

2010 OCT 12 AM 11:10
DENVER, COLORADO
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District Court, City and County of Denver, Colorado Lindsey-Flanigan Courthouse, Room 135 520 W. Colfax Ave. Denver, CO 80204	2010 OCT 12 AM 11:10
Plaintiff: The People of the State of Colorado Defendant: SEAN MICHAEL MUELLER (DOB: 8/31/1968)	
	COURT USE ONLY Case Number: 10CR10319 Div.: Criminal
ARREST WARRANT	

THE PEOPLE OF THE STATE OF COLORADO

TO: Any Peace Office authorized by law to execute arrest warrants:

WHEREAS, the District Attorney for the Second Judicial District, City and County of Denver, State of Colorado has this day filed a Complaint/Information in this Court charging SEAN MICHAEL MUELLER with the crimes of:

Violation of Colorado Organized Crime Control Act in violation of 18-17-104(3), C.R.S. (F2) (1count);

Securities Fraud - Untrue Statement Or Omission in violation of 11-51-501(1)(b), C.R.S. (F3) (1 count);

Theft in violation of 18-4-401(1),(2)(d), C.R.S. (F3) (1 count);

Theft in violation of 18-4-401(1),(2)(d), C.R.S. (F3) (1 count)

AND WHEREAS, the Court has examined the attached affidavit and has satisfied itself that there is probable cause to believe that the above named offense (s) charged have been committed by the above named person; and

WHEREAS, the District Attorney for this Judicial District has requested that an arrest warrant issue for the above named person.

THEREFORE, you are hereby commanded to arrest and bring SEAN MICHAEL MUELLER without unnecessary delay before the nearest available judge of a county or district court.

Bail fixed by the Court in the amount of \$2,000,000.00 ^{EX} Cash only DATED 10/12/10

ORDERED: [Signature]
Judge

ORDERED: [Signature]
District Court Judge

and

Clerk, District Court

Original Duly Verified
State of Colorado } ss
County of _____ }

County Court, City and County of Denver, Colorado City and County Building, Room 111 1437 Bannock Street Denver, CO 80202	
Plaintiff: THE PEOPLE OF THE STATE OF COLORADO Defendant: Sean Michael Mueller DOB: 08/31/1968	
	σ COURT USE ONLY σ Case Number: _____ Div.: Criminal Ctrm: _____
SUPPORTING AFFIDAVIT FOR ARREST WARRANT	

I, Richard S. Rogers, of lawful age do swear upon my oath to the facts set forth below and on the following pages:

Your Affiant, Richard S. Rogers, is employed as an Investigator for the Colorado Division of Securities ("DIVISION").

Your Affiant was assigned to investigate allegations of Violation of the Colorado Organized Crime and Control Act, Securities Fraud and Theft regarding Sean Michael Mueller ("MUELLER").

In 2000, MUELLER formed a company called Mueller Capital Management, LLC which was the general partner to a hedge fund, Mueller Over Under Fund, LP. Later MUELLER created another hedge fund called the Mueller Partners Fund LP (both funds will be referred to hereafter collectively as the "FUNDS"). MUELLER offered investors limited partnership interests in the FUNDS, which are securities as that term is defined pursuant to 11-51-201, C.R.S. in that they are "investment contracts," in that they are an investment in a common enterprise that is premised on a reasonable expectation of profits to be derived from the entrepreneurial or managerial efforts of others.

MUELLER purportedly conducted a day trading strategy in the FUNDS to generate returns on behalf of investors. By April 2010, there were about 65 investors in the FUNDS who invested approximately \$71 Million with MUELLER.

As part of the operation of his hedge fund business, MUELLER employed the services of two accountants, Bill Saetveit ("SAETVEIT") and Bill Schaefer ("SCHAEFER"). Eventually, SAETVEIT and SCHAEFER became minority interest holders in Mueller Capital Management, LLC.

On the morning of April 22, 2010, Greenwood Village Police Department responded to the area

near 6400 South Fiddlers Green, Greenwood Village, Colorado on a report of a man threatening to commit suicide. The man was identified as MUELLER and he was threatening to jump off the RTD parking garage located in the vicinity. Just before MUELLER was taken into protective custody by the Greenwood Village Police Department for the suicide threat, MUELLER told one of his employees, Ian Baker ("BAKER"), that the FUNDS that MUELLER had been operating had "lost money from the start."

