

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

FILED IN OPEN COURT  
6-3-2020  
CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

v.

Case No. 3:20-cr-11-J-39 JBT

18 U.S.C. § 1343

CHARLES JON DAVID

26 U.S.C. § 7206(1)

**INDICTMENT**

The Grand Jury charges:

**COUNTS ONE THROUGH THREE**  
**(Wire Fraud)**

**A. Introduction**

At all times material to this Indictment:

1. Charles Jon DAVID (“DAVID”) was a resident of the Middle District of Florida who was employed as the Director of Construction and Business Operations for Organization 1. As part of his official duties, DAVID had oversight over real property owned by Organization 1, including the administration of real property sales by Organization 1. As the Director of Construction and Business Operations, DAVID had a fiduciary duty to act in the best financial interest of Organization 1, including an obligation to protect the assets of Organization 1. DAVID understood that receiving compensation from a source other than Organization 1 in connection with

these real property sales would create a conflict of interest and was inconsistent with the terms of his employment by Organization 1 and his fiduciary duty to Organization 1.

2. Organization 1 was a religious organization headquartered in Jacksonville, Florida, within the Middle District of Florida. Organization 1 provided religious and social services to more than 140,000 individual members through numerous churches in the Northeast Florida area. As part of its ordinary business, Organization 1 owned many parcels of real property, some of which were undeveloped land. From time to time, Organization 1 sold particular parcels of real property.

3. Person 1 and Person 2 were engaged in the business of buying and selling real estate and operated a number of entities as part of that business.

4. Person 3 was a person known to DAVID.

**B. The Scheme to Defraud**

5. From an unknown date, but at least from in or around May 2012, continuing through and including in or around late 2018, in the Middle District of Florida, and elsewhere, the defendant,

CHARLES JON DAVID,

did knowingly and willfully devise and intend to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises.

**C. Manner and Means of the Scheme**

6. It was part of the scheme and artifice to defraud that when Organization 1 assigned DAVID to conduct real property sales transactions on behalf of Organization 1, DAVID would and did offer to sell the real property to Person 1 and Person 2, or an entity controlled by them, without offering the real property to competing buyers, in exchange for the promise of a kickback to be paid by Person 1 and Person 2 to DAVID.

7. It was further part of the scheme and artifice to defraud that, on at least one occasion, when Organization 1 assigned DAVID to conduct a real property sales transaction on behalf of Organization 1, DAVID would and did fraudulently represent to Organization 1 that Person 3 was a bona fide purchaser of the property, when in fact, at the time the real property was sold to Person 3, DAVID had already arranged for a second buyer to purchase the real property from Person 3 at a higher price on the same day, with DAVID receiving from Person 3 a portion of the proceeds from the second sale of the real property.

8. It was further part of the scheme and artifice to defraud that DAVID would and did sell and attempt to sell real property owned by Organization 1 at below market value to individuals, including Person 1 and Person 2, in exchange for financial kickbacks from Person 1 and Person 2.

9. It was further part of the scheme and artifice to defraud that DAVID would and did sell and attempt to sell real property owned by Organization 1 at below market value to Person 3 with the expectation that DAVID would financially benefit from the transaction by receiving from Person 3 a portion of the proceeds of a second sale of the property at a higher price, which DAVID arranged.

10. It was further part of the scheme and artifice to defraud that Person 1 and Person 2 would and did pay kickbacks to DAVID in exchange for DAVID offering the exclusive opportunity to purchase these Organization 1-owned real properties to Person 1 and Person 2 at below-market prices.

11. It was further part of the scheme and artifice to defraud that, after Person 3 purchased an Organization 1-owned property at a below-market price and then resold the property at a higher price, both of which sales DAVID arranged, Person 3 would and did transfer to DAVID a portion of the proceeds of the second sale of the Organization 1-owned real property.

12. It was further part of the scheme and artifice to defraud that DAVID would and did fail to tell Organization 1, and concealed from Organization 1, that he had received kickbacks from Person 1 and Person 2 in connection with DAVID's sale of Organization 1's real properties, because DAVID was aware that his receipt of the kickbacks was contrary to Organization 1's financial interests and would result in termination of DAVID's employment by Organization 1, if discovered.

13. It was further part of the scheme and artifice to defraud that DAVID would and did fail to tell Organization 1, and concealed from Organization 1, that he had received from Person 3 a portion of the proceeds of the second sale of Organization 1's real property that was sold to Person 3, because DAVID was aware that his receipt of those funds was contrary to Organization 1's financial interests and would result in termination of DAVID's employment by Organization 1, if discovered.

