

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$185,520.00 IN UNITED STATES CURRENCY,

\$328,190.37 SEIZED FROM TCF BANK ACCOUNT # 3857259373,

\$246.37 SEIZED FROM TCF BANK ACCOUNT # 3857270151,

\$25,000.00 SEIZED FROM TCF BANK ACCOUNT # 2857275481,

\$23,567.46 SEIZED FROM WELLS FARGO BANK ACCOUNT # 69888406721,

\$250.03 SEIZED FROM WELLS FARGO BANK ACCOUNT # 5334439055,

\$308,384.00 SEIZED FROM FIRSTIER BANK ACCOUNT # 3200995,

\$50,004.68 SEIZED FROM FIRSTIER BANK ACCOUNT # 3700622,

\$230,727.02 SEIZED FROM COMPASS BANK ACCOUNT # 2511083454,

\$50,002.45 SEIZED FROM COMPASS BANK ACCOUNT # 2507390016,

AURUM ADVISORS ACCOUNT, and

2003 TOYOTA CAMRY,

Defendants.

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**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

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The United States of America, by and through United States Attorney David M. Gaouette and Assistant United States Attorney James S. Russell, pursuant to Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions G(2), states:

JURISDICTION AND VENUE

1. The United States of America (the United States) has commenced this action pursuant to the civil forfeiture provisions of 18 U.S.C. §981(a)(1)(C) and (a)(1)(A), seeking forfeiture of the defendant property as proceeds of the wire fraud provisions of 18 U.S.C. §1343. This Court has jurisdiction under 28 U.S.C. §§1345 and 1355.

2. Venue is proper under 18 U.S.C. §981(h), 19 U.S.C. §1605, and 28 U.S.C. §§1355 and 1395, as the defendant property and the owner of defendant property are located, and most of the acts described herein occurred, in the District of Colorado.

DEFENDANT PROPERTY

3. Defendant property is described as follows:
- a. \$185,520.00 in United States currency seized: \$4,000 seized incident to arrest and seizure warrant 09-mc-0067, \$11,100 seized during the execution of search warrant 09-sw-5319, \$100,000 seized from a briefcase pursuant to search and seizure warrant 09-sw-5321, and \$70,420.00 seized from another brief case pursuant to search and seizure warrant 09-sw-5316 and seizure warrant 09-mc-0065, hereinafter defendant Cash;
  - b. \$328,190.37 seized pursuant to seizure warrant 09-mc-0064 from TCF bank account #3857259373, hereinafter defendant TCF Account #9373;
  - c. \$246.37 seized pursuant to seizure warrant 09-mc-0064 from TCF Bank Account # 3857270151, hereinafter defendant TCF Account # 0151;

- d. \$25,000.00 seized pursuant to seizure warrant 09-mc-0064 from TCF Bank Account # 2857275481, hereinafter defendant TCF Account # 5481;
- e. \$23,567.46 seized pursuant to seizure warrant 09-mc-0063 from Wells Fargo Bank Account # 69888406721, hereinafter defendant Wells Fargo Account #6721;
- f. \$250.03 seized pursuant to seizure warrant 09-mc-0063 from Wells Fargo Bank Account # 5334439055, hereinafter defendant Wells Fargo Account # 9055;
- g. \$308,384.00 seized pursuant to seizure warrant 09-mc-0062 from FirstTier Bank Account # 3200995, hereinafter defendant FirstTier Account # 0995;
- h. \$50,004.68 seized pursuant to seizure warrant 09-mc-0062 from FirstTier Bank Account # 3700622, hereinafter defendant FirstTier Account # 0622;
- i. \$230,729.02 seized pursuant to seizure warrant 09-mc-0061 from Compass Bank Account # 2511083454, hereinafter defendant Compass Account # 3454;
- j. \$50,002.45 seized pursuant to seizure warrant 09-mc-0061 from Compass Bank Account # 2507390016, hereinafter defendant Compass Account # 0016; hereinafter all collectively referred to as defendant Bank Accounts;
- k. All funds held by Aurum Advisors in the name of or for the benefit of Thomas Quintin in Account # 1266340, hereinafter defendant Aurum Account # 6340; and
- l. 2003 Toyota Camry, Colorado license plate 753 TNC, VIN #4T1BE32K73U223932 seized on October 19, 2009, pursuant to seizure warrant 09-mc-0066, hereinafter defendant Toyota. Defendant Toyota is titled in the name of Jay Culbertson and is believed to be unencumbered.

