

---

---

**UNITED STATES DISTRICT COURT**

**District of Kansas**  
**(Topeka Docket)**

---

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**CASE NO. 22-40060-HLT**

**TODD JAMES LEWIS,**

**Defendant.**

---

**INDICTMENT**

---

**THE GRAND JURY CHARGES:**

At all times relevant to this Indictment:

**Introduction**

1. The defendant, TODD JAMES LEWIS, engaged in a scheme to defraud the United States Department of Labor (“DOL”), the United States Department of the Treasury (“U.S. Treasury”), and the Kansas Eviction Prevention Program (KEPP) by fraudulently obtaining unemployment insurance (“UI”) and KEPP benefits.

2. At all times relevant to this Indictment, the defendant was located in Kansas.

### **Background on the Unemployment System**

3. The Social Security Act of 1935 initiated the UI system, which is operated and managed by each state at the direction of the federal government, specifically, the DOL, an executive-branch agency of the United States. In the majority of states, benefit funding is based solely on a tax imposed on employers. However, DOL funds all substantive and administrative costs associated with each state's UI system. The UI system is designed to provide benefits to persons who are out of work due to no fault of their own, and who meet other eligibility requirements of state laws. The State of Colorado, Department of Labor and Employment (CDLE) is a State Workforce Agencies ("SWA") responsible for that state's UI program oversight.

4. Eligibility for UI, benefit amounts, and the length of time benefits are available is determined by individual state law. In all states, individual claimants must be eligible for employment and actively searching for employment while receiving UI benefits.

5. A person receives UI benefits by completing an application at a SWA by telephone or online using each SWA's website. A claimant must provide his or her name, date of birth, social security number (SSN), home address, and other personal information. On a weekly or bi-weekly basis, the claimant then files for weekly payment

benefits by certifying that the claimant is unemployed, eligible for benefits and is seeking employment.

6. Individual SWAs authorized released unemployment compensation funds in the form of either: (a) a state contracted debit card mailed to the applicant; (b) a direct deposit into a pre-paid debit card account; (c) a direct deposit into the claimant's designated bank account; or in rare cases, (d) issue a check, if requested.

7. Direct deposits of UI funds are completed through the automated clearing house ("ACH"), an electronic funds-transfer system that facilitates payments within the United States. UI deposits may be coded with identifiers showing the originating state of the UI claim or the identity of the individual associated with the UI claim.

#### **Background on the CARES Act, COVID-19, and FPUC Benefits**

8. On March 27, 2020, the President signed into law the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, a federal law designed to provide emergency financial assistance to the millions of Americans who were suffering the economic effects caused by the COVID-19 pandemic. The CARES Act established several new temporary programs and provided for the expansion of others.

9. On April 29, 2020, DOL announced that all 50 states and the District of Columbia were authorized to pay Federal Pandemic Unemployment Compensation Benefits (FPUC), authorized under Section 2104 of the CARES Act. The State of Colorado paid FPUC.

#### **The CARES Act and the Kansas Eviction Prevention Program**

10. The KEPP program, authorized by Kansas Governor Laura Kelly, is administered by the Kansas Housing Resources Corporation (KHRC). The KEPP Program provides rental assistance to households that have missed one or more rent payment(s) as a result of the COVID-19 pandemic. Landlords and tenants apply for financial assistance through a joint online process. If the application is approved by the KHRC, the landlord receives rental assistance funds directly from KEPP, applies KEPP funds to the tenant's account, and waives late fees for the month(s) of assistance that were awarded. Approved tenants are eligible for a maximum of nine months of assistance, not to exceed \$5,000.00 per household.

#### **The Scheme**

11. Beginning on or about April 23, 2020, and continuing to on or about September 6, 2021, the defendant, TODD JAMES LEWIS devised a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

#### **Kansas Eviction Prevention Program (KEPP)**

12. It was part of the scheme to defraud that the defendant:
- a. submitted false KEPP claims, causing the KHRC to pay out rent reimbursement benefits to which the defendant was not entitled;
  - b. submitted to the KHRC through the internet portal on or about November 3, 2020, a KEPP landlord certification form and a copy of a voided check

from the defendant's Stride bank account ending in 7575, which resulted in the defendant being assigned vendor identification number K000604;

c. submitted three KEPP claims to the KHRC between October 26, 2020, and November 28, 2020, using vendor identification number K000604, in the names of tenant R.S., tenant J.K., and tenant J.M., identifying the defendant as the tenants' landlord, using the tenant's real name, date of birth, and social security number (SSN), resulting in payments from the KHRC to the defendant's Stride bank account ending in 7575.

