

DISTRICT COURT
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DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, CO 80202	
PEOPLE OF THE STATE OF COLORADO, v. CANDICE LEE JENKINS, aka, CATE JENKINS, DOB: 1/10/1968, Defendant:	
JOHN W. SUTHERS, Attorney General DAVID R. COSSON, Senior Assistant Attorney General* 1525 Sherman Street, 7 th Floor Denver, CO 80203 (303) 866-5546 Registration Number: 22589 *Counsel of Record	▲ COURT USE ONLY ▲ GJ Case No.: 2011 CR 01 Ctrm.: 6 12CR10109 54/5B
COLORADO STATE GRAND JURY INDICTMENT: 2011-2012 SESSION	

Of the 2011-2012 term of the Denver District Court in the year 2012, the 2011-2012 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:

COUNT NUMBER ONE

Charitable Fraud-Scheme/Defraud, § 6-16-111(1)(g), C.R.S.

On or about and between May 10, 2010 and August 3, 2011, in the State of Colorado, **Candice Jenkins**, with the intent to defraud, unlawfully and feloniously devised and executed a scheme or artifice to defraud by means of a solicitation or obtained money by means of a false or fraudulent pretense, representation or promise in the course of a solicitation, in violation of section 6-16-111(1)(g), C.R.S., CHARITABLE FRAUD, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of Colorado. (F5)

COUNT NUMBER TWO

Charitable Fraud-False Identity/Capacity, § 6-16-111(1)(d), C.R.S.

On or about and between May 10, 2010 and June 30, 2011, in the State of Colorado, **Candice Jenkins**, with the intent to defraud, did unlawfully, feloniously and knowingly solicit contributions and, in aid of such solicitation, assumed a false or fictitious identity or capacity, namely: member of the Board of Directors and Fundraising Co-Chair for The Gathering Place, which was not a trade name or trademark registered in Colorado by her or by her employer, in violation of section 6-16-111(1)(d), C.R.S., CHARITABLE FRAUD, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of Colorado. (F5)

COUNT NUMBER THREE

Charitable Fraud-Utilize Name/Symbol Without Authorization, §6-16-111(1)(b), C.R.S.

On or about and between May 10, 2010 and August 3, 2011, in the State of Colorado, **Candice Jenkins**, did unlawfully, feloniously and knowingly solicit any contribution and, in aid of or in the course of such solicitation, utilized the name or symbol of another person or organization, to wit: The Gathering Place, without written authorization from such person or organization for such use, in violation of section 6-16-111(1)(b), C.R.S., CHARITABLE FRAUD, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of Colorado. (F5)

COUNT NUMBER FOUR

Charitable Fraud-Utilize Name/Symbol Without Authorization, §6-16-111(1)(b), C.R.S.

On or about June 30, 2011, in the State of Colorado, **Candice Jenkins**, did unlawfully, feloniously and knowingly solicit any contribution and, in aid of or in the course of such solicitation, utilized the name or symbol of another person or organization, to wit: the Tim Tebow Foundation, without written authorization from such person or organization for such use, in violation of section 6-16-111(1)(b), C.R.S., CHARITABLE FRAUD, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of Colorado. (F5)

The offenses described in Counts One, Two, Three and Four are based on a series of acts performed at different times, and the last act was committed on or about August 3, 2011, and were committed in the following manner:

1. On May 15, 2010, **Candice Jenkins** hired a company to produce a DVD by videotaping a yoga session conducted by Mr. Vali Habibi at the Athletic Club at the Denver Tech Center in Greenwood Village, Colorado. Mr. Habibi is also the owner of United Telephone Company, located in Aurora Colorado. Mr. Habibi had given his permission for the video project because **Candice Jenkins** represented to him that all of the profits from the sale of the DVD would go to benefit The Gathering Place ("TGP"), a shelter located in Denver that, since 1986, provides services to women and children experiencing homelessness and poverty. **Candice Jenkins** was a regular attendee of Mr. Habibi's yoga classes before the video was produced, and was aware of the fact that Mr. Habibi supported women's shelters and often donated money he made from conducting yoga classes to them.

