

FILED 22 SEP 15 16:46 USDC ORP

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No: 3:15-cr-00350-BR

v.

INDICTMENT

MICHAEL R. BRAUN,

Title 18 U.S.C. § 641

**Defendant.**

Title 18 U.S.C. § 1343

Title 18 U.S.C. § § 981(a)(1)(C), 982(a)(2)

Title 28 U.S.C. § 2461(c)

**THE GRAND JURY CHARGES:**

COUNT 1  
[Wire Fraud]

**I. INTRODUCTION**

1. At all times material and relevant herein, the Defense Finance and Accounting Service (DFAS) was a department and agency of the United States, with offices located in London, Kentucky.

2. At all times material and relevant herein, A.M., a person known to the Grand Jury,

was defendant **MICHAEL R. BRAUN**'s cognitively-disabled cousin, and was the beneficiary of a monthly annuity administered by DFAS.

3. At all times material and relevant herein, defendant **MICHAEL R. BRAUN** was residing in Oregon.

## **II. THE SCHEME TO DEFRAUD**

4. Beginning in or before February 1990, and continuing through January 2013, in the District of Oregon, defendant **MICHAEL R. BRAUN** devised and intended to devise a material scheme and artifice to defraud the Defense Finance and Accounting Service and to obtain money and property by means of material false and fraudulent pretenses, representations and promises.

5. On or about August 13, 1984, defendant **MICHAEL R. BRAUN** was appointed to be the guardian of A.M. by the Circuit Court in Washington County, Oregon.

6. Between August 13, 1984, and January 3, 1990, defendant **MICHAEL R. BRAUN** received DFAS annuity payments on behalf of A.M., and was required to use the annuity payments for the care of A.M. and to report to DFAS if he was no longer A.M.'s legal guardian.

7. On or about January 4, 1990, defendant **MICHAEL R. BRAUN** was discharged as A.M.'s guardian by the Circuit Court of Washington County.

8. It was part of the scheme and artifice to defraud that beginning on or about January 4, 1990, and continuing through January 2013, defendant **MICHAEL R. BRAUN** failed to notify DFAS that he was no longer A.M.'s legal guardian.

9. It was part of the scheme and artifice to defraud that defendant **MICHAEL R. BRAUN** continued to receive A.M.'s annuity payments and that on or before August 3, 1998, **BRAUN** directed DFAS to deposit A.M.'s funds into **BRAUN**'s Washington Mutual Bank

account in Portland, Oregon.

10. It was part of the scheme and artifice to defraud that on or about July 10, 2000, defendant **MICHAEL R. BRAUN** submitted a Certificate of Eligibility to DFAS certifying that he was A.M.'s guardian when in fact he knew he was not.

11. It was part of the scheme and artifice to defraud that on or about April 6, 2001, defendant **MICHAEL R. BRAUN** submitted a Certificate of Eligibility to DFAS certifying that he was A.M.'s guardian when in fact he knew he was not.

12. It was part of the scheme and artifice to defraud that on or about July 8, 2002, defendant **MICHAEL R. BRAUN** submitted a Certificate of Eligibility to DFAS certifying that he was A.M.'s guardian when in fact he knew he was not.

13. It was part of the scheme and artifice to defraud that on or about July 8, 2003, defendant **MICHAEL R. BRAUN** submitted a Certificate of Eligibility to DFAS certifying that he was A.M.'s guardian when in fact he knew he was not.

14. It was part of the scheme and artifice to defraud that on or about December 7, 2004, defendant **MICHAEL R. BRAUN** submitted a Certificate of Eligibility to DFAS certifying that he was A.M.'s guardian when in fact he knew he was not.

15. It was part of the scheme and artifice to defraud that on or about January 11, 2005, defendant **MICHAEL R. BRAUN** submitted a Certificate of Eligibility to DFAS certifying that he was A.M.'s guardian when in fact he knew he was not.

16. It was part of the scheme and artifice to defraud that on or about May 8, 2006, defendant **MICHAEL R. BRAUN** submitted a Certificate of Eligibility to DFAS certifying that he was A.M.'s guardian when in fact he knew he was not.

17. It was part of the scheme and artifice to defraud that on or about October 9, 2007,

defendant **MICHAEL R. BRAUN** submitted a Certificate of Eligibility to DFAS certifying that he was A.M.'s guardian when in fact he knew he was not.

18. It was part of the scheme and artifice to defraud that on or about July 3, 2008, defendant **MICHAEL R. BRAUN** submitted a Certificate of Eligibility to DFAS certifying that he was A.M.'s guardian when in fact he knew he was not.

19. It was part of the scheme and artifice to defraud that on or about November 4, 2009, defendant **MICHAEL R. BRAUN** submitted a Certificate of Eligibility to DFAS certifying that he was A.M.'s guardian when in fact he knew he was not.

20. It was part of the scheme and artifice to defraud that on or about September 9, 2010, defendant **MICHAEL R. BRAUN** submitted a Certificate of Eligibility to DFAS certifying that he was A.M.'s guardian when in fact he knew he was not.

21. It was part of the scheme and artifice to defraud that on or about November 9, 2011, defendant **MICHAEL R. BRAUN** submitted a Certificate of Eligibility to DFAS certifying that he was A.M.'s guardian when in fact he knew he was not.

22. It was part of the scheme and artifice to defraud that on or about March 10, 2012, defendant **MICHAEL R. BRAUN** submitted a Certificate of Eligibility to DFAS certifying that he was A.M.'s guardian when in fact he knew he was not.

23. It was part of the scheme and artifice to defraud that on or about January 13, 2013, defendant **MICHAEL R. BRAUN** submitted a Certificate of Eligibility to DFAS certifying that he was A.M.'s guardian when in fact he knew he was not.

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24. On or about April 2, 2012, in the District of Oregon, defendant **MICHAEL R. BRAUN**, for the purposes of executing the aforementioned material scheme and artifice to defraud, and attempting to do so, did knowingly cause to be transmitted in interstate commerce by means of wire communications, signals and sounds, to wit: **BRAUN** caused electronic communications to move across state lines by causing annuity payments administered by the Defense Finance and Accounting Service in London, Kentucky, to be electronically deposited into **BRAUN's** J.P. Morgan Chase bank account in Oregon.

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

**COUNT 2**

[Theft of Government Funds]

On or between February 1990, and continuing through December 2012, within the District of Oregon, **MICHAEL R. BRAUN**, defendant herein, did knowingly and willfully steal and convert to his own use, money of the Defense Finance and Accounting Service, a department and agency of the United States, to wit: by receiving annuity payments in the approximate amount of \$500,000, based on fraudulent representations and concealments, all in violation of Title 18, United States Code, Section 641.

**FORFEITURE ALLEGATION**

Upon conviction of the offenses alleged in Counts 1 and 2 of this indictment, **MICHAEL R. BRAUN**, defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2), and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the violations.

If any of the above-described forfeitable property, 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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

Dated this 22 day of September, 2015.

A TRUE BILL.

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OFFICIATING FOREPERSON

Presented by:

**BILLY J. WILLIAMS**, OSB #901366  
Acting United States Attorney  
District of Oregon

  
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**HELEN L. COOPER**, OSB #871957  
Special Assistant United States Attorney