

FILED
VANESSA L. ARMSTRONG, CLERK

NOV - 5 2019

U.S. DISTRICT COURT
WEST'N. DIST. KENTUCKY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

UNITED STATES OF AMERICA

INDICTMENT

v.

NO. 3:19-cr-201-JRW

CANDI FLUHR
a/k/a CANDI ANN GUM
a/k/a CANDI ANN MCCUBBINS

18 U.S.C. § 664
18 U.S.C. § 981(a)(1)(C)
18 U.S.C. § 1028A
18 U.S.C. § 1324
28 U.S.C. § 2461

The Grand Jury charges:

COUNTS 1-4
(*Wire Fraud*)

1. On or about and between May 2016 and January 2018, in the Western District of Kentucky, Bullitt County, Kentucky, and elsewhere, the defendant, **CANDI FLUHR**, a/k/a CANDI ANN GUM, a/k/a CANDI ANN MCCUBBINS (hereinafter "**CANDI FLUHR**"), devised and intended to devise a scheme to defraud Victim Company A, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and for the purpose of executing said scheme, caused signs, signals, and sounds to be transmitted in interstate commerce.

2. It was part of the scheme that, **CANDI FLUHR**, while employed as Controller at Victim Company A, used her access and position to create and write unauthorized checks payable to herself and others, used multiple company debit and ATM cards to withdraw cash and pay for her own personal expenses, and caused fraudulent payments to be made from Victim Company A to an insurance company in order to obtain and maintain health care coverage for herself and her family, all without Victim Company A's knowledge or authorization.

3. On or about each of the dates set forth below, in the Western District of Kentucky, Bullitt County, Kentucky, and elsewhere, the defendant, **CANDI FLUHR**, for the purpose of executing the scheme to defraud, and attempting to do so, caused to be transmitted by means of wire communications in interstate commerce the signals and sounds described below for each count:

<u>Count</u>	<u>Date</u>	<u>Description of Wire</u>
1	June 20, 2016	Unauthorized debit card payment by CANDI FLUHR in the amount of \$2,583.59 payable to the Jefferson County Circuit Court Clerk using Victim Company A's debit card which caused an interstate wire transaction to be initiated inside the Western District of Kentucky to outside of Kentucky.
2	June 26, 2017	Check #54873 in the amount of \$4,875.25 written on Victim Company A's account payable to CANDI FLUHR deposited into CANDI FLUHR 's personal account which caused an interstate wire transaction to be initiated inside the Western District of Kentucky to outside of Kentucky.
3	September 1, 2017	Check #55014 in the amount of \$4,698.52 written on Victim Company A's account payable to CANDI FLUHR deposited into CANDI FLUHR 's personal account which caused an interstate wire transaction to be initiated inside the Western District of Kentucky to outside of Kentucky.
4	September 22, 2017	Check #55024 in the amount of \$5,000.00 written on Victim A's Company account payable to CANDI FLUHR deposited into CANDI FLUHR 's personal account which caused an interstate wire transaction to be initiated inside the Western District of Kentucky to outside of Kentucky.

4. By means of such fraud, **CANDI FLUHR** attempted to obtain and obtained funds and services to which she knew she was not entitled totaling over \$650,000.

In violation of Title 18, United States Code, Section 1343.

The Grand Jury further charges:

COUNT 5
(Aggravated Identity Theft)

5. On or about June 26, 2017, in the Western District of Kentucky, Bullitt County, Kentucky, the defendant, **CANDI FLUHR**, possessed and used a means of identification of another person without lawful authority, during and in relation to the wire fraud charged in Count 2 of this Indictment, to wit: **CANDI FLUHR**, without lawful authority, forged the name of C.J. on an unauthorized check from Victim Company A's account payable to herself.

In violation of Title 18, United States Code, Section 1028A.

The Grand Jury further charges:

COUNT 6
(Theft from Employee Benefit Plan)

6. From on or about and between July 2016 and September 2017, in the Western District of Kentucky, Bullitt County, Kentucky, the defendant, **CANDI FLUHR**, did embezzle, steal and unlawfully and willfully abstract and convert to her own use in the approximate amount of \$31,882, the moneys, funds, securities, premiums, credits, property and other assets of the Victim Company A 401(k) Plan (the "Plan"), an employee pension benefit plan subject to Title I of the Employee Retirement Income Security Act of 1974, by failing to remit employee contributions to the Plan and instead stealing those funds and fraudulently altering Victim Company A's bank account statements and payroll submissions to make it appear that proper remittances were made from the Company A bank account to the Plan, when in truth and fact, they were not.

In violation of Title 18, United States Code, Section 664.

NOTICE OF FORFEITURE


If convicted of any violation of Title 18, United States Code, Sections 664, 1343, or 1028A, the defendant, **CANDI FLUHR**, shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds obtained, directly or indirectly, as the result of any such violation, including but not limited to a money judgment for the amount of the proceeds defendants derived.

Pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461.

A TRUE BILL.