13. Between November 25, 2020, and December 24, 2020, the defendant received three (3) ACH deposits totaling \$12,400.00 into his Stride Bank account ending in 7575 from the KHRC system.

### **Colorado Department of Labor and Employment (CDLE)**

14. It was further part of the scheme to defraud that the defendant:

a. submitted a fraudulent application and weekly certifications to the CDLE for the purpose of obtaining UI benefits from the State of Colorado, causing CDLE to pay UI benefits to which the defendant was not entitled;

b. fraudulently attested under oath that he was qualified to receive UI benefits in the State of Colorado for the specified time-period, knowing he was not entitled to such benefits due to never being employed in the State of Colorado;

c. created CDLE account identification number 10075467 in the name of Todd James Lewis through the online portal on or about April 23, 2020;

d. opened account number ending in 7575 at Stride Bank in Enid, Oklahoma, on or about May 29, 2020, the account associated with CDLE account 10075467;

e. accessed the CDLE website and submitted weekly certifications to the CDLE by utilizing devices connected to the internet through an Internet Protocol (IP) address originating from Topeka, Kansas; and

f. submitted 15 weekly certifications to CDLE on June 7, 2021, for the time period of February 27, 2021, to June 5, 2021.

15. The defendant submitted 67 weekly certifications to the CDLE, which generated 67 UI claims authorizing at least \$57,987.00 from the State of Colorado UI system to be disbursed into accounts controlled by the defendant.

**COUNTS 1 – 7**

**WIRE FRAUD  
[18 U.S.C. § 1343]**

16. Paragraphs 1 through 15 are incorporated herein by reference as though fully restated.

17. On or about the dates set forth below, in the District of Kansas and elsewhere, the defendant,

**TODD JAMES LEWIS,**

for the purpose of executing and attempting to execute the above-described scheme and artifice to defraud, and to obtain money and property by means of materially false and

fraudulent pretenses, representations, and promises, with the intent to defraud knowingly transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce, certain signs, signals, pictures and sounds as follows:

<b>Count</b>	<b>On/About Date</b>	<b>Transmission</b>
1	11/25/2020	ACH electronic transfer of \$3,280.00 from Kansas Housing Resources Corporation, located in Topeka, Kansas, to the defendant's Stride Bank account ending in 7575, located in Enid, Oklahoma.
2	12/18/2020	ACH electronic transfer of \$4,320.00 from Kansas Housing Resources Corporation, located in Topeka, Kansas, to the defendant's Stride Bank account ending in 7575, located in Enid, Oklahoma.
3	12/24/2020	ACH electronic transfer of \$4,800.00 from Kansas Housing Resources Corporation, located in Topeka, Kansas, to the defendant's Stride Bank account ending in 7575, located in Enid, Oklahoma.
4	06/22/2021	Submission of a weekly unemployment certification to the Colorado Department of Labor and Employment, located in Denver, Colorado, via the internet from Topeka, Kansas, causing a fraudulent UI payment in the amount of \$774.00.
5	07/07/2021	Submission of a weekly unemployment certification to the Colorado Department of Labor and Employment, located in Denver, Colorado, via the internet from Topeka, Kansas, causing a fraudulent UI payment in the amount of \$774.00.
6	08/01/2021	Submission of a weekly unemployment certification to the Colorado Department of Labor and Employment, located in Denver, Colorado, via the internet from Topeka, Kansas, causing a fraudulent UI payment in the amount of \$861.00.
7	08/15/2021	Submission of a weekly unemployment certification to the Colorado Department of Labor and Employment, located in Denver, Colorado, via the internet from Topeka, Kansas, causing a fraudulent UI payment in the amount of \$580.50.

