

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

FILED

AUG 14 2019

PATRICK KEANEY
Clerk, U.S. District Court

By _____
Deputy Clerk

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. CR-19-045-RAW

AARON DEWAYNE TERRY, and
CHRISTINA ROCHELLE ANGLIN,

Defendants.

SUPERSEDING
INDICTMENT

The Federal Grand Jury charges:

At all times relevant to the Indictment:

INTRODUCTION

1. The Alabama-Quassarte Tribal Town (AQTT) was an Indian tribal government and organization that received federal assistance in excess of \$10,000.00 during any one-year period from January 1, 2012 through the time of this indictment. AQTT was headquartered in Wetumka, Oklahoma, which was in the Eastern District of Oklahoma. AQTT elected governing council and Member Representative Managers worked and resided in the Eastern District of Oklahoma.

2. The Small Business Administration (SBA) is an agency of the United States Government. The SBA confers "8(a)" status upon small or disadvantaged businesses. A business that receives 8(a) status may bid and be awarded United States Government contracts without competition from other bidders. This is known as a "sole source" contract.

3. The defendant, **AARON DEWAYNE TERRY** (hereinafter “**TERRY**”), caused AQTT to establish and assisted AQTT in establishing several businesses that were 100% owned by AQTT. AQTT businesses operated on a fiscal year basis that began October 1 through September 30. The following businesses owned by AQTT received SBA 8(a) designation or provided support for businesses that received SBA 8(a) designation:

- a. Atmospheric Technology Services Company,
- b. Atmospheric Science Technology,
- c. AQuate Corporation,
- d. AQuate Corporation II,
- e. AQuate II, LLC,
- f. AQT Support Services, and
- g. AQuate Services, LLC.

4. The companies owned by AQTT that received SBA 8(a) designation were all subject to federal government regulation. The regulations specified certain requirements for proper management of an SBA 8(a) company. One of these regulations was the requirement to submit annual financial statements certified by an external auditor. The regulations also included the requirement that AQTT maintain key management and control positions in the operations of the companies.

5. D.M. was the Member Representation Manager for AQuate Services, LLC. D.M.’s office was located in Seminole, Oklahoma in the Eastern District of Oklahoma.

6. AQ Industries, LLC was established on July 29, 2014 and was 100% owned by AQTT. AQ Industries, LLC did not apply for SBA 8(a) status; therefore, AQ Industries, LLC

was not under SBA oversight, nor subject to federal regulation. However, AQTT businesses operating under SBA 8(a) status funded AQ Industries, LLC.

7. The defendant, **TERRY**, held various management and control positions in the companies owned by AQTT. From in or about 2014 to in or about 2015, **TERRY** was prohibited by the SBA from participating in any management or supervisory role of an SBA 8(a) company.

8. From December 2013 through February 21, 2019, the defendant, **CHRISTINA ROCHELLE ANGLIN** (hereinafter **ANGLIN**), was the Controller/Chief Financial Officer for all AQTT owned business entities listed in paragraphs 3 and 6 above.

9. Quality First Financial, Inc. was a signature loan company based in Alabama which provided personal loans to people with less than perfect credit. Quality First Financial, Inc. was not an insured financial institution.

10. J.T. was the son of **TERRY** and not a member of a federally recognized tribal organization.

11. On or about October 30, 2012, J.T. was indicted by a Federal Grand Jury sitting in the Northern District of Alabama on the charges of Wire Fraud (Counts 1 -5), Making False Statement to the Small Business Administration (Counts 6 – 10), Making False Statement to a Financial Institution (Counts 11 – 13) and Money Laundering (Count 14).

12. On or about August 15, 2013, J.T. entered a plea of guilty to Counts 1 through 5 and Counts 7 through 14 of the Indictment.

13. On or about July 29, 2014, J.T. was sentenced by the Federal Judge in the Northern District of Alabama.

14. H.T. was the daughter of **TERRY** and not a member of a federally recognized tribal organization.

15. M.T. was the son of **TERRY** and not a member of a federally recognized tribal organization.

16. T.T. was the wife of **TERRY** and not a member of a federally recognized tribal organization.

17. J.T., H.T., T.T., and M.T., were not employees of any AQTT company.

18. On or about March 31, 2017, **TERRY** and an unindicted co-conspirator formed Red Stick Partners LLC in the State of Alabama. Each party owned 50% of the company.

19. The AQTT Economic Development Authority was formed to identify, plan, initiate and develop tribal economic and industrial activities on behalf of the AQTT.