Defendant property is currently being held by the Internal Revenue Service, Criminal

Investigation Division in Denver, Colorado.

FACTUAL BASIS FOR FORFEITURE

4. Except as otherwise noted, all of the following facts and information have been discovered through my own investigation, and the observations and investigations of fellow law enforcement officers as reported to me.

5. In 2006 and 2007 Thomas Quintin, who had at least 2 prior federal felony fraud convictions, was investigated for receiving fraudulent tax refunds. Quintin was the owner of a tax preparation business where he used deceased individuals' social security numbers ("SSNs") to file U.S. Individual Income Tax Returns with the Internal Revenue Service (IRS), and thereby fraudulently obtain tax refund monies. On August 9, 2007 in District of Colorado Case No. 07-cr-00085- WYD Quintin pleaded guilty to violations of 42 U.S.C. § 408(a)(7)(B) Misuse of a Social Security Number, 18 U.S.C. § 2 Aiding and Abetting, 18 U.S.C. § 287 False Claims Against the United States, 18 U.S.C. § 1343 Wire Fraud, and 18 U.S.C. § 982 Criminal Forfeiture. Quintin was sentenced to 46 months in jail and 36 months probation. Quintin was also ordered to pay \$282,588.00 in restitution to the IRS, and to forfeit a vehicle and over \$30,000 as involved in and proceeds of his crimes. In July 2009 Quintin failed to return to the halfway house at which he had been staying. Quintin was indicted for Escape, on September 15, 2009 a warrant was issued for Quintin's arrest, and on October 7, 2009 Quintin was arrested by the U.S. Marshals and taken into custody, at which time he was carrying on his person defendant \$4000,00 in United States currency.

6. The investigation has revealed that legitimate tax preparations services will often prepare a tax payer's tax return and advance or loan the tax payer a portion of the anticipated

refund (often referred to as an “R.A.L”, or “Refund Anticipated-Loan”), so the tax payer has access to funds immediately. The legitimate tax preparation service will then wire transfer the tax return to the IRS, which in turn wire transfers the refund moneys to the legitimate tax preparation service’s bank account.

7. It appears that Quintin is using another social security number scheme to file false tax returns and receive the fraudulent refunds. Quintin has SSNs of people who are not already in the IRS filing system. Quintin, purporting to be a tax preparation service, puts those SSNs on the IRS Form 1040 return with a fictitious name or a name that does not match the real name of person with that SSN. Quintin writes a check to the person named on the return from one of his business accounts with “R.A.L.” written on the memo line, but holds this check. Quintin then electronically wires the false tax return to the IRS with his bank routing and account number for the fraudulent refund to be deposited into. The U.S. Treasury then electronically deposits the refunds into one of Quintin’s bank accounts (defendant bank accounts). Quintin then takes the checks he wrote to the people named on the returns and deposits them into his bank account (defendant bank accounts). Quintin utilizes this practice to give the appearance that he is issuing R.A.L.s to the people named on the returns and therefore has a legitimate tax preparation business and thus not alert the suspicion of the bank.

