



- COUNT 6 Theft – \$2,000 to \$5,000, § 18-4-401(1)(b),2(f), C.R.S. (F4) (James) {08A13}
- COUNT 7 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Ruppel) {08A15}
- COUNT 8 Theft – \$5,000 to \$20,000, § 18-4-401(1)(b),2(g), C.R.S. (F5) (Gardiner) {08A14}
- COUNT 9 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Piel) {08A15}
- COUNT 10 Theft – \$5,000 to \$20,000, § 18-4-401(1)(b),2(g), C.R.S. (F5) (Head) {08A15}
- COUNT 11 Theft – \$5,000 to \$20,000, § 18-4-401(1)(b),2(g), C.R.S. (F5) (City of Brush) {08A14}
- COUNT 12 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Jones) {08A15}
- COUNT 13 Theft – \$5,000 to \$20,000, § 18-4-401(1)(b),2(g), C.R.S. (F5) (Annan) {08A14}
- COUNT 14 Theft – \$5,000 to \$20,000, § 18-4-401(1)(b),2(g), C.R.S. (F5) (Blue) {08A14}
- COUNT 15 Theft – \$5,000 to \$20,000, § 18-4-401(1)(b),2(g), C.R.S. (F5) (Burkholder) {08A14}
- COUNT 16 Theft – \$2,000 to \$5,000, § 18-4-401(1)(b),2(f), C.R.S. (F4) (Ruder) {08A13}
- COUNT 17 Theft – \$5,000 to \$20,000, § 18-4-401(1)(b),2(g), C.R.S. (F5) (Mekelburg) {08A14}
- COUNT 18 Theft – \$5,000 to \$20,000, § 18-4-401(1)(b),2(g), C.R.S. (F5) (Schalamon) {08A14}
- COUNT 19 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Jowers) {08A15}

- COUNT 20 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Sherrier) {08A15}
- COUNT 21 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Seiler/Walton) {08A15}
- COUNT 22 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (England) {08A15}
- COUNT 23 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Traxler) {08A15}
- COUNT 24 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Wickham) {08A15}
- COUNT 25 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Fraser) {08A15}
- COUNT 26 Theft – \$5,000 to \$20,000, § 18-4-401(1)(b),2(g), C.R.S. (F5) (Ocken) {08A14}
- COUNT 27 Theft – \$5,000 to \$20,000, § 18-4-401(1)(b),2(g), C.R.S. (F5) (Harkness) {08A14}
- COUNT 28 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Cordes) {08A15}
- COUNT 29 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Fertig) {08A15}
- COUNT 30 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Story) {08A15}
- COUNT 31 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Etl/Koellner) {08A15}
- COUNT 32 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Villarreal) {08A15}
- COUNT 33 Theft – \$20,000 to \$100,000, § 18-4-401(1)(b),2(h), C.R.S. (F4) (Schulte) {08A15}

## ESSENTIAL FACTS

1. JEREMY CARTER was previously the owner of Plains Building Systems, LLC. CARTER founded Plains Building Systems in 2018.

2. Plains Building Systems, LLC was based out of Fort Morgan, Morgan County, Colorado, and specialized in constructing steel buildings, pole barns, and post-frame buildings. Plains Building Systems solicited work throughout Colorado and Wyoming.

3. Beginning no later than June 2020 through August 2021, Plains Building Systems systematically used funds from new clients to pay for projects and expenses from previous clients, for business expenses unrelated to the clients' projects, and to repay high-interest loans and "future receivables" agreements that CARTER had taken out.

4. CARTER did not hold his customer or clients' money in trust as required by statute.

5. CARTER closed Plains Building Systems in August 2021 and filed for bankruptcy two months later.

6. As of August 19, 2021, CARTER had spent or withdrawn all money in Plains Building Systems' bank account.

7. Colorado's construction trust statute prohibits a contractor's use of funds in this unauthorized manner.

8. Under Colorado's construction trust statute, § 38-22-127(1), C.R.S., "all funds disbursed to any contractor or subcontractor under any building, construction, or remodeling contract or on any construction project shall be held in trust for the payment of the subcontractors, laborer or material suppliers, or laborers who have furnished laborers, materials, services, or labor, who have a lien, or who may have a lien, against the property, or who claim, or may claim, against a principal and surety under the provisions of this article and for which such disbursement was made."

9. According to § 38-22-127(5), C.R.S., "any person who violates the provisions of subsections (1) and (2) of this section commits theft, as defined in section 18-4-401, C.R.S."