The United States incorporates all previous allegations made in paragraphs 1 through 19 above in all following Counts of the Indictment.

COUNT ONE

**THEFT BY AN AGENT OF AN INDIAN TRIBAL GOVERNMENT RECEIVING
FEDERAL FUNDS
[18 U.S.C. § 666(a)(1)(A)]**

On or about May 7, 2014 through on or about June 22, 2017, in the Eastern District of Oklahoma and elsewhere, the defendant, **AARON DEWAYNE TERRY**, being an agent of the Alabama-Quassarte Tribal Town (AQTT), embezzled, stole, obtained by fraud and otherwise without authority converted to the use of any person other than the rightful owner, property, valued at \$5,000 or more that was owned by AQTT, in violation of Title 18, United States Code, Section 666(a)(1)(A).

COUNT TWO

**THEFT BY AN AGENT OF AN INDIAN TRIBAL GOVERNMENT RECEIVING
FEDERAL FUNDS
[18 U.S.C. § 666(a)(1)(A)]**

On or about April 2, 2015, in the Eastern District of Oklahoma and elsewhere, the defendant, **AARON DEWAYNE TERRY**, being an agent of the Alabama-Quassarte Tribal Town (AQTT), embezzled, stole, obtained by fraud and otherwise without authority converted to the use of any person other than the rightful owner, property, valued at \$5,000 or more that was owned by AQTT, in violation of Title 18, United States Code, Section 666(a)(1)(A).

COUNT THREE

**THEFT BY AN AGENT OF AN INDIAN TRIBAL GOVERNMENT RECEIVING
FEDERAL FUNDS
[18 U.S.C. § 666(a)(1)(A)]**

On or about June 26, 2015, in the Eastern District of Oklahoma and elsewhere, the defendant, **AARON DEWAYNE TERRY**, being an agent of the Alabama-Quassarte Tribal Town (AQTT), embezzled, stole, obtained by fraud and otherwise without authority converted to the use of any person other than the rightful owner, property, valued at \$5,000 or more that was owned by AQTT, in violation of Title 18, United States Code, Section 666(a)(1)(A).

COUNT FOUR

**THEFT BY AN AGENT OF AN INDIAN TRIBAL GOVERNMENT RECEIVING
FEDERAL FUNDS
[18 U.S.C. § 666(a)(1)(A)]**

On or about September 10, 2015, in the Eastern District of Oklahoma and elsewhere, the defendant, **AARON DEWAYNE TERRY**, being an agent of the Alabama-Quassarte Tribal Town (AQTT), embezzled, stole, obtained by fraud and otherwise without authority converted to the use

of any person other than the rightful owner, property, valued at \$5,000 or more that was owned by AQTT, in violation of Title 18, United States Code, Section 666(a)(1)(A).

COUNT FIVE

**THEFT BY AN AGENT OF AN INDIAN TRIBAL GOVERNMENT RECEIVING
FEDERAL FUNDS
[18 U.S.C. § 666(a)(1)(A)]**

From on or about June 15, 2015, through on or about November 27, 2015, in the Eastern District of Oklahoma and elsewhere, the defendant, **AARON DEWAYNE TERRY**, being an agent of the Alabama-Quassarte Tribal Town (AQTT), embezzled, stole, obtained by fraud and otherwise without authority converted to the use of any person other than the rightful owner, property, valued at \$5,000 or more that was owned by AQTT, in violation of Title 18, United States Code, Section 666(a)(1)(A).

COUNT SIX

**THEFT BY AN AGENT OF AN INDIAN TRIBAL GOVERNMENT RECEIVING
FEDERAL FUNDS
[18 U.S.C. § 666(a)(1)(A)]**

On or about December 2, 2015, in the Eastern District of Oklahoma and elsewhere, the defendant, **AARON DEWAYNE TERRY**, being an agent of the Alabama-Quassarte Tribal Town (AQTT), embezzled, stole, obtained by fraud and otherwise without authority converted to the use of any person other than the rightful owner, property, valued at \$5,000 or more that was owned by AQTT, in violation of Title 18, United States Code, Section 666(a)(1)(A).

COUNT SEVEN

**THEFT BY AN AGENT OF AN INDIAN TRIBAL GOVERNMENT RECEIVING
FEDERAL FUNDS**

[18 U.S.C. § 666(a)(1)(A)]

From on or about December 10, 2015, through on or about December 31, 2018, in the Eastern District of Oklahoma and elsewhere, the defendant, **AARON DEWAYNE TERRY**, being an agent of the Alabama-Quassarte Tribal Town (AQTT), embezzled, stole, obtained by fraud and otherwise without authority converted to the use of any person other than the rightful owner, property, valued at \$5,000 or more that was owned by AQTT, in violation of Title 18, United States Code, Section 666(a)(1)(A).