Simultaneously with when MUELLER was threatening to commit suicide, MUELLER sent out an email to employees who worked for MUELLER running the hedge fund, telling them that he was sorry for what he (MUELLER) had done and that he was going to commit suicide. Later in the day (via time delay), MUELLER sent out a second email communication to investors. Part of MUELLER'S email stated:

"Nobody here or anywhere else had any idea what was happening. Nobody here or either Bill Saetveit or Bill Schaefer. I think you can redo the taxes and recover a good amount of money. Nobody except myself had any access to the statements.

Sometimes life stresses overwhelm a person to the point where they can't go on. The confusion has finally won its battle with me and I feel like there are no good options left. I always thought I could make it back but that's not going to happen."

On April 23, 2010, the DIVISION was notified by investors of the FUNDS regarding MUELLER'S suicidal actions, statements MUELLER made to employees, and the email alluding to the problems in the FUNDS. Investors in the FUNDS were understandably concerned about MUELLER'S statements in the emails and what problems existed in the FUNDS. MUELLER was also released from protective custody.

On April 23, 2010, the DIVISION appeared before Denver County District Court Judge Brian R. Whitney and applied for and was granted a Temporary Restraining Order, Order Freezing Assets, Order of Non-Destruction of Records and Order to Show Cause Why a Preliminary Injunction Should Not Issue. On April 28, 2010, Denver County District Court Judge Catherine Lemon granted the DIVISION an Order Appointing a Receiver over MUELLER, Mueller Capital Management, LLC, and Mueller Over Under Fund, LP.

The DIVISION continued its investigation and during this inquiry, investigators within the DIVISION, including your Affiant, interviewed or received documents from about 25 investors. Based on these interviews and a review of the documents, the DIVISION determined that from approximately January 2002 until April 2010, the investors were told that MUELLER would invest their funds into MUELLER'S FUNDS brokerage accounts and then MUELLER would incorporate a day trading strategy within the FUNDS to generate returns for investors. Investors were provided with individual monthly account statements that reflected positive gains. In fact, MUELLER only reported positive monthly gains to investors of the FUNDS without ever reporting a monthly loss to investors.

As part of the investigation, the DIVISION obtained MUELLER'S and the FUNDS' bank account records pursuant to several Subpoenas Duces Tecums. Additionally, the DIVISION obtained MUELLER and the FUNDS' brokerage account documentation pursuant the DIVISION'S books and records request authority. An analysis of those documents revealed that MUELLER was the sole person in control of the Mueller Capital Management, LLC and the FUNDS' bank and brokerage accounts.

A limited review of the documentation received from brokerage firms revealed that MUELLER suffered massive losses in his day trading accounts over a two-year period from the years 2008 to 2009. An analysis of the bank records revealed that MUELLER used investor funds to live an extravagant lifestyle which included the personal purchase and upkeep of three luxurious homes, several expensive cars, daily personal living expenses, and memberships in exclusive country clubs. By April 2010, due to the massive trading losses and illegal use of investor funds, MUELLER had less than \$9.5 Million in cash and investments compared to a liability of approximately \$45 Million owed to the investors in the FUNDS. Further, this financial analysis revealed that because of the massive trading losses and personal use of investor funds, MUELLER engaged in a classic "Ponzi"¹ strategy of using new investments by new investors to pay off old investors.

Your Affiant interviewed SAETVEIT and SCHAEFER, the accountants, who stated that they knew nothing about the Ponzi scheme perpetrated by MUELLER. MUELLER provided SAETVEIT and SCHAEFER with fictitious brokerage statements that made the accountants believe that the FUNDS were solvent when, in reality, the FUNDS were drastically underfunded due to trading losses and MUELLER'S personal use of investor funds. Believing the solvency of the FUNDS, along with the belief of the FUNDS' "documented" consistent returns reported by MUELLER, SAETVEIT and SCHAEFER suggested the FUNDS to their accounting clients unwittingly assisting MUELLER in the continuance of MUELLER'S "Ponzi" scheme. MUELLER paid SAETVEIT and SCHAEFER "profits" on their minority interests in Mueller Capital Management, LLC further disguising the underlying fraud.

