

IN THE DISTRICT COURT OF LINCOLN COUNTY  
STATE OF OKLAHOMA

2012 SEP 18 AM 8:45

STATE OF OKLAHOMA,

PLAINTIFF,

vs.

JASON PAUL PRIEST  
2107 West 27<sup>th</sup> Street North  
Muskogee, Oklahoma 74401

DEFENDANT.

CINDY KIRBY CT. CLK.  
LINCOLN CO., OKLA.

FELONY INFORMATION  
NO. CF-2012-257

COUNT I:  
PATTERN OF CRIMINAL OFFENSES 21 O.S. § 425 (FELONY)

COUNT II:  
HOME REPAIR FRAUD 15 O.S. § 765.3 (FELONY)

COUNT III:  
HOME REPAIR FRAUD 15 O.S. § 765.3 (FELONY)

COUNT IV:  
HOME REPAIR FRAUD 15 O.S. § 765.3 (FELONY)

COUNT V:  
HOME REPAIR FRAUD 15 O.S. § 765.3 (FELONY)

COUNT VI:  
HOME REPAIR FRAUD 15 O.S. § 765.3 (FELONY)

COUNT VII:  
HOME REPAIR FRAUD 15 O.S. § 765.3 (FELONY)

COUNT VIII:  
HOME REPAIR FRAUD 15 O.S. § 765.3 (FELONY)

COUNT IX:  
HOME REPAIR FRAUD 15 O.S. § 765.3 (FELONY)

COUNT X:  
HOME REPAIR FRAUD 15 O.S. § 765.3 (FELONY)

COUNT XI:  
HOME REPAIR FRAUD 15 O.S. § 765.3 (FELONY)

**COUNT XII:**

**HOME REPAIR FRAUD 15 O.S. § 765.3 (FELONY)**

**COUNT XIII:**

**HOME REPAIR FRAUD 15 O.S. § 765.3 (FELONY)**

E. SCOTT PRUITT, Attorney General, who prosecutes in the name and by the authority of the State of Oklahoma, comes into this Court, and on his official oath informs the District Court that:

**COUNT I**

Jason Paul Priest, dba JMP Buildings and/or Muskogee Barn Company, from approximately October 17, 2009 through approximately June 14, 2011 in the Counties of Lincoln, Caddo, Canadian, Pottawatomie, Hughes, Pawnee, Oklahoma, Tulsa, Wagoner, Garfield, Payne and Creek, State of Oklahoma, did unlawfully, willfully and feloniously engage in a **PATTERN OF CRIMINAL OFFENSES, 21 O.S. § 425**, to wit:

As alleged in Counts II through XIII, the Defendant engaged in a pattern of home repair fraud as part of the same plan, scheme or adventure and, in the cases of Counts IV through VIII, IX through X and XII through XIII, in sequence not separated by an interval of more than 30 days. Said practices are contrary to the provisions of Section 425 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma. Venue is proper in Lincoln County pursuant Section 125.1 of Title 22 of the Oklahoma Statutes as at least one of the Counts alleged as part of the pattern occurred in this County;

**COUNT II:**

Jason Paul Priest, dba JMP Buildings, on or about October 17, 2009, in Caddo County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **HOME REPAIR FRAUD 15 O.S. § 765.3** to wit:

On or about October 17, 2009, the Defendant (dba JMP Buildings) knowingly entered into a contract with William Fair to construct a barn on his property at 22110 County Road 1210, Gracemont, Caddo County, State of Oklahoma for \$15,625.00. Per the terms of the contract, Mr. Fair made a down payment of \$4,687.50 by check on or about October 23, 2009 for the purchase of materials for and construction of the building frame. The Defendant completed the building frame on or about October 28, 2009, at which time Mr. Fair made a second payment of \$6,562.50 by check per the terms of the contract. After receiving the second payment, the Defendant did no further work on the barn and never returned to the property despite repeated requests from Mr. Fair;

In his dealings with Mr. Fair the Defendant knowingly or with reason to know promised performance which he did not intend to perform or knew would not be performed. Said practices are contrary to the Home Repair Fraud Act, Section 765.3 of Title 15 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma;

### COUNT III:

Jason Paul Priest, dba JMP Buildings, on or about January 23, 2010, in Canadian County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **HOME REPAIR FRAUD 15 O.S. § 765.3** to wit:

On or about January 23, 2010, the Defendant (dba JMP Buildings) knowingly entered into a contract with Jason Smith to construct a barn on his property at 12701 Torre Pines Lane, Yukon, Canadian County, State of Oklahoma for \$12,655.00. Per the terms of the contract, Mr. Smith made a down payment of \$3,800.00 in cash on or about January 23, 2010 for the purchase of materials for and construction of the building frame. The Defendant completed the building frame on or about February 1, 2010, at which time Mr. Smith made a second payment of \$7,600.00 in cash per the terms of the contract. After receiving the second payment, the Defendant did no further work on the barn and never returned to the property despite repeated requests from Mr. Smith;