8. At the early stage of the investigation, the IRS Fraud Detection Center (FDC) has traced 641 refunds electronically deposited by US Treasury into one of Quintin’s accounts, Total Tax Services Bank Account at TCF National Bank (defendant TCF Account #3973). A sampling of the 641 social security numbers used on the returns indicates all were for first time filers and all over the age of 50-a highly suspicious situation. A random sampling of 104 of these

suspicious Quintin returns was queried in Accurint, a resource for online public and non-public information. Out of the 104 SSNs, 32 names associated with the SSNs in Accurint did not match with the names associated with the SSNs in IRS System. Out of the 104 SSNs queried, 72 SSNs resulted in “No Records Found” in Accurint. In other words, none of the randomly selected Quintin-generated tax refund forms contained valid name and SSN information.

9. The IRS data referral systems (“IDRS”) also looked at the 641 Quintin generated refunds for defendant TCF Account # 3973. All of the IDRS taxpayers are also between the ages of 64 to 73 with no Dates of Death recorded. A verification of another random sampling of the Forms W-2 filed with the tax returns was done by the FDC Center. The sampling verification revealed that all of the Forms W-2 was false.

10. Pursuant to 31 U.S.C §3131, financial institutions file a Currency Transaction Report (“CTR) for a cash transaction exceeding \$10,000. Multiple CTRs have been filed on Quintin entities Total Tax Services, Total Tax Services, LLC, and Total Tax and Accounting, all of which purport to be officed at 2421 S University Blvd, Denver, CO 80210; the investigation has revealed that this address is just a mailbox service, not a legitimate office. CTRs show that Quintin withdrew approximately \$300,000 out of these entities’ accounts in the last 30 days. On the CTRs the address for Thomas Quintin is 5650 East Evans Apt. 105, Denver, CO 80222, and 9674 East Arapahoe Road, Greenwood Village, CO 80112. Both of those addresses are also simply mail box services, not legitimate business offices.

11. When Quintin was arrested on October 7, 2009, IRS-CI Agents interviewed witness Jay Culbertson, who was working for Quintin and staying in the same hotel with Quintin. Culbertson said that Quintin gave him \$8,000 to buy his car, defendant Toyota Camry.

12. Culbertson also told Agents that he and Quintin have been staying at a hotel called Stay Bridge, located at 7150 South Clinton Street, Centennial, Colorado. Culbertson said he and Quintin have been renting a room there. Culbertson said the room he is renting is room number #3308 and the room Quintin is renting is room #3324. The hotel's General Manager said that the room #3324 is registered under the name "Andrew Parkins" and "Parkins" pays cash for the room. The investigation has revealed that "Parkins" is an alias for another associate of Quintin's, who also has a prior felony conviction involving false identification information.

13. Culbertson said all the money he has received since Labor Day 2009 has come from Quintin. Culbertson said he works for Quintin driving Quintin around and that Quintin gives him \$500 a week in cash. Culbertson gave examples of the places he drives Quintin to such as banks, dentists, and grocery stores. Culbertson calls Quintin in the morning and Quintin tells him his itinerary. The banks Culbertson drives Quintin to are: TCF Bank, Compass Bank, Wells Fargo, and First Tier Bank. Culbertson also drives Quintin to Quintin's business, located at 7887 E. Belleview Avenue, #1100, Englewood, Colorado. Culbertson said that he has been in Quintin's business office and has seen Quintin on a computer there.

14. Agents discovered from the secretary at that E. Belleview Avenue business location that she was instructed to answer the phone for Total Tax Services by saying "DTC Gold Company". Culbertson said that he has overheard Quintin talking to another person about buying and selling gold in addition to his tax business.

15. Culbertson said that Quintin asked him to hold \$60,000 in cash for him. Culbertson said that the cash is in a briefcase in Culbertson's hotel room #3308. A Seizure

Warrant was obtained for the briefcase (09-MC-0065), and \$100,000 of defendant Cash was seized.

16. In Culbertson's hotel room #3308 there is a computer and printer that Quintin gave him. Culbertson said that Quintin will use the computer in Culbertson's room. Culbertson said he thought Quintin was doing tax returns on the computer and Quintin would shred a lot of paper. Quintin would tell Culbertson not to watch him when he was on the computer and told Culbertson to go watch TV instead. Culbertson said there are also a computer and printer in Quintin's hotel room #3324.