10. Ultimately, CARTER'S theft of funds resulted in at least 32 victims losing money totaling over \$780,000.00 over a fourteen-month period.

11. Most of the victims received no work or supplies, despite paying money to Plains Building Systems. These victims are covered in Counts 1 through 26.

12. A few victims received partial work or supplies but were left with substantially uncompleted work, unpaid contractors or vendors, or liens on their property. These victims are covered in Counts 27 through 33.

13. For projects where the victims received partial work or supplies, or subcontractors or vendors were not paid, the victims had paid to Carter a sufficient amount of funds, which CARTER should have held in trust, to pay for the work, labor, or materials.

14. CARTER's victims were located throughout Colorado, including the following counties: Morgan, Larimer, Kiowa, Custer, Douglas, Logan, Lincoln, Adams, Sedgwick, Yuma, Boulder, Jefferson, Arapahoe, Park, Phillips, Weld, and Washington. CARTER also had victims located in Wyoming.

15. For each victim, CARTER communicated with the victims from Morgan County, Colorado, and deposited funds from the victims into Plains Building System's bank account in Morgan County, Colorado.

**COUNT ONE**

**Theft – \$100,000 to \$1,000,000 (F3)  
§ 18-4-401(1)(b), 2(i), (4)(a), C.R.S.**

On or about and between June 22, 2020 and December 22, 2020, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of the individuals or entities identified in Table 1 below, with the value of one hundred thousand dollars or more but less than one million dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive the individuals identified in Table 1 below of its use or benefit; in violation of § 18-4-401(1)(b),2(i),(4)(a), C.R.S.

Facts that support the offense set forth in Count One include, but are not limited to, the following:

16. All of the facts supporting all other counts in this Indictment and the Essential Facts are incorporated by reference.

17. CARTER permanently deprived the individuals or entities below of money during this period by taking money from each of these individuals or entities, providing them no work or materials, failing to hold their money in trust, and using the money for purposes other than the customer's specific project:

**Table 1**

<b>Victim</b>	<b>Location</b>	<b>Payment Date</b>	<b>Amount</b>
Gregory Lisco dba Red Feather Lakes Services, LLC	Larimer County	June 22, 2020	\$9,737
Chris and Debra Wacker	Morgan County	October 29, 2020	\$7,830
Travis Vallin	Adams County	November 17, 2020	\$78,737.50
Mike James	Morgan County	December 20, 2020	\$4,937.50

**COUNT TWO**

**Theft – \$100,000 to \$1,000,000 (F3)  
§ 18-4-401(1)(b), 2(i), (4)(a), C.R.S.**

On or about and between January 4, 2021 to July 4, 2021 in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of the individuals or entities identified in Table 2 below, with the value of one hundred thousand dollars or more but less than one million dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive the individuals or entities identified in Table 2 below of its use or benefit; in violation of § 18-4-401(1)(b),2(i),(4)(a), C.R.S.

Facts that support the offense set forth in Count Two include, but are not limited to, the following:

18. All of the facts supporting all other counts in this Indictment and the Essential Facts are incorporated by reference.

19. CARTER permanently deprived the individuals or entities below of money during this period by taking money from each of these individuals or entities, providing them no work or materials, failing to hold their money in trust, and using the money for purposes other than the customer's specific project:

**Table 2**

<b>Victim</b>	<b>Location</b>	<b>Payment Date</b>	<b>Amount</b>
Richard Ruppel dba Horizon Turf Nursery	Morgan County	January 4, 2021	\$45,006.25
Ben Gardiner	Logan County	March 13, 2021	\$14,175
Douglas Piel dba Piel Custom Services LLC	Logan County	March 17, 2021	\$41,875
Bill Head/Louise Kirchoff	Lincoln County	March 24, 2021	\$9,312
City of Brush	Morgan County	April 6, 2021	\$12,125
Eric Jones dba Happy Trails RV Salvage	Washington County	April 9, 2021 June 21, 2021	\$8,000 \$24,970
Bill Annan	Morgan County	April 19, 2021	\$11,112.50
Jim and Tammy Blue dba BIT Corporation	Adams County	April 21, 2021	\$16,125
Matthew Ruder	Morgan County	April 21, 2021	\$4,100
Bobbie Burkholder	Sedgwick County	April 21, 2021	\$15,625
Gaylord Mekelburg	Yuma County	May 4, 2021	\$14,725
Brett Schalamon	Boulder County	May 6, 2021	\$17,987
Danny and Terri Jowers	Jefferson County	May 21, 2021	\$24,925
David and Jodie Sherrier	Arapahoe County	May 21, 2021	\$56,000
Jaime Seiler and Jason Walton	Larimer County	May 22, 2021	\$25,000
Roy England	Park County	May 25, 2021	\$31,125
Vicky and Brian Traxler	Weld County	June 10, 2021	\$20,582
Jason and Cary Wickham dba Wickham Tractors	Weld County	June 18, 2021	\$25,000
Steven and Randi Fraser	Casper, WY	June 21, 2021	\$30,175
Hans and Janice Ocken	Weld County	June 26, 2021	\$10,237.50

