

Elliott

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

CF-2013- 3742

JUN 27 2013

TIM RHODES
COURT CLERK

STATE OF OKLAHOMA

PLAINTIFF,

VS.

THEODORE MICHAEL ZACHRITZ
1611 Drakestone Avenue
Nichols Hills, OK 73120

TODD ANTHONY ZACHRITZ
1210 North Tela Drive
Oklahoma City, OK 73127

DEFENDANTS.

FELONY INFORMATION
NO. CF-2013-

24

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

COUNT II:
EMBEZZLEMENT 21 O.S. § 1451 (FELONY)

COUNT III:
EMBEZZLEMENT 21 O.S. § 1451 (FELONY)

COUNT IV:
EMBEZZLEMENT 21 O.S. § 1451 (FELONY)

COUNT V:
EMBEZZLEMENT 21 O.S. § 1451 (FELONY)

COUNT VI:
EMBEZZLEMENT 21 O.S. § 1451 (FELONY)

COUNT VII:
EMBEZZLEMENT 21 O.S. § 1451 (FELONY)

COUNT VIII:
EMBEZZLEMENT 21 O.S. § 1451 (FELONY)

COUNT IX:

EMBEZZLEMENT 21 O.S. § 1451 (FELONY)

COUNT X:

EMBEZZLEMENT 21 O.S. § 1451 (FELONY)

COUNT XI:

EMBEZZLEMENT 21 O.S. § 1451 (FELONY)

COUNT XII:

EMBEZZLEMENT 21 O.S. § 1451 (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

Theodore Michael Zachritz and Todd Anthony Zachritz, dba Lifestyle Pools, from approximately April 10, 2012, through approximately July 23, 2012, in the counties of Oklahoma, Cleveland, Logan and McClain, 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 XII herein, the Defendants engaged in a pattern of embezzlement as part of the same plan, scheme or adventure. 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 Oklahoma 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:

Theodore Michael Zachritz and Todd Anthony Zachritz, dba Lifestyle Pools, on or about April 10, 2012, in Oklahoma County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **EMBEZZLEMENT 21 O.S. § 1451** to wit:

On or about January 7, 2012, the Defendants (dba Lifestyle Pools) entered into a contract with Gregory and Sherry Davis to construct an in-ground swimming pool at their home at 1416 NW 192nd Terrace, Edmond, Oklahoma County, State of Oklahoma for \$55,300. Mr. and Mrs. Davis made a series of payments to Defendants from approximately January 7, 2012, through approximately April 10, 2012, which funds were entrusted to the care and custody of the Defendants to be used for materials and labor for the pool project. After receiving said money the Defendants did unlawfully, willfully, fraudulently and feloniously embezzle, convert and appropriate an amount greater than \$1,000 for a purpose not intended or authorized by Gregory and Sherry Davis;

Said practices are contrary to the provisions of Section 1451 of Title 21 of the Oklahoma

Statutes and against the peace and dignity of the State of Oklahoma;

COUNT III:

Theodore Michael Zachritz and Todd Anthony Zachritz, dba Lifestyle Pools, on or about May 19, 2012, in Oklahoma County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **EMBEZZLEMENT 21 O.S. § 1451** to wit:

On or about February 1, 2012, the Defendants (dba Lifestyle Pools) entered into a contract with Paul and Beth Ludwig to construct an in-ground swimming pool at their home at 22455 Graces Terrace, Edmond, Oklahoma County, State of Oklahoma for \$49,000. Mr. and Mrs. Ludwig made a series of payments to Defendants from approximately February 1, 2012, through approximately May 19, 2012, which funds were entrusted to the care and custody of the Defendants to be used for materials and labor for the pool project. After receiving said money the Defendants did unlawfully, willfully, fraudulently and feloniously embezzle, convert and appropriate an amount greater than \$1,000 for a purpose not intended or authorized by Paul and Beth Ludwig;

Said practices are contrary to the provisions of Section 1451 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma;