COUNT EIGHT

**THEFT BY AN AGENT OF AN INDIAN TRIBAL GOVERNMENT RECEIVING
FEDERAL FUNDS**

[18 U.S.C. § 666(a)(1)(A)]

On or about May 12, 2016, in the Eastern District of Oklahoma and elsewhere, the defendant, **AARON DEWAYNE TERRY**, being an agent of the Alabama-Quassarte Tribal Town (AQTT), embezzled, stole, obtained by fraud and otherwise without authority converted to the use of any person other than the rightful owner, property, valued at \$5,000 or more that was owned by AQTT, in violation of Title 18, United States Code, Section 666(a)(1)(A).

COUNT NINE

**THEFT BY AN AGENT OF AN INDIAN TRIBAL GOVERNMENT RECEIVING
FEDERAL FUNDS**

[18 U.S.C. § 666(a)(1)(A)]

On or about January 25, 2018, in the Eastern District of Oklahoma and elsewhere, the defendant, **AARON DEWAYNE TERRY**, being an agent of the Alabama-Quassarte Tribal Town

(AQTT), embezzled, stole, obtained by fraud and otherwise without authority converted to the use of any person other than the rightful owner, property, valued at \$5,000 or more that was owned by AQTT, in violation of Title 18, United States Code, Section 666(a)(1)(A).

COUNT TEN

**THEFT BY AN AGENT OF AN INDIAN TRIBAL GOVERNMENT RECEIVING
FEDERAL FUNDS
[18 U.S.C. §§ 666(a)(1)(A) & 2]**

On or about November 19, 2018, in the Eastern District of Oklahoma and elsewhere, the defendants, **AARON DEWAYNE TERRY AND CHRISTINA ROCHELLE ANGLIN**, being agents of the Alabama-Quassarte Tribal Town (AQTT), embezzled, stole, obtained by fraud and otherwise without authority converted to the use of any person other than the rightful owner, property, valued at \$5,000 or more that was owned by AQTT, in violation of Title 18, United States Code, Sections 666(a)(1)(A) & 2.

COUNT ELEVEN

**CONSPIRACY TO COMMIT THEFT OR BRIBERY OF PROGRAMS RECEIVING
FEDERAL FUNDS
[18 U.S.C. § 371]**

From in or about November 2012 and continuing through on or about the date of this Indictment, in the Eastern District of Oklahoma and elsewhere, the defendants, **AARON DEWAYNE TERRY** and **CHRISTINA ROCHELLE ANGLIN**, and others known and unknown to the grand jury, agreed and conspired to commit offenses against the United States, to-wit:

**Theft by an Agent of an Indian Tribal Government Receiving Federal Funds
in violation of 18 U.S.C. § 666(a)(1)(A).**

From in or about November 2012 and continuing through on or about the date of this Indictment, in the Eastern District of Oklahoma and elsewhere, the defendants, **AARON DEWAYNE TERRY AND CHRISTINA ROCHELLE ANGLIN**, being agents of the Alabama-Quassarte Tribal Town (AQTT), and others known and unknown to the grand jury, did embezzle, steal, obtain by fraud and otherwise without authority convert to the use of any person other than the rightful owner, property, valued at \$5,000 or more that was owned by the Alabama-Quassarte Tribal Town.

OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

The following overt acts were part of the conspiracy:

1. On or about November 15, 2012, **TERRY** caused the issuance of an AQuate Corporation check (#1424) in the amount of \$106,000.00 made payable to Axion Corporation. On or about November 19, 2012, Axion Corporation issued two Axion Corporation checks: (1) check (#5071) in the amount of \$90,000.00 with memo "LEGAL" made payable to Frohsin & Barger and (2) check (#5072) in the amount of \$16,000.00 with memo "LOAN" made payable to J.T. Frohsin & Barger provided criminal legal representation for J.T. as referenced in paragraphs 11 - 13.
2. On or about May 16, 2013, **TERRY** caused the issuance of an AQuate Corporation check (#1723) in the amount of \$13,000.00 payable to J.T.
3. On or about June 13, 2013, **TERRY** caused the issuance of an AQuate Corporation check (#1752) in the amount of \$7,843.14 payable to J.T.
4. On or about July 12, 2013, **TERRY** caused the issuance of an AQuate Corporation check (#1837) in the amount of \$2,500.00 payable to J.T.

