

IN THE SUPERIOR COURT OF FLOYD COUNTY  
STATE OF GEORGIA

FILED IN OFFICE

MAY 12 2015

*Jackie Brown*  
CLERK

STATE OF GEORGIA *ex rel.*  
LEIGH E. PATTERSON,  
District Attorney for the Rome  
Judicial Circuit,

Plaintiff,

vs.

DERRY SCOTT RICHARDSON,

LISA RICHARDSON,

JIMMY B. RICHARDSON,

SHERRYE RICHARDSON,

DWAYNE L. RICHARDSON,

JOEY RICHARDSON,

KRISTOPHER S. HAYES,

STEVEN BEVILL individually and  
d/b/a BEVILL CONTRACTING and  
d/b/a SMD CONTRACTORS,

RUSSELL BURKHALTER  
individually and d/b/a T&R Electric,

SAMUEL MAX TUCKER,

ROBERT MITCHELL ANDERSON

DSR PROPERTIES, LLC,

HENDERSON REAL ESTATE,  
INC.,

SUMMERVILLE BUILDING &  
SUPPLY COMPANY, INC.,

OPEN ROAD HOT SHOTS, LLC,

CIVIL ACTION FILE  
NO. 15-CV-00764-JFL004

RICHARDSON ENTERPRISES OF (
   
 GEORGIA, LLC, (
   
 (
   
 KADIMA, INC., (
   
 (
   
 SMT FAMILY, LLC, (
   
 (
   
                   **Defendant *in personam*,** (
   
 (
   
**and** (
   
 (
   
 THE REAL AND PERSONAL (
   
 PROPERTY LOCATED AT (
   
 241 RIVERBLUFF DRIVE, (
   
 SUMMERVILLE, GEORGIA, (
   
 (
   
                   **Defendants *in rem*.** (
   
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**FIRST AMENDED COMPLAINT FOR RELIEF AND NOTICE OF SEIZURE UNDER THE GEORGIA RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT**

The State of Georgia, *ex rel.* Leigh E. Patterson, District Attorney for the Rome Judicial Circuit, (“State” or “Plaintiff”) files this Complaint against the Defendants *in personam* and *in rem* named herein pursuant to the Georgia Racketeer Influenced and Corrupt Organizations Act, O.C.G.A. § 16-14-1 *et seq.*, (hereinafter referred to as the “Georgia RICO Act”) and Article 1 of Chapter 8 of the Official Code of Georgia, O.C.G.A. § 16-8-1 *et seq.*, showing this Court, in support thereof, the following:

**I. INTRODUCTION**

1.

This is a civil action brought by the State of Georgia pursuant to O.C.G.A. § 16-14-6 (b) seeking the equitable relief provided for and authorized by O.C.G.A. § 16-14-6(a) against the individual persons named as Defendants *in personam* in this Complaint.

The State also seeks injunctive relief against the Defendants and the appointment of a receiver.

2.

This is also a RICO forfeiture proceeding brought by the State of Georgia pursuant to O.C.G.A §§ 16-14-7(b) and (c) and seeks forfeiture to the State, pursuant to O.C.G.A. §§ 16-14-7(a), of all property named and identified as Defendants *in rem* in this Complaint, as well as property of every kind that the Defendants *in personam* have used or intended for use in the course of, derived from, or realized through a pattern of racketeering activity as more particularly set forth in this Complaint.

## II. PARTIES JURISDICTION AND VENUE

3.

Defendant *in personam* Derry Scott Richardson (“Richardson”) is subject to the jurisdiction and venue of this Court and can be served at 241 Riverbluff Drive, Summerville, Georgia 30747.

4.

Defendant *in personam* Lisa Richardson is subject to the jurisdiction and venue of this Court and can be served at 241 Riverbluff Drive, Summerville, Georgia 30747.

5.

Defendant *in personam* Jimmy B. Richardson (“J.B. Richardson”) is subject to the jurisdiction and venue of this Court and can be served at 188 Smith Road, Summerville, Georgia 30747.

6.

