

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

KIMBERLY GABEL,
Defendant.

NO. CR 23- 054 TL
INFORMATION

The United States Attorney charges that:

COUNT 1
(Conspiracy)

A. Introduction

At all relevant times to the Information:

1. Defendant KIMBERLY GABEL was a resident of Elizabeth, Colorado and owned a printing and shipping store (“printing store”) in Parker, Colorado.

2. Co-Conspirator Robert Van Camp was a resident of Parker, Colorado and Bulverde, Texas.

3. Co-Conspirator-1, an individual whose identity is known to the United States Attorney, was a resident of Parker, Colorado and Bulverde, Texas.

1 4. The Centers for Disease Control and Prevention (“CDC”) was a federal agency
2 under the United States Department of Health and Human Services (“HHS”). The CDC was
3 established to protect public health through the prevention of disease.

4 5. Buyer-1, an individual whose identity is known to the United States Attorney, was
5 a resident of Kent, Washington.

6 6. Buyer-2, an individual whose identity is known to the United States Attorney, was
7 a resident of Woodinville, Washington.

8 **B. The Federal COVID-19 Vaccination Program**

9 7. In or around January 2020, the Secretary of HHS declared a national public
10 emergency under Title 42, United States Code, Section 247d, as a result of the spread of the
11 novel coronavirus COVID-19 within the United States. On or about March 13, 2020, the
12 President of the United States issued Proclamation 9994 declaring a national emergency
13 beginning on March 1, 2020, as a result of the rapid spread of COVID-19.

14 8. To help combat COVID-19 and the resulting pandemic, in May 2020, the United
15 States initiated Operation Warp Speed, later renamed HHS-DOD COVID19 Countermeasures
16 Acceleration Group (“CAG”), a partnership between HHS, the Department of Defense, and
17 other federal agencies, which existed through December 31, 2021, to make safe and effective
18 vaccines available as quickly as possible. The principal purpose of CAG was to ensure that
19 every American could receive a COVID-19 vaccine by supporting the acceleration of vaccine
20 development, manufacturing, and distribution to states, other jurisdictions, and federal agencies
21 and programs for vaccine administration.

22 9. Upon awarding contracts and providing funding, by September 2021, the federal
23 government had acquired over 673 million doses of vaccines developed by Moderna, Pfizer, and
24 Johnson and Johnson, which was sufficient to fully vaccinate 373 million people, in line with
25 CAG’s overall goal of making sufficient adult vaccines available free of charge for the
26 American public.

1 10. In order to enable their rapid distribution upon the development of safe and
2 effective COVID-19 vaccines, the Secretary of HHS issued a notice, pursuant to Section 564 of
3 the Federal Food, Drug, and Cosmetic Act, that there was a public health emergency that had a
4 significant potential to affect national security or the health and security of United States citizens
5 living abroad and that circumstances existed justifying the authorization of emergency use of
6 drugs and biological products during the COVID-19 pandemic. Pursuant to the authority
7 granted under this declaration, the United States Food and Drug Administration authorized the
8 Pfizer COVID-19 vaccine for emergency use on or about December 11, 2020, the Moderna
9 COVID-19 vaccine for emergency use on or about December 18, 2020, and the Johnson and
10 Johnson COVID-19 vaccine for emergency use on or about February 27, 2021 (together, the
11 “COVID-19 vaccines”).

12 11. To ensure that each American could receive a COVID-19 vaccine, the CDC
13 prepared for widespread administration, distribution, and tracking of the administration of
14 COVID-19 vaccines. Vaccine allocation and centralized distribution utilized HHS’s Vaccine
15 Tracking System, a secure, web-based system that integrated the entire publicly funded vaccine
16 supply chain from purchasing and ordering, through distribution to participating state, local, and
17 territorial health departments and health care providers.

