RFL Consulting LLC.

2 xi. On or about March 30, 2016, WHITLEY opened business account -
3 9088 at Chase Bank (at the Camelback and 7th branch) as the manager
4 of NC Consulting Services LLC.

5 xii. On or about May 8, 2017, WHITLEY opened business account -3846
6 at BBVA Compass Bank (at the North Central branch) as the manager
7 of NC Consulting Services LLC.

8 b. Transactions between defendants

9 i. On March 26, 2015, Elite Business Strategies (HARDY) issued a
10 check for \$900 to GABLER, which GABLER deposited into Chase
11 account -6580.

12 ii. On April 24, 2015, Elite Business Strategies (HARDY) issued a check
13 for \$1125 to GABLER, which GABLER deposited into Chase
14 account -6580.

15 iii. On May 7, 2015, HARDY issued a cashier's check for \$1125 to
16 GABLER, which GABLER deposited into Chase account -6580.

17 iv. On December 30, 2015, KB Consulting (GIBSON) issued a cashier's
18 check for \$2,753.50 to GABLER, which GABLER deposited into
19 Chase account -6580.

20 v. On February 12, 2016, RFL Consulting (GIBSON) issued a cashier's
21 check for \$3,675 to GABLER, which GABLER deposited into Chase
22 account -6580.

23 vi. On May 15, 2017, WHITLEY issued a cashier's check (out of BBVA
24 account -3846) for \$2500 to GABLER, which GABLER deposited
25 into US Bank account -2597.

26 vii. Between January 1, 2015 and June 30, 2017, NC Consulting Services
27 LLC (WHITLEY) paid BALL \$36,969, which BALL deposited into
28 Wells Fargo account -6978.

1 viii. Between January 1, 2015 and June 30, 2017, companies controlled by
2 GABLER (to wit: Trexel Operations LLC and First Trend Marketing)
3 paid BALL \$41,784.

4 c. Other Transactions

5 i. In or around December 2015, GABLER signed an agreement with
6 P.V., Inc., through its principal, B.S., to provide credit card processing
7 for telemarketing sales.

8 ii. In or around August 2016, a runner picked up a package from a
9 commercial mail receiving agency, brought it to a Bank of America
10 branch and subsequently proceeded to a building on University Drive
11 in Phoenix frequented by BALL.

12 All in violation of 18 U.S.C. § 1349.

13 **COUNTS 2-24**
14 **(18 U.S.C. § 1341)**
15 **Mail Fraud**

16 The factual allegations above are incorporated in Counts 2-24.

17 8. From at least February 2015 through June 2017, in the District of Arizona
18 and elsewhere, defendants GABLER, BALL, HARDY, WHITLEY and GIBSON, with the
19 intent to defraud, devised and willfully participated in, with knowledge of its fraudulent
20 nature, the above-described scheme and artifice to defraud and obtain money by materially
21 false and fraudulent pretenses, representations and promises.

22 9. Defendants engaged in the scheme through telemarketing, and in the course
23 of the scheme defendants targeted persons over the age of 55. More than ten victims of the
24 scheme were over the age of 55.

25 10. On or about the dates listed below, in the District of Arizona and elsewhere,
26 for the purpose of executing or attempting to execute the above-described scheme and
27 artifice to defraud and deprive, defendants caused to be delivered to them by mail (that is,
28 through Postal Service or any private or commercial interstate carrier) the following items.

Count	Date	Sender	Recipient	Item Mailed
2	February 5, 2015	M.J.M.	Elite Business Strategies	Official Check for \$50,000 remitted by M.J.M. (subsequently deposited into Wells Fargo account -5636)
3	April 1, 2015	T.D.	Elite Business Strategies	Check for \$30,000 (subsequently deposited into Chase Bank account -3252)
4	July 13, 2015	N.L.R.	Elite Business Strategies	Check for \$10,000 (subsequently deposited into BBVA Compass account - 9158)
5	July 20, 2015	B.L.H.	Elite Business Strategies	Check for \$7,000 with memo line "business investment" (subsequently deposited into BBVA Compass account - 9158)
6	July 24, 2015	J.A.F. and J.S.F.	Elite Business Strategies	Check for \$50,000 (subsequently deposited into BBVA Compass account - 9158)
7	August 18, 2015	L.K.P.	Elite Business Strategies	Check for \$10,000 (subsequently deposited into BBVA Compass account - 9158)
8	November 20, 2015	I.M.H.	KB Consulting	Check for \$10,000 with the memo line "Business Opt." (subsequently deposited into Chase account -3583)
9	February 5, 2016	A.T.	RFL Consulting	One check for \$5,000 (check 110 from a joint account) and an additional check for \$5,000 (check 1421) (each of which were subsequently deposited into Chase account -2033)
10	February 9, 2016	D.L.N.	RFL Consulting	One check for \$50,000 with the memo notation "Invest" (subsequently deposited into Chase account -2033)

