

PETTERS: I will, I will.

WHITE: ...tomorrow. Talk to you. Okay. Ciao

PETTERS: Okay, love ya. Bye.

WHITE: Bye.

(Call ends)

BISSWURM: Time off is 9:15.

Page 2

INFORMATION

People v. PETERS & CHAMBERLIN

Case No. 89CR

COUNT FIVE: SECOND DEGREE FORGERY/CHECK(F-4)

On or about March, 1989, THOMAS J. PETERS, with the intent to defraud NORWEST FINANCIAL COLORADO, INC., CENTRAL BANK OF ACADEMY BLVD., NATIONAL F.V. and STEREO, INC., and JEROME GREENBERG did unlawfully, feloniously and falsely make, complete, alter and utter a written instrument which was and which purported to be and which was calculated to become and to represent if completed the check of NORWEST FINANCIAL COLORADO, INC., which document did and may evidence, create, transfer, terminate and otherwise affect a legal right, interest, obligation and status; In violation of Colorado Revised Statutes 18-5-103(1)(a), as amended, Second Degree Forgery/Check (F-4)

Page 3
INFORMATION
People v. PETERS & CHAMBERLIN Case No. 89CR

Each foregoing offense was committed in, and is triable in, El Paso County, Colorado.

JOHN W. SUTHERS, 8492, DISTRICT ATTORNEY

By: *[Signature]* (3031)
Deputy District Attorney

AFFIDAVIT

El Paso County, Colorado

(See the Supplemental Affidavit filed with this Information if an arrest warrant is requested)

I, BRIAN M. GRADY, as investigating peace officer, state under oath that I have personal knowledge that each offense set forth in this Information was committed as charged.

Agency: DA ECONOMIC CRIME

Brian M. Grady
Affiant

On this date, I witnessed the affiant sign this affidavit and swear under oath to the truth of the statements it contains.

(S E A L)

October 23 1989
Date

Mary Ann Mann
Notary Public
My commission expires: 1-18-91
Address: 326 S. Tejon
Colorado Springs, CO 80903

DISTRICT COURT, EL PASO COUNTY, COLORADO
CASE NO. DIVISION NO.

SUPPLEMENTAL AFFIDAVIT

THE PEOPLE OF THE STATE OF COLORADO,

Plaintiff,

vs.

THOMAS J. PETERS
AND
ALAN DALE CHAMBERLIN,

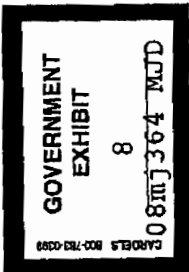
Defendants.

STATE OF COLORADO)
EL PASO COUNTY)

In support of a request for the issuance of a warrant for the arrest of Defendants, THOMAS J. PETERS, white male, DOB: [REDACTED] 57, and ALAN DALE CHAMBERLIN, white male, DOB: [REDACTED] 47, the undersigned Affiant, being first duly sworn upon oath, states he has personal knowledge of the following facts:

Your Affiant is a Detective of the Colorado Springs Police Department, presently assigned to the Fourth Judicial District, District Attorney's Office.

On 4-6-89, the Economic Crime Division of the District Attorney's office received a written complaint from Liberty Military Sales, Inc., against Pikes Peak Liquidators and Tom Peters. The complaint indicates that on January 26, 1989, Pat Perry received a phone call from C.L. Funderburk offering to sell 450 Emerson, Model 754 VCRS at a price of \$157.00 each. Mr. Perry indicated that he began calling his various contacts and located a buyer, Dave Burdick of Tepito, Inc. Mr. Perry indicated that Mr. Burdick desired to purchase the VCRS and he negotiated a price of \$176.00 each. Mr. Perry indicated that he received on January 30, 1989, payment in the amount of \$80,550.00 for the VCRS which were ordered from Pikes Peak Liquidators, Inc. in Colorado Springs. Mr. Perry indicated that he then requested that a wire transfer in the amount of \$75,150.00 be sent to Pikes Peak Liquidators, Inc. care of the Century Bank at Hancock and Academy, account number [REDACTED] 2152. Mr. Perry provided in his complaint a copy of the wire transfer debit from Liberty Military Sales, Inc. Mr. Perry indicated on February 10, 1989, he called his customer, David Burdick to see if he had received his order. Mr. Burdick indicated that he had not and Mr. Perry called C.L. Funderburk in Lawton, OK., to inquire about the order. Mr. Funderburk indicated



that the order would not be shipped until March 8, 1989, because that was the earliest shipping date they had available.