This was in violation of Title 18, United States Code, Sections 1343 and 2.

**COUNT 8**

**AGGRAVATED IDENTITY THEFT  
[18 U.S.C. §§ 1028A & 2]**

18. Paragraphs 1 through 17 are incorporated herein by reference as though fully restated.

19. A means of identification includes any name or number, including a SSN which, if used alone or in conjunction with any other information, identifies a specific individual.

20. On or about November 28, 2020, in the District of Kansas and elsewhere, the defendant,

**TODD JAMES LEWIS,**

knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, namely, the Social Security Number issued to J.M., whose identity is known to the Grand Jury, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A, namely: wire fraud, in violation of Title 18, United States Code, Section 1343, knowing that the means of identification belonged to another actual person.

This was in violation of Title 18, United States Code, Section 1028A(a)(1) and (b)(2).

**COUNT 9**

**THEFT OF GOVERNMENT FUNDS  
[18 U.S.C. § 641]**

21. Paragraphs 1 through 20 are incorporated herein by reference as though fully restated.

22. From on or about November 25, 2020, and continuing to on or about December 24, 2020, in the District of Kansas and elsewhere, the defendant,

**TODD JAMES LEWIS,**

knowingly embezzled, stole, purloined, and converted money received from the Kansas Eviction Prevention Program (KEPP), by submitting fraudulent landlord certification forms causing KHRC to fraudulently pay to the defendant rent reimbursement payments, the value of which money in the aggregate was more than \$1,000.

This was in violation of Title 18, United States Code, Section 641.

**FORFEITURE ALLEGATION**

23. The allegations contained in Paragraphs 1 through 22 and Counts 1 through 7 and 9 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections 981(a)(1)(A) and 982(a)(2) and Title 28, United States Code, Section 2461.

24. Upon conviction of one or more of the offenses identified in Counts 1 through 7, the defendant shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section

2461(c), any property, real or personal, constituting or derived from the proceeds of such violations. The property to be forfeited includes, but is not limited to, the following:

A. Money Judgment – A forfeiture money judgment against the defendant in an amount equal to the amount of gross proceeds obtained or derived by the defendant from the commission of Counts 1 through 7 and 9.

25. If any of the foregoing property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided

without difficulty, the United States shall be entitled to forfeiture of substitute property, pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 21, United States Code, Section 982(b).

A TRUE BILL.

September 14, 2022  
DATE

s/Foreperson  
FOREPERSON OF THE GRAND JURY

DUSTON J. SLINKARD  
UNITED STATES ATTORNEY

By: /s/ Christine E. Kenney  
CHRISTINE E. KENNEY  
Assistant United States Attorney  
District of Kansas  
444 Quincy St., Suite 290  
Topeka, Kansas 66683  
Ph: (785) 295-2850  
Fax: (785) 295-2853  
Email: christine.kenney@usdoj.gov  
Ks. S. Ct. No. 13542]

IT IS REQUESTED THAT THE TRIAL BE HELD IN TOPEKA, KANSAS

## **PENALTIES**

### **Counts 1 – 7 [Wire Fraud]**

- Punishable by a term of imprisonment of not more than twenty (20) years. [18 U.S.C. § 1343].
- A term of supervised release of at not more than three (3) years. [18 U.S.C. § 3583(b)(2)].
- Restitution
- Forfeiture.

### **Count 8 [Aggravated Identity Theft]**

- Punishable by a term of imprisonment of two (2) years imprisonment, consecutive to any other term of imprisonment imposed. [18 U.S.C. § 1028A(b)(2)].
- A term of supervised release of at not more than one (1) year. [18 U.S.C. § 3583(b)(3)].

### **Count 9 [Theft of Government Funds]**

- Punishable by a term of imprisonment of not more than ten (10) years. 18 U.S.C. § 641.
- A term of supervised release of at not more than three (3) years. 18 U.S.C. § 3583(b)(2).
- Restitution
- Forfeiture

### **ALL COUNTS**

- A fine not to exceed \$250,000. [18 U.S.C. § 3571(b)(3)].
- A mandatory special assessment of \$100.00. [18 U.S.C. § 3013(a)(2)(A)].