2. In order to obtain permission from the DTC Athletic Club to film the yoga class, **Candice Jenkins** sent an email on May 10, 2010, to Vince Brush, who works at the Athletic Club's corporate offices. In the email, **Candice Jenkins** states that the DVD's will be sold as a "fundraiser for The Gathering Place," and writes that, "I am on the Board of Directors." She goes on to say that, in addition to her plans to sell the DVD's to Mr. Habibi's yoga students, she will also be selling them "to the community at large."

3. Shortly after **Candice Jenkins** obtained copies of the video, she began selling them for a "donation" of \$20 at various venues to people in the Denver metro area, always representing that the proceeds from the sale would directly benefit TGP. Mr. Habibi was enlisted by **Candice Jenkins** to help sell copies of the yoga video, and he estimated that he sold over \$900 worth of DVD's on different dates in 2010 and 2011. He gave all of the money he collected directly to **Candice Jenkins** in cash. Mr. Habibi estimated that **Candice Jenkins** sold another \$1,900 worth of videos at the Athletic Club.

4. In 2010, **Candice Jenkins** produced a business card that identified her as being on the Board of Directors of TGP, and showed the card to Mr. Habibi, among others. Representatives from TGP confirmed that the card was not authentic. When shown an authentic TGP business card, Mr. Habibi said that the card **Candice Jenkins** presented to him was identical. The business card used by **Jenkins** contained the name and the logo of TGP. **Candice Jenkins** also solicited a \$600 donation from Mr. Habibi by representing that she was going to give the funds directly to TGP. To date, TGP has never received any funds, including Mr. Habibi's donation, from **Candice Jenkins**.

5. In order to lend credibility to her scheme, in June, 2011, **Candice Jenkins** spoke in front of one of Mr. Habibi's yoga classes at the Athletic Club and announced to everyone that she had attended a party hosted by Annabel Bowlen, wife of Pat Bowlen, owner of the Denver Broncos. **Candice Jenkins** told the group that she sold \$3,000 worth of yoga DVD's at the party and that the money would be used to help TGP. She stated that Mrs. Bowlen herself wrote a check to TGP for \$1,000. Mrs. Bowlen, after being interviewed by Attorney General Investigator Tony Avila, indicated that she did not know anyone named **Candice Jenkins** and that she did not host a party where yoga DVD's were being sold.

6. On July 1, 2011, TGP received a \$50 donation check along with a flyer left in a drop box at TGP by a Mr. Rod Buckley, owner of Yellow Rose, a consignment clothing store located in Centennial, Colorado. The flyer purported to be produced by TGP and announced a "June 2011 Corporate Sponsorship Month" fundraising campaign. The flyer contained the name and official logo, in color, of TGP at the top. The flyer, after encouraging readers to "help stop the cycle of poverty, abuse and homelessness in our local community," says that to donate, "please contact Cate Jenkins, Fundraising Co-Chair," and then instructs readers to "Please make contributions payable to: C. Jenkins Foundation, FBO the Gathering Place." The Gathering Place stated that they have no record of any connection with the C. Jenkins Foundation, and there is no record of that Foundation being registered in Colorado. The Gathering Place turned the flyer over to the Secretary of State's Office.

7. The flyer also stated that, "The Daniels Foundation, Tim Tebow Foundation, Jenkins Family Trust, and other contributors will match each dollar donated up to \$150,000." The Gathering Place stated that they have no record of the Jenkins Family Trust being connected to TGP. A representative of the Tim Tebow Foundation indicated that they have never had any relationship with **Candice Jenkins**, did not authorize her to use the Foundation's name to solicit contributions and had not been involved in a fundraising effort for TGP during the relevant time period. There is no record of the "Daniels Foundation" or the "Jenkins Family Trust" as being registered in Colorado.

8. Investigator Avila showed Mr. Buckley the flyer that TGP had received, and Mr. Buckley identified it as the one given to him by **Candice Jenkins** and as the one he left at TGP along with his donation check on June 30, 2011. Mr. Buckley stated that, sometime in June, 2011, **Candice Jenkins** showed him the flier and claimed that it was part of a fundraiser for TGP and asked him to consider donating. After noticing that the flyer gave instructions to make checks payable to "C. Jenkins Foundation" and not to TGP, he decided to write the check to "The Gathering Place" and left it at their business location, instead of giving it to Candice Jenkins. Mr. Buckley indicated that when he initially opened his store, **Candice Jenkins** brought clothes in to sell and told him that she was selling the clothes to raise money for TGP. She also said that she had been helping TGP "for a long time." There is no record of **Candice Jenkins** having ever donated clothes or money to TGP.