On 4-18-89, at 11:27 A.M., Detective Grady spoke with Pat Perry and Ron Hatfield of Liberty Military Sales. Mr. Perry indicated that they had issued a purchase order for the 450 Emerson VCRS. Mr. Perry indicated that they knew what the product was which was a re-packaged product in original boxes. Mr. Perry indicated that he was told by Tom Petters that they had sent the money to the re-packer and he has since learned that they have never sent the money. Mr. Perry indicated that Mr. Petters offered to send half of the money back and would collect the second half upon delivery of the product. Mr. Perry indicated that Liberty Military Sales received two checks drawn on the Pikes Peak Liquidators account at the Century Bank. The first check, number 1317, is dated February 27, 1989, pay to the order of Liberty Military Sales, \$20,000.00, signed Alan Chamberlin. The check indicates a notation of refund on Emerson order. The check was dishonored by the Century Bank due to insufficient funds in the account.

Mr. Perry provided a copy of a second check, number 1318, dated March 4, 1989, pay to the order of Liberty Military Sales, \$17,500.00, signed Alan D. Chamberlin, notation, refund on Emerson order. The second check was dishonored for the Century Bank because payment had been stopped on the check.

Mr. Perry provided copies of two additional checks, one number 1337, dated 3-14-89, pay to the order of Liberty Military Sales, \$20,000.00, signed Alan D. Chamberlin, the check was dishonored for payment due to a "stop payment" on the check. And additional check number 1338, dated 3-9-89, pay to the order of Liberty Military Sales, \$17,500.00, signed Alan D. Chamberlin, this check was dishonored for payment due to insufficient funds.

The complaint indicates that Tom Booth received a fax from Tom Petters on March 7, 1989, describing how they would get the balance rectified. The fax indicates two payments on 3-13-89, one in the amount of \$17,500.00 and the second in the amount \$20,000.00. The complaint also indicates that \$20,000.00 has been wired and cashed to replace the check.

Detective Grady subpoenaed bank records concerning the Pikes Peak Liquidator account at the Century Bank in Colorado Springs. Detective Grady subsequently received the records which indicate that a wire transfer in the amount of \$75,140.00 was received on January 31, 1989, from Liberty Military Sales. Bank records reflect that on the same day that the wire was received, Alan Chamberlin made out a check dated January 31, 1989, made payable to himself, in the amount of \$2,500.00. A second check number 1202, dated 12-22-88, pay to the order of John Hedlund, \$1,250.00 is signed Alan D. Chamberlin. The check is endorsed John Hedlund, pay to the order of Thomas Petters, secondarily endorsed Thomas

Petters, deposited into account number [REDACTED] 9300 at the First Colorado Bank. Officer notes a previous check number 1257, dated January 31, 1989, made out to John Hedlund in the amount of \$2,400.00. The endorsement on this check is inconsistent with the endorsement on the check number 1202, which is then made payable to Thomas Petters. On February 8, 1989, a check was written, number 1285, to Tom Petters, for \$700.00, signed by Alan Chamberlin. The reverse side of the check has a driver's license #F396605 and a date of birth of [REDACTED] 57. Check number 1282 is dated 2-2-89, pay to the order of Bank of Haven, for \$700.00, signed Alan D. Chamberlin, the notation on the check indicates TP Credit Card, Master Card.

On January 31, 1989, a check number 1260 was written to Jamie Petters, the wife of Tom Petters in the amount of \$3,200.00, signed by Alan D. Chamberlin. A second check number 1284, dated February 2, 1989, pay to the order of Jamie Petters, \$404.00 is also signed by Alan D. Chamberlin. The \$404.00 check has an endorsement Jamie Petters for deposit only, secondary endorsement, Thomas Petters for deposit only and the \$3,200.00 check has the endorsement Jamie Petters for deposit only.

