

**FILED**

**SEP 15 2016**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY                      DEPUTY CLERK

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Attorney for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

V.

LYNNSI MARGUERITE DUNBAR,  
KYE AARON DUNBAR and  
DANIEL HARTE,  
Defendants.

CASE NO. 1:16 CR 00151 DAD BAM

VIOLATIONS:

18 U.S.C. §1349 – CONSPIRACY TO  
COMMIT WIRE FRAUD;

18 U.S.C. §1343–WIRE  
FRAUD (FIVE COUNTS);

18 U.S.C. § 982(A)(2)(A) - CRIMINAL  
FORFEITURE

**INDICTMENT**

**COUNT ONE:** [18 U.S.C. § 1349 -Conspiracy to Commit Wire Fraud]

The Grand Jury charges:

LYNNSI MARGUERITE DUNBAR,  
KYE AARON DUNBAR and  
DANIEL HARTE

defendants herein, as follows:

INTRODUCTION

1. At all times relevant to this indictment Bakersfield Pipe & Supply Inc. (BPS) was an independently owned business entity headquartered in Bakersfield, California doing business both in and outside the State of California.

2. At all times relevant to this indictment defendant LYNNSI MARGUERITE DUNBAR was a full time employee of BPS working in the Bakersfield Branch and a resident of the city of Bakersfield, County of Kern, California.

3. At all times relevant to this indictment defendant KYE AARON DUNBAR was the husband of LYNNSI MARGUERITE DUNBAR and a resident of the city of Bakersfield, County of Kern, California.

4. At all times relevant to this indictment defendant DANIEL HARTE was a resident of the city of Bakersfield, County of Kern, California.

CONSPIRACY AND SCHEME TO DEFRAUD

5. Beginning on a date unknown to the Grand Jury, but not later than on or about March 17, 2014, and continuing to and including at least on or about October 22, 2014, in the County of Kern, State and Eastern District of California, and elsewhere, defendants LYNNSI MARGUERITE DUNBAR, KYE AARON DUNBAR and DANIEL HARTE did knowingly conspire, combine and confederate with each other, and with others known and unknown to the Grand Jury, to cause signs and signals to be transmitted by means of wire and radio communications in interstate commerce, in furtherance of a material scheme and artifice to defraud Bakersfield Pipe & Supply Inc. (BPS), and to obtain money and property from BPS, by means of materially false and fraudulent pretenses, representations, promises, and omissions, in violation of Title 18, United States Code, Section 1343.

///

MANNER AND MEANS OF THE CONSPIRACY

6. During the above-described time period, defendants LYNNSI MARGUERITE DUNBAR, KYE AARON DUNBAR and DANIEL HARTE, conspired to defraud BPS, and caused money and property to be obtained from BPS, by the following manner, means, and acts, among others:

7. The defendants submitted and caused to be submitted materially false and fraudulent invoices and false supporting documents to BPS, including transmission via fraudulent interstate email and other electronic communications in interstate commerce.

8. The defendants created a fictitious business called Harte Trucking. Harte Trucking had no trucks, no equipment and no customers.

9. The defendants created an email account with Google, under the name dhartetrucking@gmail.com. The purpose of creating this email account was to deceive and defraud BPS into believing that Harte Trucking was a legitimate business that had performed services for BPS.

10. The defendants created a false and fraudulent invoice template with the header of Harte Trucking.

11. DANIEL HARTE, applied for and received a business license with the City of Bakersfield, Department of Treasury associated with the name of Harte Trucking.

12. In order to cash wrongfully obtained checks from BPS, DANIEL HARTE, opened a checking/savings account in the name of Daniel Harte Sole Proprietor, DBA Harte Trucking at a branch of Bank of America.

13. The defendants created false and fraudulent invoices and bills of lading indicating that Harte Trucking had shipped pipe and other materials for BPS and was in turn owed payment for such work and services, when in fact and in truth as the defendants well knew, such work and services were never performed by Harte Trucking or DANIEL HARTE.