14. It was further part of the scheme and artifice to defraud that Person 1 and Person 2 would and did pay kickbacks to DAVID in the form of checks, which DAVID deposited and directed to be deposited into accounts DAVID controlled. In depositing and directing the deposit of these kickback checks, DAVID caused wire transmissions to and from the State of Florida

between financial institutions in order to fund the payment of the kickback checks.

15. It was further part of the scheme and artifice to defraud that DAVID, Person 1, and Person 2 would and did engage in the following actions and transactions as part of the scheme and artifice to defraud:

- a. On May 20, 2013, the deposit into an account controlled by DAVID at a Fifth Third Bank branch in Jacksonville, Florida, of TD Bank check number 1153 in the amount of \$17,000, which was signed by Person 1, and which caused a wire transfer to be transmitted in interstate commerce to Fifth Third Bank in Jacksonville, Florida;
- b. On July 2, 2013, the deposit into an account controlled by DAVID at a Fifth Third Bank branch in Jacksonville, Florida, of TD Bank check number 1189 in the amount of \$18,000, which was signed by Person 2, and which caused a wire transfer to be transmitted in interstate commerce to Fifth Third Bank in Jacksonville, Florida; and
- c. On September 27, 2013, the deposit into an account controlled by DAVID at a Fifth Third Bank branch in Jacksonville, Florida, of TD Bank check number 1004 in the amount of \$59,500, which

was signed by Person 1, and which caused a wire transfer to be transmitted in interstate commerce to Fifth Third Bank in Jacksonville, Florida.

16. It was further part of the scheme and artifice to defraud that Person 3 would and did transfer to DAVID a portion of the proceeds of the second sale of the Organization 1 real property in the form of a check, which DAVID deposited and caused to be deposited into an account DAVID controlled. In depositing and directing the deposit of this check, DAVID caused wire transmissions to and from the State of Florida between financial institutions in order to fund the payment of the check.

17. It was further part of the scheme and artifice to defraud that DAVID would not and did not report and cause the reporting of the kickback payments he received from Person 1 and Person 2 as income on his federal income tax returns in tax years 2015 and 2016.

18. It was further part of the scheme and artifice to defraud that DAVID would not and did not report and cause the reporting of the funds he received from Person 3 as income on his federal income tax return in tax year 2018.

19. It was further part of the scheme and artifice to defraud that DAVID and others would and did perform acts and make statements to hide

and conceal and cause to be hidden and concealed the purpose of the scheme and the acts committed in furtherance thereof.

**D. Interstate Wire Transmission**

20. On or about the dates listed below, in the Middle District of Florida, and elsewhere, the defendant,

CHARLES JON DAVID,

for the purpose of executing the aforementioned scheme and artifice to defraud, and aiding and abetting others, transmitted and caused to be transmitted by wire interstate transmissions, as set forth below, and which caused wire transfers to be transmitted, in order to fund the checks specified below:

COUNT	DATE OF DEPOSIT	DETAILS OF DEPOSIT
ONE	June 22, 2016	Deposit into an account controlled by DAVID at a Fifth Third Bank branch in Jacksonville, Florida, of TD Bank check number 1349 in the amount of \$80,000, which was signed by Person 2, and which caused a wire transfer to be transmitted from outside of the State of Florida to Fifth Third Bank in Jacksonville, Florida.



COUNT	DATE OF DEPOSIT	DETAILS OF DEPOSIT
TWO	December 30, 2016	Deposit into an account controlled by DAVID at a Fifth Third Bank branch in Jacksonville, Florida, of TD Bank check number 1431 in the amount of \$30,000, which was signed by Person 2, and which caused a wire transfer to be transmitted from outside of the State of Florida to Fifth Third Bank in Jacksonville, Florida.
THREE	December 17, 2018	Deposit into an account controlled by DAVID at a Fifth Third Bank branch in Jacksonville, Florida, of Bank of America check number 331 in the amount of \$44,000, which was signed by Person 3, and which caused a wire transfer to be transmitted from outside of the State of Florida to Fifth Third Bank in Jacksonville, Florida.

All in violation of 18 U.S.C. §§ 1343 and 2.

**COUNT FOUR**  
**(Filing a False Tax Return)**

1. Paragraphs 1 through 4 of Counts One through Three of this Indictment are realleged and incorporated by reference as if fully set forth herein.
2. On or about June 11, 2014, in the Middle District of Florida, and elsewhere, the defendant,

CHARLES JON DAVID,

did willfully make and subscribe, and cause to be made and subscribed, a 2013 U.S. Individual Income Tax Return, IRS Form 1040, which was verified by a written declaration that it was made under penalties of perjury, and which he did not believe to be true and correct as to every material matter, in that the return was prepared and signed in the Middle District of Florida and was filed with the IRS, and reported his total income on line 22 of Form 1040 as \$357,499, whereas, as he then and there well knew and believed his total income was greater than reported.