**COUNT THREE**

**Theft – \$5,000 to \$20,000 (F5)**

**§ 18-4-401(1)(b), 2(g), C.R.S.**

On or about and between June 22, 2020 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Gregory Lisco d/b/a Red Feather Lakes Services, LLC**, with the value of five thousand dollars or more but less than twenty thousand dollars, and knowingly used, concealed, or abandoned

the thing of value in such manner as to permanently deprive Gregory Lisco d/b/a Red Feather Lakes Services, LLC of its use or benefit; in violation of § 18-4-401(1)(b),2(g), C.R.S.

**COUNT FOUR**

**Theft – \$5,000 to \$20,000 (F5)  
§ 18-4-401(1)(b), 2(g), C.R.S.**

On or about and between October 29, 2020 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Chris and Debra Wacker**, with the value of five thousand dollars or more but less than twenty thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Chris and Debra Wacker of its use or benefit; in violation of § 18-4-401(1)(b),2(g), C.R.S.

**COUNT FIVE**

**Theft – \$20,000 to \$100,000 (F4)  
§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between November 17, 2020 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Travis Vallin**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Travis Vallin of its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

**COUNT SIX**

**Theft – \$2,000 to \$5,000 (F6)  
§ 18-4-401(1)(b), 2(f), C.R.S.**

On or about and between December 20, 2020 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Mike James**, with the value of two thousand dollars or more but less than five thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Mike James of its use or benefit; in violation of § 18-4-401(1)(b),2(f), C.R.S.



**COUNT SEVEN**

**Theft – \$20,000 to \$100,000 (F4)  
§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between January 4, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Richard Ruppel d/b/a Horizon Turf Nursery**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Richard Ruppel d/b/a Horizon Turf Nursery of its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

**COUNT EIGHT**

**Theft – \$5,000 to \$20,000 (F5)  
§ 18-4-401(1)(b), 2(g), C.R.S.**

On or about and between March 13, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Ben Gardiner**, with the value of five thousand dollars or more but less than twenty thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Ben Gardiner of its use or benefit; in violation of § 18-4-401(1)(b),2(g), C.R.S.

**COUNT NINE**

**Theft – \$20,000 to \$100,000 (F4)  
§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between March 17, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Douglas Piel d/b/a Piel Custom Services Inc.**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Douglas Piel d/b/a Piel Custom Services Inc. of its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

**COUNT TEN**

**Theft – \$5,000 to \$20,000 (F5)  
§ 18-4-401(1)(b), 2(g), C.R.S.**

On or about and between March 24, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Bill Head and Louise Kirchoff**, with the value of five thousand dollars or more but less than twenty thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Bill Head and Louise Kirchoff of its use or benefit; in violation of § 18-4-401(1)(b),2(g), C.R.S.

**COUNT ELEVEN**

**Theft – \$5,000 to \$20,000 (F5)  
§ 18-4-401(1)(b), 2(g), C.R.S.**

On or about and between April 6, 2021 and August 19, 2021, in and triable the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **City of Brush, Colorado**, with the value of five thousand dollars or more but less than twenty thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive the City of Brush, Colorado, of its use or benefit; in violation of § 18-4-401(1)(b),2(g), C.R.S.

**COUNT TWELVE**

**Theft – \$20,000 to \$100,000 (F4)  
§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between April 9, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Eric Jones d/b/a Happy Trails RV Salvage**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Eric Jones d/b/a Happy Trails RV Salvage of its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

**COUNT THIRTEEN**

**Theft – \$5,000 to \$20,000 (F5)  
§ 18-4-401(1)(b), 2(g), C.R.S.**

On or about and between April 19, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Bill Annan**, with the value of five thousand dollars or more but less than twenty thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Bill Annan of its use or benefit; in violation of § 18-4-401(1)(b),2(g), C.R.S.

