

FILED

AUG 24 2015

Hazel L. Parker
CLERK OF DISTRICT COURT
DEPUTY *[Signature]*

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Attorneys for the Plaintiff

MONTANA SIXTEENTH JUDICIAL DISTRICT COURT, CUSTER COUNTY

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| <p>10 STATE OF MONTANA,</p> <p>11 Plaintiff,</p> <p>12 -vs-</p> <p>13 RICHARD (RICK) BRANDT,</p> <p>14 Defendant.</p> | <p>Cause No.: DC-15-59</p> <p>HONORABLE MICHAEL B. HAYWORTH</p> <p>INFORMATION</p> |
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17 Jesse Laslovich, Special Assistant Attorney General and Special Deputy Custer
18 County Attorney, having first obtained leave of the Court, states that on or between the
19 dates of January 2011 and June 2015, in Miles City, Custer County, Montana, the
20 above-named Defendant, RICHARD BRANDT (Defendant), believed to be the age of
21 majority, committed the offenses of: COUNT 1: EXPLOITATION OF AN OLDER
22 PERSON (common scheme), a felony as specified in § 52-3-825(3), MCA; COUNT 2:
23 THEFT BY EMBEZZLEMENT (common scheme), a felony as specified in § 45-6-
24 301(7)(b), MCA; COUNT 3: FAILURE TO REGISTER AS A SECURITIES
25 SALESPERSON (common scheme), a felony as specified in § 30-10-201(1), MCA;
26 COUNT 4: FAILURE TO REGISTER A SECURITY (common scheme), a felony as

1 specified in § 30-10-202, MCA; COUNT 5: FRAUDULENT PRACTICES, a felony as
2 specified in § 30-10-301(c) (common scheme); and COUNT 6: OPERATING A
3 PYRAMID PROMOTIONAL SCHEME (Ponzi Scheme) (common scheme), a felony
4 as specified in §§ 30-10-324(7)(b) and 30-10-325, MCA.

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6 **MAXIMUM PENALTIES**

7 A person convicted of Exploiting an Older Person in a case involving money,
8 assets, or property in an amount of \$25,000 or more in value shall be fined an amount
9 not more than \$50,000 or be imprisoned for a term not to exceed ten (10) years, or both.

10 A person convicted of theft of property exceeding \$10,000 by embezzlement
11 shall be imprisoned for a term of not less than one (1) year or more than ten (10) years
12 and a fine not to exceed \$50,000, or both. The court may, in its discretion, place the
13 person on probation with the requirement that restitution be made under terms set by the
14 court. If the terms are not met, the required prison term may be ordered.

15 A person convicted of Failure to Register as a Securities Salesperson shall be
16 fined an amount not more than \$5,000, or be imprisoned for a term not to exceed ten
17 years (10), or both.

18 A person convicted of Failure to Register a Security shall be fined an amount
19 not more than \$5,000, or be imprisoned for a term not to exceed ten years (10), or both.

20 A person convicted of Fraudulent Practices (common scheme) shall be fined an
21 amount not more than \$5,000, or be imprisoned for a term not to exceed ten years (10),
22 or both.

23 A person convicted of Operating a Pyramid Promotional Scheme shall, for each
24 participant giving consideration, be fined an amount not more than \$100,000, or be
25 imprisoned for a term not to exceed ten years (10), or both.

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The facts constituting the offenses are:

COUNT ONE: EXPLOITATION OF AN ELDERLY PERSON (common scheme), a felony:

That the Defendant, RICHARD BRANDT, on or between January 2011 and present in Custer County, Montana, committed the offense of EXPLOITATION OF AN OLDER PERSON, when he knowingly exploited 13 persons over age 65 in a scheme involving \$25,000.00 or more. The amount was approximately \$73,800.00.

COUNT TWO: THEFT BY EMBEZZLEMENT (common scheme), a felony:

That the Defendant, RICHARD BRANDT, on or between January 2011 and present in Custer County, Montana, committed the offense of THEFT BY EMBEZZLEMENT (common scheme) when, with the purpose to deprive persons of their property, he purposely or knowingly obtained by deception control over property entrusted to him by multiple persons in an amount of \$10,000.00 or more. The amount was approximately \$1,939,132.00;

COUNT THREE: FAILURE TO REGISTER AS A SECURITIES SALESPERSON (common scheme), a felony:

That the Defendant, RICHARD BRANDT, on or between January 2011 and present in Custer County, Montana, committed the offense of Failure to Register as a Salesperson (common scheme) when he offered or sold securities without registering as a salesperson and without an exemption;

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COUNT FOUR: FAILURE TO REGISTER A SECURITY (common scheme), a felony:

That the Defendant, RICHARD BRANDT, on or between January 2011 and present in Custer County, Montana, committed the offense of Failure to Register a Security (common scheme), when he sold unregistered securities which were not exempt from registration;

COUNT FIVE: FRAUDULENT PRACTICES (common scheme), a felony:

That the Defendant, RICHARD BRANDT, on or between January 2011 and present in Custer County, Montana, committed the offense of Fraudulent Practices (common scheme) when he engaged in an act, practice, or course of business that operated as a fraud or deceit upon approximately 18 people;

COUNT SIX: OPERATING A PRYAMID PROMOTIONAL SCHEME (Ponzi Scheme) (common scheme), a felony:

That the Defendant, RICHARD BRANDT, on or between January 2011 and present in Custer County, Montana, committed the offense of Operating a Pyramid Promotional Scheme when he made payments to investors from money obtained from later investors rather than from the sale of goods or services by the participant or the other persons induced to participate in the sales plan or operation by the participant. The total amount of Ponzi payments was approximately \$204,216.82.

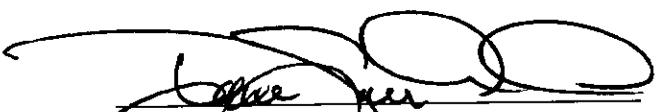
A list of possible witnesses for the State now known to the prosecution are as follows:

- Alan Brown
- Bernice Rooney
- Beth Winter

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- Margaret Wisner
- Bobby Buford
- Bonnie Hetland
- Charles Waldie
- Darvin Leidholt
- Frances Frey
- Gary Glasgow
- Joseph Feist
- Joann Feist
- Johnny Frankforter
- Leslie Scanlan
- Oleta Geis
- Roger Losing
- Melba Losing
- Susan Mattocks
- Lynne Egan
- Mark Murray
- Claudette Manson
- Andrew McClellan

DATED this 20th day of August, 2015.


JESSE LASLOVICH
BRETT O'NEIL
Special Deputy Custer County Attorneys