14. LYNNSI MARGUERITE DUNBAR, submitted false and fraudulent invoices and bills of lading in the name of Harte Trucking to the accounting department of BPS for payment,

1 knowing in fact and in truth that Harte Trucking was not a real business entity and was not due  
2 and owing any payments from BPS.

3 15. LYNN SI MARGUERITE DUNBAR would secure directly from BPS the  
4 fraudulent checks made payable by BPS to Harte Trucking. LYNN SI MARGUERITE  
5 DUNBAR would provide the fraudulent Harte Trucking checks to KYE AARON DUNBAR.  
6 KYE AARON DUNBAR in turn would deliver the fraudulent checks to DANIEL HARTE for  
7 negotiation. On many occasions KYE AARON DUNBAR would drive DANIEL HARTE to a  
8 branch of Bank of America to cash the checks and KYE AARON DUNBAR would receive from  
9 DANIEL HARTE the bulk of the cash from the negotiated checks to share with his wife  
10 LYNN SI MARGUERITE DUNBAR.

11 16. In carrying out the scheme the defendants acted at all times with the intent to defraud  
12 BPS.

13 All in violation of Title 18, United States Code, Section 1349.

14 **COUNTS TWO THROUGH SIX: [18 U.S.C. § 1343-Wire Fraud]**

15 The Grand Jury further charges:

16  
17 LYNN SI MARGUERITE DUNBAR,  
18 KYE AARON DUNBAR and  
DANIEL HARTE

19 defendants herein, as follows:

20 17. The Grand Jury re-alleges and incorporates by reference the allegations contained  
21 in paragraphs 1-4 and 7-15 of Count One as if set forth in full herein as a scheme and artifice to  
22 defraud.

23 18. Beginning on a date unknown to the Grand Jury, but not later than on or about  
24 March 17, 2014, and continuing to and including at least on or about October 9, 2014 in the  
25 County of Kern, State and Eastern District of California, defendants LYNN SI MARGUERITE  
26 DUNBAR, KYE AARON DUNBAR and DANIEL HARTE knowingly devised, intended to  
27 devise, participated in, and executed a material scheme and artifice to defraud Bakersfield Pipe  
28

& Supply Inc. (BPS), and to obtain money and property from BPS by means of materially false and fraudulent pretenses, representations, promises, and omissions.

19. On or about the dates listed below, in the State and Eastern District of California, for the purpose of executing the aforementioned scheme and artifice to defraud, defendants knowingly transmitted and caused to be transmitted by means of wire and radio communication in interstate commerce the following writings, signs, signals, pictures and sounds, as follows:

Count	Date	Invoice #s and Amount	Wire Communication
Two	3/17/14	----	Created a Google "gmail" email account in name of dhartetrucking@gmail.com
Three	8/7/14	5501, 5502, and 5503 \$13,695	Email from dhartetrucking @gmail.com with attached invoices, sent to [an email address for BPS] in the Eastern District of California
Four	8/13/14	5689, 5690, 5691 and 5692 \$16,350	Email from dhartetrucking @gmail.com with attached invoices, sent to [an email address for BPS] in the Eastern District of California
Five	9/4/14	5873, 5874, 5875 and 5876 \$16,750	Email from dhartetrucking @gmail.com with attached invoices, sent to [an email address for BPS] in the Eastern District of California
Six	10/9/14	5822, 5823 and 5824 \$14,600	Email from dhartetrucking @gmail.com with attached invoices, sent to [an email address for BPS] in the Eastern District of California

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

**FORFEITURE ALLEGATION:** [18 U.S.C. § 982(a)(2)(A), 21 U.S.C. § 853(p), 18 U.S.C. § 982(b)(1), 28 U.S.C. § 2461(c) and 18 U.S.C. §§ 1343 and 1349-Criminal Forfeiture]

20. The allegations contained in Counts One through Six of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(2)(A).

21. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 1343 and 1349 of Counts One through Six of this Indictment, defendants LYNNSI MARGUERITE DUNBAR and DANIEL HARTE shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any property constituting, or derived from, proceeds obtained, directly or indirectly as a result of such violation. The property to be forfeited includes, but is not limited to, the following:

A. MONEY JUDGMENT: Pursuant to Title 18, United States Code, Section 982(a)(2)(A), a sum of money equal to at least \$287,000.00, which represents the amount of gross proceeds obtained, directly or indirectly, as a result of the offense charged in Counts One through Seven of this Indictment.