**COUNT FOURTEEN**

**Theft – \$5,000 to \$20,000 (F5)  
§ 18-4-401(1)(b), 2(g), C.R.S.**

On or about and between April 21, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Jim and Tammy Blue d/b/a B I T Corporation**, with the value of five thousand dollars or more but less than twenty thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Jim and Tammy Blue d/b/a B I T Corporation of its use or benefit; in violation of § 18-4-401(1)(b),2(g), C.R.S.

**COUNT FIFTEEN**

**Theft – \$5,000 to \$20,000 (F5)  
§ 18-4-401(1)(b), 2(g), C.R.S.**

On or about and between April 21, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Bobbie Burkholder**, with the value of five thousand dollars or more but less than twenty thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Bobbie Burkholder of its use or benefit; in violation of § 18-4-401(1)(b),2(g), C.R.S.

**COUNT SIXTEEN**

**Theft – \$2,000 to \$5,000 (F6)  
§ 18-4-401(1)(b), 2(f), C.R.S.**

On or about and between April 21, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Matthew Ruder**, with the value of two thousand dollars or more but less than five thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Matthew Ruder of its use or benefit; in violation of § 18-4-401(1)(b),2(f), C.R.S.

**COUNT SEVENTEEN**

**Theft – \$5,000 to \$20,000 (F5)  
§ 18-4-401(1)(b), 2(g), C.R.S.**

On or about and between May 4, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Gaylord Mekelburg**, with the value of five thousand dollars or more but less than twenty thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Gaylord Mekelburg of its use or benefit; in violation of § 18-4-401(1)(b),2(g), C.R.S.

**COUNT EIGHTEEN**

**Theft – \$5,000 to \$20,000 (F5)  
§ 18-4-401(1)(b), 2(g), C.R.S.**

On or about and between May 7, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Brett Schalamon**, with the value of five thousand dollars or more but less than twenty thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Brett Schalamon its use or benefit; in violation of § 18-4-401(1)(b),2(g), C.R.S.

**COUNT NINETEEN**

**Theft – \$20,000 to \$100,000 (F4)  
§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between May 21, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Danny and Terri Jowers**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Danny and Teri Jowers of its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

**COUNT TWENTY**

**Theft – \$20,000 to \$100,000 (F4)  
§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between May 21, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **David and Jodie Sherrier**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive David and Jodie Sherrier of its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S

**COUNT TWENTY-ONE**

**Theft – \$20,000 to \$100,000 (F4)  
§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between May 22, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Jamie Seiler and Jason Walton**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Jamie Seiler and Jason Walton of its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

**COUNT TWENTY-TWO**  
**Theft – \$20,000 to \$100,000 (F4)**  
**§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between May 25, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Roy England**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Roy England of its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

**COUNT TWENTY-THREE**  
**Theft – \$20,000 to \$100,000 (F4)**  
**§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between June 10, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Vicky and Brian Traxler**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Vicky and Brian Traxler its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

**COUNT TWENTY-FOUR**  
**Theft – \$20,000 to \$100,000 (F4)**  
**§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between June 18, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Jason and Cary Wickham d/b/a Wickham Tractor**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Jason and Cary Wickham d/b/a Wickham Tractor its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

**COUNT TWENTY-FIVE**  
**Theft – \$20,000 to \$100,000 (F4)**  
**§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between June 21, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Steven and Randi Fraser**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Steven and Randi Fraser its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

**COUNT TWENTY-SIX**  
**Theft – \$5,000 to \$20,000 (F5)**  
**§ 18-4-401(1)(b), 2(g), C.R.S.**

On or about and between June 26, 2021 and August 19, 2021, in and triable in Morgan County, State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Hans and Janice Ocken**, with the value of five thousand dollars or more but less than twenty thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Hans and Janice Ocken of its use or benefit; in violation of § 18-4-401(1)(b),2(g), C.R.S.

Facts that support the offenses set forth in Counts Three through Twenty-Six include, but are not limited to, the following:

20. All of the facts supporting all other counts in this Indictment and the Essential Facts are incorporated by reference.

21. Each of these individuals or entities contracted with Plains Building Systems for a construction project. Each individual or entity had contact directly with CARTER.