Defendant *in personam* Sherrye Richardson is subject to the jurisdiction and venue of this Court and can be served at 188 Smith Road, Summerville, Georgia 30747.

7.

Defendant *in personam* Dwayne L. Richardson (“Dwayne Richardson”) is subject to the jurisdiction and venue of this Court and can be served at 9894 Commerce Street, Summerville, Georgia.

8.

Defendant *in personam* Joey Richardson is subject to the jurisdiction and venue of this Court and can be served at 9894 Commerce Street, Summerville, Georgia.

9.

Defendant *in personam* Kristopher S. Hayes (“Hayes”) is subject to the jurisdiction and venue of this Court and can be served at 1798 Little Texas Valley Road, Rome, Georgia 30165.

10.

Defendant *in personam* Steven Bevill individually and d/b/a Bevill Construction and d/b/a SMD Contractors (“Bevill”) is subject to the jurisdiction and venue of this Court and can be served at 6878 Recreation Lane, Acworth, Georgia 30102.

11.

Defendant *in personam* Russell Burkhalter individually and d/b/a T&R Electric (“Burkhalter”) is subject to the jurisdiction and venue of this Court and can be served at 565 Donahoo Road, Lindale, Georgia 30147.

12.

Defendant *in personam* Samuel Max Tucker (“Tucker”) is subject to the jurisdiction and venue of this Court and can be served at 2311 Burnett Ferry Road, Rome, Georgia.

13.

Defendant *in personam* Robert Mitchell Anderson (“Anderson”) is subject to the jurisdiction and venue of this Court and can be served at 6802 Martha Berry Highway, Rome, Georgia.

14.

Defendant *in personam* DSR Properties, LLC (“DSR”) is subject to the jurisdiction and venue of this Court and can be served with process and Notice of Seizure through its registered agent Derry Richardson at 241 River Bluff Drive, Summerville, Georgia 30747.

15.

Defendant *in personam* Henderson Real Estate, Inc. (“Henderson”) is subject to the jurisdiction and venue of this Court and can be served with process and Notice of Seizure through its registered agent Dwayne L. Richardson at 9894 Commerce Street, Summerville, Georgia 30747.

16.

Defendant *in personam* Summerville Building & Supply Company, Inc. (“Summerville Building”) is subject to the jurisdiction and venue of this Court and can be served with process and Notice of Seizure through its registered agent Dwayne L. Richardson at 9894 Commerce Street, Summerville, Georgia 30747.

17.

Defendant *in personam* Open Road Hot Shots, Inc. (“Hot Shots”) is subject to the jurisdiction and venue of this Court and can be served with process and Notice of Seizure through its registered agent Dwayne L. Richardson at 9894 Commerce Street, Summerville, Georgia 30747.

18.

Defendant *in personam* Richardson Enterprises of Ga, LLC (“Richardson Enterprises”) is subject to the jurisdiction and venue of this Court and can be served with process and Notice of Seizure through its registered agent Dwayne L. Richardson at 9894 Commerce Street, Summerville, Georgia 30747.

19.

Defendant *in personam* Kadima, Inc. (“Kadima”) is subject to the jurisdiction and venue of this Court and can be served with process and Notice of Seizure through its registered agent Thomas H. Rogers, III at 40 Atlanta Street, Marietta, Georgia 30060.

20.

Defendant *in personam* SMT Family, LLC (“SMT”) is subject to the jurisdiction and venue of this Court and can be served with process and Notice of Seizure through its registered agent Sam Tucker at 2311 Burnett Ferry Road, Rome, Georgia 30165.

21.

Defendant *in rem* the Real Property located at 241 Riverbluff Drive, Summerville, Georgia 30747 is subject to the jurisdiction and venue of this Court and can be served through its owners Derry S. Richardson and Lisa Richardson at 241 Riverbluff Drive, Summerville, Georgia 30747.

22.

Defendant *in rem* the Personal Property located at 241 Riverbluff Drive, Summerville, Georgia 30747 is subject to the jurisdiction and venue of this Court and can be served through its owners Derry S. Richardson and Lisa Richardson at 241 Riverbluff Drive, Summerville, Georgia 30747.