5. On or about July 29, 2013, **TERRY** caused the issuance of an AQuate Corporation check (#1871) in the amount of \$2,500.00 payable to J.T.
6. On or about August 9, 2013, **TERRY** caused the issuance of an AQuate Corporation II check (#1604) in the amount of \$6,000.00 payable to J.T.
7. On or about August 16, 2013, **TERRY** caused the issuance of an AQuate Corporation II check (#1603) in the amount of \$5,000.00 payable to J.T.
8. On or about August 16, 2013, **TERRY** caused the issuance of an AQuate Corporation II check (#1605) in the amount of \$5,000.00 payable to J.T.
9. On or about August 21, 2013, **TERRY** caused the issuance of an AQuate Corporation II check in the amount of \$106,000.00 payable to a person known to the Grand Jury to remove a lien on property owned by J.T.
10. On or about August 27, 2013, **TERRY** caused the issuance of a cashier's check (#251007982) in the amount of \$79,975.00 from AQuate Corporation. On or about September 9, 2013, the funds were deposited with the United States Internal Revenue Service (IRS) to pay the outstanding balance **TERRY** and his wife owed the IRS for their underpayment of 2003 and 2004 personal income taxes (FCB ck 251007982).
11. On or about September 6, 2013, **TERRY** caused the issuance of an AQuate Corporation II check in the amount of \$5,000.00 payable to J.T.
12. On or about September 20, 2013, **TERRY** caused the issuance of an AQuate Corporation II check in the amount of \$9,000.00 payable to J.T.
13. During the Fiscal Year 2013, **TERRY** charged \$66,702.36 in personal expenses for himself and his family to AQT credit cards. Specifically, **TERRY** charged the following in

personal expenses to:

- a. AQuate Corporation - \$34,594.68 to American Express card number 32014 and \$32,107.68 to American Express card number 31016.

AQuate Corporation documented \$10,716.80 in personal charges and classified them as “FY13 Employee Advances” to **TERRY**.

14. On or about January 3, 2014, **TERRY** caused \$25,000.00 in AQTT funds to be transferred to the law firm of Lakeman, Peagler, Hollet to pay for the legal fees of J.T.
15. On or about February 21, 2014, **TERRY** caused \$4,645.50 in AQTT funds to be transferred to the law firm of Lakeman, Peagler, Hollet to pay for the legal fees of J.T.
16. On or about April 14, 2014, **TERRY** caused \$5,161.00 in AQTT funds to be transferred to the law firm of Lakeman, Peagler, Hollet to pay for the legal fees of J.T.
17. On or about May 7, 2014, **TERRY** caused the “VP/CFO” of AQuate Corporation to approve a loan to **TERRY** to buy a BMW. The AQuate Corporation loan documentation specifies “Loan to Aaron Terry to be paid within 180 days in full.” Loan payments were never paid.
18. On or about May 7, 2014, **TERRY** caused an AQuate Corporation check (#3301) in the amount of \$62,013.71 to be transferred to Wichita Falls BMW in Wichita Falls, Texas to purchase a BMW as alleged in Count One.
19. During the Fiscal Year 2014, **TERRY** charged \$95,930.55 in personal expenses for himself and his family to AQTT credit cards. Specifically, **TERRY** charged the following in personal expenses to:
 - a. AQuate Corporation - \$95,930.55 to American Express card number 32014.

AQuate Corporation identified \$64,233.61 in personal charges and classified them as “FY14 Employee Advances” to **TERRY**.

20. On or about April 2, 2015, **TERRY** caused an AQT business entity to issue a check in the amount of \$33,750.00 in the name of Aaron Terry as alleged in Count Two.
21. On or about September 10, 2015, **TERRY** caused an AQT business entity to issue a check in the amount of \$37,500.00 in the name of Aaron Terry as alleged in Count Four.
22. On or about November 27, 2015, **TERRY** caused AQ Industries, LLC to issue a check in the amount of \$35,000.00 to be transferred to Quality First Financial, LLC to pay for **TERRY**’s personal loan as alleged in Count Five.
23. On or about December 2, 2015, **TERRY** caused an AQT business entity to issue a check in the amount of \$37,500.00 in the name of Aaron Terry as alleged in Count Six.
24. On or about December 11, 2015, **TERRY** caused Quality First Financial, Inc. to issue a \$50,000.00 Cashier’s check (3156757). On or about December 10, 2015, **TERRY** signed a signature note with Quality First Financial, Inc. to repay the \$50,000.00. The check was deposited in **TERRY** and his wife’s Wells Fargo bank account (#8501). **TERRY** used proceeds from the **TERRY**’s Wells Fargo bank account (#8501) to purchase a 2016 Jeep (costing \$47,055.74) on December 16, 2015 for **TERRY**’s son, M.T. as alleged in Count Seven. From on or about December 16, 2015 through the date of this Indictment, **TERRY** caused AQuate Services, LLC to pay \$4,000.00 to Quality First Financial, Inc. to repay the December 10, 2015 signature note. From on or about December 16, 2015 through the date of this Indictment, **TERRY** caused AQuate Industries, LLC to pay \$23,639.77 to Quality First Financial, Inc. to repay the December 10, 2015 signature note.