On 9-1-89, at 10:45 A.M. Detective Grady spoke with Bruce Sherman. Mr. Sherman stated that he was acquainted with Tom Petters and that Mr. Petters had paid him some money, approximately \$6,000.00, in January, February or March of 1989. Mr. Sherman indicated that Mr. Petters had owed him \$29,000.00 and that was why he received money from Tom Petters. Detective Grady asked Mr. Sherman where he could locate Mr. Petters and Mr. Sherman indicated that he could probably be located through his attorney, Bob Duitch. Mr. Sherman indicated that Alan Chamberlin was probably still in town although he frequently moved.

Detective Grady did a Department of Revenue on Alan Chamberlin and located a Colorado Driver's License #H497093, listing a date of birth of [REDACTED] 47, a physical description of 5'10", 180 lbs., brown hair, and blue eyes.

Contained in the bank records was a photocopy of Driver's License number H497093, Mr. Chamberlin was an authorized signature on both the Pikes Peak Liquidators account and also the American Investigations Inc. account.

On 9-1-89, Detective Grady spoke with Boris Chait who was listed in Liberty Military Sales complaint as an Emerson Refurbisher. Detective Grady contacted Mr. Chait at phone number 201-382-6650. Detective Grady explained to Mr. Chait that he was investigating a complaint where Pikes Peak Liquidators had accepted \$75,000.00 from Liberty Military Sales and promised to provide 450 Emerson VCRS. Detective Grady informed Mr. Chait that his name was listed as one who maybe supplying Pikes Peak Liquidators with the VCRS. Mr. Chait indicated that he had heard the story approximately one month ago, from someone at Emerson.

Mr. Chait indicated that he had been contacted by Ed Bohn of Emerson and he told Mr. Bohn that he had never been contacted by Tom Petters or anyone from Pikes Peak Liquidators. Mr. Chait stated that it would be highly unusual to have 450 VCERS at one time and stated that he never had 450 VCERS for sale at one time.

A second name listed on the complaint filed by Liberty Military Sales indicates a Emerson Refurbisher of David Nivie, phone number (718) 230-9600. It indicates in the complaint that Tom Petters had stated that Mr. Nivie had received \$37,500.00. Detective Grady spoke with Mr. Nivie by phone who indicated that he had never received any money from Pikes Peak Liquidators and that he does repair work for Emerson. Mr. Nivie indicated that he had never had a quantity of 450 VCERS for sale at any one time and that he's had no contact with Tom Petters or Pikes Peak Liquidators.

Mr. Nivie indicated that he had also been contacted by Ed Bohn from Emerson and related the information to him. Mr. Nivie stated that his bank records were open to Detective Grady if he wanted to confirm the fact that he had not received \$37,500.00. Detective Grady informed Mr. Nivie that that would not be necessary as he had no record that he had received \$37,500.00 from Pikes Peak Liquidators account.

On 9-13-89, at 4:30 P.M., Detective Grady spoke with Chuck Sturgis. Mr. Sturgis was listed at the Secretary of State's Office as the Agent of Service for Pikes Peak Liquidators, Inc. Mr. Sturgis indicated that Tom Petters had also defrauded him. Mr. Sturgis indicated that Mr. Petters came to him with an American Express Application and told him that he needed to sign it so that he could be on the company charge account. Mr. Sturgis stated that without his knowledge he was made the individual personally responsible for payment on the credit card and that Mr. Petters ran up a considerable balance totaling \$6,300.00 on the charge account. Mr. Sturgis stated that Mr. Petters represented to him that he needed to sign the application so he could purchase an airline ticket for an employee if need be.

Mr. Sturgis stated that he worked in the warehouse for National TV and Stereo at both Drennon Road and B Street stores and that he did not really have much knowledge of the finances of the corporation. Mr. Sturgis stated that Detective Grady should talk to the accountant, Skeet Joiner who's office is located at 2646 East Yampa, phone number 632-3800.

Detective Grady asked Mr. Sturgis where Mr. Petters was at the present time. Mr. Sturgis indicated that he believes Mr. Petters has left town and is in the State of Minnesota and had gone through a residential treatment for drug or alcohol abuse. Mr. Sturgis stated that he last saw Tom Petters on or about July 20, 1989, and has not seen him since. Mr. Sturgis indicated that he quit working around Christmas time in 1988, and

never went back to work for Pikes Peak Liquidators, Inc.