The investigation revealed that MUELLER knowingly used new investor funds to pay "returns" and disbursements to existing investors in the aforementioned "Ponzi" scheme, failed to deposit investor funds in the brokerage accounts as promised, knowingly provided investors with fictitious monthly account statements that reflected positive returns when MUELLER knew that he had suffered massive trading losses, and knowingly fabricated brokerage statements to reflect vastly inflated account balances to hide his scheme. MUELLER also caused investors to receive fictitious Internal Revenue Service ("IRS") K-1 schedules that reflected positive yearly investment returns in the FUNDS causing investors to pay taxes when in actuality there were investment losses, further victimizing the investors.

¹ The name "Ponzi" scheme comes from Charles Ponzi, who in early twentieth century orchestrated a multi-million dollar scheme of arbitrage using postal coupons. The only way Ponzi was able to pay off old investors was by bringing in new investor money as no profits existed in the scheme.

According to CRS 11-51-501, Fraud and Other Prohibited Conduct, (1) it is unlawful for any person, in connection with the offer, sale, or purchase of any security, directly or indirectly: (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or (c) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person. By making untrue statements and omitting to state material facts to investors as well as operating a business which was in fact operated as a "Ponzi" scheme, MUELLER violated CRS 11-51-501 (1)(b) and (1)(c) Fraud and Other Prohibited Conduct. By using investor funds for his personal use, MUELLER committed Theft as defined in 18-4-401(1), (4) C.R.S.

According to Colorado Organized Crime Control Act, CRS 18-17-104, Prohibited Activities, (3) it is unlawful for any person employed by, or associated with, any enterprise to knowingly conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt. MUELLER was employed by his own enterprise, Mueller Capital Management, LLC, and knowingly and directly conducted Securities Fraud, CRS 11-51-501 (1)(b) and (1)(c) in such enterprise.

Based on the foregoing, your Affiant respectfully requests that a Warrant be issued for the arrest of SEAN MICHAEL MUELLER, DOB: 08/31/1968, for COLORADO ORGANIZED CRIME CONTROL ACT 18-17-104 (3) C.R.S. (F2), 1 COUNT; SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, 11-51-501(1)(b) C.R.S. (F3), 1 COUNT; and THEFT, 18-4-401(1),(4) C.R.S. (F3) 2 COUNTS.

Richard A. Royce
AFFIANT

Subscribed and Sworn to before me this 12th day of October 2010, at the City and County of Denver, State of Colorado.

My commission expires: 9-2-2012

[Signature]
NOTARY PUBLIC
201 W. Colfax Ave., Dept. 801
Denver, CO 80202

THE DISTRICT COURT
DENVER, COLORADO
COPY

2010 OCT 12 AM 11:10

District Court, City and County of Denver, Colorado Lindsey-Flanigan Courthouse, Room 135 520 W. Colfax Ave. Denver, CO 80204	
Plaintiff: The People of the State of Colorado	
Defendant: SEAN MICHAEL MUELLER	
Mitchell R. Morrissey, Reg. No. 13784 District Attorney, Second Judicial District By the undersigned Deputy District Attorney 201 West Colfax Ave., Dept. 801 Denver, CO 80202 Phone Number: 720-913-9000 Fax Number: 720-913-9035	<p style="text-align: center;">σ COURT USE ONLY σ</p> <p>Case Number: 10CR10319</p> <p>Div.: Criminal</p>
INFORMATION <i>HADV 54156</i>	

10/15/10 8:36

FOUR CHARGES:

- COUNT 1: VIOLATION OF COLORADO ORGANIZED CRIME CONTROL ACT, C.R.S 18-17-104(3) (F2) {37284}**
- COUNT 2: SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION, C.R.S 11-51-501(1)(b) (F3) {50052}**
- COUNT 3: THEFT, C.R.S 18-4-401(1),(2)(d) (F3) {0801E}**
- COUNT 4: THEFT, C.R.S 18-4-401(1),(2)(d) (F3) {0801V}**