### III. FACTUAL BACKGROUND

23.

Beginning no later than 2007 and continuing through the present, the Defendants *in personam* Derry Scott Richardson; Lisa Richardson; Jimmy B. Richardson; Sherrye Richardson; Dwayne L. Richardson; Joey Richardson; Kristopher S. Hayes; Steven Bevill, individually d/b/a Bevill Contracting and d/b/a SMD Contractors; Russell Burkhalter, individually and d/b/a T&R Electric; Samuel Max Tucker; Robert Mitchell Anderson; DSR Properties, LLC; Henderson Real Estate, Inc.; Summerville Building & Supply Company, Inc.; Open Road Hot Shots, LLC; Richardson Enterprises of Georgia, LLC; Kadima, Inc.; and SMT Family, LLC (“Defendants *in personam*”) and others engaged in and committed at least two or more acts of racketeering activity, to wit, violation of state law relating to theft, against the Floyd County Board of Education (“FCBE”).

24.

The relationship between the Defendants *in personam* and others constitutes an “enterprise” pursuant to O.C.G.A. § 16-14-3(6) (hereinafter referred to as “RICO Enterprise”).

25.

Such acts of racketeering activity as well as the conduct and operation of the RICO Enterprise occurred in Floyd County, Georgia. All such acts of racketeering activity and the operation of the RICO Enterprise occurred within four (4) years of one another and after 1980.

26.

Through such a pattern of racketeering activity, the Defendants *in personam* and others unlawfully obtained money, and with such money acquired and maintained, both directly and indirectly, interests in and control of personal and real property including, but not limited to, the real and personal properties named as Defendants *in rem*.

#### THE SCHEME AND PREDICATE ACTS

27.

Beginning no later than 2007 and continuing through to the present, Richardson individually and with others established a RICO Enterprise for the purpose of obtaining United States currency and property through a pattern of racketeering activity in an illegal theft operation in violation of Georgia law.

28.

At all relevant times Richardson was a FCBE employee working in its maintenance department.

29.

At all relevant times Richardson had the authority to submit purchase orders on behalf of FCBE.

30.

At all relevant times Richardson and others did submit fraudulent inflated invoices on behalf of FCBE whereby Richardson would receive cash and merchandise from others in return.

31.

Richardson and the other participants in the RICO Enterprise (collectively referred to as "Participants") would receive payments from FCBE to which they were not entitled and would thereafter divide the fraudulently obtained funds among themselves.

32.

The Participants, in furtherance of the RICO Enterprise, submitted fraudulent Purchase Orders ostensibly for the benefit of FCBE when in fact the items purchased were for the benefit of Richardson and others. For example, Richardson submitted fraudulent FCBE purchase orders for such things as chandeliers and Viking kitchen appliances that were delivered to him personally and are now present and being used at Richardson's home located at 241 Riverbluff Drive, Summerville, Georgia.

33.

On information and belief, the total theft from the FCBE as described herein exceeds Six Hundred Thousand Dollars (\$600,000.00). Said funds were stolen from the FCBE through a pattern of racketeering activity and to the detriment of the Floyd County students.

34.

Richardson purchased, used and maintained Defendants the Real and Personal Property located at 241 Riverbluff Drive, Summerville, Georgia with the stolen money and items he obtained by defrauding the FCBE.

35.

The illegal acts committed by Defendants constitute predicate acts under the Georgia RICO Act.

COUNT ONE

Violation of the Georgia Racketeer Influenced and Corrupt Organizations Act (RICO),  
O.C.G.A. § 16-14-1 et seq.  
(Relief Pursuant to O.C.G.A. § 16-14-6)

36.

Plaintiff realleges and incorporates by reference herein the allegations of Paragraphs 1 through 35 of this Complaint as if the same were fully set forth herein.

37.

Defendants *in personam* and the other participants are “persons” for purposes of O.C.G.A. § 16-14-4.

38.

The association in fact of the Defendants *in personam* and other participants with one another constitutes an “enterprise” pursuant to O.C.G.A. § 16-14-3(6).