In violation of 26 U.S.C. § 7206(1).

**COUNT FIVE**  
**(Filing a False Tax Return)**

1. Paragraphs 1 through 4 of Counts One through Three of this Indictment are realleged and incorporated by reference as if fully set forth herein.

2. On or about October 17, 2016, in the Middle District of Florida, and elsewhere, the defendant,

CHARLES JON DAVID,

did willfully make and subscribe, and cause to be made and subscribed, a 2015 U.S. Individual Income Tax Return, IRS Form 1040, which was verified by a written declaration that it was made under penalties of perjury, and which he did not believe to be true and correct as to every material matter, in that the

return was prepared and signed in the Middle District of Florida and was filed with the IRS, and reported his total income on line 22 of Form 1040 as \$129,403, whereas, as he then and there well knew and believed his total income was greater than reported.

In violation of 26 U.S.C. § 7206(1).

**COUNT SIX**  
**(Filing a False Tax Return)**

1. Paragraphs 1 through 4 of Counts One through Three of this Indictment are realleged and incorporated by reference as if fully set forth herein.

2. On or about April 17, 2017, in the Middle District of Florida, and elsewhere, the defendant,

CHARLES JON DAVID,

did willfully make and subscribe, and cause to be made and subscribed, a 2016 U.S. Individual Income Tax Return, IRS Form 1040, which was verified by a written declaration that it was made under penalties of perjury, and which he did not believe to be true and correct as to every material matter, in that the return was prepared and signed in the Middle District of Florida and was filed with the IRS, and reported his total income on line 22 of Form 1040 as

\$194,637, whereas, as he then and there well knew and believed his total income was greater than reported.

In violation of 26 U.S.C. § 7206(1).

**COUNT SEVEN**  
**(Filing a False Tax Return)**

1. Paragraphs 1 through 4 of Counts One through Three of this Indictment are realleged and incorporated by reference as if fully set forth herein.

2. On or about April 15, 2019, in the Middle District of Florida, and elsewhere, the defendant,

CHARLES JON DAVID,

did willfully make and subscribe, and cause to be made and subscribed, a 2018 U.S. Individual Income Tax Return, IRS Form 1040, which was verified by a written declaration that it was made under penalties of perjury, and which he did not believe to be true and correct as to every material matter, in that the return was prepared and signed in the Middle District of Florida and was filed with the IRS, and reported his total income on line 6 of Form 1040 as \$125,492, whereas, as he then and there well knew and believed his total income was greater than reported.

In violation of 26 U.S.C. § 7206(1).

**FORFEITURE**

1. The allegations contained in Counts One through Three are incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

2. Upon conviction of a violation of 18 U.S.C. § 1343, the defendant, CHARLES JON DAVID, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the violation.

3. The property to be forfeited includes, but is not limited to, the sum of at least \$273,500.00, which represents the proceeds obtained as a result of the violations charged in Counts One through Three of the Indictment, as well as the following:

Real property located at 4533 Sunbeam Road, Jacksonville, Duval County, Florida 32257, including all improvements thereon and appurtenances thereto, the legal description for which is:

Part of the Southwest One-Quarter (SW  $\frac{1}{4}$ ) of the Southeast One-Quarter (SE  $\frac{1}{4}$ ) of Section 28, Township 3 South, Range 27 East, Duval County, Florida.


Real property located at 0 Shining Oak Court, Jacksonville, Duval County, Florida 32217, including all improvements thereon and appurtenances thereto, the legal description for which is:

Lot 4, of REFLECTIONS AT GOODBY'S CREEK, according to the plat thereof recorded in Plat Book 56, pages 54 and 54A, of the current public records of Duval County, Florida.

4. If any of the property described above, 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,


the United States 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).

A TRUE BILL,

  
\_\_\_\_\_  
Foreperson

MARIA CHAPA LOPEZ  
United States Attorney

By:   
\_\_\_\_\_  
LAURA COFER TAYLOR  
Assistant United States Attorney

By:   
\_\_\_\_\_  
Frank M. Talbot  
Assistant United States Attorney  
Chief, Jacksonville Division

FORM OBD-34  
6/3/20 Revised

No.

---

---

UNITED STATES DISTRICT COURT  
Middle District of Florida  
Jacksonville Division

---

---

THE UNITED STATES OF AMERICA

vs.

CHARLES JON DAVID

---

---

INDICTMENT

Violations: 18 U.S.C. § 1343  
26 U.S.C. § 7206(1)

---

---

A true bill,

  
Foreperson

---

---

Filed in open court this 3<sup>RD</sup> day  
of June, 2020.

  
Clerk

---

---

Bail \$ \_\_\_\_\_

---

---