18 12. The CDC controlled the distribution of COVID-19 vaccines and COVID-19
19 vaccination record cards, distributing them only to medical providers that were eligible to
20 administer the COVID-19 vaccines.

21 13. To be eligible to administer the COVID-19 vaccines, medical providers and other
22 administrators of COVID-19 vaccines were required to enter into provider agreements with the
23 CDC (“COVID-19 Provider Agreement”).

24 14. Additionally, per the COVID-19 Provider Agreement, medical providers and other
25 administrators of COVID-19 vaccines agreed, and were required, to “provide a completed COVID-
26 19 vaccination record card to every COVID-19 [v]accine recipient, the adult caregiver
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1 accompanying the recipient, or other legal representative” (“COVID-19 vaccination record
2 card”).

3 15. The COVID-19 vaccination record cards were designed and printed according to
4 CDC specifications and requirements, and contained both HHS’ and the CDC’s official agency
5 logos. The COVID-19 vaccination record cards recorded the name and date of birth of the
6 individual receiving the COVID-19 vaccine, the name of the manufacturer of the COVID-19
7 vaccine administered, the location where each dose was administered, and the lot number of the
8 vaccine dose. A lot number was a unique number given by vaccine manufacturers to a specific
9 batch of a vaccine.

10 16. The CDC mandated that valid proof of COVID-19 vaccination, specifically, the
11 COVID-19 vaccination record card, could only be provided to individuals by authorized
12 providers administering COVID-19 vaccines.

13 **C. Federal Employee Vaccination Requirement**

14 17. On September 9, 2021, the President of the United States issued Executive Order
15 14043, Requiring Coronavirus Disease 2019 Vaccination for Federal Employees, which required
16 all federal agencies to implement a policy requiring all federal employees to be vaccinated
17 against COVID-19. The Executive Order stated that the CDC “has determined that the best way
18 to slow the spread of COVID-19 and to prevent infection by the Delta variant or other variants is
19 to be vaccinated” and that “to promote the health and safety of the Federal workforce and the
20 efficiency of the civil service, it is necessary to require COVID-19 vaccination for all Federal
21 employees.”

22 **D. The Conspiracy**

23 18. All previous paragraphs of this Information are realleged and incorporated by
24 reference as though fully set forth herein.

25 19. From in or around April 2021, and continuing through in or around April 2022, at
26 King County, in the Western District of Washington, and elsewhere, defendant KIMBERLY
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GABEL knowingly and intentionally conspired and agreed with Robert Van Camp, Co-Conspirator-1, and others, known and unknown to the United States Attorney, to defraud the United States by impairing, impeding, obstructing, and defeating through deceit, craft, trickery, and dishonest means, the lawful government functions of HHS and the CDC, a department and agency, respectively, of the United States, in the administration and distribution of COVID-19 vaccines and COVID-19 vaccination record cards, and the lawful government functions of other departments and agencies of the United States in administering and enforcing the government's federal employee vaccination mandate.

Purpose of the Conspiracy

20. It was the purpose of the conspiracy for GABEL, Van Camp, Co-Conspirator-1, and their co-conspirators to (a) fraudulently obstruct the government's administration and distribution of COVID-19 vaccines and the government's federal employee vaccination mandate, and to interfere with HHS and the CDC's lawful functions to administer the COVID-19 vaccines and ensure that all COVID-19 vaccines are accompanied by genuine COVID-19 vaccination record cards; and (b) conceal and disguise the manufacturing, distribution, and use of false and fraudulent COVID-19 vaccination record cards, and the receipt and transfer of the proceeds of the conspiracy.