39.

Beginning no later than 2007 and continuing to the present, the Defendants *in personam* and others unlawfully and through a pattern of racketeering activity and from the proceeds derived therefrom, acquired and maintained, directly and indirectly, interest

in and control of real property, personal property and money in violation of O.C.G.A. § 16-14-4(a).

40.

The Defendants *in personam* and others conducted and participated in the affairs of the RICO Enterprise through a pattern of racketeering activity as that term is defined in O.C.G.A. § 16-14-3(8). Specifically, the “racketeering activity” committed by the RICO enterprise consists of multiple violations of the following:

(a) Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated relating to theft, said offense constituting racketeering activity under O.C.G.A. §§ 16-14-3(ix); and

(b) The Participants in furtherance of the RICO Enterprise, did in Floyd County knowingly conduct or attempt to conduct financial transactions involving proceeds of a specified unlawful activity with the intent to conceal or disguise the nature, location, source, ownership, or control of the proceeds of specified unlawful activity in violation of 18 U.S.C. § 1956 (a)(1)(B)(i), said offense constituting racketeering activity under O.C.G.A. §§ 16-14-3(8)A) and (9)(A)(xxix).

41.

Through the pattern of racketeering activity and the proceeds derived therefrom as described hereinabove, the RICO enterprise has acquired and maintained, both directly and indirectly, interests in and control of property including, but not limited to, United States currency and other properties.

42.

As a direct and proximate result of the violations of O.C.G.A. § 16-14-4(a) through (c) committed by Defendants *in personam* and others Plaintiff is also entitled to the relief provided for in O.C.G.A. § 16-14-6-(a).

COUNT TWO

Violation of the Georgia Racketeer Influenced and Corrupt Organizations Act (RICO),  
O.C.G.A § 16-14-1 et seq.  
(Injunctive Relief Pursuant to O.C.G.A. §§16-14-6(b), 16-14-9,  
and 9-11-65 as to all Defendants)

43.

Plaintiff realleges and incorporates by reference the allegations of Paragraphs 1 through 42 of this Complaint as if the same were fully set forth herein.

44.

Richardson has in his possession, custody, and control property, including money, stolen from the FCBE in addition to the real and personal property named as Defendants *in rem* which was used to further, or which was obtained, and derived through the unlawful acts, practices and transactions more particularly described in this Complaint.

45.

Unless restrained and enjoined by the Court, the Defendants *in personam* will conceal and dispose of such property, including money.

46.

This Court should temporarily and permanently enjoin the Defendants *in personam* from disposing, conveying, transferring, assigning or otherwise alienating properties which were used to further, obtained and derived through unlawful acts as well as property named hereinabove until further order of this Court.

47.

This Court has the authority to grant the injunctive relief sought by Plaintiff pursuant to O.C.G.A. §§ 16-14-6(b), 16-14-9 and 9-11-65.

COUNT THREE

Violation of the Georgia Racketeer Influenced and Corrupt Organizations Act (RICO),

O.C.G.A § 16-14-1 et seq.

(Appointment of a Receiver as to All Defendants *In Rem*)

48.

Plaintiff realleges and incorporates by reference the allegations of Paragraphs 1 through 47 of this Complaint as if the same were fully set forth herein.

49.

As a consequence of the unlawful acts, practices, and transactions, as more fully set forth hereinabove, the Defendants *in personam* have directly and indirectly, acquired and accumulated property and assets, including property belonging to FCBE in addition to properties named in this Complaint, and other monies and funds directly traceable to and derived from a pattern of racketeering activity.

50.

Plaintiff is entitled to the appointment of a receiver with all the power and authority generally exercisable by receivers under the laws of this State, including, without limitation, the power and authority:

- (a) to take immediate custody, control, and possession of the assets of the Defendants subject to this complaint including the properties named herein as Defendants *in rem*;
- (b) to marshal and account to this Court for the assets seized;

- (c) to preserve and protect such assets pending further order of this Court; and
- (d) to take such action as may be directed by the Court to insure the availability of such assets to respond to any judgment the Court may enter in this action.