A solid black rectangular redaction box covering the signature of the foreperson.

FOREPERSON

A handwritten signature in blue ink that reads "Russell M. Coleman".

RUSSELL M. COLEMAN
UNITED STATES ATTORNEY

RMC:CCT:SMZ:2018R00078

UNITED STATES OF AMERICA v. CANDI FLUHR, a/k/a CANDI ANN GUM, a/k/a CANDI ANN MCCUBBINS

PENALTIES

Counts 1 - 4: NM 20 yrs./\$250,000/both/NM 3 yrs. Supervised Release (each count)
Count 5: 2 yrs. consecutive, \$250,000/both/NM 3 yrs. Supervised Release
Count 6: NM 5 yrs./\$250,000/both/NM 3 yrs. Supervised Release
Forfeiture

NOTICE

ANY PERSON CONVICTED OF AN OFFENSE AGAINST THE UNITED STATES SHALL BE SUBJECT TO SPECIAL ASSESSMENTS, FINES, RESTITUTION & COSTS.

SPECIAL ASSESSMENTS

18 U.S.C. § 3013 requires that a special assessment shall be imposed for each count of a conviction of offenses committed after November 11, 1984, as follows:

Misdemeanor:	\$ 25 per count/individual	Felony:	\$100 per count/individual
	\$125 per count/other		\$400 per count/other

FINES

In addition to any of the above assessments, you may also be sentenced to pay a fine. Such fine is due immediately unless the court issues an order requiring payment by a date certain or sets out an installment schedule. You shall provide the United States Attorney's Office with a current mailing address for the entire period that any part of the fine remains unpaid, or you may be held in contempt of court. 18 U.S.C. § 3571, 3572, 3611, 3612

Failure to pay fine as ordered may subject you to the following:

1. **INTEREST and PENALTIES** as applicable by law according to last date of offense.

For offenses occurring after December 12, 1987:

No **INTEREST** will accrue on fines under \$2,500.00.

INTEREST will accrue according to the Federal Civil Post-Judgment Interest Rate in effect at the time of sentencing. This rate changes monthly. Interest accrues from the first business day following the two week period after the date a fine is imposed.

PENALTIES of:

10% of fine balance if payment more than 30 days late.

15% of fine balance if payment more than 90 days late.

2. Recordation of a **LIEN** shall have the same force and effect as a tax lien.
3. Continuous **GARNISHMENT** may apply until your fine is paid.

18 U.S.C. §§ 3612, 3613

If you **WILLFULLY** refuse to pay your fine, you shall be subject to an **ADDITIONAL FINE** of not more than the greater of \$10,000 or twice the unpaid balance of the fine; or **IMPRISONMENT** for not more than 1 year or both. 18 U.S.C. § 3615

RESTITUTION

If you are convicted of an offense under Title 18, U.S.C., or under certain air piracy offenses, you may also be ordered to make restitution to any victim of the offense, in addition to, or in lieu of any other penalty authorized by law. 18 U.S.C. § 3663

APPEAL

If you appeal your conviction and the sentence to pay your fine is stayed pending appeal, the court shall require:

1. That you deposit the entire fine amount (or the amount due under an installment schedule during the time of your appeal) in an escrow account with the U.S. District Court Clerk, or
2. Give bond for payment thereof.

18 U.S.C. § 3572(g)

PAYMENTS

If you are ordered to make payments to the U.S. District Court Clerk's Office, certified checks or money orders should be made payable to the Clerk, U.S. District Court and delivered to the appropriate division office listed below:

LOUISVILLE: Clerk, U.S. District Court
106 Gene Snyder U.S. Courthouse
601 West Broadway
Louisville, KY 40202
502/625-3500

BOWLING GREEN: Clerk, U.S. District Court
120 Federal Building
241 East Main Street
Bowling Green, KY 42101
270/393-2500

OWENSBORO: Clerk, U.S. District Court
126 Federal Building
423 Frederica
Owensboro, KY 42301
270/689-4400

PADUCAH: Clerk, U.S. District Court
127 Federal Building
501 Broadway
Paducah, KY 42001
270/415-6400

If the court finds that you have the present ability to pay, an order may direct imprisonment until payment is made.

FORM DBD-34
JUN.85

No.

UNITED STATES DISTRICT COURT
Western District of Kentucky
At Louisville

THE UNITED STATES OF AMERICA

vs.

CANDI FLUHR
a/k/a Candi Ann Gum
a/k/a Candi Ann McCubbins

INDICTMENT

COUNTS 1-4

Wire Fraud

18 U.S.C. §1343

COUNT 5

Aggravated Identity Theft

18 U.S.C. §1028A

COUNT 6

Theft from Employee Benefit Plan

18 U.S.C. §664

FORFEITURE

A true bill.



FILED

Foreperson

VANESSA L. ARMSTRONG, CLERK

Filed in open court this 5th day of November, 2019.

NOV 5 2019

**U.S. DISTRICT COURT
WEST'N. DIST. KENTUCKY**

Clerk

Bail, \$