Count	Date	Sender	Recipient	Item Mailed
11	February 11, 2016	L.L.	First Trend Marketing	Check for \$25,000 (subsequently deposited into Bank of America account - 3472)
12	February 18, 2016	L.M. (from a Heartland Nursing Home)	RFL Consulting	Check for \$30,000, with the memo line "purchase leads" (subsequently deposited into Chase account -2033)
13	March 2, 2016	B.S.S.	RFL Consulting	Check for \$14,000 (subsequently deposited into Chase account -7035)
14	March 3, 2016	D.C.	First Trend Marketing	Check for \$20,000 (subsequently deposited into Bank of America account - 3472)
15	March 7, 2016	R.G.R.	First Trend Marketing	Check for \$20,000 with the memo line "Bussiness [sic]" (subsequently deposited into Bank of America account - 3472)
16	March 22, 2016	D.C.	First Trend Marketing	Check for \$20,000 (subsequently deposited into Bank of America account - 3472)
17	May 19, 2016	L.F.	First Trend Marketing	Check for \$10,000 (subsequently deposited into Bank of America account - 3472)
18	June 7, 2016	L.F.	First Trend Marketing	Check for \$90,000 (subsequently deposited into Bank of America account - 3472)
19	July 29, 2016	W.H.D.	First Trend Marketing	Check for \$30,000 (subsequently deposited into Bank of America account - 3472)
20	October 7, 2016	R.M.H.	NC Consulting	Check for \$40,000 (subsequently deposited into Chase Bank account -9088)

Count	Date	Sender	Recipient	Item Mailed
21	November 21, 2016	H.E.P.	NC Consulting	Check for \$30,000 (subsequently deposited into Chase Bank account -9088)
22	January 25, 2017	J.M.Z.	NC Consulting	Check for \$80,000 (subsequently deposited into Chase Bank account -9088)
23	February 27, 2017	G.A.	NC Consulting	Check for \$45,000 (subsequently deposited into Chase Bank account -9088)
24	March 13, 2017	J.D.H.	NC Consulting	Check for \$30,000 (subsequently deposited into Chase Bank account -9088)

All in violation of 18 U.S.C. §§ 1341, 2326 and 2.

FORFEITURE ALLEGATION

11. The factual allegations above are incorporated in the forfeiture allegations.

12. Pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982 and 2328, and 28 U.S.C. § 2461(c), upon conviction of the offenses in violation of 18 U.S.C. § 1341 as enhanced by 18 U.S.C. § 2326, as set forth in Counts 2-24 of this indictment, defendants shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses.

13. The property to be forfeited includes, but is not limited to, the following:

- a. A sum of money equal to at least \$1,017,000 in United States currency, representing the amount of money involved in the offenses.

14. If more than one defendant is convicted of an offense, the defendants so convicted are jointly and severally liable for the amount involved in such offense.

15. If any of the property described above, as a result of any act or omission of the defendants: (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.

1 § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c).

2 All pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(1), 28 U.S.C. § 2461(c), and
3 Rule 32.2(a) Federal Rules of Criminal Procedure.

4 A TRUE BILL

5
6
7 s/
8 FOREPERSON OF THE GRAND JURY
9 Date: October 23, 2018

10 ELIZABETH A. STRANGE
11 First Assistant United States Attorney
12 District of Arizona

13 s/
14 GARY M. RESTAINO
15 Assistant U.S. Attorney
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