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U.S. DISTRICT COURT

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DISTRICT OF UTAH

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CARLIE CHRISTENSEN, Acting United States Attorney (#0633)  
CY CASTLE, Assistant United States Attorney (#4808)  
J. DREW YEATES, Assistant United States Attorney (#9811)  
MARGARET LEIGH KESSLER, Special Assistant United States Attorney  
185 South State Street, Suite 300  
Salt Lake City, Utah 84111  
Telephone: (801) 524-5682

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

UNITED STATES OF AMERICA,	:	INDICTMENT
Plaintiff,	:	
v.	:	Violations:
	:	18 U.S.C. § 922(a)(1)(A) (Dealing in Firearms Without a License) (Count 1);
ADAM MICHAEL WEBBER,	:	18 U.S.C. § 554(a) (Smuggling Goods From the United States) (Count 2);
Defendant.	:	26 U.S.C. § 7206(1) (Filing a False Tax Return) (Counts 3-8).
	:	
	:	<b>Case: 2:14-cr-00443</b>
	:	<b>Assigned To : Benson, Dee</b>
	:	<b>Assign. Date : 08/22/2014</b>
	:	<b>Description: USA v.</b>

THE GRAND JURY CHARGES:

**INTRODUCTORY ALLEGATIONS**

At times material to this Indictment:

1. From in or about January 2007 through in or about February 2010, Defendant ADAM MICHAEL WEBBER (“Defendant WEBBER”) was a resident of Salt Lake County, Utah.

2. With exact times unknown to the grand jury, but not later than January 2007,

Defendant WEBBER established a business that sold firearms and firearms parts and accessories largely through the internet. The business operated under the name HK Parts, which used the website www.hkparts.net (hereinafter "HK Parts"). HK Parts was solely owned and operated by Defendant WEBBER.

3. On or about June 20, 2007, Defendant WEBBER signed a Stipulated Settlement Agreement with the United States in which he agreed never to apply for a Federal firearms license or be a responsible person for any Federal firearms licensee or business, and that he would not engage in the business of manufacturing, importing, or dealing in firearms.

4. On or about April 14, 2009, Defendant WEBBER incorporated HK Parts, Inc., which used the website www.hkparts.net ("HK Parts, Inc."), as a Utah corporation.

5. Defendant WEBBER was the sole shareholder of HK Parts, Inc.

6. During the years 2007 through 2012 Defendant WEBBER, individually and through HK Parts and HK Parts, Inc., sold firearms and firearms parts and accessories, which was Defendant WEBBER'S primary source of income.

7. Defendant WEBBER, for the years 2007 through 2010, filed false U.S. Individual Income Tax Returns (Form 1040) and U.S. Income Tax Returns for an S Corporation (Form 1120S), which under reported the gross receipts or sales from his business.

**COUNT 1**  
**18 U.S.C. § 922(a)(1)(A)**  
**(Dealing Firearms Without a License)**

8. The grand jury realleges paragraphs 1 through 7 as though fully set forth herein.

9. On a date unknown to the grand jury, but beginning no later than 2007, through in

or about May 2012, in the Central Division of the District of Utah,

**ADAM MICHAEL WEBBER,**

defendant herein, willfully engaged in the business of dealing in firearms without a license; all in violation of 18 U.S.C. § 922(a)(1)(A).

**COUNT 2**

**18 U.S.C. § 554(a)**

**(Smuggling Goods from the United States)**

10. The grand jury realleges paragraphs 1 through 7 as though fully set forth herein.

11. On or about February 10, 2011, in the Central Division of the District of Utah,

**ADAM MICHAEL WEBBER,**

defendant herein, fraudulently and knowingly exported and sent firearm parts from the United States, contrary to the laws and regulations of the United States governing the export of firearm parts, in that defendant exported and sent firearm parts without the Department of State export license or other written authorization required by 22 U.S.C. § 2778, and attempted to do so, and did aid and abet therein; all in violation of 18 U.S.C. §§ 554(a) and 2.

**COUNT 3**

**26 U.S.C. § 7206(1)**

**(Filing a False Tax Return)**

12. The grand jury realleges paragraphs 1 through 7 as though fully set forth herein.

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13. On or about April 15, 2008, in the Central Division of the District of Utah,

**ADAM MICHAEL WEBBER,**

defendant herein, did willfully make and subscribe a 2007 U.S. Individual Income Tax Return (Form 1040), which was verified by a written declaration that it was made under the penalties of perjury and which he did not believe to be true and correct as to every material matter. That the 2007 U.S. Individual Income Tax Return (Form 1040), which was prepared and signed in the District of Utah and was filed with the Internal Revenue Service, reported on Schedule C Line 1 gross receipts or sales of \$23,185.00, whereas, as he then and there knew, the gross receipts or sales were substantially greater, all in violation of 26 U.S.C. § 7206(1).