22. CARTER required customers to make an initial down payment on all projects, in most cases a down payment of 25% of the project's cost. Each of these victims made a portion of the payments as shown in Tables 1 and 2 for their project. CARTER deposited or caused to be deposited the funds from each of these victims into Plains Building Systems' bank account in Morgan County, Colorado.

23. Each of these victims received no work or materials. By August 19, 2021, Plains Building Systems had no funds left in its bank account. None of these victims received a return of the funds paid to Plains Building Systems.

24. CARTER did not hold these victims' funds in trust. Rather, CARTER spent the victims' payments on other projects and expenses unrelated to the victims' construction projects.

**COUNT TWENTY-SEVEN**  
**Theft – \$5,000 to \$20,000 (F5)**  
**§ 18-4-401(1)(b), 2(g), C.R.S.**

On or about and between November 1, 2019 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Sean Harkness d/b/a Providence Farms, LLC**, with the value of five thousand dollars or more but less than twenty thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Sean Harkness d/b/a Providence Farms, LLC of its use or benefit; in violation of § 18-4-401(1)(b),2(g), C.R.S.

Facts that support the offense set forth in Count Twenty-Seven include, but are not limited to, the following:

25. All of the facts supporting all other counts in this Indictment and the Essential Facts are incorporated by reference.

26. Harkness contracted for work in Kiowa County, Colorado. Harkness paid Plains Building Systems four payments totaling \$116,495 for construction of a building.

27. Although Harkness paid CARTER a sufficient amount of funds to cover the cost, CARTER failed to pay a subcontractor who completed work on the project. The subcontractor is owed approximately \$6225 and placed a lien on Harkness's property.



**COUNT TWENTY-EIGHT**  
**Theft – \$20,000 to \$100,000 (F4)**  
**§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between December 10, 2020 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Douglas Cordes**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Douglas Cordes of its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

Facts that support the offense set forth in Count Twenty-Eight include, but are not limited to, the following:

28. All of the facts supporting all other counts in this Indictment and the Essential Facts are incorporated by reference.

29. Cordes contracted for work in Weld County, Colorado. Cordes contracted with Plains Building Systems for construction of a building and made two payments to Plains Building Systems totaling \$20,970.

30. Plains Building Systems delivered some materials and completed a small amount of work, boring holes for poles.

31. Plains Building Systems failed to complete the project or pay a material supplier. Although Cordes paid Plains Building Systems, the material supplier was owed \$10,450 and provided notice of intent to lien. Cordes paid over \$31,360 to complete the work after Plains Building Systems stopped working on the project and an addition \$5700 to settle a lien.

**COUNT TWENTY-NINE**  
**Theft – \$20,000 to \$100,000 (F4)**  
**§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between December 31, 2020 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Jessica and Ray Fertig**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the

thing of value in such manner as to permanently deprive Jessica and Ray Fertig of its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

Facts that support the offense set forth in Count Twenty-Nine include, but are not limited to, the following:

32. All of the facts supporting all other counts in this Indictment and the Essential Facts are incorporated by reference.

33. The Fertigs live in Laramie, Wyoming. The Fertigs contracted with Plains Building Systems for construction of two pole barns and made three payments totaling \$80,797.50, each deposited in Morgan County, Colorado. Both pole barns were partially completed.

34. The Fertigs made the last payment for \$26,932.50 on July 21, 2021, at CARTER's request via email. On August 5, 2021, Plains Building Systems' work crew walked off the job and never returned.

35. Ray Fertig completed the project himself, at an estimated cost of \$15,000 to \$20,000.

36. Plains Building System's records show a substantial portion of the Fertigs' funds, approximately \$64,195, including their last payment on July 21, 2021, had neither been spent on the Fertigs' projects nor held in trust.

### **COUNT THIRTY**

**Theft – \$20,000 to \$100,000 (F4)**

**§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between February 5, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Todd and Martha Story d/b/a Mile High Lawn and Landscape**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Todd and Martha Story d/b/a Mile High Lawn and Landscape of its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

Facts that support the offense set forth in Count Thirty include, but are not limited to, the following:

37. All of the facts supporting all other counts in this Indictment and the Essential Facts are incorporated by reference.

38. Todd and Martha Story live Douglas County, Colorado, and contracted for work in Custer County. The Story's contracted with Plains Building Systems to build a pole barn and made two payments totaling \$52,625. Plains Building Systems delivered some of the materials and the work was partially completed.