25. During the Fiscal Year 2015, **TERRY** charged \$47,541.17 in personal expenses for himself and his family to AQTT credit cards. Specifically, **TERRY** charged the following in personal expenses to:

- a. AQ Industries, LLC - \$39,382.74 to American Express card number 81015,
- b. AQuate Corporation - \$8,158.43 to American Express card number 32014.

AQuate Corporation identified \$11,977.26 in personal charges and classified them as “FY15 Employee Advances” to **TERRY**.

26. On or about May 12, 2016, **TERRY** caused an AQTT business entity to issue a check in the amount of \$37,500.00 in the name of Aaron Terry as alleged in Count Eight.

27. During the fiscal year 2016, **TERRY** charged \$103,866.99 in personal expenses for himself and his family to an AQ Industries, LLC American Express credit card number 81015.

28. On or about June 22, 2017, **ANGLIN** caused D.M. to receive and transmit emails from Huntsville, Alabama to the Eastern District of Oklahoma to approve the “distribution” listed in paragraphs 29 through 31 below.

29. On or about June 22, 2017, **TERRY** caused **ANGLIN** to account for the payment of \$79,975.00 to the IRS as a “distribution” to AQTT.

30. On or about June 22, 2017, **TERRY** caused **ANGLIN** to account for the payment of \$62,013.71 to purchase the BMW as a “distribution” to AQTT.

31. On or about June 22, 2017, **TERRY** caused **ANGLIN** to account for and classify the payment of \$86,927.67, for identified personal charges listed in paragraphs 13, 19 and 25 above, as a “distribution” to AQTT and never repaid to AQTT.

32. During the Fiscal Year 2017, **TERRY** charged \$113,848.93 in personal expenses for himself and his family to AQTT credit cards. Specifically, **TERRY** charged the following in personal expenses to:
- a. AQ Industries, LLC - \$51,865.34 to American Express card number 81015,
 - b. AQ Industries, LLC - \$49,475.73 to American Express card number 82013,
 - c. AQuate Services, LLC - \$12,507.86 to American Express card number 81054.
33. On or about January 22, 2018, **TERRY** caused the issuance of an AQuate Services, LLC check in the amount of \$3,600.00 to be paid to Economic Development Authority Board members. The check was approved and signed by **ANGLIN**.
34. On or about January 22, 2018, **TERRY** caused the check referenced in Overt Act 33 to be converted to \$3,600.00 cash.
35. On or about January 23, 2018, **TERRY** caused \$3,500.00 in cash to be withdrawn from his personal bank account (Wells Fargo acct. no. 8501).
36. On or about January 23, 2018, **TERRY** delivered \$6,000.00 in cash to bribe G.T.
37. On or about January 25, 2018, **TERRY** caused AQuate Services, LLC to wire transfer \$4,000.00 **TERRY**'s bank account to reimburse **TERRY** for the cash withdrawn from his personal bank account referenced in Overt Act 35. The wire transfer was approved by **ANGLIN**.
38. On or about November 19, 2018, **TERRY** and **ANGLIN** caused AQuate Services, LLC to distribute \$33,750.00 to **TERRY** and \$22,500.00 to **ANGLIN** under the justification of a Fourth Quarter Bonus as alleged in Count Ten.

39. During the Fiscal Year 2018, **TERRY** charged \$140,389.44 in personal expenses for himself and his family to AQTT credit cards. Specifically, **TERRY** charged the following in personal expenses to:

- a. AQ Industries, LLC - \$4,984.85 to American Express card number 83011 and \$93,051.54 to American Express card number 82013,
- b. AQuate Services, LLC - \$42,353.05 to American Express card number 81054

40. During the Fiscal Year 2019, **TERRY** charged \$30,497.68 in personal expenses for himself and his family to AQTT credit cards. Specifically, **TERRY** charged the following in personal expenses to:

- a. AQ Industries, LLC - \$20,267.79 to American Express card number 83011,
- b. AQuate Services, LLC - \$10,229.89 to American Express card number 81054.

