

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 8:18cr 543 T 24 JSS

GARY KINARD

18 U.S.C. § 1349
18 U.S.C. § 1028A

INFORMATION

The United States Attorney charges:

COUNT ONE
(Wire Fraud Conspiracy)

Introduction

At times relevant to this Information:

1. Defendant GARY KINARD was a resident of the Middle District of Florida.

The Conspiracy

2. Beginning on an unknown date, but at least by in or around January 2016, and continuing through on or about February 16, 2018, in the Middle District of Florida and elsewhere, the defendant,

GARY KINARD,

did knowingly combine, conspire, confederate, and agree with others, both known and unknown to the United States Attorney, to commit wire fraud in violation of 18 U.S.C. § 1343.

Manner and Means of the Conspiracy

3. The manner and means by which the conspirators sought to accomplish the objects of the conspiracy included, among others, the following:

a. It was a part of the conspiracy that conspirators would and did contact victims by telephone, and obtain money from said victims by falsely and fraudulently representing that the conspirators had located a buyer for the victims' respective timeshares and that the sale of the timeshares could and would commence upon the payment of a bogus fee or fees;

b. It was further a part of the conspiracy that, once the victims expressed any reluctance to pay the conspirators the bogus fees associated with the sale of the victims' timeshares, the defendant and his co-conspirators would and did then email the same victims, claim to be different attorneys, alert the victims that they had been scammed, and offer to represent the victims in a settlement against their scammers once the victims paid additional bogus fees associated with the non-existent litigation;

c. It was further a part of the conspiracy that the conspirators would and did direct and instruct victims to transmit money to the defendant and/or other conspirators using one or more wire transmitter services in order to complete the payment of these bogus fees;

d. It was further a part of the conspiracy that conspirators would and did direct and instruct victims to transmit money to the defendant and/or other conspirators using one or more wire transmitter services often to conceal from law enforcement officers the identities of the victims as well as the nature and sources of the financial transactions;

e. It was further a part of the conspiracy that the conspirators would and did pick up from the money transmitter services the fraudulently-obtained funds wired by the victims;

f. It was further a part of the conspiracy that conspirators would and did share in the proceeds of the fraud scheme, usually receiving percentages commensurate with their respective roles, to promote and perpetuate the scheme; and

g. It was further a part of the conspiracy that conspirators would and did engage in multiple meetings, perform acts, and make statements to promote and achieve the objects of the conspiracy and to misrepresent, hide, and conceal, and cause to be misrepresented, hidden, and

concealed, the purpose of the conspiracy and the acts committed in furtherance thereof.

In violation of 18 U.S.C. § 1349.

COUNT TWO
(Aggravated Identity Theft)

1. The United States realleges and incorporates Paragraph 1 of the Introduction as if fully set forth herein.

2. From on or about December 2015, continue through at least on or about February 15, 2018, in the Middle District of Florida and elsewhere, the defendant,

GARY KINARD,

did knowingly possess and use without lawful authority, and aided and abetted others in the possession and use without lawful authority, a means of identification of another person, that is, the name and professional identity of R.H., during and in relation to the felony offense of wire fraud conspiracy, in violation of 18 U.S.C. § 1349, knowing that such means of identification belonged to an actual person.

In violation of 18 U.S.C. §§ 1028A and 2.

FORFEITURE

1. The allegations contained in Count One of this Information are incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. 2461(c).

2. Upon conviction of a violation of 18 U.S.C. § 1349 the defendant,

GARY KINARD,

shall forfeit to the United States of America, pursuant to 18 U.S.C. § 981(a)(1)(C), any property, real or personal, involved in such offense and any property traceable to such property.

3. The property subject to forfeiture includes, but is not limited to, the \$75,000 the defendant obtained as a result of the commission of the violations alleged in Count One of this Information.


4. If any of the property described above, as a result of any act or omission of the defendants:

- 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

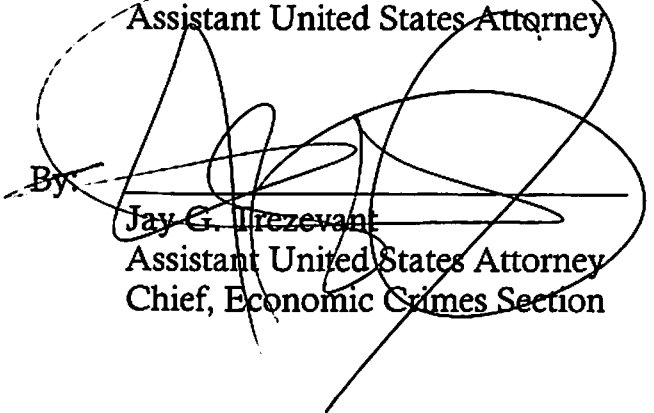
e. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property under the provisions of 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

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