

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO  1437 Bannock Street Denver, CO 80202	DATE FILED June 30, 2023 9:56 AM FILING ID: E9B3928268D19 CASE NUMBER: 2023CR1588
<b>THE PEOPLE OF THE STATE OF COLORADO,</b>  v.  <b>LANCE RICHARD SLAYTON and          CHRISTINA DIANE BECKNER</b> Defendants.	<b>▲ COURT USE ONLY ▲</b>
PHILIP J. WEISER, Attorney General RYAN LIPES, Assistant Attorney General (53514) JOSEPH WASSERMAN, Assistant Attorney General (48866) 1300 Broadway, 9 <sup>th</sup> Floor Denver, CO 80203 720-508-6728	Case No.: GJ Case No.: 22CR0001 Ctrm: 259
<b>COLORADO STATE GRAND JURY INDICTMENT</b>	

**CHARGES:**

- |                                       |  |
|---------------------------------------|--|
| <b>COUNT ONE<br/>(All Defendants)</b> | Criminal Exploitation – \$500 or More – At-Risk Victim,<br>§§ 18-6.5-103(7.5)(A), (B), C.R.S. (F3) <b>{18623}</b>                      |
| <b>COUNT TWO<br/>(All Defendants)</b> | Theft – \$500 or More – At-Risk Victim, §§ 18-6.5-103(5);<br>18-4-401(1), C.R.S. (F3) <b>{1854C}</b>                                   |
| <b>COUNT THREE<br/>(SLAYTON)</b>      | Causing and Contributing to a Hazardous Substance<br>Incident, § 29-22-108(1), C.R.S. (F4) <b>{53EAA}</b>                              |
| <b>COUNT FOUR<br/>(SLAYTON)</b>       | Violation of the Air Quality Control Act – Knowing<br>Endangerment, § 25-7-122.1(3)(a), C.R.S. (Unclassified<br>Felony) <b>{53073}</b> |
| <b>COUNT FIVE<br/>(SLAYTON)</b>       | Violation of the Air Quality Control Act, § 25-7-122.1(1)(b),<br>C.R.S. (Unclassified Misdemeanor) <b>{53071}</b>                      |

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<p align="center"><b>COLORADO STATE GRAND JURY INDICTMENT</b></p>	

Of the 2022-2023 term of the Denver District Court in the year 2022; the 2022-2023 Colorado State Grand Jurors, chosen, selected and sworn in the name and by the authority of the People of the State of Colorado, upon their oaths, present the following:

**INDEX OF COUNTS**

<b>Defendant</b>	<b>Counts Applicable</b>
Lance Slayton	1-5
Christina Beckner	1-2

**ESSENTIAL FACTS**

**A. The Fire**

1. Jeannette Tubbs-Winzent owns a fourplex rental property at 10326 West 59<sup>th</sup> Street in Arvada, CO, through her company Pebble Brooke Properties Two LLC.

2. On April 22, 2022, a fire destroyed unit 4. Tubbs-Winzent was 81 years old at the time of the fire.

3. Immediately after the fire, a restoration company took steps to secure the unit and performed asbestos testing. Testing confirmed the presence of asbestos throughout the apartment. The testing report found that the apartment contained a “major spill” of asbestos throughout the unit.

## **B. Asbestos Dangers and Regulations**

4. Asbestos is a naturally occurring mineral that has been mined for use as thermal insulation, chemical resistance, electrical insulation, and high tensile strength. It is a known carcinogen and is on the Environmental Protection Agency’s list of hazardous air pollutants. It causes three main diseases: asbestosis, lung cancer, and mesothelioma. Asbestos-related diseases often have long latency periods, and symptoms may not appear for 10-50 years. Historically, asbestos was frequently used in various building materials. Asbestos-containing materials become hazardous when disturbed or damaged.

5. Because of the significant public health dangers associated with asbestos, the Colorado Department of Public Health and Environment (CDPHE) regulates the containment and abatement of asbestos. Only individuals and companies licensed by CDPHE can perform asbestos abatement, and a permit is required to do the abatement. The site of a major asbestos spill must be properly contained, workers must wear appropriate personal protective equipment, and asbestos-containing waste must be disposed of properly.

## **C. SLAYTON is hired to abate the asbestos.**

6. LANCE SLAYTON holds himself out as a general contractor who, as relevant here, owned and operated two businesses: Preferred Companies LLC and Colorado Catastrophe Assistance Program.

7. Tubbs-Winzent knew SLAYTON because he lived in one of her rental properties. SLAYTON offered to abate the asbestos and restore unit 4.

8. SLAYTON’s girlfriend, CHRISTINA BECKNER, assisted him by working with Tubbs-Winzent, dealing with paperwork, and cashing checks provided by Tubbs-Winzent.

9. SLAYTON knew that the apartment contained an asbestos spill requiring asbestos abatement, and he discussed the asbestos abatement with both Tubbs-Winzent and her insurance company.