All in violation of Title 18, United States Code, Section 371.

COUNT TWELVE

WIRE FRAUD [18 U.S.C. § 1343]

THE SCHEME

From on or about June 15, 2017 through on or about June 22, 2017, in the Eastern District of Oklahoma and elsewhere, the defendant, **CHRISTINA ROCHELLE ANGLIN**, and others known and unknown to the grand jury, devised and intended to devise a scheme to defraud AQTT.

MANNER AND MEANS

It was part of the scheme that the defendant, **CHRISTINA ROCHELLE ANGLIN**, and others known and unknown to the grand jury allowed the diversion of AQTT funds for **TERRY**'s

personal use or for the use of **TERRY**'s family members by misrepresenting the nature of the personal expenses to AQTT auditors.

SPECIFIC WIRE

On or about June 22, 2017, in the Eastern District of Oklahoma and elsewhere, the defendant, **CHRISTINA ROCHELLE ANGLIN**, for the purpose of executing the scheme described above, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds, to-wit: an email titled "FY16 Distribution to Tribe Accounts" from **ANGLIN** to a person known to the grand jury.

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

COUNT THIRTEEN

CONSPIRACY TO COMMIT WIRE FRAUD [18 U.S.C. § 1349]

OBJECT OF THE CONSPIRACY

From on or about September 29, 2016, and continuing through on or about June 22, 2017, in the Eastern District of Oklahoma and elsewhere, the defendants, **AARON DEWAYNE TERRY** and **CHRISTINA ROCHELLE ANGLIN**, and others known and unknown to the grand jury, agreed and conspired to transmit and caused to be transmitted by means of a wire communication in interstate commerce signals and sounds for the purpose of executing a scheme to defraud AQTT in violation of Title 18, United States Code, Section 1343.

MANNER AND MEANS OF THE CONSPIRACY

It was part of the scheme that the defendants, **AARON DEWAYNE TERRY** and **CHRISTINA ROCHELLE ANGLIN**, and others known and unknown to the grand jury would

divert or facilitate the diversion of AQTT funds for **TERRY**'s personal use and for the use of **TERRY**'s family members. **TERRY** and **ANGLIN** caused the diverted funds to be often classified as "advances", "loans" and "distributions" that were not repaid. Specific examples of the various diversions are as follows:

1. **TERRY** would divert AQTT funds to pay for the legal expenses of his son, J.T.,
2. **TERRY** would divert AQTT funds to his son, J.T.,
3. **TERRY** would divert AQTT funds to pay \$79,750.00 to the Internal Revenue Service to relieve the personal Federal Tax liability of **TERRY** and his wife,
4. **TERRY** would divert AQTT funds to pay for personal expenses for **TERRY** and his family by using AQTT credit cards for non-business expenses, and
5. **TERRY** would divert AQTT funds to purchase vehicles for his wife and son, M.T.

When AQTT external auditors questioned **TERRY**'s personal expenses, false representations and documents were produced and presented to the auditors to obtain a favorable audit report.

OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

The following overt acts were part of the conspiracy:

1. On or about September 29, 2016, **ANGLIN** emailed **TERRY** a file titled "Loan to Aaron Terry Detail 092916.xlsx". The schedule detailed loans to **TERRY** totaling \$228,916.38.

Specifically the schedule listed the following:

FY13 Employee Advances	10,716.80
FY14 Employee Advances	64,233.61
FY15 Employee Advances	11,977.26
BMW Auto Loan	62,013.71

Federal Taxes

79,975.00

2. On or about June 16, 2017 at 9:54 pm, **ANGLIN** emailed **TERRY** stating, “Hi Aaron, For your review. Attached are the distributions to the tribe for FY16 from AQuate Corp and AQuate Services. Can you have the Chief and Diana review and sign off so I can send to our auditors to finally close out this audit?” The attachments to this email included a listing of the expenses in Overt Act One and an approval form to be signed by D.M. The attachments to this email did not include the expenses described above in Overt Act One.
3. On or about June 22, 2017 at 2:06 PM, **ANGLIN** emailed **TERRY** stating, “Good Morning, I just got a call from Emily with Hill Fogg and she said they will not release the final audited financial statements until they receive the signed letters from the tribe acknowledging the distribution amounts from AQuate Corp and AQuate Services. I have attached them here for your convenience. They also want approval of the draft Financials by 3pm today so they can meet the deadlines of tomorrow for final audited financials. Thank you, Christy.” The attachments to this email included a listing of the expenses in Overt Act One and an approval form to be signed by D.M. The attachments to this email did not include the expenses described above in Overt Act One.
4. On or about June 22, 2017 at 2:43 PM, **ANGLIN** emailed **TERRY** stating “Please see attached. Will this wording work?” Attached to the email, titled “AQC Tribe Distribution Letter FY16.docx”, was an approval form to be signed by D.M. that authorized the write off of **TERRY**’s loans and advances as a “distribution to tribe account in order to clear old balances.”

