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DISTRICT OF UTAH

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHAD GETTEL, a.k.a. CHAD WARNER,

Defendant.

**FELONY INFORMATION**

Violations: 18 U.S.C. §1341 (Mail Fraud)(Count I); 18 USC § 1349 (Conspiracy to Commit Mail Fraud) (Count II)

Case: 2:17-cr-00254  
Assigned To : Nuffer, David  
Assign. Date : 4/25/2017  
Description: USA v. Gettel

The United States Attorney charges:

**I. INTRODUCTORY ALLEGATIONS**

At all times relevant to this Information:

1. The defendant CHAD GETTEL (“GETTEL”), was a resident of Salt Lake County, Utah. GETTEL sometimes used the alias, Chad Warner.
2. Beginning on or about March 2015, with the exact date unknown to the United States, and continuing until on or about February 27, 2017, defendant was involved in processing payments received by telemarketing rooms.

3. The telemarketing rooms consisted of call centers based in and around Phoenix, Arizona and in other areas of the United States. Sellers at the call centers used the telephone to make interstate calls and seek sales of goods or services to a consumer for an initial payment.

4. The telemarketing rooms sold different fraudulent products, including but not limited to, "amazon rooms and accompanying advertising," "government grants," and "business opportunities." GETTEL and others worked together as part of a plan, program, and campaign related to the business of merchant processing for the telemarketing rooms.

5. A "fulfillment" operation based in and around St. George, Utah, involved managing ancillary services and products sold by the telemarketing rooms. GETTEL was knowledgeable of and worked with the fulfillment operation.

## **II. THE SCHEME AND ARTIFICE TO DEFRAUD**

6. From on or about March 2015 to on or about February 27, 2017, in the Central Division of the District of Utah and elsewhere,

### **CHAD GETTEL,**

defendant herein, with others known and unknown to the United States, knowingly devised and intended to devise, and did aid and abet therein, a scheme and artifice to defraud and to obtain money by means of false and fraudulent pretenses, representations, promises, and omissions of material facts.

7. In executing and attempting to execute the scheme and artifice to defraud, and in furtherance thereof, GETTEL knowingly deposited and caused to be deposited in an authorized depository for mail a matter or thing to be sent and delivered by the United States Postal Service and by any private or commercial interstate carrier, according to the directions thereon, in violation of 18 U.S.C. §1341 (Mail Fraud).

**III. OBJECT OF THE CONSPIRACY**

8. The object of the conspiracy by GETTEL and others was to identify potential nominee victims through whom GETTEL and others, using fictitious names, could create business entities and then fabricate false bank records and fraudulent company records in order to open merchant accounts that maximized the credit card processing limit of the account. GETTEL and others did this knowing that the merchant accounts would be processing the fraudulently obtained telemarketing sale proceeds. They knew that the banks would eventually close the merchant accounts due to the large amount of chargebacks. At that point, because they used fictitious names, GETTEL and others could then disappear, leaving the nominee victim and the bank with the chargeback losses.

**IV. MANNER AND MEANS OF THE SCHEME AND ARTIFICE TO DEFRAUD**

9. In execution and furtherance of the scheme and artifice to defraud, GETTEL worked with a network of individuals, agents, affiliates and nominees, and the entities and financial accounts they created, and caused to be created, as part of the network that served the telemarketing rooms by supplying the rooms with “merchant accounts.”

10. Merchant accounts enabled the telemarketers to:

- a. capture, authorize and process credit card account transactions;
- b. settle credit card transactions pursuant to merchant account agreements; and
- c. ultimately receive deposits from settled credit card transactions.

11. Merchant accounts were applied for under the names of a series of entities, typically limited liability companies (LLC's), created by, and through, nominees for the purpose of obtaining merchant accounts necessary for the telemarketing rooms.

12. It was part of the scheme and artifice to defraud that GETTEL, along with others, identified and worked with these nominees and together with the nominee, the nominee companies, applied for, opened and held merchant accounts at federally insured financial institutions including, but not limited to, Wells Fargo Bank, US Bank, Brighton Bank, and Mountain America Credit Union.

13. It was part of the scheme and artifice to defraud that GETTEL, with others, intentionally deceived the banks by creating false company profit history records and bank statements for the LLCs in order to assure that the merchant accounts would qualify for a higher credit card processing limit.

14. It was part of the scheme and artifice to defraud that GETTEL, with others, oversaw the merchant accounts, which enabled the telemarketing rooms to accept and deposit payments from individuals via credit card and sometimes wire transfers.

15. It was part of the scheme and artifice to defraud that GETTEL and others were involved in contesting chargebacks to these merchant accounts initiated by credit card customers of the telemarketing rooms in order to keep the merchant account open as long as possible.

16. Eventually, banks would freeze merchant accounts and discontinue allowing those accounts to accept credit card payments due to suspicious activity and the large numbers of charge back requests. Once the accounts were frozen, the nominees and banks were left to deal with the outstanding charge backs.

17. Once an account was closed, GETTEL and others would then shift processing to another merchant account they created in the same manner.

**COUNT I**  
**18 U.S.C. § 1341**  
**(Mail Fraud)**

18. The allegations set forth above and all counts set forth in this Information are incorporated herein by reference and realleged as though fully set forth herein.

19. On or about March 15, 2016, in the Central Division of the District of Utah, and elsewhere, the defendant,

**CHAD GETTEL,**

aided and abetted by others known and unknown to the United States, for the purpose of creating an LLC and applying for a merchant bank account and in furtherance of the scheme to defraud and in support of the telemarketing rooms did knowingly cause to be sent and delivered by the United States Postal Service and interstate commercial carrier a copy of a driver's license and social security card of an individual known to the United States and identified as D.T., all in violation of Title 18, United States Code, § 1341.

**COUNT II**  
**18 U.S.C. § 1349**  
**(Conspiracy to Commit Mail Fraud)**

20. The allegations set forth above and all counts set forth in this Information are incorporated herein by reference and realleged as though fully set forth herein.

21. From on or about March 2015 to on or about February 27, 2017, in the Central Division of the District of Utah and elsewhere, the defendant,

**CHAD GETTEL,**

did knowingly and willfully combine, conspire, and agree with others known and unknown to the United States, to commit offenses against the United States, to include, mail fraud as described in Count I above, all in violation of Title 18, United States Code, §§ 1341 and 1349.

**NOTICE OF INTENT TO SEEK FORFEITURE**

Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), upon conviction of any offense in violation of 18 U.S.C. § 1349 with a violation of 18 U.S.C. § 1341 as an object of the conspiracy, as set forth in this Information, the defendant shall forfeit to the United States of America all property, real or personal, that constitutes or is derived from proceeds traceable to the scheme to defraud. The property to be forfeited includes, but is not limited to, the following:

- A money judgment equal to the value of the proceeds traceable to the scheme to defraud.
- \$213,520.00 obtained from A.H.
- 20 gold coins obtained from A.H.

**SUBSTITUTE ASSETS**

If any of the above-described forfeitable property, as a result of any act or omission of the defendants,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(b)(1), to seek forfeiture of any other property of said defendants up to the value of the above-forfeitable property.

DATED this 25<sup>th</sup> day of April, 2017.

JOHN W. HUBER  
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "Kevin L. Sundwall", written over a horizontal line.

KEVIN L. SUNDWALL  
LAKE DISHMAN  
Assistant United States Attorneys