

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

JUL 11 2017 *lv*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**MATTHEW J. DYKMAN**  
CLERK

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
**AYUDANDO ALPHA, INC. d/b/a** )  
**AYUDANDO GUARDIANS, INC.,** )  
**SUSAN K. HARRIS, and** )  
**SHARON A. MOORE,** )  
)  
Defendants. )

CRIMINAL NO. 17-1836 MV  
Count 1: 18 U.S.C. § 371: Conspiracy;  
Counts 2-11: 18 U.S.C. § 1341: Mail  
Fraud; 18 U.S.C. § 2: Aiding and  
Abetting;  
Counts 12-21: 18 U.S.C. § 1028A:  
Aggravated Identity Theft; 18 U.S.C. § 2:  
Aiding and Abetting;  
Counts 22-27: 18 U.S.C. § 1957: Money  
Laundering; 18 U.S.C. § 2: Aiding and  
Abetting;  
Count 28: 18 U.S.C. § 1956(h):  
Conspiracy to Commit Money  
Laundering.

INDICTMENT

The Grand Jury charges:

Background

1. **AYUDANDO GUARDIANS, INC.**<sup>1</sup> is a New Mexico non-profit corporation that provides guardianship, conservatorship, and financial management services to hundreds of individuals with special needs. **AYUDANDO** receives benefits from the Department of Veterans Affairs (VA) and Social Security Administration (SSA) on behalf of many of its

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<sup>1</sup> "Ayudando" and "Ayudando Guardians" refers to the various corporate entities affiliated with Ayudando Guardians, including Ayudando Guardians, Inc.; Ayudando Alpha, Inc.; Ayudando Enterprises, Ltd.; Ayudando Enterprises LLC; Ayudando Advocacy, Inc.; and Ayudando Guardians LLC. While technically Ayudando Guardians, Inc. has merged into Ayudando Alpha, Inc., the defendants hold the company out as Ayudando Guardians, Inc., so that name will be used throughout.

clients. For these clients, **AYUDANDO** acts as a fiduciary or a representative payee. That is, **AYUDANDO** receives government benefits payments on behalf of its clients, pays the clients' expenses, and maintains the balance for the benefit of the clients.

2. **AYUDANDO** was formed by **SUSAN K. HARRIS** in 2004. It is primarily owned and operated by **HARRIS** and **SHARON A. MOORE**.

3. As more fully described below, **AYUDANDO**, **HARRIS**, and **MOORE** have embezzled millions of dollars from their special needs clients and used the money to support lavish lifestyles for **HARRIS**, **MOORE**, and their families.

Count 1

4. From about November 2006, and continuing to about July 2017, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendants, **AYUDANDO GUARDIANS, INC.**, **SUSAN K. HARRIS** and **SHARON A. MOORE**, knowingly, unlawfully and willfully combined, conspired, confederated, agreed, and acted interdependently with one another and with others known and unknown to the Grand Jury to commit mail fraud, contrary to 18 U.S.C. § 1341, aggravated identity theft, contrary to 18 U.S.C. § 1028A, and fiduciary misappropriation, contrary to 38 U.S.C. § 6101, and to defraud the United States by cheating the Department of Veterans Affairs out of money and by impairing and obstructing the lawful functions of the Department of Veterans Affairs by deceitful and dishonest means.

Manner and Means

5. The manner and means by which **AYUDANDO**, **HARRIS** and **MOORE** sought to accomplish the objectives of the conspiracy included, among other things, the following:

a. Organizing **AYUDANDO** to position it as a guardian, conservator, fiduciary, and representative payee for individuals needing assistance with their financial affairs;

- b. Setting up client trust and company bank accounts in such a way that only **HARRIS** and **MOORE** could check account balances, monitor account activity, or initiate transfers or payments;
- c. Transferring client funds from client trust accounts to commingled **AYUDANDO** company accounts;
- d. Maintaining an American Express account which **HARRIS, MOORE,** and their family members used to maintain lavish lifestyles, and paying the account balances with client funds;
- e. Writing checks from **AYUDANDO** company accounts to themselves, to cash, and to cover personal expenses;
- f. Replenishing depleted client accounts with funds taken from other clients;
- g. Submitting false and fraudulent statements of account and certifications of deposit to the Department of Veterans Affairs; and
- h. Forging bank statements and submitting forged and fraudulent bank statements to the Department of Veterans Affairs.