ECONOMIC CRIMES UNIT

Bond set at: \$~~2,000,000~~ *cash only* Judge: *[Signature]* Date *10/12/10*
Signature

Mitchell R. Morrissey, District Attorney for the Second Judicial District, of the State of Colorado, in the name and by the authority of the People of the State of Colorado, informs the court of the following offenses committed, or triable, in the county of Denver:

COUNT 1: VIOLATION OF COLORADO ORGANIZED CRIME CONTROL ACT (F2)

Between and including approximately January 1, 2001 and April 26, 2010, SEAN MICHAEL MUELLER, while employed by or associated with an enterprise, namely: MUELLER CAPITAL MNAGEMENT, LLC , MUELLER OVER AND UNDER FUND LP and all entities associated with SEAN MICHAEL MUELLER, unlawfully, feloniously, and knowingly conducted or participated, directly or indirectly, in the enterprise through a pattern of racketeering activity; in violation of sections 18-17-104(3) and 18-17-105, C.R.S.

The Enterprise

The enterprise alleged in this count was MUELLER CAPITAL MNAGEMENT, LLC , MUELLER OVER AND UNDER FUND LP and all entities associated with SEAN MICHAEL MUELLER,.

Pattern of Racketeering Activity

For purposes of this count, SEAN MICHAEL MUELLER, the defendant engaged in acts related to the conduct of the enterprise, at least one of which took place in the State of Colorado after July 1, 1981, and the last of which occurred within ten years after a prior act of racketeering activity; the acts are described in counts 2, 3, and 4 including any lesser included offenses of these counts in this information.

COUNT 2: SECURITIES FRAUD - UNTRUE STATEMENT OR OMISSION (F3)

Between and including approximately January 1, 2001 and April 26, 2010, SEAN MICHAEL MUELLER, in connection with the offer, sale, or purchase of a security to wit: Investment Contract, directly or indirectly to: KATHLEEN ADKINS, MICHAEL BAILEY, BRETT BAUMANN, SPENCER BROD, JIM BURKE, EDWARD CALUS, DOUG CHAMPION, STEPHEN CREAMER, KATY DAVIS, KENNETH DECKER, JOHN ELWAY, JACK DOWNING, DON ENGLAND, TIM FOOTE, MIKE GIGLIO, DAN GRUBB, KATHY KAHN, CHARLIE KIRCHHOFF, DAVID LANCASTER, AMY LEVI, MARK LUDWIG, TODD MAUL, JOHN MCGRATH, PATTY MONTOYA, KENT MOORE, BENJAMIN NACHMAN, BRUCE NASSAU, MITCHELL D PIERCE, JAMES E POWERS, RICHARD MARCUS, MICHAEL RICHARDSON, EMIL ROETHLISBERGER, BLAINE ROLLINS, JOE SAGRATI, ANN SCHAEFER, R SCOT SELLERS, LEN SILVERSTON, STANLEY SMAZAL, JOSEPH WILLIAM STRAUSBURG, BARRY TALLEY, ROBERT LORAN THOMPSON, BRIAN THORSEN, BRITTANY THORSEN, ERIC THORSEN, CAROL WALSH, DARRELL WEAKLAND, RODERICK WESTFALL, TIM WESTFALL, JERRY L WILLIAMS,

PENELOPE WOLFORD, STEVEN GOTSDINER, JIM SWEET, JASON WALSH and KEVIN WESTFALL, unlawfully, feloniously, and willfully made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; in violation of sections 11-51-501(1)(b) and 11-51-603(1), C.R.S.

COUNT 3: THEFT (F3)