B. SUBSTITUTE ASSETS: Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c), the United States shall be entitled to forfeiture of substitute property up to the value of the above forfeitable property if, by any act or omission of the Defendant, the above forfeitable property, or any portion thereof,

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third party;
- iii. has been placed beyond the jurisdiction of the court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property which cannot be divided without difficulty.

A TRUE BILL.

**/s/ Signature on file w/AUSA**

FOREPERSON

PHILLIP A. TALBERT  
Acting United States Attorney

**KIRK E. SHERRIFF**

By: \_\_\_\_\_  
KIRK SHERRIFF,  
Assistant U.S. Attorney  
Chief, Fresno Office

No. \_\_\_\_\_

**UNITED STATES DISTRICT COURT**

*Eastern District of California*

*Criminal Division*

**FILED**

**SEP 15 2016**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
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**THE UNITED STATES OF AMERICA**

vs.

**LYNNSI MARGUERITE DUNBAR;  
KYE AARON DUNBAR, and  
DANIEL HARTE**

**16 CR 00151 DAD BAM**

**INDICTMENT**

**VIOLATION(S): 18 U.S.C. §1349 – CONSPIRACY TO COMMIT WIRE FRAUD;  
18 U.S.C. §1343–WIRE FRAUD (FIVE COUNTS);  
18 U.S.C. § 982(A)(2)(A) - CRIMINAL FORFEITURE**

*A true bill,*

151  
Foreman.

*Filed in open court this \_\_\_\_\_ day*

*of \_\_\_\_\_, A.D. 20 \_\_\_\_\_,*

\_\_\_\_\_  
*Clerk.*

**NO BAIL WARRANT**

*Bail, \$ \_\_\_\_\_*

E. P. Yuni



(Rev. 9/92)

☐ YES: SAB conflict in USAO (before 01/01/13)☐ YES: SKO conflict in USAO (Before 4/12/10)

PER 18 U.S.C. 3170

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURT**BY ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING: Case No.**OFFENSE CHARGED**

PLEASE SEE INDICTMENT

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

Place of offense

County of Kern

U.S.C. Citation

Please see Indictment

Name of District Court, and/or Judge/Magistrate Judge Location (City)  
EDCA

Fresno, CA

**DEFENDANT -- U.S. vs.****DANIEL HARTE**

Address

Birth  
Date

1: 16 CR - 00151 DAD BAM

☒ Male☐ Alien.☐ Female

(if applicable)

(Optional unless a juvenile)

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

**FBI / SA Justin Badger**☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per FRCrP ☐ 20 ☐ 21 ☐ 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendantSHOW  
DOCKET NO.☐ prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded underMAGISTRATE  
JUDGE CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM

Sara Thomas

☒ U.S. Att'y☐ Other U.S. AgencyName of Asst. U.S.  
Att'y (if assigned)

Brian K. Delaney

☒ FORFEITURE ALLEGATION**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome of this proceeding  
If not detained, give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges ☐ Fed'l ☒ State  
If answer to (6) is "Yes," show name of institution

Has detainer  
been filed?☐ Yes☒ NoIf "Yes,"  
give date  
filed

Mo.

Day

Year

**DATE OF  
ARREST**

Or ... if Arresting Agency &amp; Warrant were not Federal

Mo.

Day

Year

**DATE TRANSFERRED  
TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

Penalties: See Penalty Slip. Please Issue No Bail Warrant.