17. According to Colorado State Wage and IRS Integrated Data Retrieval System (IDRS) there have been no wages or income reported for Quintin since 2006.

**Defendant TCF Bank Account #s 3973, 0151 and 5481**

18. Thomas Quintin was the signor on all three defendant accounts at TCF National Bank. The investigation has revealed unusual activity occurring on the account of Thomas Quintin / Total Tax Services (account #3973). The SSN listed on the account #3973 for "Terry" revealed it to be associated with a deceased individual. Deposit activity on the account was extremely suspicious since it consisted of hundreds of electronic deposits from the US Treasury, ostensibly tax refunds for numerous individuals (not Quintin) and checks written against the same account (#3973) made payable to numerous individuals but deposited back into that account by Quintin. The endorsements on those checks were not made by the payees but via a rubber stamp endorsement reading: "For Deposit Only Total Tax Services account #3857253973" or "Credit to the account of the named payee absence of endorsement guaranteed

TCF". The memo line on all the checks which were filled out by a typewriter read "R.A.L." which normally stands for "refund anticipated- loan" when seen on other tax preparer's accounts. A random sampling of the SSNs associated with the US Treasury electronic deposits yielded no TCF account holders.

19. A further review of TCF bank records revealed another account in the name of Total Tax Services. That account is #5481 opened 10/02/09 at the Park Meadows Branch with one authorized signer -Thomas W. Quintin. This account was opened with a \$25,000 check drawn on the other Total Tax Services account (#3973) and has since been funded only by more transfers from the same TCF account #3973. Review of a third and final TCF account (personal account # 0151) for Quintin for which he was the lone signer, listed a home address of 9674 E. Arapahoe Road Ste 108, Greenwood Village, CO 80112. This address is actually a commercial mail receiving agency. This account too has only been funded by transfers from TCF account #3973.

**Defendant Compass Bank Accounts #s 3454 and 0016**

20. There are two accounts at Compass Bank on which Thomas Quintin is the signor. Analysis of the records shows that all or most of the deposits going into the accounts are electronic deposits from US Treasury or from re-deposits of checks written on the account or transfers from Quintin's Wells Fargo Accounts.

**Defendant Wells Fargo Bank Accounts #s 6721 and 9055**

21. There are two accounts at Wells Fargo Bank on which Thomas Quintin is the signor. As with the Compass Bank accounts, all or most of the deposits going into the account

#6721 are electronic deposits from US Treasury. Deposits for the second account #9055 consists of \$100 a month transfers from the other Wells Fargo account #6721. Two CTRs were filed by Wells Fargo for the account ending in #6721 in name of Total Tax and Accounting with Thomas Quintin as the sole signor on the account. The CTRs show \$30,000 cash being withdrawn by Quintin in September 2009. The SSN for Quintin is his correct SSN, but the addresses given for both the business and Quintin are mail box service locations, the same scheme Quintin used on the TCF accounts.

**Defendant FirstTier Bank Account #s 0622 and 0995**

22. There are two accounts at First Tier Bank on which Thomas Quintin is the signor. As with the other accounts, analysis of the records has revealed that all or most of the deposits going into the accounts are electronic transfers from US Treasury.

**Defendant Aurum Advisors Account # 6340**

23. Aurum Advisors is a gold selling business located in California. There is one account at Aurum Advisors in the name of Thomas Quintin. The account contents were funded with a wire transfer on October 5, 2009 from defendant FirstTier Account #0995. Quintin was in the process of buying gold from Aurum Advisors and was funding defendant Aurum Advisors #5340 to complete the gold purchase. The gold was to be shipped to Quintin at his business address 7887 E. Belleview Street, P.O. Box 1100, Greenwood Village, Colorado 80112.