On 9-13-89, at 4:45 P.M., Detective Grady spoke with Skeet Joiner by telephone. Mr. Joiner indicated that he was the accountant for Pikes Peak Liquidators, Inc. although he did not have full access to all the records. Mr. Joiner indicated that he had some of the records but the majority of the records were kept at the store. Mr. Joiner indicated that he was asking for the records so he could make filings with the Internal Revenue Service and that he was never provided the records and the filings were never made. Mr. Joiner indicated that he did not sign very many of the checks for Pikes Peak Liquidators, Inc. and that Alan Chamberlin was the one signing most of the checks.

On 10-5-89, at 10:50 A.M., Detective Grady received a telephone call from Tom Pettars. Mr. Pettars indicated that he had talked to Jerry Greenberg who indicated that Detective Grady wanted to talk to him. Detective Grady asked Mr. Pettars about the \$75,000.00 wire transfer from Liberty Military Sales to Pikes Peak Liquidators. Mr. Pettars indicated that himself and Phil Howerton were looking for the VCRS to fill the order. Mr. Pettars indicated that he thought he had struck up a deal with a supplier in New York or New Jersey but that the deal did not go through. Mr. Pettars admitted that he had spent some of the money to pay some of the debt for Jerry Greenberg's stores. Mr. Pettars indicated that he use to own National Superstores and that Mr. Greenberg brought him out of that business and changed the name to National TV and Stereo. Mr. Pettars indicated that Mr. Greenberg verbally agreed to take the receivables of National Superstores and also be liable for the creditors. Mr. Pettars indicated that Mr. Greenberg did not honor his agreement to pay the creditors and that he used some of the money from the Pikes Peak Liquidator account to pay for the creditors. Mr. Pettars also admitted that he had had a \$10,000.00 check made to Bruce Devenyns that was indicated as a loan. Mr. Pettars stated that part of the money was used as a payment for a Ford Bronco, which was a company vehicle that he drove and that approximately \$4,000.00 of the money was a loan to Bruce Devenyns who has since repaid him some of the money. Mr. Pettars indicated that they did repay \$20,000.00 of the money to Liberty Military Sales and that he has a civil suit pending against Mr. Greenberg regarding the default in paying the creditors of National Superstores. Mr. Pettars indicated that the bottom line was that Tom Booth of Liberty Military Sales was owed \$55,000.00 and deserved to get the money back. Mr. Pettars indicated that he is willing to repay and make restitution for the money that he directly or indirectly received. Mr. Pettars indicated that he did not have the money to repay at this time.

On 10-10-89, at approximately 8:10 A.M., Detective Grady received a return telephone call from Phil Howerton. Detective Grady informed Mr. Howerton that he was investigating the transaction between Liberty Military Sales and Pikes Peak

Liquidators. Mr. Howerton stated that C.L. Funderburk worked in an office next to his in Lawton, Oklahoma. Mr. Howerton stated that he was a loan broker and that he was closing his business and asked to share office space with him. Mr. Howerton indicated that he agreed and that while he and Mr. Funderburk were sharing office space, Tom Petters, an old friend of his, came out and visited and was introduced to C.L. Funderburk. Mr. Howerton indicated that he used to be in business together with Tom Booth of Liberty Military Sales. Mr. Howerton indicated that he first formed the company and that he left Mr. Booth and that Mr. Booth took over the company. Mr. Howerton indicated that he was at Liberty Military Sales and met a sales representative for Liberty Military Sales, Pat Perry. Mr. Howerton indicated that Mr. Perry asked him if he knew someone that had some VCRS for sale. Mr. Howerton indicated that he gave C.L. Funderburk a call and that C.L. Funderburk talked to Tom Petters who indicated that he had access to two or three different types of re-packed Emersons VCRS. Mr. Howerton indicated that Pat Perry and Mr. Funderburk and Mr. Petters struck up the deal and that was his only involvement in the incident. Mr. Howerton stated that he understood that the deal never went through and that he loaned \$20,000.00 to Tom Petters in March of 1989 so that he could repay Tom Booth.

The above information is contained in an Economic Crime Consumer Information Referral Form #89-3009.