Between and including approximately January 1, 2001 and June 30, 2007, SEAN MICHAEL MUELLER unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: MONEY, of KATHLEEN ADKINS, MICHAEL BAILEY, BRETT BAUMANN, SPENCER BROD, JIM BURKE, EDWARD CALUS, DOUG CHAMPION, STEPHEN CREAMER, KATY DAVIS, KENNETH DECKER, JOHN ELWAY, JACK DOWNING, DON ENGLAND, TIM FOOTE, MIKE GIGLIO, DAN GRUBB, KATHY KAHN, CHARLIE KIRCHHOFF, DAVID LANCASTER, AMY LEVI, MARK LUDWIG, TODD MAUL, JOHN MCGRATH, PATTY MONTOYA, KENT MOORE, BENJAMIN NACHMAN, BRUCE NASSAU, MITCHELL D PIERCE, JAMES E POWERS, RICHARD MARCUS, MICHAEL RICHARDSON, EMIL ROETHLISBERGER, BLAINE ROLLINS, JOE SAGRATI, ANN SCHAEFER, R SCOT SELLERS, LEN SILVERSTON, STANLEY SMAZAL, JOSEPH WILLIAM STRAUSBURG, BARRY TALLEY, ROBERT LORAN THOMPSON, BRIAN THORSEN, BRITTANY THORSEN, ERIC THORSEN, CAROL WALSH, DARRELL WEAKLAND, RODERICK WESTFALL, TIM WESTFALL, JERRY L WILLIAMS, PENELOPE WOLFORD, STEVEN GOTSDINER, JIM SWEET, JASON WALSH and KEVIN WESTFALL, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive KATHLEEN ADKINS, MICHAEL BAILEY, BRETT BAUMANN, SPENCER BROD, JIM BURKE, EDWARD CALUS, DOUG CHAMPION, STEPHEN CREAMER, KATY DAVIS, KENNETH DECKER, JOHN ELWAY, JACK DOWNING, DON ENGLAND, TIM FOOTE, MIKE GIGLIO, DAN GRUBB, KATHY KAHN, CHARLIE KIRCHHOFF, DAVID LANCASTER, AMY LEVI, MARK LUDWIG, TODD MAUL, JOHN MCGRATH, PATTY MONTOYA, KENT MOORE, BENJAMIN NACHMAN, BRUCE NASSAU, MITCHELL D PIERCE, JAMES E POWERS, RICHARD MARCUS, MICHAEL RICHARDSON, EMIL ROETHLISBERGER, BLAINE ROLLINS, JOE SAGRATI, ANN SCHAEFER, R SCOT SELLERS, LEN SILVERSTON, STANLEY SMAZAL, JOSEPH WILLIAM STRAUSBURG, BARRY TALLEY, ROBERT LORAN THOMPSON, BRIAN THORSEN, BRITTANY THORSEN, ERIC THORSEN, CAROL WALSH, DARRELL WEAKLAND, RODERICK WESTFALL, TIM WESTFALL, JERRY L WILLIAMS, PENELOPE WOLFORD, STEVEN GOTSDINER, JIM SWEET, JASON WALSH and KEVIN WESTFALL permanently of its use or benefit or knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive KATHLEEN ADKINS, MICHAEL BAILEY, BRETT BAUMANN, SPENCER BROD,