9. Representatives of TGP confirmed that the flyer they received from Mr. Buckley contained their name and logo but it was not printed on the type of letterhead paper they use. Representatives also confirmed that TGP did not hold a fundraiser as indicated on the flyer and that **Candice Jenkins** has never worked for them and was not connected to TGP in any capacity, either as a member of their Board of Directors or as the "Fundraising Co-Chair," which is not a position that even exists at TGP. **Candice Jenkins** was never given permission, written or otherwise, to use the name or the logo belonging to TGP for the purpose of soliciting donations.

10. Alison Moss, a manager and instructor at the DTC Athletic Club, stated that she recalled **Candice Jenkins** often went by the name "Cate." She said that **Jenkins** paid to have the yoga DVD made and said that **Jenkins** said that it would be sold to raise money for TGP. Ms. Moss purchased a copy of the DVD about a week after it was made. On December 17, 2010, Ms. Moss attended a meeting at the Denver Rotary Club with **Candice Jenkins** and Vali Habibi. The purpose was to announce and promote the yoga DVD.

11. In January, 2011, the DTC Athletic Club held a "fitness health expo" at the club's site. **Candice Jenkins** indicated that she would like to sell copies of the DVD at the expo, along with coffee and teas, and would give the money to TGP. **Jenkins** set up a booth and placed a sign at a table indicating that the proceeds from the sale of the yoga DVD would go to TGP. **Jenkins** also arranged for retired Colorado Avalanche hockey player Stephane Yelle to be present and help her at the booth. Ms. Moss stated that she believed "many" videos were sold at the expo. Stephane Yelle told Investigator Avila that he was with **Candice Jenkins** at the expo and recalls that she was selling coffee and teas to raise money for TGP. He does not recall seeing any yoga DVD's being sold. Ms. Moss indicated that she often heard **Jenkins** speak about Denver Broncos owner Pat Bowlen and heard **Jenkins** say that he helped her "quite a bit" with raising funds for TGP.

12. The Grand Jury also obtained evidence that **Candice Jenkins** sold coffee and teas at a nail salon in Englewood, Colorado around January of 2011, and Jenkins represented that the funds raised would help a “women’s shelter.” Shannon Gilbert, who works at the salon, paid **Candice Jenkins** \$34 on January 11, 2011 by check, written to “C. Jenkins Foundation.”

13. Max Farnsworth, who resides in Aurora, Colorado, also wrote a check to the C. Jenkins Foundation for \$20 in December, 2010. At that time, **Candice Jenkins** was selling the video at Vali Habibi’s yoga class, and Ms. Farnsworth remembers that **Jenkins** represented to the class that the money was going to support TGP. She remembers there being approximately 10 videos at the front of the class, and said that she remembers **Jenkins** talk about the TGP fundraiser and selling the DVD to different classes on several other occasions.

14. Witness Ellen O’Connor told Investigator Avila that she met **Candice Jenkins** in 2009 or early 2010 and knows her as Candice, but that she also goes by the name Cate. Sometime around the date they met, Ms. O’Connor recalls attending a party with **Jenkins** where **Jenkins** was selling women’s silver jewelry and representing that all of the proceeds were going to help TGP. At that time, **Jenkins** told everyone at the party that she was a board member at TGP. On December 14, 2010, O’Connor wrote a check to **Candice Jenkins** for \$54 believing that it was going to TGP. Ms. O’Connor also indicated that she has, on different occasions, given used clothing to **Candice Jenkins** because **Jenkins** told her that it would be donated to TGP.

COUNT NUMBER FIVE

Criminal Impersonation, § 18-5-113 (1)(b)(II), C.R.S.

On or about and between May 10, 2010 and June 30, 2011, in the State of Colorado, **Candice Jenkins**, unlawfully, feloniously, and knowingly assumed a false or fictitious identity or capacity, namely: member of the Board of Directors for The Gathering Place, and in such identity or capacity did an act with intent to unlawfully gain a benefit for herself or another or to injure or defraud another; in violation of section 18-5-113(1)(b)(II), C.R.S., as amended, CRIMINAL IMPERSONATION, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of Colorado.
(F6)

COUNT NUMBER SIX

Criminal Impersonation, § 18-5-113 (1)(b)(II), C.R.S.