On May 23, 1989, the Economic Crime Division received a written complaint from Jerome Greenberg, the president of National TV and Stereo, Inc. Mr. Greenberg provided a copy of two checks which should have been deposited into the National TV and Stereo, Inc. account which were forged and deposited into the accounts of American Investigators, Inc. and Pikes Peak Liquidators, Inc. The first check is drawn in the account of ITT Financial Services, check # 30711, dated 10-4-88, pay to the order of Charles Sutton and Citizens Guaranteed Bank, for \$1,000.00. The reverse side of the check has the endorsement Charles Sutton and a secondary endorsement that appears to be Frank Veispraller and a secondary endorsement for deposit, Pikes Peak Liquidators, Inc. account # 215-2. On 9-11-89, at 5:00 P.M., Detective Grady was contacted at 326 South Tejon by Charles Sutton. Mr. Sutton indicated that he had purchased items at National TV and Stereo, Inc. and decided to consolidate a loan and pay off the balance owed to National TV and Stereo, Inc. Mr. Sutton indicated that he received a check made out to Charles Sutton and Citizens Guaranteed Bank from ITT Financial Services. Mr. Sutton indicated the check was made out to Citizens Guaranteed Bank because that was the account which handled the allotment on his payment to National TV and Stereo, Inc. Mr. Sutton brought in a copy of a receipt that he received from National TV and Stereo, Inc., dated 1-14-89. Officer notes that the check was deposited into the Pikes Peak Liquidators, Inc. account on January 17, 1989.

Mr. Sutton looked at his endorsement on the back of the check

and indicated that it looked like his signature.

The second check involved was drawn on the Norwest Financial Colorado, Inc. account at the Central Bank of Academy Blvd. The check is dated 3-15-89, pay to the order of National TV and Stereo, Inc., in the amount of \$3,331.88. Mr. Greenberg provided in his complaint, documentation that this check was due to National TV and Stereo, Inc. for full payment on the account of Toiaf Levaomana for a purchase made on 3-11-89. Mr. Greenberg stated that the purchase was financed through Norwest Financial Colorado, Inc.

The reverse side of the check indicates an endorsement, National TV and Stereo, Inc., Tom Petters, President, pay to the order of American Investigations and secondary endorsed American Investigations, Inc., Alan D. Chamberlin, President. Mr. Greenberg stated that Mr. Petters was not the president of National TV and Stereo, Inc. and was not authorized to convert the money to American Investigations.

On 9-14-89, in the afternoon hours, Detective Grady was contacted at 326 South Tejon by Chuck Sturgis. Mr. Sturgis looked at the endorsement of Tom Petters on the reverse side of the check in the amount of \$3,331.88 and stated that he was familiar with Tom Petters' writing and recognized the writing as that of Tom Petters. Mr. Sturgis could not offer an opinion as to the secondary endorsement of Alan Chamberlin.

Officer notes that the signature of Alan Chamberlin on this check is consistent with the signature of Alan D. Chamberlin on Colorado Driver's License # R497093.

The above information is contained in an Economic Crime Consumer Information Referral Form #89-4168.

Based on the above information it is respectfully requested that an arrest warrant be issued for Thomas J. Petters, white male, DOB: [REDACTED]-57 and Alan Dale Chamberlin, white male, DOB: [REDACTED]-47; for the offenses of Theft, C.R.S. 18-4-401, Class 3 Felony, and Second Degree Forgery, C.R.S. 18-5-103, Class 4 Felony.

Brian M. Grady
AFFIANT

Subscribed and sworn to before me this date: October 23, 1989

My commission expires: January 18, 1991

Address: 326 South Tejon, Colorado Springs, CO., 80904

(SEAL)

Mary Ann Mann
NOTARY PUBLIC

DISTRICT COURT, EL PASO COUNTY, COLORADO

Case No. 95C266; Division 8

ORDER SEALING CRIMINAL RECORDS

FILED IN DISTRICT COURT
EL PASO COUNTY, COLORADO

THOMAS JOSEPH PETERS,
Petitioner.

APR 27 1995

MARCO A. McNEIL

THIS MATTER having come on for hearing on (the) 27th day of April, 1995, and the Court having heard the evidence and arguments of counsel and how being fully advised:

THE COURT finds that Petitioner was arrested on Oct 29 1986 by information, for the offenses of Theft, Obtaining Signature by Deception and Second Degree Forgery, and that case number 89CR3085 was dismissed by order July 20, 1993, in the El Paso County District Court.