COUNT FOUR

Violation of the Georgia Racketeer Influenced and Corrupt Organizations Act (RICO),  
O.C.G.A § 16-14-1 et seq.  
(Relief as to all Defendants)

51.

Plaintiff realleges and incorporates by reference the allegations of Paragraphs 1 through 50 of this Complaint as if the same were fully set forth herein.

52.

Pursuant to O.C.G.A. § 16-14-9, Plaintiff is entitled to such other and further remedies against all the Defendants under the Georgia RICO Act or any other provision of law that may be appropriate and proper.

WHEREFORE, Plaintiff prays for relief against all the Defendants as follows:

(1) Under Count One:

- (a) that the Court, pursuant to O.C.G.A. § 16-14-6(a)(1), order the Defendants to divest themselves of any interests in any enterprise, real property, and personal property acquired by them directly or indirectly, as a result of the acts, practices and transactions in which they have engaged through their violations of the Georgia RICO Act regardless of whether title to such property and assets is held by them legally, equitably or beneficially and that the Defendants *in personam* provide a full and complete accounting of

all monies obtained by them as well as an accounting of the expenditure of the proceeds to purchase, acquire, and obtain all property of whatever kind and description and wherever located;

- (b) that the Court, pursuant to O.C.G.A. § 16-14-6(a)(2), impose reasonable restrictions upon the future activities and investments of the Defendants *in personam* including, but not limited to, prohibiting them from engaging in the same type of endeavors as the enterprise alleged hereinabove;
- (c) that the Court, pursuant to O.C.G.A. § 16-14-6(a)(3), order the dissolution of any RICO enterprise controlled, owned or operated by any of the Defendants; and
- (d) that the Court issue such additional appropriate orders and judgments as may be proper to effectuate the relief sought under this Count One.

(3) Under Count Two:

- (a) the Court temporarily and permanently enjoin the Defendants *in personam* from disposing, conveying, transferring, assigning, or otherwise alienating property, both personal and real, including money, belonging to FCBE, properties listed as a Defendant *in rem*, and other properties which were used to further, obtained and/or derived through unlawful acts until further Order of this Court;

(4) Under Count Three:

(a) the Court appoint a receiver over all property of Defendants *in personam*, property listed as Defendants *in rem*, as well as or other properties which were used to further, obtained and/or derived through unlawful acts and that such receiver be vested with all the power and authority generally exercisable by receivers under the laws of this State, including, without limitation, the power and authority:

(i) to take immediate custody, control, and possession of the assets of the subject to this action, any property listed as Defendants *in rem*, as well as other properties which were used to further, obtained and/or derived through unlawful acts

(ii) to marshal and account to this Court for the assets seized;

(iii) to preserve and protect such assets pending further order of this Court; and

(iv) to take such action as may be directed by this Court to insure the availability of such assets to respond to any judgment the Court may enter in this action;

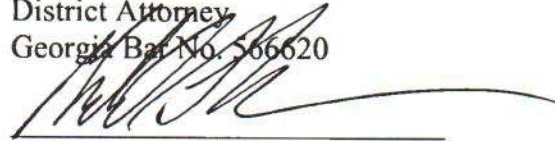
(5) Under Count Four:

(a) the Court order any other relief that it deems appropriate and proper pursuant to O.C.G.A § 16-14-9; and

(6) that the Court grant to Plaintiff such other and further relief as the Court deems just and equitable.

Respectfully submitted this 11<sup>th</sup> day of May, 2015.

LEIGH E. PATTERSON  
District Attorney  
Georgia Bar No. 566620

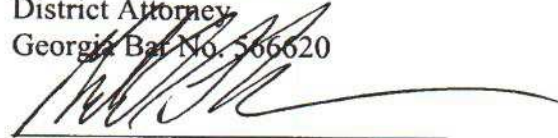


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Respectfully submitted this 11<sup>th</sup> day of May, 2015.

LEIGH E. PATTERSON  
District Attorney  
Georgia Bar No. 566620



MICHAEL G. LAMBROS  
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