5. On or about June 22, 2017 at 3:52 PM, **ANGLIN** emailed E.J., an external auditor retained to certify AQuate Corporation financials, and responded to questions raised by the auditor concerning the loans to **TERRY**. In the emails, **ANGLIN** misrepresented the nature of the loans by stating the following:

“The amount that has been recorded as due from Aaron is technically not due from Aaron. He was not loaned actual money. This amount covers several years and was mostly misclassified. What makes up the majority of this amount is charges to his AMEX that looked personal but were not. They were mainly purchases for the tribe but because this wasn’t explained to the accounting dept they had no way of knowing and recorded it as due from Aaron personally. That is the reason the tribe agreed to write it off to distributions to tribe since the majority of it would have been recorded there had it been done correctly when the expenses were incurred.”

6. On or about June 22, 2017, **ANGLIN** caused D.M. to email **ANGLIN** an approval form signed by D.M. that authorized the write-off of **TERRY**’s loans and advances as a “distribution to tribe account in order to clear old balances.”

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

COUNT FOURTEEN

BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FUNDS [18 U.S.C. § 666(a)(1)(B)]

From on or about October 3, 2017, and continuing through on or about May 8, 2019, in the Eastern District of Oklahoma and elsewhere, the defendant, **AARON DEWAYNE TERRY**, being an agent of the Alabama-Quassarte Tribal Town (AQTT) corruptly solicited and demanded

for the benefit of any person, and accepted and agreed to accept anything valued at \$5,000 or more from any person intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of AQTT, in violation of Title 18, United States Code, Section 666(a)(1)(B).

COUNT FIFTEEN

**CONSPIRACY TO COMMIT BRIBERY
[18 U.S.C. § 371]**

OBJECT OF THE CONSPIRACY

From on or about September 26, 2017, and continuing through on or about February 15, 2019, in the Eastern District of Oklahoma and elsewhere, the defendant, **AARON DEWAYNE TERRY**, and others known and unknown to the grand jury, agreed and conspired to give, offer, and agree to give anything of value to any person with intent to influence and reward an agent of the Alabama-Quassarte Tribal Town (AQTT) in connection with any business, transaction, or series of transactions of AQTT, involving anything of value of \$5,000 or more in violation of Title 18, United States Code, Section 666(a)(1)(B).

MANNER AND MEANS OF THE CONSPIRACY

It was part of the scheme that the defendant, **AARON DEWAYNE TERRY**, and others known and unknown to the grand jury would provide money, funds, cash and other things of value to the Chairman of the Economic Development Authority Board of AQTT (hereinafter referred to as "G.T.") to influence and reward G.T. for the awarding of contracts and the purchase of land to be put in trust for potential casino operations.

OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

The following overt acts were part of the conspiracy:

1. On or about September 26, 2017, **TERRY** wired \$2,500.00 via Western Union to G.T.
2. On or about September 27, 2017, **TERRY** travelled to the Eastern District of Oklahoma to inform the newly created Economic Development Authority Board (hereinafter “EDA Board”) on the status of the AQTT business entities.
3. On or about September 29, 2017, **TERRY** solicited and received \$2,500.00 from an unindicted co-conspirator to reimburse **TERRY** for his payment to G.T. referenced in Overt Act 1. Prior to depositing the check, **TERRY** wrote “68 Camaro” in the memo section of the check.
4. On or about January 22, 2018, **TERRY** caused the issuance of an Aquate Services, LLC check in the amount of \$3,600.00 to be paid to EDA Board members.
5. On or about January 22, 2018, **TERRY** caused the check referenced in Overt Act 4 to be converted to \$3,600.00 cash.
6. On or about January 23, 2018, **TERRY** caused \$3,500.00 in cash to be withdrawn from his personal bank account (Wells Fargo acct. no. 8501).
7. On or about January 23, 2018, **TERRY** delivered \$6,000.00 in cash to G.T.
8. On or about January 25, 2018, **TERRY** caused the issuance of an Aquate Services, LLC check in the amount of \$4,000.00 to reimburse **TERRY** for the cash withdrawn from his personal bank account referenced in Overt Act 6.
9. On or about January 31, 2018, **TERRY** caused an unindicted co-conspirator, the owner of H.R.S., Inc., to generate an invoice from H.R.S., Inc. to Aquate Services, LLC for “Consultation Services” in the amount of \$6,250.00.