39. In July 2021, workers partially completed the project. While workers were on site, Plains Building Systems requested that the Storys make the second payment for \$35,000. On July 31, 2021, at the request of the site manager, Todd Story gave the site manager \$1000 cash to pay the workers, which was to be deducted from the balance owed.

40. Before completing the project, the workers left the job site and did not return, leaving the Storys' construction project unfinished.

41. Plains Building Systems failed to pay a material supplier, resulting in a \$20,098 lien against the property.

42. Plains Building System's records show a portion of the Storys' funds, including the entirety of the second \$35,000 check, had neither been spent on their project nor held in trust.

**COUNT THIRTY-ONE**  
**Theft – \$20,000 to \$100,000 (F4)**  
**§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between June 30, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **David Etl and Mike Koellner d/b/a L&L Ready Mix**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive David Etl and Mike Koellner d/b/a L&L Ready Mix of its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

Facts that support the offense set forth in Count Thirty-One include, but are not limited to, the following:

43. All of the facts supporting all other counts in this Indictment and the Essential Facts are incorporated by reference.

44. David Etl contracted for work in Logan County, Colorado. Etl contracted with Plains Building Systems for construction of a building. Etl made five payments and paid approximately \$222,500 to Plains Building Systems.

45. Plains Building Systems did not complete the work as contracted, leaving about \$80,000 in expenses owed.

46. In July 2021, CARTER asked Etl for a \$20,000 advance to pay for concrete. Etl paid CARTER the requested amount.

47. Mike Koellner of L&L Ready Mix provided concrete for the project, at a cost of approximately \$27,670.

48. Although Etl paid CARTER specifically for the concrete work, Mike Koeller/L&L Ready Mix were never paid for the work performed.

**COUNT THIRTY-TWO**  
**Theft – \$20,000 to \$100,000 (F4)**  
**§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between June 18, 2021 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Eddie Villarreal**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Eddie Villarreal its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

Facts that support the offense set forth in Count Thirty-Two include, but are not limited to, the following:

49. All of the facts supporting all other counts in this Indictment and the Essential Facts are incorporated by reference.

50. Villarreal contracted for work in Morgan County, Colorado. Villarreal contracted with Plains Building Systems for construction of a building. Villarreal made three payments totaling \$46,755.

51. Plains Building Systems completed most of the work but failed to supply or install three doors that Villarreal had purchased.

52. Additionally, although Villarreal paid Plains Building Systems, a material supplier was never paid for work and materials, and the material supplier placed a lien for \$21,573.

**COUNT THIRTY-THREE**  
**Theft – \$20,000 to \$100,000 (F4)**  
**§ 18-4-401(1)(b), 2(h), C.R.S.**

On or about and between November 9, 2020 and August 19, 2021, in and triable in the State of Colorado, **JEREMY CARTER** unlawfully, feloniously, and knowingly without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely U.S. currency or money, of **Ryan Schulte**, with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Ryan Schulte its use or benefit; in violation of § 18-4-401(1)(b),2(h), C.R.S.

Facts that support the offense set forth in Count Thirty-Three include, but are not limited to, the following:

53. All of the facts supporting all other counts in this Indictment and the Essential Facts are incorporated by reference.

54. Schulte contracted for work in Washington County, Colorado. Schulte contracted with Plains Building Systems for the construction of a building. Schulte made three payments totaling \$220,000.

55. Plains Building Systems completed most of the work, although there were foundation problems requiring additional work.

56. Additionally, although Schulte paid Plains Building Systems, two material suppliers were not paid for work and materials. One placed a lien for \$41,720. The other placed a lien for \$12,271.87.

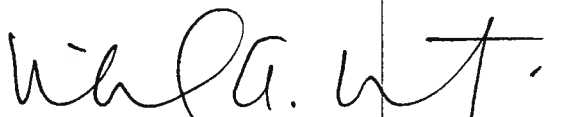
PHILIP J. WEISER  
Attorney General



RYAN LIPES, #53514  
Assistant Attorney General  
Special Prosecutions Unit  
Criminal Justice Section

The 2021-2022 Colorado Statewide Grand Jury presents the Indictment contained within and the same is hereby ORDERED FILED this 29<sup>th</sup> day of July 2022.

Pursuant to § 13-73-107, C.R.S., the Court designates Morgan County, Colorado as the county of venue for the purposes of trial.



Michael A. Martinez  
Chief Judge  
Designated Presiding Judge for the Statewide Grand Jury  
Second Judicial District,  
State of Colorado