

FILED

AUG 19 2015

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)	Case No. <u>15 CR 135 CVE</u>
)	
Plaintiff,)	<u>INFORMATION</u>
)	[COUNTS 1 through 5: 18 U.S.C. §
v.)	1343 - Wire Fraud; Forfeiture
)	Allegation: 18 U.S.C. § 981(a)(1)(C)
RICKY L. BRINKLEY,)	and 28 U.S.C. § 2461(c) - Wire Fraud
)	Scheme Forfeiture;
Defendant.)	COUNT 6: 26 U.S.C. § 7206(1) –
)	Subscribing to False Tax Return]

THE UNITED STATES ATTORNEY CHARGES:

COUNTS ONE THROUGH FIVE
[18 U.S.C. § 1343]

1. At all times material to this information:
2. The Better Business Bureau of Tulsa, Inc. (hereinafter “BBB”), is an Oklahoma Not for Profit Corporation, with its principal place of business in Tulsa, Oklahoma. The BBB’s mission is to be a leader in advancing market place trust by setting standards for market place trust, encouraging and supporting best practices by engaging with and educating consumers and businesses, celebrating marketplace role models, addressing substandard market place behavior, and creating a community of trustworthy businesses and charities.
3. **RICKY L. BRINKLEY**, the defendant, hereinafter referred to as (“Defendant **BRINKLEY**”), was an officer and director of the BBB. Defendant **BRINKLEY** held a position of trust and had a fiduciary duty to serve the best interest of the BBB and as such owed a duty to avoid conflicts of interest, to act in in the best

interest of the BBB rather than his own personal interest, and to oversee and assure that all disbursement of funds were transacted legally and free from fraud. Specifically, the BBB employed Defendant **BRINKLEY** from August 2, 1999 to April 26, 2015, as its President and Chief Executive Officer and then it's Chief Operations Officer. During his BBB employment, Defendant **BRINKLEY** was responsible for the operation, accounting, and financial management of the BBB including, but not limited to, paying bills and signing checks on behalf of BBB.

4. Since 2010, Defendant **BRINKLEY** has served as an Oklahoma State Senator representing the citizens of the 34th District, including citizens in Owasso, Collinsville, Skiatook, Sperry, Turley, and Tulsa. Defendant **BRINKLEY** serves in the role and is the Chairman of the Committee on Pensions and Vice-Chair of the Senate Finance Committee.

The Scheme

5. Beginning as early as sometime in or about November of 2005, a more certain date being unknown to the United States Attorney, and continuing thereafter to in or about February 2015, in the Northern District of Oklahoma and elsewhere, Defendant **BRINKLEY** devised and intended to devise a scheme and artifice to defraud the BBB, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

The Purpose of the Scheme

6. It was the purpose of the scheme and artifice, hereinafter referred to as "the Scheme", to defraud the BBB and to obtain their money and property by means of

materially false and fraudulent pretenses, representations, and promises to unlawfully enrich Defendant **BRINKLEY** using such funds for personal expenses, and to conceal the Scheme from the BBB.

Manner and Means of the Scheme

7. It was part of the Scheme that Defendant **BRINKLEY** would and did have access and signatory authority over the bank accounts of the BBB.

8. It was further part of the Scheme that Defendant **BRINKLEY** would and did create fraudulent invoices for services not rendered and represent these invoices as legitimate BBB expenses.

9. It was further part of the Scheme that Defendant **BRINKLEY** would and did fraudulently sign checks and transfer funds from the BBB to pay for his own personal expenses rather than legitimate BBB expenses.

10. It was further part of the Scheme that Defendant **BRINKLEY** would and did fraudulently disburse BBB funds to his own personal credit card accounts.

11. It was further part of the Scheme that Defendant **BRINKLEY** would and did fraudulently use the BBB funds deposited into his personal credit card accounts to pay for personal expenses.

12. It was further part of the Scheme that Defendant **BRINKLEY** would and did fraudulently sign and present the checks for cash to pay for his own personal expenses rather than legitimate BBB expenses.

13. It was further part of the Scheme that Defendant **BRINKLEY** would and did alter BBB's financial records to conceal his fraudulently activity.

14. It was further part of the Scheme that Defendant **BRINKLEY** would and did unlawfully divert BBB funds for his own personal benefit in the approximate amount of \$1,800,000.

The Wire Communications

15. On or about the dates stated in the chart below, Defendant **BRINKLEY** caused the writings, signs, signals, pictures, and sound described in the chart below to be transmitted by means of wire communication in interstate commerce for the purpose of executing the Scheme, as follows:

Count	Date	Wire Communication
One	January 16, 2015	Payment of \$1,256.03 from BBB's Bank of Oklahoma Account Number, XXX30754, Check Number 19809, presented for cash by Defendant BRINKLEY at Valley National Bank.
Two	January 9, 2015	Payment of \$2,907.45 from BBB's Bank of Oklahoma Account Number, XXX30754, Check Number 19780, to Defendant BRINKLEY'S personal American Express credit card account.
Three	December 4, 2014	Payment of \$1,125.33 from BBB's Bank of Oklahoma Account Number, XXX30754, Check Number 19779, to Defendant BRINKLEY'S personal American Express credit card account.
Four	August 1, 2014	Payment of \$2,248.21 from BBB's Bank of Oklahoma Account Number, XXX30754, Check Number 19506, to Defendant BRINKLEY'S personal Discover credit card account.
Five	April 5, 2013	Payment of \$2,512.06 from BBB's Bank of Oklahoma Account Number, XXX30754, Check Number 18471, to CTW, Inc., which funds were received by Defendant BRINKLEY .

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

FORFEITURE ALLEGATION
[18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)]

The allegations contained in Counts One through Five of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

Upon conviction of the wire fraud scheme alleged in Counts One through Five of this Information, as part of his sentence, the defendant, **RICKY L. BRINKLEY**, shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to the conspiracy. A criminal forfeiture money judgment shall also be entered in a sum of money in an amount of at least \$1,829,033.86, representing proceeds of the wire fraud scheme.

Pursuant to Title 21, United States Code, Section 853(p), as adopted by Title 18, United States Code, Section 2461(c), the defendant shall forfeit substitute property, up to the value of the property described above if, by any act or omission of the defendant, the property described above, or any portion thereof, cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

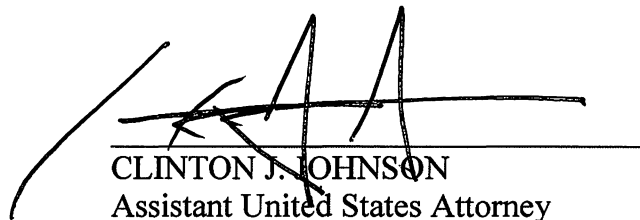
COUNT SIX
[26 U.S.C. § 7206(1)]

On or about October 10, 2014, in the Northern District of Oklahoma and elsewhere, the defendant, **RICKY L. BRINKLEY**, willfully made and subscribed a false 2013 Form 1040, U.S. Individual Income Tax Return, which contained and 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 matter, in that he knowingly failed to report approximately \$148,390 of income on Line 21 of the return.

All in violation of Title 26, United States Code, Section 7206(1).

Respectfully submitted,

DANNY C. WILLIAMS SR.
UNITED STATES ATTORNEY



CLINTON J. JOHNSON
Assistant United States Attorney