10. On or about January 31, 2018, an unindicted co-conspirator wrote a check to **TERRY** in the amount of \$6,250.00 for **TERRY** to pay G.T.
11. On or about February 21, 2018, **TERRY** caused an unindicted co-conspirator to generate an invoice from H.R.S., Inc. to AQuate II, LLC for “Engineering Support Services” in the amount of \$10,439.70.
12. On or about February 21, 2018, the unindicted co-conspirator wrote a check to **TERRY** in the amount of \$9,052.00 for **TERRY** to pay to G.T.
13. In the Spring of 2018, **TERRY** travelled to the Skirvin Hotel in Oklahoma City, Oklahoma where **TERRY** delivered \$2,000.00 in cash to G.T.
14. On or about March 21, 2018, **TERRY** caused an unindicted co-conspirator to generate an invoice from H.R.S., Inc. to AQuate II, LLC for “Engineering Support Services” in the amount of \$12,375.00.
15. On or about March 21, 2018, the unindicted co-conspirator wrote a check to **TERRY** in the amount of \$9,935.00 for **TERRY** to pay to G.T.
16. On or about March 21, 2018, **TERRY** wired \$3,500.00 via Western Union to G.T.
17. On or about March 29, 2018, the unindicted co-conspirator wrote a check to **TERRY** in the amount of \$9,000.00 for **TERRY** to pay to G.T.
18. On or about April 16, 2018, **TERRY** wired \$1,500.00 via Western Union to G.T.
19. In or about April 2018, **TERRY** was removed from ownership in Red Sticks Partners, LLC.
20. On or about May 9, 2018, **TERRY** wired \$3,800.00 via Western Union to G.T.

21. On or about May 17, 2018, the unindicted co-conspirator wrote a check to **TERRY** in the amount of \$4,250.00 for **TERRY** to pay to G.T.
22. On or about June 14, 2018, the unindicted co-conspirator wrote a check to **TERRY** in the amount of \$10,000.00 for **TERRY** to pay to G.T. to obtain influence in future business transactions. The unindicted co-conspirator wrote “Down payment for car” in the memo section of the check at **TERRY**’s instruction.
23. On or about June 7, 2018, **TERRY** caused the AQ Industries, LLC to wire transfer \$3,600.00 to G.T.
24. On or about June 15, 2018, **TERRY** caused the AQ Industries, LLC to wire transfer \$4,000.00 to G.T.
25. On or about August 22, 2018, **TERRY** emailed a “Marti Report” to the unindicted co-conspirator in an effort to provide cover for the check referenced in Overt Act 21 if federal investigators should discover the \$10,000.00 check for “Down payment for car.”
26. On or about September 13, 2018, AQuate Services entered into an “Independent Consultant Agreement” with G.T. The agreement was signed by **TERRY** and G.T.
27. From on or about August 1, 2018 through on or about February 15, 2019, AQuate Services, LLC paid G.T. \$31,800.00 for “consulting services.”
28. On or about September 20, 2018, **TERRY** caused AQuate Services, LLC to wire transfer \$3,200.00 to G.T.
29. On or about January 1, 2019, **TERRY** provided G.T. with a personalized University of Oklahoma football with G.T.’s name on the football.

All in violation of Title 18, United States Code, Section 371.

FORFEITURE ALLEGATION

1. The allegations contained in Counts One and 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 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offenses in violation of Title 18, United States Code, Section 666 set forth in Counts One and Six of this Indictment, the defendant, **AARON DEWAYNE TERRY**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses, including, but not limited to:

- 2014 BMW X5; VIN #5UXKR2C53E0H33007
- 2016 Jeep Wrangler; VIN 1C4HJWFG1GL118929

3. 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).

BRIAN J. KUESTER
United States Attorney

A TRUE BILL:



DOUGLAS A. HORN, OBA # 13508
RYAN H. HEATHERMAN, OBA #20721
COURTNEY R. JORDAN, OBA #31892
Assistant United States Attorneys

Pursuant to the E-Government Act,
the original indictment has been filed
under seal in the Clerk's Office.

s / Foreperson
FOREPERSON OF THE GRAND JURY