Manner and Means of the Conspiracy

21. The dishonest and deceitful manner and means by which GABEL, Van Camp, Co-Conspirator-1, and others sought to accomplish the purpose and object of the conspiracy included, among other things, the following:

a. Co-Conspirator-1 obtained and provided to Van Camp an electronic copy of a blank COVID-19 vaccination record card, which Van Camp provided to GABEL.

b. The blank COVID-19 vaccination record card obtained by Co-Conspirator-1 and provided to Van Camp and GABEL appeared visually identical to the official COVID-19 vaccination record card that was designed and distributed by the CDC, and it included both

1 HHS' and CDC's official agency logos.

2 c. GABEL, Van Camp, and others used the blank COVID-19 vaccination
3 record card to make hundreds of false and fraudulent COVID-19 vaccination record cards at the
4 printing store owned by GABEL.

5 d. In making the false and fraudulent COVID-19 vaccination record cards,
6 GABEL, Van Camp, and others intentionally made the false and fraudulent cards appear
7 visually indistinguishable from the official COVID-19 vaccination record cards designed and
8 distributed by the CDC, including that GABEL printed, and caused to be printed, the false and
9 fraudulent COVID-19 vaccination record cards at GABEL's printing store in the same size and
10 by using similar paper and ink as the official CDC vaccination record cards, and by printing
11 them with HHS' and the CDC's official government logos.

12 e. Van Camp sold the false and fraudulent COVID-19 vaccination record
13 cards printed, and caused to be printed, by GABEL for profit to purportedly unvaccinated
14 persons, including Buyer-1, Buyer-2, and others in the Western District of Washington and
15 elsewhere, including several law enforcement officers acting in an undercover capacity
16 (collectively, "buyers").

17 f. Van Camp also sold the false and fraudulent COVID-19 vaccination record
18 cards printed, and caused to be printed, by GABEL for profit to buyers who served as
19 distributors ("distributors") for Van Camp to resell to other individuals.

20 g. Van Camp sold the false and fraudulent COVID-19 vaccination record
21 cards printed, and caused to be printed, by GABEL by communicating with buyers and
22 distributors through the use of interstate wire communications, including by telephone, text
23 message, and email.

24 h. Van Camp used information provided by buyers and distributors, and
25 information he obtained on his own regarding CDC-authorized vaccination providers and
26 vaccination lot numbers, to completely fill out the false and fraudulent vaccination record cards
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1 printed, and caused to be printed, by GABEL before distributing them to their intended
2 recipients, including writing real names and dates of birth on the cards, along with inserting
3 false information concerning vaccination dates, vaccination providers, vaccination sites,
4 vaccination manufacturers, and vaccination lot numbers.

5 i. Van Camp distributed hundreds of completed false and fraudulent COVID-
6 19 vaccination record cards printed, and caused to be printed, by GABEL to purchasers in the
7 Western District of Washington and other locations, including by mailing the false and
8 fraudulent cards to buyers located in the Western District of Washington and elsewhere.

9 j. Van Camp sold and distributed false and fraudulent COVID-19 vaccination
10 record cards printed, and caused to be printed, by GABEL to federal employees who were
11 required to be vaccinated against COVID-19 pursuant to the federal employee vaccination
12 requirement.

13 k. Van Camp and Co-Conspirator-1 made thousands of dollars from the sale
14 of false and fraudulent COVID-19 vaccination record cards printed, and caused to be printed, by
15 GABEL to purchasers in the Western District of Washington and elsewhere, including by
16 receiving payments for the false and fraudulent vaccination record cards made in cash, by check,
17 by money order, and through a mobile payment application account held in Co-Conspirator-1's
18 name.

19 l. In order to conceal and disguise the scheme, Van Camp used code names
20 when communicating about the false and fraudulent COVID-19 vaccination record cards, such
21 as "gift card" and "restaurant gift card," including in communications with GABEL.

22 **Overt Acts in Furtherance of the Conspiracy**

23 22. In furtherance of the conspiracy, and to accomplish its objects and purpose, the
24 conspirators committed and caused to be committed, at King County, in the Western District of
25 Washington, and elsewhere, the following overt acts, which are representative of the various
26 overt acts undertaken in furtherance of the fraud:



S. BABU KAZA

Trial Attorney

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