10. SLAYTON purported to hire a subcontractor for the asbestos abatement called "AAA Abatement." He provided Tubbs-Winzent with a "conditional waiver and release upon progress payment" listing AAA Abatement as the subcontractor. The Colorado Secretary of State has no record of this company existing, nor is it registered to perform asbestos abatement. The address listed is "Arvada, CO 80001-1261." No street address is listed. The mailing zip code is identical to that of a Post Office box for Pebble's Properties.

11. Instead, SLAYTON hired Jimmy Gollihugh to clean out unit 4. Slayton never informed Gollihugh that the unit contained an asbestos spill or that Gollihugh was performing an asbestos abatement. Gollihugh was not licensed to perform an asbestos abatement.

12. Because SLAYTON did not inform Gollihugh of the asbestos, Gollihugh did not take necessary precautions, such as the use of asbestos-appropriate personal protective equipment, the use of negative air flow, proper sealing of the contaminated site, and proper disposal of the asbestos-containing materials. Gollihugh's exposure to a major asbestos spill in this manner placed him in imminent risk of developing asbestos-related diseases that can cause death or serious bodily injury.

13. SLAYTON met Gollihugh at the site and removed asbestos warning signs and plywood from the windows, exposing the major asbestos spill to the outside air.

14. SLAYTON rented an open-top dumpster for Gollihugh to dispose of the asbestos-containing material.

15. Neither SLAYTON nor his companies were licensed to perform the asbestos abatement.

16. Slayton and his companies failed to follow the proper regulations, including but not limited to (1) failed to notify CDPHE before the abatement, (2) failed to obtain a permit for abatement, (3) failed to follow protective requirements, (4) failed to seal asbestos waste in leak-tight containers, and (5) failed to prevent visible emissions. Slayton and his companies failed to properly abate the asbestos in Tubbs-Winzent's apartment.

17. An engineer working with Tubbs-Winzent's insurance company observed an individual moving debris inside the unit without any personal protective equipment and without taking any steps to contain the asbestos from spreading outside. The engineer reported the violation to CDPHE.

18. An inspector with CDPHE found that the site posed an asbestos hazard to anyone in or near the site or dumpster. Among other things, the inspector noted that, after SLAYTON's company began work, several public health concerns were present, including:

- a. Removal of plywood from windows and signs warning of asbestos, leaving the asbestos in the apartment exposed to the outside neighborhood;
- b. Failure to set up any asbestos containment or negative air pressure;
- c. A trash chute set up to remove asbestos-containing debris directly from the apartment to an open-top trailer:



#### **D. SLAYTON and BECKNER'S theft from Tubbs-Winzent**

19. SLAYTON and his girlfriend, CHRISTINA BECKNER, stole funds from Tubbs-Winzent that Tubbs-Winzent had paid for asbestos abatement and restoration of the unit.

20. Tubbs-Winzent gave SLAYTON and/or BECKNER seven checks totaling \$71,115.82:

#	DATE	PAYABLE TO	AMOUNT	MEMO LINE
1000	June 15, 2022	Colorado Catastrophe Assistance Pro	\$15,398.38	10326 W 59 <sup>th</sup> Pl #4 Exterior
1001	July 15, 2022	Colorado Catastrophe Assistance	\$7,800	Asbestos Air loke [sic] containment
1002	July 15, 2022	Colorado Catastrophe Assistance	\$4,167	1-5 Gen Abatement costs
1003	July 15, 2022	Colo Catastrophe Assistance Program	\$12,000	Haz waste + cleaning
1004	July 15, 2022	Lance Slayton	\$4,400	Shoring 10326
1005	August 17, 2022	Lance Slayton	\$4,558.41	#4 10326 W 59 <sup>th</sup> Pl Abatement
1008	August 17, 2022	Colorado Catastrophe Assistance Program	\$22,792.03	Invoice #3-10326 59 <sup>th</sup> Pl #4

21. Checks 1005 and 1008 relate to SLAYTON's "Invoice #3," which purports to show that appropriate asbestos abatement and construction had been completed. The invoice charged for, among other things, negative air pressure, "off asbestos drywall approx. 80%," and "hazardous waste hauling and disposal." The invoice instructed Tubbs-Winzent to pay \$22,792.03 to "Colorado Catastrophe Assistance Program LLC," and \$4,558.11 to "Lance Slayton or Preferred Companies LLC." None of the asbestos abatement work described in Invoice 3 was actually performed.

22. BECKNER cashed check #1000 for \$15,398.38.

23. Of the remaining checks, SLAYTON cashed \$20,925.41 and deposited \$34,792.03 into a bank account.

24. SLAYTON transferred an additional \$9001 of Tubbs-Winzent's money to BECKNER from his bank account.

25. SLAYTON spent the remaining amount of Tubbs-Winzent's money by transferring it to other individuals, withdrawing it from an ATM, and making various purchases. Almost all of these purchases were unrelated to Tubbs-Winzent's project, including liquor store purchases and depositing money into an inmate's commissary account.