\_\_\_\_\_  
AUSA INITIALS

**PENALTY SLIP**

**DEFENDANT:** DANIEL HARTE

**1: 16 CR · 00151 DAD BAM**

**COUNT ONE:**

**Violation:** 18 U.S.C. § 1349 - Conspiracy to Commit Wire Fraud

**Penalty:** Not more than 20 years imprisonment  
Not more than a \$250,000 fine  
Supervised Release: Not more than 5 years  
Special Assessment: \$100

**COUNT TWO-SIX:**

**Violation:** 18 U.S.C. § 1343 - Wire Fraud

**Penalty:** Not more than 20 years imprisonment  
Not more than a \$250,000 fine  
Supervised Release: Not more than 5 years  
Special Assessment: \$100

**FORFEITURE ALLEGATION:**

18 U.S.C. § 982(a)(2)(A), 21 U.S.C. § 853(p), 18 U.S.C. § 982(b)(1), 28 U.S.C. § 2461(c) and 18 U.S.C. §§ 1343 and 1349 - Criminal Forfeiture

(Rev. 9/92)

☐ YES: SAB conflict in USAO (before 01/01/13)☐ YES: SKO conflict in USAO (Before 4/12/10)

PER 18 U.S.C. 3170

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Place of offense

County of Kern

U.S.C. Citation

Please see Indictment

Name of District Court, and/or Judge/Magistrate Judge Location (City)  
EDCA

Fresno, CA

**DEFENDANT -- U.S. vs.****LYNN SI MARGUERITE DUNBAR**

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1: 1 6 CR - 0 0 1 5 1 DAD BAM

Birth  
Date☐ Male☐ Alien☒ Female

(if applicable)

(Optional unless a juvenile)

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**FBI / SA Justin Badger**☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per FRCrP ☐ 20 ☐ 21 ☐ 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendantSHOW  
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- 6)
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- Awaiting trial on other charges }
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\_\_\_\_\_  
AUSA INITIALS

PENALTY SLIP

DEFENDANT: LYNNSI MARGUERITE DUNBAR

1:16 CR · 00151 DAD BAM

COUNT ONE:

Violation: 18 U.S.C. § 1349 - Conspiracy to Commit Wire Fraud

Penalty: Not more than 20 years imprisonment  
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COUNT TWO-SIX:

Violation: 18 U.S.C. § 1343 - Wire Fraud

Penalty: Not more than 20 years imprisonment  
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Supervised Release: Not more than 5 years  
Special Assessment: \$100

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\_\_\_\_\_  
AUSA INITIALS

PENALTY SLIP

DEFENDANT: KYE AARON DUNBAR

1:16 CR - 00151 DAD-BAM

COUNT ONE:

Violation: 18 U.S.C. § 1349 - Conspiracy to Commit Wire Fraud

Penalty: Not more than 20 years imprisonment  
Not more than a \$250,000 fine  
Supervised Release: Not more than 5 years  
Special Assessment: \$100

COUNT TWO-SIX:

Violation: 18 U.S.C. § 1343 - Wire Fraud

Penalty: Not more than 20 years imprisonment  
Not more than a \$250,000 fine  
Supervised Release: Not more than 5 years  
Special Assessment: \$100

FORFEITURE ALLEGATION:

18 U.S.C. § 982(a)(2)(A), 21 U.S.C. § 853(p), 18 U.S.C. § 982(b)(1), 28 U.S.C. § 2461(c) and 18 U.S.C. §§ 1343 and 1349 - Criminal Forfeiture

(Rev. 9/92)

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Fresno, CA

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Address

1: 16 CR · 00151 DAD BAM

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Date☒ Male☐ Alien☐ Female

(if applicable)

(Optional unless a juvenile)

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**FBI / SA Justin Badger**☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per FRCrP ☐ 20 ☐ 21 ☐ 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendantSHOW  
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Penalties: See Penalty Slip. Please Issue No Bail Warrant.