**Defendant 2003 Toyota Camry**

24. As set forth in paragraph 11, supra, Quintin provided the funds to purchase defendant Toyota. Since Quintin has no legitimate income since 2006, defendant Toyota is proceeds of the illegal wire fraud activities described herein.

**SUMMARY**

25. Thomas Quintin has been operating a fraud scheme whereby he electronically transmits to the IRS fraudulent tax refund forms, containing false names and social security numbers. He then causes tax refund moneys to be electronically transferred to the subject bank accounts, some of which he also set up with false social security numbers, to carry on the alleged activity and to conceal the nature, location, sources, ownership, and control of the illegal procured funds. He used some of the illegally collected funds to purchase defendant Toyota Camry. Quintin has no other source of income, and thus defendant Cash, Aurum Account, and Bank Accounts also constitute funds collected from the fraud scheme. Accordingly, the subject assets constitutes proceeds of violation of the wire fraud provisions of 18 U.S.C. §1343 and are subject to seizure and forfeiture pursuant to 18 U.S.C. §981.

**VERIFICATION OF TRISTA MERZ, SPECIAL AGENT  
INTERNAL REVENUE SERVICE CRIMINAL INVESTIGATION DIVISION**

I, Special Agent Trista Merz, hereby state and aver that I have read the foregoing Factual Basis for Forfeiture and that the facts and information contained therein is true.

s/ Trista Merz \_\_\_\_\_  
Trista Merz, Special Agent  
Internal Revenue Service Criminal  
Investigation Division

STATE OF COLORADO )  
 )ss.  
CITY AND COUNTY OF DENVER)

The foregoing VERIFIED COMPLAINT FOR FORFEITURE *IN REM* was sworn to and subscribed before me this 4th day of December, 2009 by Trista Merz, Special Agent, Internal Revenue Service Criminal Investigation Division.

s/ Pamela S. Jebens \_\_\_\_\_

Commission Expires: 03/19/2012

Notary Public, State of Colorado

FIRST CLAIM FOR RELIEF

26. The Plaintiff repeats and incorporates by reference each of the paragraphs above.

27. By the foregoing and other acts, defendant Cash constitutes the proceeds of, or is derived from proceeds traceable to, wire fraud violations of 18 U.S.C. §1343, and is therefore, forfeited to the United States pursuant to 18 U.S.C. §981(a)(1)(C).

SECOND CLAIM FOR RELIEF

28. The Plaintiff repeats and incorporates by reference each of the paragraphs above.

29. By the foregoing and other acts, defendant Bank Accounts constitutes the proceeds of, or is derived from proceeds traceable to, wire fraud violations of 18 U.S.C. §1343, and is therefore, forfeited to the United States pursuant to 18 U.S.C. §981(a)(1)(C).

THIRD CLAIM FOR RELIEF

30. The Plaintiff repeats and incorporates by reference each of the paragraphs above.

31. By the foregoing and other acts, defendant Aurum Account #6340 constitutes the proceeds of, or is derived from proceeds traceable to, wire fraud violations of 18 U.S.C. §1343, and is therefore, forfeited to the United States pursuant to 18 U.S.C. §981(a)(1)(C).

FOURTH CLAIM FOR RELIEF

32. The Plaintiff repeats and incorporates by reference each of the paragraphs above.

33. By the foregoing and other acts, defendant Toyota constitutes the proceeds of, or is derived from proceeds traceable to, wire fraud violations of 18 U.S.C. §1343, and is therefore, forfeited to the United States pursuant to 18 U.S.C. §981(a)(1)(C).

WHEREFORE, the United States prays for entry of a final order of forfeiture for defendant property in favor of the United States, that the United States be authorized to dispose of defendant property in accordance with law, and that the Court enter a finding of probable cause for the seizure of defendant property and issue a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465.

Respectfully submitted this 4th day of December, 2009.

DAVID M. GAQUETTE  
United States Attorney

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