

1 **JESSE LASLOVICH**  
2 **BRETT O'NEIL**  
3 Special Deputy Ravalli County Attorneys  
4 Special Assistant Montana Attorneys General  
5 Office of the Commissioner of Securities and Insurance  
6 Montana State Auditor  
7 840 Helena Ave  
8 Helena, Montana 59601  
9 (406) 444-2040

Attorneys for Plaintiff

10 **MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT,**  
11 **RAVALLI COUNTY**

12 STATE OF MONTANA, ) Cause No.: DC-11-117  
13 )  
14 Plaintiff, )  
15 )  
16 vs. ) **AMENDED INFORMATION**  
17 )  
18 HARRIS HIMES, )  
19 )  
20 Defendant. )

21 Comes now Jesse Laslovich and Brett O'Neil, Special Deputy Ravalli County  
22 Attorneys, as attorneys for the state of Montana, having first obtained leave of Court as  
23 required by law, and accuse the Defendant, HARRIS HIMES, of having committed the  
24 following offenses:

25 **COUNT I**

That on or about March 2008 in Ravalli County, Montana, the Defendant committed the  
offense of THEFT, a FELONY, in violation of Mont. Code Ann. 45-6-301(2)(c).

The facts constituting this offense are as follows:

That at the time and place mentioned above, with the purpose to deprive G.S. of  
property, the Defendant purposely or knowingly obtained or exerted by threat or deception  
control of G.S.'s property, and used, concealed, or abandoned the property knowing that the

1 use, concealment, or abandonment probably would deprive G.S. of his property.

2 Specifically, Defendant deceived G.S. into investing \$150,000 in Duratherm Building  
3 Systems (DBS). The \$150,000 was deposited into an account solely owned by Pastor James  
4 Bryant (Monarch Beach Properties, LLC). The money was transferred from the Monarch  
5 Beach account to the Defendant, to credit cards in the Defendant's name, and to other payees.  
6 The money has not been returned to G.S. and despite the Defendant's representations  
7 otherwise, G.S. has received no ownership stake in DBS.

8 Pursuant to Mont. Code Ann. § 45-6-301(8)(b)(i), the offense is punishable by a fine  
9 not to exceed \$50,000 and/or imprisonment in a state prison for a term not to exceed 10 years.

10 **COUNT II**

11 That on or about March 2008 in Ravalli County, Montana, the Defendant committed the  
12 offense of FAILURE TO REGISTER AS A SALESPERSON, a FELONY, in violation of  
13 Mont. Code Ann. § 30-10-201(1).

14 The facts constituting this offense are as follows:

15 That at the time and place mentioned above, the Defendant acted as a salesperson of a  
16 security without being registered with the state of Montana.

17 Specifically, the Defendant represented an issuer in effecting or attempting to effect  
18 sales of securities by deceiving G.S. into investing his money with DBS.

19 Pursuant to Mont. Code Ann. § 30-10-306(1), the offense is punishable by a fine not to  
20 exceed \$5,000 and/or imprisonment in the state prison for a term not to exceed 10 years.

21 **COUNT III**

22 That on or about March 2008 in Ravalli County, Montana, the Defendant committed the  
23 offense of FAILURE TO REGISTER A SECURITY, a FELONY, in violation of Mont. Code  
24 Ann. § 30-10-202(1).

25 The facts constituting this offense are as follows:

1 That at the time and place mentioned above, the Defendant offered an unregistered  
2 security to G.S.

3 Specifically, the Defendant offered G.S. an investment opportunity in DBS, a security  
4 that was not registered with the state of Montana.

5 Pursuant to Mont. Code Ann. § 30-10-306(1), the offense is punishable by a fine not to  
6 exceed \$5,000 and/or imprisonment in the state prison for a term not to exceed 10 years.

7 **COUNT IV**

8 That on or about March 2008 in Ravalli County, Montana, the Defendant committed the  
9 offense of FRAUDULENT PRACTICES, a FELONY, in violation of Mont. Code Ann. § 30-  
10 10-301(1)(b).

11 The facts constituting this offense are as follows:

12 That at the time and place mentioned above, the Defendant, while offering the sale of a  
13 security, directly and/or indirectly made untrue statements of a material fact and/or omitted a  
14 material fact, which, in light of the circumstances under which they were made, were  
15 misleading.

16 Specifically, the Defendant misled G.S. by making untrue statements or omitting  
17 material facts when he failed to provide G.S. with complete disclosure information or a  
18 prospectus regarding G.S.'s investments in DBS.

19 Pursuant to Mont. Code Ann. § 30-10-306(1), the offense is punishable by a fine not to  
20 exceed \$5,000 and/or imprisonment in the state prison for a term not to exceed 10 years.

21 **COUNT V**

22 That on or about March 2008 in Ravalli County, Montana, the Defendant committed the  
23 offense of CONSPIRACY TO COMMIT THEFT, a FELONY, in violation of Mont. Code  
24 Ann. §§ 45-6-301(2)(c) and 45-4-102(1).