THE COURT FURTHER finds that the harm to the privacy of the Petitioner, or the danger of unwarranted adverse consequences, outweigh the public interest in retaining criminal justice records concerning the Petitioner and related to the subject matter of the foregoing criminal actions.

NOW THEREFORE IT IS ORDERED:

A. That such records, including identification information, be sealed with the following exceptions:

COLORADO SPRINGS POLICE DEPARTMENT
CONFIDENTIAL

DISSEMINATION OF THIS RECORD IS
WHICH SHALL BE FURNISHED

That this Order be and hereby is directed to the following agencies, which shall be furnished a copy of the Order:

Fourth Judicial District Attorney
326 South Tejon Street
Colorado Springs, CO 80903

F.B.I.
Federal Building
Denver, CO 80202

THE CBI IS NOT IN POSSESSION OF THE ARREST AND/OR CRIMINAL RECORDS WHICH ARE THE SUBJECT OF PETITIONER'S REQUEST

Colorado Bureau of Investigations
490 Kipling Street, Suite 300
Denver, CO 80222

Colorado Springs Police Department
1001 East Cheyenne
Colorado Springs, CO 80905

Colorado Springs Police Department
PO Box 2169
Colorado Springs, CO 80901

to be forwarded to:
N.C.I.C. and
C.C.I.C.

Colorado Bureau of Investigations
3410 North Elizabeth
Pueblo, CO 81008

Colorado Bureau of Investigations
301 South Nevada
Pueblo, CO 81001

RECEIVED
OF INVESTIGATION
COLORADO BUREAU

GOVERNMENT
EXHIBIT
10
08mj364 FLN

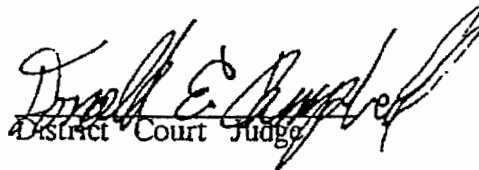
Division of State Securities v
1580 Lincoln Stae 420
Denver, CO 80203

C. That the official actions which are the subject of this Order, except as otherwise provided in paragraph A above, be deemed to have never occurred

and be dealt with accordingly in compliance with C.R.S. § 24-72-308, et. seq.

DONE AND DATED this th 27 day of April, 1994.

BY THE COURT:


District Court Judge

COLORADO SPRINGS POLICE DEPARTMENT
CONFIDENTIAL
DISSEMINATION OF THIS RECORD IS
PROHIBITED.

THE CBI IS NOT IN POSSESSION
OF THE ARREST AND/OR CRIMINAL
RECORDS WHICH ARE THE SUBJECT
OF PETITIONER'S REQUEST

02 AUG 15 PM 2:38

COLORADO BUREAU
OF INVESTIGATION

STATE OF MINNESOTA
COUNTY OF HENNEPIN

FILED
94 MAR 24 AM 9:11

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

BY HENN. CO. DISTRICT
COURT ADMINISTRATOR

Plaintiff,

vs.

THOMAS JOSEPH PETTERS,

Defendant.

ORDER OF
EXPUNGEMENT

SIP No. 93060945
C.A. No. 93-2274

* * *

On March 24, 1994, the defendant, through his attorney, Steven J. Meshbesh, moved this Court for an Order of Expungement. The State was represented by Nancy McLean, Assistant Hennepin County Attorney.

Based on the above-captioned file, records and argument of counsel, this Court renders the following:

ORDER

1. A determination in a criminal matter has been made in the defendant's favor; that the criminal charge of Fugitive From Justice has been dismissed;
2. The defendant has no felony convictions within ten years prior to the aforementioned determination;
3. Therefore, the defendant shall receive relief, pursuant to Minn. Stat. §299c.11 as follows:
4. John Laux, Chief of Police, Minneapolis Police Department, or his agent, shall return the defendant's fingerprints, thumbprints, other information data, criminal history reports which list the arrest of the defendant, and all duplicates of these documents to Thomas Joseph Petters, or his attorney. Police reports and audio tape records are excluded.

COLORADO SPRINGS POLICE DEPARTMENT

CONFIDENTIAL
DISSEMINATION OF THIS RECORD IS
PROHIBITED.

CARBLS 800-783-0390	GOVERNMENT EXHIBIT
	11
	08mj364 MJD

Exhibit B