On or about June 30, 2011, in the State of Colorado, **Candice Jenkins**, unlawfully, feloniously, and knowingly assumed a false or fictitious identity or capacity, namely: Fundraising Co-Chair for The Gathering Place, and in such identity or capacity did an act with intent to unlawfully gain a benefit for herself or another or to injure or defraud another; in violation of section 18-5-113(1)(b)(II), C.R.S., as amended, CRIMINAL IMPERSONATION, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of Colorado. (F6)

The offenses alleged in Counts Five and Six were previously described in the factual summary for Counts One, Two, Three and Four and is incorporated by reference.

COUNT NUMBER SEVEN

Attempt To Influence A Public Servant, § 18-8-306, C.R.S

On or about April 5, 2012, in the State of Colorado, **Candice Jenkins** unlawfully and feloniously attempted to influence Tony Avila, Attorney General's Office Investigator, a public servant, by means of deceit, with the intent thereby to alter or affect the public servant's decision, opinion, or action concerning a matter which was to be considered or performed by the public servant or the agency or body of which the public servant was a member; in violation of section 18-8-306, C.R.S., as amended, ATTEMPT TO INFLUENCE A PUBLIC SERVANT, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of Colorado. (F4)

The offense described in Count Seven was committed in the following manner:

1. On April 5, 2012, Investigator Avila with the Attorney General's Office, while conducting an official criminal investigation, went to the listed address for **Candice Jenkins**, 6835 E. Briarwood Rd., Centennial, Colorado. A woman, resembling **Candice Jenkins**, answered the door, and when Investigator Avila identified himself, she told him that her name was "Cate" and that her sister, Candice, was "just out." She stated that she was the twin sister of **Candice Jenkins**. When told that her sister also goes by the name of Cate, she said, "she shouldn't be going by Cate," and that, "she should go by Candice." Because the woman insisted she was not **Candice Jenkins**, Investigator Avila discontinued the interview and asked her to have **Ms. Jenkins** call him, and the woman indicated that she would. Later that day, a woman, who identified herself as **Candice Jenkins**, left a message for Investigator Avila saying that she had been notified by her sister "Caitlen" to call the investigator.

2. The next day, April 6, 2012, Investigator Avila, while conducting an official investigation into the activities of **Candice Jenkins**, interviewed her by phone. **Candice Jenkins** said that she had a twin sister by the name of Caitlen, who also goes by the name "Cate," and indicated that was who Investigator Avila had spoken to the previous day. **Candice Jenkins** said that she knows what TGP is but that she is not affiliated with them and has not represented them. She admitted that she has tried to do some fundraising for TGP but that "it never panned out."

3. **Candice Jenkins** also stated that she helped her sister "Cate" try to raise funds for TGP, but that it "never really panned out." She indicated that it was her twin sister that was behind making the yoga DVD, but that she provided some financial assistance. She said that her sister and Mr. Habibi made the DVD in order to raise funds for TGP. She also said that her sister lost the money she had put into the project and that nobody wanted the DVD's. **Candice Jenkins** admitted that there was a "basket full" of yoga DVD's at her house. **Jenkins** said that her sister works at a chiropractor's office, but would not indicate where. It is known that **Candice Jenkins** works at the office of David Shapiro, a chiropractor who practices in Denver.

4. A public records search and interviews with witnesses, including **Candice Jenkin's** ex-husband, revealed that **Candice Jenkins** does not have a twin sister named "Caitlen" or "Cate."

COUNT NUMBER EIGHT

Theft-\$500 or More, Less Than \$1,000 § 18-4-401(1)(a), (2)(b.5), C.R.S.

On or about and between June 13, 2010 and August 3, 2011, in the State of Colorado, **Candice Jenkins** did unlawfully and knowingly, and by deceit, take a thing of value, to-wit: money of the value of five hundred dollars (\$500) or more, but less than one thousand dollars (\$1,000) from The Gathering Place and individuals known to the Grand Jury, with the intent to permanently deprive them of the thing of value, in violation of section 18-4-401 (1)(a) and (2)(b.5), C.R.S. as amended, THEFT, contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the People of the State of Colorado. (M1)

The offenses alleged in Count Eight were committed in the following manner:

1. The allegations contained in Counts One through Four, and the factual summary following those Counts are hereby incorporated by reference.