**COUNT 4**

**26 U.S.C. § 7206(1)**

**(Filing a False Tax Return)**

14. The grand jury realleges paragraphs 1 through 7 as though fully set forth herein.

15. On or about April 15, 2009, in the Central Division of the District of Utah,

**ADAM MICHAEL WEBBER,**

defendant herein, did willfully make and subscribe a 2008 U.S. Individual Income Tax Return (Form 1040), which was verified by a written declaration that it was made under the penalties of perjury and which he did not believe to be true and correct as to every material matter. That the 2008 U.S. Individual Income Tax Return (Form 1040), which was prepared and signed in the District of Utah and was filed with the Internal Revenue Service, reported on Schedule C Line 1 gross receipts or sales of \$22,039.00, whereas, as he then and there knew, the gross receipts or sales were substantially greater, all in violation of 26 U.S.C. § 7206(1).

**COUNT 5**  
**26 U.S.C. § 7206(1)**  
**(Filing a False Tax Return)**

16. The grand jury realleges paragraphs 1 through 7 as though fully set forth herein.
17. On or about April 15, 2010, in the Central Division of the District of Utah,

**ADAM MICHAEL WEBBER,**

defendant herein, did willfully make and subscribe a 2009 U.S. Individual Income Tax Return (Form 1040), which was verified by a written declaration that it was made under the penalties of perjury and which he did not believe to be true and correct as to every material matter. That the 2009 U.S. Individual Income Tax Return (Form 1040), which was prepared and signed in the District of Utah and was filed with the Internal Revenue Service, reported on Schedule C-EZ Line 1 gross receipts of \$682.00, whereas, as he then and there knew, the gross receipts were substantially greater, all in violation of 26 U.S.C. § 7206(1).

**COUNT 6**  
**26 U.S.C. § 7206(1)**  
**(Filing a False Tax Return)**

18. The grand jury realleges paragraphs 1 through 7 as though fully set forth herein.
19. On or about April 14, 2010, in the Central Division of the District of Utah,

**ADAM MICHAEL WEBBER,**

defendant herein, did willfully make and subscribe a 2009 U.S. Income Tax Return for an S Corporation (Form 1120S) for HK Parts Inc., which was verified by a written declaration that it was made under the penalties of perjury and which he did not believe to be true and correct as to every material matter. That the 2009 U.S. Income Tax Return for an S Corporation (Form

1120S) for HK Parts Inc., which was prepared and signed in the District of Utah and was filed with the Internal Revenue Service, reported on Line 1a gross receipts or sales of \$49,742, whereas, as he then and there knew, the gross receipts or sales were substantially greater, all in violation of 26 U.S.C. § 7206(1).

**COUNT 7**  
**26 U.S.C. § 7206(1)**  
**(Filing a False Tax Return)**

20. The grand jury realleges paragraphs 1 through 7 as though fully set forth herein.

21. On or about April 15, 2011, in the Central Division of the District of Utah,

**ADAM MICHAEL WEBBER,**

the defendant herein, did willfully make and subscribe a 2010 U.S. Individual Income Tax Return (Form 1040), which was verified by a written declaration that it was made under the penalties of perjury and which he did not believe to be true and correct as to every material matter. That the 2010 U.S. Individual Income Tax Return (Form 1040), which was prepared and signed in the District of Utah and was filed with the Internal Revenue Service, reported on Schedule C #1 Line 1 gross receipts or sales of \$2,638.00 and on Schedule C #2 Line 1 gross receipts or sales of \$652.00, whereas, as he then and there knew, the total gross receipts or sales were substantially greater, all in violation of 26 U.S.C. § 7206(1).

**COUNT 8**  
**26 U.S.C. § 7206(1)**  
**(Filing a False Tax Return)**

22. The grand jury realleges Paragraphs 1 through 7 as though fully set forth herein.

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23. On or about April 20, 2011, in the Central Division of the District of Utah,

**ADAM MICHAEL WEBBER,**

defendant herein, did willfully make and subscribe a 2010 U.S. Income Tax Return for an S Corporation (Form 1120S) for HK Parts Inc., which was verified by a written declaration that it was made under the penalties of perjury and which he did not believe to be true and correct as to every material matter. That the 2010 U.S. Income Tax Return for an S Corporation (Form 1120S) for HK Parts Inc., which was prepared and signed in the District of Utah and was filed with the Internal Revenue Service, reported on Line 1a gross receipts or sales of \$87,749, whereas, as he then and there knew, the gross receipts or sales were substantially greater, all in violation of 26 U.S.C. § 7206(1).

**NOTICE OF INTENT TO SEEK FORFEITURE**

Upon conviction of the willful violation of Title 18, United States Code, Section 922(a)(1)(A), set forth in Count 1 of this Indictment, Defendant WEBBER shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved or intended to be used in the commission of the offense, including, but not limited to, the firearms listed in Exhibit A, which is attached and incorporated by reference herein.

If any of the property described above, 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 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 Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

In addition, upon conviction of the violation of Title 18, United States Code, Section 554(a), set forth in Count 2 of this Indictment, Defendant WEBBER shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all property, real or personal, which constitutes or is derived from proceeds traceable to the offense, including, but not limited to, a money judgment in the amount of the proceeds obtained from the violation.

If any of the property described above, 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 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 Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

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

A TRUE BILL:

  / S /    
FOREPERSON OF THE GRAND JURY

CARLIE CHRISTENSEN  
Acting United States Attorney



  / S /    
CY H. CASTLE  
J. DREW YEATES  
Assistant United States Attorneys  
MARAGARET LEIGH KESSLER  
Special Assistant United States Attorney