Overt Acts

- 3. In furtherance of the conspiracy, and to effect the objects thereof, the defendants, and others known and unknown to the Grand Jury, committed and caused to be committed the following acts, among others, in the District of New Mexico, and elsewhere:
  - a. On or about November 22, 2006, **HARRIS** incorporated **AYUDANDO ALPHA, INC.** as a nonprofit corporation. Corporate documents identified **HARRIS** as president, **MOORE** as secretary, and **HARRIS** and **MOORE** and two of **HARRIS's** family members as directors of the company.

- b. On or about June 8, 2007, **HARRIS** incorporated **AYUDANDO GUARDIANS, INC.** as a nonprofit corporation.
- c. On or about December 29, 2008, **HARRIS** merged **AYUDANDO GUARDIANS, INC.** into **AYUDANDO ALPHA, INC.**
- d. **HARRIS** wrote numerous checks from the **AYUDANDO** client reimbursement account for personal purposes, including the following, each of which constitutes a separate overt act:

<u>Date</u>	<u>Amount</u>	<u>Payee</u>
6/8/11	\$50,950	Mercedes Benz of Albuquerque
7/5/11	\$5,000	<b>HARRIS</b>
8/29/11	\$6,000	<b>HARRIS</b>
12/22/11	\$5,000	Cash
1/24/12	\$5,500	<b>HARRIS</b>
3/12/12	\$6,000	Cash
12/31/12	\$10,894	<b>MOORE</b>
12/31/12	\$61,426	<b>HARRIS</b>
4/10/13	\$21,852	All World Travel
4/17/13	\$26,444	Myers RV Center
12/5/13	\$9,900	Cash
3/26/14	\$10,827	French Mortuary

- e. On or about July 14, 2014, **HARRIS** and **MOORE** made themselves sole signatory authorities for the **AYUDANDO GUARDIANS, INC.** petty cash account.
- f. On or about August 25, 2014, **HARRIS** and **MOORE** executed a master signature card, making themselves sole signatory authorities for all **AYUDANDO** client accounts.
- g. **HARRIS** wrote numerous checks from the **AYUDANDO** petty cash account for personal purposes, including the following, each of which constitutes a separate overt act:

<u>Date</u>	<u>Amount</u>	<u>Payee</u>
12/1/14	\$9,000	Cash
6/25/15	\$9,200	T.J.H.
12/1/15	\$8,000	Cash
12/9/15	\$6,249	Mesa Spirit RV Resort

h. **HARRIS** paid for luxury vacations for herself and others, using an American Express account in the name of **AYUDANDO ENTERPRISES**, knowing that **MOORE** would pay the charges using client funds, including the following, each of which constitutes a separate overt act:

<u>Trip Date</u>	<u>Description</u>	<u>Approximate Amount</u>
January 2013	Celebrity Cruise, Caribbean isles	\$17,724
January 2014	Celebrity Cruise, Caribbean isles	\$20,602
April-May 2014	Regent Seven Seas Cruise, Florida to Panama to Mexico to San Francisco, CA	\$39,773
April 2015	Final Four basketball vacation, Indianapolis, IN	\$16,980
February 2017	Norwegian Cruise Lines, Hawaii vacation	\$19,821
January 2018 (forthcoming)	Celebrity Cruise, Caribbean isles	\$5,647 paid as of April 2017

i. **MOORE** paid for vacations for herself and others, using an American Express account in the name of **AYUDANDO ENTERPRISES**, and paid the charges using client funds, including the following, each of which constitutes a separate overt act:

<u>Trip Date</u>	<u>Description</u>	<u>Approximate Amount</u>
July 2015	Resort and spa vacation, San Diego, CA	\$8,958
December 2016	13-person vacation to San Diego, CA	\$3,479

j. **MOORE** submitted numerous false and fraudulent documents to VA, each falsely representing that client account balances were substantially higher than they actually were, including the following, each of which constitutes a separate overt act:

<u>Signed Date</u>	<u>Delivered Date</u>	<u>Client</u>	<u>Balance As Of</u>	<u>Amount Claimed to be in Client Account</u>	<u>Actual Client Account Value</u>
1/29/16	2/1/16	T.P.	11/30/15	\$156,264	\$45,676
2/9/16	4/11/16	P.I.	11/30/15	\$141,983	-\$3,067
3/12/16	3/18/16	E.L.	12/31/15	\$121,763	\$4,262
6/1/16	8/29/16	C.H.	4/30/16	\$483,151	\$2,842
6/14/16	6/17/16	J.K.	4/30/16	\$140,831	\$0
6/17/16	8/30/16	A.G.	5/31/16	\$161,469	\$6,406
8/30/16	9/7/16	P.B.	6/30/16	\$124,807	\$3,028
9/21/16	10/13/16	J.S.	7/31/16	\$131,390	\$5,289
11/8/16	10/25/16	G.C.	8/31/16	\$176,099	\$4,527
11/11/16	11/18/16	W.S.	9/30/16	\$144,347	\$3,318

In violation of 18 U.S.C. § 371.

Counts 2-11

1. From about January 2010, and continuing to about July 2017, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendants, **AYUDANDO GUARDIANS, INC., SUSAN K. HARRIS** and **SHARON A. MOORE**, with intent to defraud, knowingly and unlawfully devised and intended to devise a scheme and artifice to defraud by means of materially false and fraudulent pretenses and representations, and for the purpose of executing and in order to effect the scheme and artifice to defraud and to obtain money and property by way of materially false and fraudulent pretenses, representations, and promises, the defendants caused documents to be delivered by the United States Postal Service and a commercial interstate carrier, thereby affecting a financial institution.

The Scheme and Artifice

2. The defendants' scheme and artifice consisted of fraudulently extracting money from client accounts and disbursing that money to the defendants.

3. It was further part of the scheme and artifice that the defendants organized **AYUDANDO** to position it as a guardian, conservator, fiduciary, and representative payee for individuals needing assistance with their financial affairs.

4. It was further part of the scheme and artifice that the defendants set up client trust and company bank accounts in such a way that only **HARRIS** and **MOORE** could check account balances, monitor account activity, or initiate transfers or payments.

5. It was further part of the scheme and artifice that the defendants transferred money from client trust accounts to the **AYUDANDO** “petty cash” and “client reimbursement” commingled accounts.

6. It was further part of the scheme and artifice that the defendants maintained an American Express account with cards issued to the defendants and several of their family members. The defendants and their family members paid for extensive personal charges on the cards, including luxury vacations, vehicles and more. The defendants paid off the American Express account each month with money from the petty cash and client reimbursement accounts. Between 2010 and 2017, the defendants diverted funds from the petty cash and client reimbursement accounts to the American Express account totaling more than \$4 million.

7. It was further part of the scheme and artifice that the defendants forged and submitted false and fraudulent documents to the Department of Veterans Affairs. VA requires its fiduciaries to submit annual statements of accounts for each client, describing each client’s money received, money spent, and assets, and including bank statements in support. The defendants created materially false and fraudulent statements of account, certifications of deposit, and bank statements, which substantially overstated the funds available in client accounts, and submitted them to VA to conceal and continue the defendants’ theft from client accounts.

8. It was further part of the scheme and artifice that the defendants commingled their clients' funds in the petty cash and client reimbursement accounts, despite VA requirements that each clients' funds be kept in separate accounts.

9. It was further part of the scheme and artifice that the defendants concealed their theft from some clients' accounts by replacing the missing money with funds taken from other clients.