2. The Attorney General's Office received and reviewed bank records pertaining to **Candice Jenkins**' personal account at JP Morgan Chase Bank. Between June 13, 2010 and August 3, 2011, 12 individual victims, all residing in Colorado, wrote checks or gave cash to **Candice Jenkins** in the amount of \$1,386.00, believing that the money was going to be given to TGP for charitable purposes. Interviews were conducted with the victims and each indicated that they were told that the money was going to help TGP. Some victims gave money to Vali Habibi and some directly to **Candice Jenkins**. Vali Habibi, having been assured by **Candice Jenkins** that the proceeds from the sale of all DVD's would be directed to TGP, voluntarily assisted in promoting and selling the DVD's for her.

3. Checks were made out to the "C. Jenkins Foundation," "Candice Jenkins," "Caitlen Jenkins" and to "Cate Jenkins." The majority of checks had the words "The Gathering Place" or "C. Jenkins Foundation" written on the memo line of the check. All of the transactions occurred in Colorado, and all of the victim's checks were deposited at branch banks in Colorado by **Candice Jenkins**. To date, **Candice Jenkins** has never repaid any of the victims.

4. Additionally, TGP, which was the intended recipient of all of the money collected by Candice Jenkins, did not receive any donations or payments. People who bought the yoga DVD were told that their money would go directly to TGP. Candice Jenkins never represented that she would keep any portion of the money. She represented that all of the "donations" would be given to TGP.

5. It is believed, based on the evidence presented to the Grand Jury, that the majority of DVD's **Candice Jenkins** sold were paid for in cash, eliminating a paper trail that would reveal additional victims.

COUNT NUMBER NINE

Attempted Theft-Under \$500 § 18-2-101(1)(7); §18-4-401(1)(a) and (2)(b), C.R.S.

On or about August 3, 2011, in the State of Colorado, **Candice Jenkins** did unlawfully and knowingly and by deceit, attempt to take a thing of value, to-wit: money of the value of under five hundred dollars (\$500), from David Shapiro, with the intent to permanently deprive him of the thing of value, in violation of §18-2-101 (1)(7); § 18-4-401 (1)(a) and (2)(b), C.R.S. as amended, ATTEMPTED THEFT, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of Colorado. (M3)

The offense alleged in Count Nine was committed in the following manner:

1. In August, 2011, **Candice Jenkins** worked for David Shapiro, a Denver area Chiropractor. For several months prior to August, **Jenkins** informed him that she was raising money for TGP. Mr. Shapiro Told Investigator Avila that **Candice Jenkins** proposed a plan that would offer new patients of Mr. Shapiro a special price, with some of the money benefitting TGP. The plan was advertised inside the office and, after the plan was in effect for a period, Mr. Shapiro wrote a check to **Candice Jenkins** in August, 2011, for \$450.00, with the understanding that it would benefit TGP. Later, Mr. Shapiro discovered information about **Candice Jenkins** and put a stop payment on the check, resulting in no funds reaching **Jenkins**.

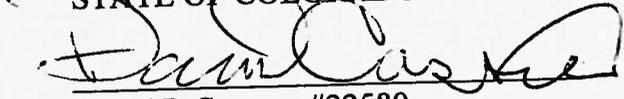
COUNT NUMBER TEN

**False Reporting to Authorities – Providing False Information,
§18-8-111(1)(c), C.R.S.**

On or about April 5, 2012, in the State of Colorado, **Candice Jenkins**, did unlawfully make a report or knowingly caused the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when the defendant knew that she had no such information or knew that the information was false, in violation of §18-8-111(1)(c), C.R.S. as amended, FALSE REPORTING TO AUTHORITIES – PROVIDING FALSE INFORMATION, contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the People of the State of Colorado. (M3)

The offense alleged in Count Ten was previously described in the factual summary in support of Count Seven and is incorporated by reference.

JOHN W. SUTHERS
ATTORNEY GENERAL
STATE OF COLORADO



David R. Cosson, #22589
Senior Assistant Attorney General
Special Prosecutions Unit
Criminal Justice Section

Subscribed to before me in the City and County of Denver, State of Colorado, this
7th day of June 2012.

MaryAnn Disher
Notary Public

My commission expires: 1-5-2013