

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

THE STATE OF OKLAHOMA, )  
Plaintiff, )  
v. )  
RONALD BRENT SWADLEY, )  
CURTIS RAY BREUKLANDER, and )  
TIMOTHY RAYMOND HOOPER )  
Defendants. )

Case No. CF-2024-629

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

FEB - 8 2024

RICK WARREN  
COURT CLERK

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INDICTMENT

- COUNT 1: Conspiracy to Defraud the State, 21 O.S. § 424, a Felony
- COUNT 2: False &/or Fraudulent Claim Against the State, 21 O.S. §§ 358 & 359, a Felony
- COUNT 3: False &/or Fraudulent Claim Against the State, 21 O.S. §§ 358 & 359, a Felony
- COUNT 4: False &/or Fraudulent Claim Against the State, 21 O.S. §§ 358 & 359, a Felony
- COUNT 5: False &/or Fraudulent Claim Against the State, 21 O.S. §§ 358 & 359, a Felony
- COUNT 6: False &/or Fraudulent Claim Against the State, 21 O.S. §§ 358 & 359, a Felony

*IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA:*

By the order of the Supreme Court of Oklahoma, the Twentieth Multicounty Grand Jury of Oklahoma was convened with its principal site to be in Oklahoma City, Oklahoma County, Oklahoma, to serve from June 27, 2023, for eighteen (18) months, or until the designated presiding judge determines the Twentieth Multicounty Grand Jury has reached reasonable completion of its investigations, but, in any event, no more than twenty-four (24) months from the commencement of its term. That said Multicounty Grand Jury of the State of Oklahoma, being composed of good and lawful men and women, legally drawn and summoned according to law, and then and there examined, impaneled, sworn, and charged according to law to diligently inquire into, and true presentment make, of all public offenses against the State of Oklahoma committed and triable within the State of Oklahoma, upon their oath, and in the name and by the authority of the State of Oklahoma, do present and find:

**COUNT 1: CONSPIRACY TO DEFRAUD THE STATE, 21 O.S. § 424, a FELONY**

On or between October 8, 2019, through April 25, 2022, the crime of CONSPIRACY TO DEFRAUD THE STATE was committed by **RONALD BRENT SWADLEY, CURTIS RAY BREUKLANDER** and **TIMOTHY RAYMOND HOOPER** who, acting conjointly, entered into an agreement to defraud the State of Oklahoma. In furtherance of their conspiracy to defraud the State of Oklahoma, a member or members of the conspiracy did commit one or more of the following overt acts:

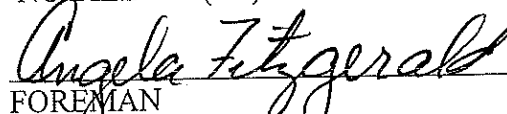
- (a) Knowingly presented or caused to be presented false and/or fraudulent invoices from Swadley's Foggy Bottom Kitchen, LLC (hereinafter referred to as FBK) to the Oklahoma Tourism and Recreation Department (hereinafter referred to as OTRD) for payment of public funds.
- (b) Caused two separate sets of invoice records to be maintained by FBK with one set containing original invoices received and paid by FBK and the other set containing the false and/or fraudulent invoices presented to OTRD for payment of public funds.
- (c) Refusing to provide the supporting original invoices received and paid by FBK corresponding to the invoices presented by FBK for payment to OTRD despite demands for that supporting documentation by OTRD.
- (d) Directed a specific restaurant equipment supplier to create invoices with increased amounts for restaurant equipment and provide them to FBK without OTRD's knowledge.
- (e) Presented or causing to be presented to OTRD for payment of public funds FBK invoices with the increased invoices from the supplier attached as support.
- (f) Directed a specific restaurant equipment supplier to accept payment from FBK consistent with the increased invoices and then repay FBK the overpayment.
- (g) Accepted the overpayment from the specific restaurant equipment supplier and characterized the overpayment as a "rebate".
- (h) Directed the specific restaurant equipment supplier to fabricate an invoice for two used food smokers and supply that fabricated invoice to FBK.

- (i) Directed the specific restaurant equipment supplier to increase the fabricated invoice amount for the used smokers by an additional 30% and supply that invoice to FBK.
- (j) Presented or caused to be presented to OTRD for payment of public funds a FBK invoice for the used smokers with the fabricated invoice from the supplier attached as support.

All contrary to the provisions of Section 424 of Title 21 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

TRUE BILL

NO BILL

  
\_\_\_\_\_  
FOREMAN  
OKLAHOMA MULTICOUNTY GRAND JURY

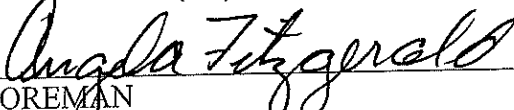
**COUNT 2: FALSE AND/OR FRAUDULENT CLAIMS AGAINST THE STATE, 21 O.S. §§ 358 and 359, a FELONY**

On or between February 11, 2021, through May 29, 2021, in Oklahoma County, Oklahoma, **RONALD BRENT SWADLEY, CURTIS RAY BREUKLANDER** and **TIMOTHY RAYMOND HOOPER** who, acting conjointly, committed the crime of **PRESENTING FALSE AND/OR FRAUDULENT CLAIMS TO THE STATE**, a felony, by unlawfully making, presenting, and/or causing to be presented FBK Invoices 1006, 1009, 1010, QMRM100, QMRM101, QMRM102, RCRM111, BBFFE110, RCFFE105, RCRM112, BBRM119, LMRM115, and/or RCRM113 claiming payment of public funds to the Oklahoma Tourism and Recreation Department, an agency for the State of Oklahoma, which were known by the defendants to be false and/or fraudulent, contrary to the provisions of 21 O.S. §§

358(A) and 359(A) of the Oklahoma statutes, and against the peace and dignity of the State of Oklahoma.