In his dealings with Mr. Smith the Defendant knowingly or with reason to know promised performance which he did not intend to perform or knew would not be performed. Said practices are contrary to the Home Repair Fraud Act, Section 765.3 of Title 15 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma;

### COUNT IV:

Jason Paul Priest, dba JMP Buildings, on or about March 29, 2010, in Lincoln County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **HOME REPAIR FRAUD 15 O.S. § 765.3** to wit:

On or about March 29, 2010, the Defendant (dba JMP Buildings) knowingly entered into a contract with John and JoAnn Coleman, elderly persons as defined in 21 O.S. § 991a-15, to construct a barn and outbuilding on their property at 353682 East 1010 Road, Sparks, Lincoln County, State of Oklahoma for \$18,000.00. Per the terms of the contract, Ms. Coleman made a down payment of \$5,400.00 by check on or about March 29, 2010 for the purchase of materials for and construction of the building frames. The Defendant completed the building frames on or about April 2, 2010, at which time Ms. Coleman made a second payment of \$7,560.00 by check per the terms of the contract. After receiving the second payment, the Defendant did no further work on the barn or outbuilding and never returned to the property despite repeated requests from the Colemans;

In his dealings with the Colemans the Defendant knowingly or with reason to know promised performance which he did not intend to perform or knew would not be performed. Said practices are contrary to the Home Repair Fraud Act, Section 765.3 of Title 15 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma;

### COUNT V:

Jason Paul Priest, dba JMP Buildings, on or about April 2, 2010, in Pottawatomie County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **HOME REPAIR FRAUD 15 O.S. § 765.3** to wit:

On or about April 2, 2010, the Defendant (dba JMP Buildings) knowingly entered into a contract with Franklin Talley, an elderly person as defined in 21 O.S. § 991a-15, to construct a barn on his property at 100 Samatha Drive, Tecumseh, Pottawatomie County, State of Oklahoma for \$12,078.00. Per the terms of the contract, Mr. Talley made a down payment of \$3,660.00 by check on or about April 2, 2010 for the purchase of materials for and construction of the building frame. The Defendant completed the building frame on or about April 10, 2010, at which time Mr. Talley made a second payment of \$7,320.00 by check per the terms of the contract. After receiving the second payment, the Defendant did no further work on the barn and never returned to the property despite repeated requests from Mr. Talley;

In his dealings with Mr. Talley the Defendant knowingly or with reason to know promised performance which he did not intend to perform or knew would not be performed. Said practices are contrary to the Home Repair Fraud Act, Section 765.3 of Title 15 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma;

#### COUNT VI:

Jason Paul Priest, dba JMP Buildings, on or about April 9, 2010, in Hughes County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **HOME REPAIR FRAUD 15 O.S. § 765.3** to wit:

On or about April 9, 2010, the Defendant (dba JMP Buildings) knowingly entered into contracts with Eugene and Stephanie Jeffords to construct a barn and shop on their property at 9119 East 12675 County Road, Dustin, Hughes County, State of Oklahoma for a total of \$34,000.00. Per the terms of the contracts, Ms. Jeffords made down payments totaling \$10,200.00 by check on or about April 9, 2010 for the purchase of materials for and construction of the building frames. The Defendant completed the building frames on or about April 15, 2010, at which time Ms. Jeffords made a second payment of \$5,880.00 by check for construction of the shop per the terms of the contract. After receiving the second payment, the Defendant did no further work on the shop, but returned on or about May 11, 2010 seeking another payment to continue construction on both the shop and barn. At that time, Ms. Jeffords paid the Defendant \$8,650.00 by check. The Defendant did no further work on the barn or shop and never returned to the property despite repeated requests from Eugene and Stephanie Jeffords;

In his dealings with Eugene and Stephanie Jeffords the Defendant knowingly or with reason to know promised performance which he did not intend to perform or knew would not be performed. Said practices are contrary to the Home Repair Fraud Act, Section 765.3 of Title 15 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma;

#### COUNT VII:

Jason Paul Priest, dba JMP Buildings, on or about April 16, 2010, in Pawnee County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **HOME REPAIR FRAUD 15 O.S. § 765.3** to wit:

On or about April 16, 2010, the Defendant (dba JMP Buildings) knowingly entered into a contract with Timothy Payne to construct a barn on his property at 347551 East 3900 Road, Pawnee, Pawnee County, State of Oklahoma for \$18,100.00. Per the terms of the contract, Mr. Payne made a down payment of \$5,430.00 by check on or about April 23, 2010 for the purchase of materials for

and construction of the building frame. The Defendant completed the building frame on or about April 28, 2010, at which time Mr. Payne made a second payment of \$7,602.00 by check per the terms of the contract. After receiving the second payment, the Defendant did no further work on the barn and never returned to the property despite repeated requests from Mr. Payne;

In his dealings with Mr. Payne the Defendant knowingly or with reason to know promised performance which he did not intend to perform or knew would not be performed. Said practices are contrary to the Home Repair Fraud Act, Section 765.3 of Title 15 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma;

**COUNT VIII:**

Jason Paul Priest, dba JMP Buildings, on or about May 6, 2010, in Oklahoma County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **HOME REPAIR FRAUD 15 O.S. § 765.3** to wit:

On or about May 6, 2010, the Defendant (dba JMP Buildings) knowingly entered into a contract with Loyd Withrow, an elderly person as defined in 21 O.S. § 991a-15, to construct a barn on his property at 5175 Vernon Drive, Newalla, Oklahoma County, State of Oklahoma for \$11,900.00. Per the terms of the contract, Mr. Withrow made a down payment of \$3,570.00 by check on or about May 6, 2010 for the purchase of materials for and construction of the building frame. The Defendant completed the building frame on or about May 22, 2010, at which time Mr. Withrow made a second payment of \$4,998.00 by check per the terms of the contract. After receiving the second payment, the Defendant did no further work on the barn and never returned to the property despite repeated requests from Mr. Withrow;

In his dealings with Mr. Withrow the Defendant knowingly or with reason to know promised performance which he did not intend to perform or knew would not be performed. Said practices are contrary to the Home Repair Fraud Act, Section 765.3 of Title 15 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma;

**COUNT IX:**

Jason Paul Priest, dba Muskogee Barn Company, on or about August 14, 2010, in Tulsa County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **HOME REPAIR FRAUD 15 O.S. § 765.3** to wit:

On or about August 14, 2010, the Defendant (dba Muskogee Barn Company) knowingly entered into a contract with Steve Smith to construct a barn on his property at 13818 North 92<sup>nd</sup> East Avenue, Collinsville, Tulsa County, State of Oklahoma for \$13,100.00. Per the terms of the contract, Mr. Smith made a down payment of \$3,930.00 by check on or about August 14, 2010 for the purchase of materials for and construction of the building frame. The Defendant completed the building frame on or about September 17, 2010, at which time Mr. Smith made a second payment of \$5,502.00 by check per the terms of the contract. After receiving the second payment, the Defendant did no further work on the barn and never returned to the property despite repeated requests from Mr. Smith;

In his dealings with Mr. Smith the Defendant knowingly or with reason to know promised performance which he did not intend to perform or knew would not be performed. Said practices are contrary to the Home Repair Fraud Act, Section 765.3 of Title 15 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma;

**COUNT X:**

Jason Paul Priest, dba Muskogee Barn Company, on or about August 27, 2010, in Wagoner County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **HOME REPAIR FRAUD 15 O.S. § 765.3** to wit:

On or about August 27, 2010, the Defendant (dba Muskogee Barn Company) knowingly entered into a contract with Larry Rogers to construct a barn on his property at 6314 East 81<sup>st</sup> Street North, Fort Gibson, Wagoner County, State of Oklahoma for \$11,800.00. Per the terms of the contract, Mr. Rogers made a down payment of \$3,540.00 by check on or about August 28, 2010 for the purchase of materials for and construction of the building frame. The Defendant completed the building frame on or about September 6, 2010, at which time Mr. Rogers made a second payment of \$4,956.00 by check per the terms of the contract. After receiving the second payment, the Defendant did no further work on the barn and never returned to the property despite repeated requests from Mr. Rogers;

In his dealings with Mr. Rogers the Defendant knowingly or with reason to know promised performance which he did not intend to perform or knew would not be performed. Said practices are contrary to the Home Repair Fraud Act, Section 765.3 of Title 15 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma;

**COUNT XI:**

Jason Paul Priest, dba Muskogee Barn Company, on or about November 10, 2010, in Garfield County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **HOME REPAIR FRAUD 15 O.S. § 765.3** to wit:

On or about November 10, 2010, the Defendant (dba Muskogee Barn Company) knowingly entered into a contract with Bradley Drake to construct an outbuilding on his property at 15627 East Longhorn Trail, Douglas, Garfield County, State of Oklahoma for \$14,395.00. Per the terms of the contract, Mr. Drake made a down payment of \$4,318.00 by check on or about November 10, 2010 for the purchase of materials for and construction of the building frame. After receiving the down payment, the Defendant did no work on the outbuilding and never returned to the property despite repeated requests from Mr. Drake;