#### Executions of the Scheme

10. On or about the dates listed below, for the purpose of executing and in order to effect the scheme and artifice to defraud and to obtain money and property by way of materially false and fraudulent pretenses, representations, and promises, the defendants caused the delivery by the United States Postal Service and a commercial interstate carrier to the Department of Veterans Affairs, 550 Foothill Dr., P.O. Box 58086, Salt Lake City, UT, 84158, according to the directions thereon, of documents, specifically statements of account, certifications of deposit, and bank statements, thereby affecting a financial institution, as approximately described below:

<u>Count</u>	<u>Signed Date</u>	<u>Delivered Date</u>	<u>Client</u>	<u>Balance As Of</u>	<u>Amount Claimed to be in Client Account</u>	<u>Actual Client Account Value</u>
2	1/29/16	2/1/16	T.P.	11/30/15	\$156,264	\$45,676
3	2/9/16	4/11/16	P.I	11/30/15	\$141,983	-\$3,067
4	3/12/16	3/18/16	E.L.	12/31/15	\$121,763	\$4,262
5	6/1/16	8/29/16	C.H.	4/30/16	\$483,151	\$2,842
6	6/14/16	6/17/16	J.K.	4/30/16	\$140,831	\$0
7	6/17/16	8/30/16	A.G.	5/31/16	\$161,469	\$6,406
8	8/30/16	9/7/16	P.B.	6/30/16	\$124,807	\$3,028
9	9/21/16	10/13/16	J.S.	7/31/16	\$131,390	\$5,289
10	11/8/16	10/25/16	G.C.	8/31/16	\$176,099	\$4,527
11	11/11/16	11/18/16	W.S.	9/30/16	\$144,347	\$3,318

In violation of 18 U.S.C. § 1341 and 18 U.S.C. § 2.



Counts 12-21

1. On or about the dates listed below, in the District of New Mexico, and elsewhere, the defendants, **AYUDANDO GUARDIANS, INC.**, **SUSAN K. HARRIS** and **SHARON A. MOORE**, did knowingly use, possess and transfer, without lawful authority, a means of identification of another person; that is, the defendants used, possessed and transferred clients' names, dates of birth, Social Security Numbers, and Department of Veterans Affairs file numbers, during and in relation to felony violations of 18 U.S.C. § 1341, as described below.

<u>Count</u>	<u>Approximate Date</u>	<u>Victim</u>	<u>Felony Violation Described in Count</u>
12	1/29/16	T.P.	2
13	2/9/16	P.I	3
14	3/12/16	E.L.	4
15	6/1/16	C.H.	5
16	6/14/16	J.K.	6
17	6/17/16	A.G.	7
18	8/30/16	P.B.	8
19	9/21/16	J.S.	9
20	11/8/16	G.C.	10
21	11/11/16	W.S.	11

In violation of 18 U.S.C. § 1028A(a)(1) and 18 U.S.C. § 2.

Counts 22-27

1. On or about the dates set forth below, in the District of New Mexico, and elsewhere, the defendants, **AYUDANDO GUARDIANS, INC.**, **SUSAN K. HARRIS** and **SHARON A. MOORE**, did knowingly engage and attempt to engage in the following monetary transactions by through or to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000, that is the withdrawal and transfer of U.S. currency, such property having been derived from a specified unlawful activity, that is, mail fraud, contrary to 18 U.S.C. § 1341, as described below:

<u>Count</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
22	4/8/13	Check #5242 from Client Reimbursement Account to American Express	\$51,388
23	11/7/13	Check #5994 from Client Reimbursement Account to American Express	\$86,991
24	5/12/14	Check #6660 from Client Reimbursement Account to American Express	\$50,124
25	12/14/15	Check #2951 from Petty Cash Account to American Express	\$66,823
26	4/13/16	Check #3426 from Petty Cash Account to American Express	\$73,330
27	5/12/16	Check #3484 from Petty Cash Account to American Express	\$63,967

In violation of 18 U.S.C. § 1957 and 18 U.S.C. § 2.