25 The facts constituting this offense are as follows:

1 That at the time and place mentioned above, the Defendant agreed with another to  
2 purposely commit the offense of theft, and acted in furtherance thereof by purposely or  
3 knowingly obtaining by threat or deception control over property of the owner and using,  
4 concealing, or abandoning the property knowing that the use, concealment, or abandonment  
5 probably would deprive the owner of the property.

6 Specifically, the Defendant agreed with Pastor Bryant to purposely commit the offense  
7 of theft, and acted in furtherance thereof by deceiving G.S. into investing in DBS, and then  
8 accepting money from Pastor Bryant through the Monarch Beach Properties, LLC bank  
9 account. Defendant also had credit cards in his name paid off by the Monarch Beach account.  
10 The Defendant has not returned G.S.'s money to G.S.

11 Pursuant to Mont. Code Ann. § 45-4-102(3), the offense of conspiracy is punishable by  
12 a maximum sentence provided for the offense that is the object of the conspiracy. Pursuant to  
13 Mont. Code Ann. § 45-6-301(8)(b)(i), the offense of theft is punishable by a fine not to exceed  
14 \$50,000 and/or imprisonment in the state prison for a term not to exceed 10 years.

#### 15 **COUNT VI**

16 That on or about March 2008 in Ravalli County, Montana, the Defendant committed the  
17 offense of CONSPIRACY TO COMMIT FRAUDULENT PRACTICES, a FELONY, in  
18 violation of Mont. Code Ann. §§ 30-10-301(1)(b) and 45-4-102(1).

19 The facts constituting the offense are as follows:

20 That at the time and place mentioned above, the Defendant, while offering the sale of a  
21 security, agreed with another to purposely commit securities fraud and acted in furtherance of  
22 the agreement by directly and/or indirectly making untrue statements of a material fact and/or  
23 omitting to state a material fact, which, in light of the circumstances under which statements or  
24 omissions were made, were misleading.

25 Specifically, the Defendant agreed with Pastor Bryant to purposely commit fraudulent

1 practices and acted in furtherance thereof by making untrue statements or omitting material  
2 facts when he failed to provide G.S. with complete disclosure information or a prospectus  
3 regarding G.S.'s investments in DBS.

4 Pursuant to Mont. Code Ann. § 45-4-102(3), the offense of conspiracy is punishable by  
5 a maximum sentence provided for the offense that is the object of the conspiracy. Pursuant to  
6 Mont. Code Ann. § 30-10-306(1), the offense of Fraudulent Practices is punishable by a fine  
7 not to exceed \$5,000 and/or imprisonment in the state prison for a term not to exceed 10 years.

8 **COUNT VII**

9 That on or about 2000, in Ravalli County, Montana, the Defendant committed the  
10 offense of FAILURE TO REGISTER AS A SALESPERSON, a FELONY, in violation of  
11 Mont. Code Ann. § 30-10-201(1).

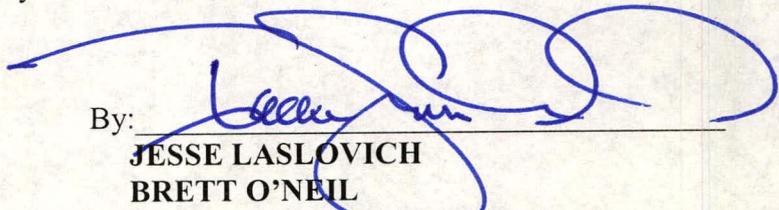
12 The facts constituting this offense are as follows:

13 That at the time and place mentioned above, the Defendant acted as a salesperson of a  
14 security without being registered with the state of Montana.

15 Specifically, the Defendant represented an issuer in effecting or attempting to effect  
16 sales of securities by offering or selling a security to L.J.

17 Pursuant to Mont. Code Ann. § 30-10-306(1), the offense is punishable by a fine not to  
18 exceed \$5,000 and/or imprisonment in the state prison for a term not to exceed 10 years.

19  
20 DATED this 10th day of November, 2011.

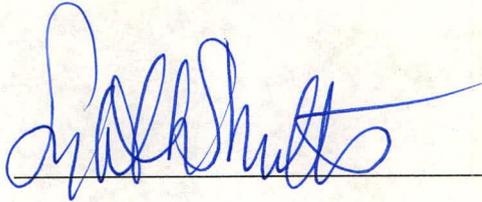
21  
22 By:   
23 **JESSE LASLOVICH**  
24 **BRETT O'NEIL**  
25 Special Deputy Ravalli County Attorneys

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served on the 10<sup>th</sup>  
day of November, 2011, by US mail, certified first-class postage paid, to the following:

Hon. Loren Tucker  
5<sup>th</sup> Judicial District Court  
2 S. Pacific #6  
Dillon, MT 59725

Patrick F. Flaherty  
Attorney at Law  
1026 First Avenue South  
P.O. Box 1968  
Great Falls, MT 59403



A handwritten signature in blue ink, appearing to read 'D. Shultz', is written over a horizontal line.