In his dealings with Mr. Drake the Defendant knowingly or with reason to know promised performance which he did not intend to perform or knew would not be performed. Said practices are contrary to the Home Repair Fraud Act, Section 765.3 of Title 15 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma;

**COUNT XII:**

Jason Paul Priest, dba Muskogee Barn Company, on or about June 1, 2011, in Payne County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of

**HOME REPAIR FRAUD 15 O.S. § 765.3 to wit:**

On or about June 1, 2011, the Defendant (dba Muskogee Barn Company) knowingly entered into a contract with Kurt Bachmann to construct a barn on his property at 9000 East Grandstaff Road, Drumright, Payne County, State of Oklahoma for \$16,695.00. Per the terms of the contract, Mr. Bachmann made a down payment of \$6,000.00 by check on or about June 3, 2011 for the purchase of materials for and construction of the building frame. The Defendant completed the building frame on or about June 15, 2011, at which time Mr. Bachmann made a second payment of \$7,000.00 by check per the terms of the contract. After receiving the second payment, the Defendant did no further work on the barn and never returned to the property despite repeated requests from Mr. Bachmann;

In his dealings with Mr. Bachmann the Defendant knowingly or with reason to know promised performance which he did not intend to perform or knew would not be performed. Said practices are contrary to the Home Repair Fraud Act, Section 765.3 of Title 15 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma;

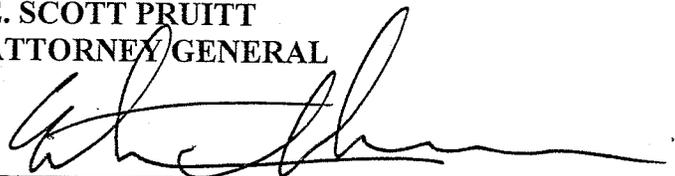
**COUNT XIII:**

Jason Paul Priest, dba Muskogee Barn Company, on or about June 14, 2011, in Creek County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **HOME REPAIR FRAUD 15 O.S. § 765.3** to wit:

On or about June 14, 2011, the Defendant (dba Muskogee Barn Company) knowingly entered into a contract with Vernon Shatwell to construct a barn on his property at 13721 West 86<sup>th</sup> Street, Sapulpa, Creek County, State of Oklahoma for \$9,650.00. Per the terms of the contract, Mr. Shatwell made a down payment of \$2,895.00 by check on or about June 21, 2011 for the purchase of materials for and construction of the building frame. The Defendant completed the building frame on or about July 13, 2011, at which time Mr. Shatwell made a second payment of \$4,053.00 by check per the terms of the contract. After receiving the second payment, the Defendant did no further work on the barn and never returned to the property despite repeated requests from Mr. Shatwell;

In his dealings with Mr. Shatwell the Defendant knowingly or with reason to know promised performance which he did not intend to perform or knew would not be performed. Said practices are contrary to the Home Repair Fraud Act, Section 765.3 of Title 15 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

**E. SCOTT PRUITT  
ATTORNEY GENERAL**



Ethan A. Shaner OBA #30916  
Assistant Attorney General  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105  
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**Violation & Penalty**

**21 O.S. § 425**

Not more than 2 years and/or  
Not more than \$25,000 fine

**21 O.S. § 765.3**

Not more than 10 years and/or  
Not more than \$5,000 fine

**Witnesses Endorsed for the State of Oklahoma**

Fair, William  
2012 Westaire  
Bethany, Oklahoma 73008

Smith, Jason  
12701 Torre Pines Lane  
Yukon, Oklahoma 73099

Coleman, John and JoAnn  
353682 East 1010 Road  
Sparks, Oklahoma 74869

Talley, Franklin  
104 Samatha Drive  
Tecumseh, Oklahoma 74873

Jeffords, Stephanie and Gene  
9119 East 12675 County Road  
Dustin, Oklahoma 74839

Bachmann, Rudolf Kurt  
9000 East Grandstaff Road  
Drumright, Oklahoma 74030

Rupert, Ray  
Investigator, OAG/PPU  
313 NE 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73015

Payne, Timothy  
347551 East 3900 Road  
Pawnee, Oklahoma 74058

Withrow, Jr., Loyd  
33509 Hardesty Road  
Shawnee, Oklahoma 74801

Smith, Debra  
13724 North 92<sup>nd</sup> East Avenue  
Collinsville, Oklahoma 74021

Rogers, Larry  
6314 East 81<sup>st</sup> Street North  
Fort Gibson, Oklahoma 74434

Drake, Bradley  
1928 Eagle Lane  
Perry, Oklahoma 73077

Shatwell, Vernon  
13721 West 86<sup>th</sup> Street  
Sapulpa, Oklahoma 74066