26. SLAYTON's expenses related to Tubbs-Winzent's project included renting the dumpster to improperly store and dispose asbestos containing material, and paying Gollihugh approximately \$2500 from cash app to improperly perform the asbestos abatement and clean-up.

27. BECKNER signed seven "Conditional Waiver and Release Upon Progress Payment" forms that were provided to Tubbs-Winzent. These forms purport to show signed waivers from various subcontractors, providing the impression to Tubbs-Winzent that the work was being performed. Two of the forms are for "AAA Abatement" and include payment amounts equivalent to checks #1005 and #1008 paid by Tubbs-Winzent. Financial records show that this money was never paid to any company called "AAA Abatement."

28. SLAYTON and BECKNER deceived Tubbs-Winzent about how they were using her funds. SLAYTON AND BECKNER failed to hold Tubbs-Winzent's money in trust for her construction project, as required by statute under § 38-22-127, C.R.S.

29. SLAYTON and BECKNER both had known Tubbs-Winzent before this project, had lived in rental units from her, had regular communication with her, and were aware of her age.

30. Ultimately, SLAYTON and BECKNER left Tubbs-Winzent with an unrestored property containing exposed asbestos, despite Tubbs-Winzent paying over \$70,000 for the work.

### **COUNT ONE**

#### **Criminal Exploitation - \$500 or More – At-Risk Victim (F3)**

§§ 18-6.5-103(7.5)(A), (B), C.R.S.

On or about and between May 18, 2022 and September 13, 2022, in the State of Colorado, **LANCE SLAYTON and CHRISTINA BECKNER** unlawfully, feloniously, and knowingly used deception, harassment, intimidation, or undue influence to permanently or temporarily deprive Jeannette Tubbs-Winzent, an at-risk person, of the use, benefit, or possession of any thing of value. Further, the thing of value was five hundred dollars or more, in violation of section 18-6.5-103(7.5)(a),(b), C.R.S.

**COUNT TWO**

**Theft - \$500 or More – At-Risk Victim (F3)**

§§ 18-6.5-103(5); 18-4-401(1), C.R.S.

On or about and between May 18, 2022 and September 13, 2022, in the State of Colorado, **LANCE SLAYTON and CHRISTINA BECKNER** unlawfully, feloniously, and knowingly, without authorization or by threat or deception, obtained, retained, or exercised control over a thing of value, namely money of Jeannette Tubbs-Winzent, with the value of five hundred dollars or more, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Jeannette Tubbs-Winzent of its use or benefit; in violation of sections 18-4-401(1)(b) and 18-6.5-103(5), C.R.S. Further, the victim was an at-risk person and an element or portion of the offense was committed in the presence of the victim and the defendant knew that the victim was an at-risk person; in violation of 18-6.5-103(5) and 18-4-401(1), C.R.S.

**COUNT THREE**

**Causing and Contributing to a Hazardous Substance Incident (F4)**

§ 29-22-108(1), C.R.S.

On or about and between May 18, 2022 and September 13, 2022, in the State of Colorado, **LANCE SLAYTON** unlawfully, feloniously, and intentionally caused or substantially contributed to the occurrence of a hazardous substance incident; in violation of § 29-22-108(1), C.R.S.

**COUNT FOUR**

**Violation of the Air Quality Control Act – Knowing Endangerment  
(Unclassified Felony)**

§ 25-7-122.1(3)(a), C.R.S.

On or about and between May 18, 2022 and September 13, 2022, in the State of Colorado, **LANCE SLAYTON** unlawfully and knowingly engaged in conduct that caused the release of a hazardous air pollutant, to wit: asbestos, into the ambient air, and who knew at the time of such action it thereby placed another person in imminent danger of death or serious bodily injury, in violation of § 25-7-122.1(3)(a), C.R.S.



**COUNT FIVE**

**Violation of the Air Quality Control Act (Unclassified Misdemeanor)**

§ 25-7-122.1(1)(b), C.R.S.

On or about and between May 18, 2022 and September 13, 2022, in the State of Colorado, **LANCE SLAYTON** unlawfully and knowingly violated a requirement or prohibition of an application emission regulation of the Colorado Air Quality Control Commission, state implementation, plan, or regulation, and/or permit, in violation of § 25-7-122.1(1)(b), C.R.S

PHILIP J. WEISER  
Attorney General



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

The 2022-2023 Colorado Statewide Grand Jury presents the Indictment contained within and the same is hereby ORDERED FILED this 29th day of June, 2023.

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



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Christopher Baumann  
Chief Judge  
Designated Presiding Judge for the Statewide Grand Jury  
Second Judicial District,  
State of Colorado