Count 28

1. From on or about November 2006, and continuing to about July 2017, in the District of New Mexico, and elsewhere, the defendants, **AYUDANDO GUARDIANS, INC.**, **SUSAN K. HARRIS** and **SHARON A. MOORE**, did knowingly combine, conspire, and agree with each other and with other persons known and unknown to the Grand Jury to commit offenses against the United States in violation of Title 18, United States Code, Section 1957, to wit: to knowingly engage and attempt to engage, in monetary transactions by, through and to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, that is, U.S. currency, such property having been derived from a specified unlawful activity, that is, mail fraud, contrary to 18 U.S.C. § 1341, in violation of 18 U.S.C. § 1957.

Manner and Means

2. The manner and means used to accomplish the objectives of the conspiracy included, among others, the following:

3. It was part of the conspiracy and scheme to defraud that the defendants and their co-conspirators, having been entrusted with funds on behalf of their special needs clients, transferred client funds into commingled **AYUDANDO** bank accounts, including the client reimbursement account and the petty cash account, and thereby defrauded their clients and the Department of Veterans Affairs and converted and embezzled those funds to their own use.

4. It was further part of the conspiracy and scheme to defraud that the defendants and their co-conspirators maintained a joint American Express account and used that account to pay for personal charges, including luxury vacations, vehicles and more.

5. It was further part of the conspiracy and scheme to defraud that the defendants and their co-conspirators, having converted and embezzled funds from their clients by way of a scheme and artifice to defraud, transferred the proceeds of the fraud to pay off the American Express account on a monthly basis, in increments each exceeding \$10,000, totaling more than approximately \$4 million.

In violation of 18 U.S.C. § 1956(h).

Forfeiture Allegation 1

Counts 2–11 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. § 2461.

Upon conviction of any offense in violation of 18 U.S.C. § 1341, the defendants, **AYUDANDO GUARDIANS, INC., SUSAN K. HARRIS** and **SHARON A. MOORE**, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. § 2461, all property which constitutes or is derived from proceeds traceable to the commission of the offense.

The property to be forfeited to the United States includes but is not limited to the following:

MONEY JUDGMENT:

A sum of money, representing all property which constitutes or is derived from proceeds traceable to the commission of the offense, for which the defendants are jointly and severally liable.

SUBSTITUTE ASSETS:

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

- A. Cannot be located upon exercise of due diligence;
- B. Has been transferred or sold to, or deposited with, a third person;
- C. Has been placed beyond the jurisdiction of the Court;
- D. Has been substantially diminished in value;
- E. Has been commingled with other property which cannot be subdivided without difficulty;

It is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

Forfeiture Allegation 2

Counts 22 through 28 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture to the United States pursuant to 18 U.S.C. § 982(a)(1).

Upon conviction of any offense in violation of 18 U.S.C. § 1956 or 18 U.S.C. § 1957, the defendants, **AYUDANDO GUARDIANS, INC., SUSAN K. HARRIS and SHARON A. MOORE**, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(1), all property, real or personal, involved in the offense and any property traceable thereto.

The property to be forfeited to the United States includes but is not limited to the following:

**AYUDANDO ADVOCACY, INC.;**  
**AYUDANDO ALPHA, INC.;**  
**AYUDANDO ENTERPRISES LLC;**  
**AYUDANDO ENTERPRISES, LTD.;**  
**AYUDANDO GUARDIANS LLC.; and**  
**AYUDANDO GUARDIANS, INC.**

**MONEY JUDGMENT:**

A sum of money, representing all property, real or personal, involved in the offense and any property traceable thereto.

**SUBSTITUTE ASSETS:**

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

- A. Cannot be located upon exercise of due diligence;
- B. Has been transferred or sold to, or deposited with, a third person;
- C. Has been placed beyond the jurisdiction of the Court;
- D. Has been substantially diminished in value;
- E. Has been commingled with other property which cannot be subdivided without difficulty;

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

A TRUE BILL:

  
\_\_\_\_\_  
Assistant United States Attorney

\_\_\_\_\_  
/s/  
FOREPERSON OF THE GRAND JURY

\_\_\_\_\_ 7/10/2017 9:39 AM