JIM BURKE, EDWARD CALUS, DOUG CHAMPION, STEPHEN CREAMER, KATY DAVIS, KENNETH DECKER, JOHN ELWAY, JACK DOWNING, DON ENGLAND, TIM FOOTE, MIKE GIGLIO, DAN GRUBB, KATHY KAHN, CHARLIE KIRCHHOFF, DAVID LANCASTER, AMY LEVI, MARK LUDWIG, TODD MAUL, JOHN MCGRATH, PATTY MONTOYA, KENT MOORE, BENJAMIN NACHMAN, BRUCE NASSAU, MITCHELL D PIERCE, JAMES E POWERS, RICHARD MARCUS, MICHAEL RICHARDSON, EMIL ROETHLISBERGER, BLAINE ROLLINS, JOE SAGRATI, ANN SCHAEFER, R SCOT SELLERS, LEN SILVERSTON, STANLEY SMAZAL, JOSEPH WILLIAM STRAUSBURG, BARRY TALLEY, ROBERT LORAN THOMPSON, BRIAN THORSEN, BRITTANY THORSEN, ERIC THORSEN, CAROL WALSH, DARRELL WEAKLAND, RODERICK WESTFALL, TIM WESTFALL, JERRY L WILLIAMS, PENELOPE WOLFORD, STEVEN GOTSDINER, JIM SWEET, JASON WALSH and KEVIN WESTFALL of its use or benefit or knowingly used, concealed, or abandoned the thing of value intending that such use, concealment, or abandonment would deprive KATHLEEN ADKINS, MICHAEL BAILEY, BRETT BAUMANN, SPENCER BROD, JIM BURKE, EDWARD CALUS, DOUG CHAMPION, STEPHEN CREAMER, KATY DAVIS, KENNETH DECKER, JOHN ELWAY, JACK DOWNING, DON ENGLAND, TIM FOOTE, MIKE GIGLIO, DAN GRUBB, KATHY KAHN, CHARLIE KIRCHHOFF, DAVID LANCASTER, AMY LEVI, MARK LUDWIG, TODD MAUL, JOHN MCGRATH, PATTY MONTOYA, KENT MOORE, BENJAMIN NACHMAN, BRUCE NASSAU, MITCHELL D PIERCE, JAMES E POWERS, RICHARD MARCUS, MICHAEL RICHARDSON, EMIL ROETHLISBERGER, BLAINE ROLLINS, JOE SAGRATI, ANN SCHAEFER, R SCOT SELLERS, LEN SILVERSTON, STANLEY SMAZAL, JOSEPH WILLIAM STRAUSBURG, BARRY TALLEY, ROBERT LORAN THOMPSON, BRIAN THORSEN, BRITTANY THORSEN, ERIC THORSEN, CAROL WALSH, DARRELL WEAKLAND, RODERICK WESTFALL, TIM WESTFALL, JERRY L WILLIAMS, PENELOPE WOLFORD, STEVEN GOTSDINER, JIM SWEET, JASON WALSH and KEVIN WESTFALL permanently of its use or benefit; in violation of section 18-4-401(1)(a)-(c),(2)(d), C.R.S.

COUNT 4: THEFT (F3)

Between and including approximately July 1, 2007 and April 26, 2010, SEAN MICHAEL MUELLER unlawfully, feloniously, and knowingly obtained or exercised control over a thing of value, namely: MONEY, of KATHLEEN ADKINS, MICHAEL BAILEY, BRETT BAUMANN, SPENCER BROD, JIM BURKE, EDWARD CALUS, DOUG CHAMPION, STEPHEN CREAMER, KATY DAVIS, KENNETH DECKER, JOHN ELWAY, JACK DOWNING, DON ENGLAND, TIM FOOTE, MIKE GIGLIO, DAN GRUBB, KATHY KAHN, CHARLIE KIRCHHOFF, DAVID LANCASTER, AMY LEVI, MARK LUDWIG, TODD MAUL, JOHN MCGRATH, PATTY MONTOYA, KENT MOORE, BENJAMIN NACHMAN, BRUCE NASSAU, MITCHELL D PIERCE, JAMES E POWERS, RICHARD MARCUS, MICHAEL RICHARDSON, EMIL ROETHLISBERGER, BLAINE ROLLINS, JOE SAGRATI, ANN SCHAEFER, R SCOT SELLERS, LEN SILVERSTON, STANLEY SMAZAL, JOSEPH WILLIAM STRAUSBURG, BARRY TALLEY, ROBERT LORAN THOMPSON, BRIAN THORSEN, BRITTANY THORSEN, ERIC THORSEN, CAROL WALSH, DARRELL WEAKLAND, RODERICK WESTFALL, TIM WESTFALL, JERRY L WILLIAMS,