TRUE BILL (X)

NO BILL ( )

  
FOREMAN  
OKLAHOMA MULTICOUNTY GRAND JURY

**COUNT 3: FALSE AND/OR FRAUDULENT CLAIMS AGAINST THE STATE, 21 O.S. §§ 358 and 359, a FELONY**

On or about May 29, 2021, in Oklahoma County, Oklahoma, **RONALD BRENT SWADLEY, CURTIS RAY BREUKLANDER** and **TIMOTHY RAYMOND HOOPER** who, acting conjointly, committed the crime of **PRESENTING A FALSE AND/OR FRAUDULENT CLAIM TO THE STATE**, a felony, by unlawfully making, presenting, and/or causing to be presented FBK Invoice 1004 and Quality Food Equipment Invoice 9289 claiming payment of public funds to the Oklahoma Tourism and Recreation Department, an agency for the State of Oklahoma, which were known by the defendants to be false and/or fraudulent, contrary to the provisions of 21 O.S. §§ 358(A) and 359(A) of the Oklahoma statutes, and against the peace and dignity of the State of Oklahoma.

TRUE BILL (X)

NO BILL ( )

  
FOREMAN  
OKLAHOMA MULTICOUNTY GRAND JURY

**COUNT 4: FALSE AND/OR FRAUDULENT CLAIMS AGAINST THE STATE, 21  
O.S. §§ 358 and 359, a FELONY**

On or about June 28, 2021, in Oklahoma County, Oklahoma, **RONALD BRENT SWADLEY, CURTIS RAY BREUKLANDER** and **TIMOTHY RAYMOND HOOPER** who, acting conjointly, committed the crime of **PRESENTING A FALSE AND/OR FRAUDULENT CLAIM TO THE STATE**, a felony, by unlawfully making, presenting, and/or causing to be presented FBK Invoice 1021 and Quality Food Equipment Invoice 9506 claiming payment of public funds to the Oklahoma Tourism and Recreation Department, an agency for the State of Oklahoma, which were known by the defendants to be false and/or fraudulent, contrary to the provisions of 21 O.S. §§ 358(A) and 359(A) of the Oklahoma statutes, and against the peace and dignity of the State of Oklahoma.

TRUE BILL (X)

NO BILL ( )

  
FOREMAN  
OKLAHOMA MULTICOUNTY GRAND JURY

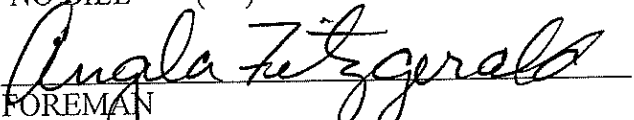
**COUNT 5: FALSE AND/OR FRAUDULENT CLAIMS AGAINST THE STATE, 21  
O.S. §§ 358 and 359, a FELONY**

On or about July 14, 2021, in Oklahoma County, Oklahoma, **RONALD BRENT SWADLEY, CURTIS RAY BREUKLANDER** and **TIMOTHY RAYMOND HOOPER** who, acting conjointly, committed the crime of **PRESENTING A FALSE AND/OR FRAUDULENT CLAIM TO THE STATE**, a felony, by unlawfully making,

presenting, and/or causing to be presented FBK Invoice 1027 and Quality Food Equipment Invoice 9547 claiming payment of public funds to the Oklahoma Tourism and Recreation Department, an agency for the State of Oklahoma, which were known by the defendants to be false and/or fraudulent, contrary to the provisions of 21 O.S. §§ 358(A) and 359(A) of the Oklahoma statutes, and against the peace and dignity of the State of Oklahoma.

TRUE BILL (X)

NO BILL ( )

  
FOREMAN  
OKLAHOMA MULTICOUNTY GRAND JURY

**COUNT 6: FALSE AND/OR FRAUDULENT CLAIMS AGAINST THE STATE, 21 O.S. §§ 358 and 359, a FELONY**

On or about August 11, 2021, in Oklahoma County, Oklahoma, **RONALD BRENT SWADLEY, CURTIS RAY BREUKLANDER and TIMOTHY RAYMOND HOOPER** who, acting conjointly, committed the crime of **PRESENTING A FALSE AND/OR FRAUDULENT CLAIM TO THE STATE**, a felony, by unlawfully making, presenting, and/or causing to be presented FBK Invoice 1043 and a Quality Food Equipment Invoice for two Smokers, Ole Hickory Pits Model No. SSE, claiming payment of public funds to the Oklahoma Tourism and Recreation Department, an agency for the State of Oklahoma, which were known by the defendants to be false and/or fraudulent, contrary to the provisions of 21 O.S. §§ 358(A) and 359(A) of the Oklahoma statutes, and against the peace and dignity of the State of Oklahoma.

TRUE BILL (X)

NO BILL ( )

*Angela Fitzgerald*  
FOREMAN  
OKLAHOMA MULTICOUNTY GRAND JURY

WITNESSES (Before the Grand Jury):

Todd Spurlock  
John Jones  
Mike Jackson  
Kristina Marek  
Michael Cooley  
Richard Keithley  
Daryl Beebe  
Melissa Capps  
Kayci Thomas

Tori Washington  
Katherine Nichols  
Michael McWhorter  
Curt Breuklander  
Jerry Winchester  
Gino DeMarco  
Ronald Brent Swadley  
Tim Hooper  
Derek Spomer