PENELOPE WOLFORD, STEVEN GOTSDINER, JIM SWEET, JASON WALSH and KEVIN WESTFALL, with the value of fifteen thousand dollars or more, without authorization, or by threat or deception, and intended to deprive KATHLEEN ADKINS, MICHAEL BAILEY, BRETT BAUMANN, SPENCER BROD, JIM BURKE, EDWARD CALUS, DOUG CHAMPION, STEPHEN CREAMER, KATY DAVIS, KENNETH DECKER, JOHN ELWAY, JACK DOWNING, DON ENGLAND, TIM FOOTE, MIKE GIGLIO, DAN GRUBB, KATHY KAHN, CHARLIE KIRCHHOFF, DAVID LANCASTER, AMY LEVI, MARK LUDWIG, TODD MAUL, JOHN MCGRATH, PATTY MONTOYA, KENT MOORE, BENJAMIN NACHMAN, BRUCE NASSAU, MITCHELL D PIERCE, JAMES E POWERS, RICHARD MARCUS, MICHAEL RICHARDSON, EMIL ROETHLISBERGER, BLAINE ROLLINS, JOE SAGRATI, ANN SCHAEFER, R SCOT SELLERS, LEN SILVERSTON, STANLEY SMAZAL, JOSEPH WILLIAM STRAUSBURG, BARRY TALLEY, ROBERT LORAN THOMPSON, BRIAN THORSEN, BRITTANY THORSEN, ERIC THORSEN, CAROL WALSH, DARRELL WEAKLAND, RODERICK WESTFALL, TIM WESTFALL, JERRY L WILLIAMS, PENELOPE WOLFORD, STEVEN GOTSDINER, JIM SWEET, JASON WALSH and KEVIN WESTFALL permanently of its use or benefit or knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive KATHLEEN ADKINS, MICHAEL BAILEY, BRETT BAUMANN, SPENCER BROD, JIM BURKE, EDWARD CALUS, DOUG CHAMPION, STEPHEN CREAMER, KATY DAVIS, KENNETH DECKER, JOHN ELWAY, JACK DOWNING, DON ENGLAND, TIM FOOTE, MIKE GIGLIO, DAN GRUBB, KATHY KAHN, CHARLIE KIRCHHOFF, DAVID LANCASTER, AMY LEVI, MARK LUDWIG, TODD MAUL, JOHN MCGRATH, PATTY MONTOYA, KENT MOORE, BENJAMIN NACHMAN, BRUCE NASSAU, MITCHELL D PIERCE, JAMES E POWERS, RICHARD MARCUS, MICHAEL RICHARDSON, EMIL ROETHLISBERGER, BLAINE ROLLINS, JOE SAGRATI, ANN SCHAEFER, R SCOT SELLERS, LEN SILVERSTON, STANLEY SMAZAL, JOSEPH WILLIAM STRAUSBURG, BARRY TALLEY, ROBERT LORAN THOMPSON, BRIAN THORSEN, BRITTANY THORSEN, ERIC THORSEN, CAROL WALSH, DARRELL WEAKLAND, RODERICK WESTFALL, TIM WESTFALL, JERRY L WILLIAMS, PENELOPE WOLFORD, STEVEN GOTSDINER, JIM SWEET, JASON WALSH and KEVIN WESTFALL of its use or benefit or knowingly used, concealed, or abandoned the thing of value intending that such use, concealment, or abandonment would deprive KATHLEEN ADKINS, MICHAEL BAILEY, BRETT BAUMANN, SPENCER BROD, JIM BURKE, EDWARD CALUS, DOUG CHAMPION, STEPHEN CREAMER, KATY DAVIS, KENNETH DECKER, JOHN ELWAY, JACK DOWNING, DON ENGLAND, TIM FOOTE, MIKE GIGLIO, DAN GRUBB, KATHY KAHN, CHARLIE KIRCHHOFF, DAVID LANCASTER, AMY LEVI, MARK LUDWIG, TODD MAUL, JOHN MCGRATH, PATTY MONTOYA, KENT MOORE, BENJAMIN NACHMAN, BRUCE NASSAU, MITCHELL D PIERCE, JAMES E POWERS, RICHARD MARCUS, MICHAEL RICHARDSON, EMIL ROETHLISBERGER, BLAINE ROLLINS, JOE SAGRATI, ANN SCHAEFER, R SCOT SELLERS, LEN SILVERSTON, STANLEY SMAZAL, JOSEPH WILLIAM STRAUSBURG, BARRY TALLEY, ROBERT LORAN THOMPSON, BRIAN THORSEN, BRITTANY THORSEN, ERIC THORSEN, CAROL WALSH, DARRELL WEAKLAND, RODERICK WESTFALL, TIM WESTFALL, JERRY L WILLIAMS, PENELOPE WOLFORD, STEVEN GOTSDINER, JIM SWEET, JASON WALSH and KEVIN WESTFALL permanently of its use or benefit; in violation of section 18-4-401(1)(a)-(c), (2)(d), C.R.S.