COUNT IV:

Theodore Michael Zachritz and Todd Anthony Zachritz, dba Lifestyle Pools, on or about May 21, 2012, in Cleveland County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **EMBEZZLEMENT 21 O.S. § 1451** to wit:

On or about March 22, 2012, the Defendants (dba Lifestyle Pools) entered into a contract with Jeff and Tina Wharton to construct an in-ground swimming pool at their home at 5028 Turtle Lake Court, Oklahoma City, Cleveland County, State of Oklahoma for \$47,100. Mr. and Mrs. Wharton made a series of payments to Defendants from approximately April 23, 2012, through approximately May 21, 2012, which funds were entrusted to the care and custody of the Defendants to be used for materials and labor for the pool project. After receiving said money the Defendants did unlawfully, willfully, fraudulently and feloniously embezzle, convert and appropriate an amount greater than \$1,000 for a purpose not intended or authorized by Jeff and Tina Wharton;

Said practices are contrary to the provisions of Section 1451 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma;

COUNT V:

Theodore Michael Zachritz and Todd Anthony Zachritz, dba Lifestyle Pools, on or about May 24, 2012, in Cleveland County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **EMBEZZLEMENT 21 O.S. § 1451** to wit:

On or about March 21, 2012, the Defendants (dba Lifestyle Pools) entered into a contract with Charles and Marla Valentine to construct an in-ground swimming pool at their home at 1907 Quail Creek Drive, Norman, Cleveland County, State of Oklahoma for \$41,000. Mr. and Mrs. Valentine made a series of payments to Defendants from approximately March 21, 2012 through approximately May 24, 2012, which funds were entrusted to the care and custody of the Defendants to be used for materials and labor for the pool project. After receiving said money the Defendants did unlawfully, willfully, fraudulently and feloniously embezzle, convert and appropriate an amount greater than \$1,000 for a purpose not intended or authorized by Charles and Marla Valentine;

Said practices are contrary to the provisions of Section 1451 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma;

COUNT VI:

Theodore Michael Zachritz and Todd Anthony Zachritz, dba Lifestyle Pools, on or about June 3, 2012, in Oklahoma County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **EMBEZZLEMENT 21 O.S. § 1451** to wit:

On or about April 5, 2012, the Defendants (dba Lifestyle Pools) entered into a contract with Cynthia Cleary to construct an in-ground swimming pool at her home at 12512 Arrowhead Terrace, Oklahoma City, Oklahoma County, State of Oklahoma for \$50,000. Ms. Cleary made a series of payments to Defendants from approximately April 7, 2012, through approximately June 3, 2012, which funds were entrusted to the care and custody of the Defendants to be used for materials and labor for the pool project. After receiving said money the Defendants did unlawfully, willfully, fraudulently and feloniously embezzle, convert and appropriate an amount greater than \$1,000 for a purpose not intended or authorized by Cynthia Cleary;

Said practices are contrary to the provisions of Section 1451 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma;

COUNT VII:

Theodore Michael Zachritz and Todd Anthony Zachritz, dba Lifestyle Pools, on or about June 4, 2012, in McClain County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **EMBEZZLEMENT 21 O.S. § 1451** to wit:

On or about December 13, 2011, the Defendants (dba Lifestyle Pools) entered into a contract with Robert and Paula Rother to construct an in-ground swimming pool at their home at 30754 Drake Court, Norman, McClain County, State of Oklahoma for \$50,750. Mr. and Mrs. Rother paid the entire contract price by a series of payments from approximately December 19, 2011, through approximately June 4, 2012, which funds were entrusted to the care and custody of the Defendants to be used for materials and labor for the pool project. After receiving said money the Defendants did unlawfully, willfully, fraudulently and feloniously embezzle, convert and appropriate an amount greater than \$1,000 for a purpose not intended or authorized by Robert and Paula Rother;

Said practices are contrary to the provisions of Section 1451 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma;

COUNT VIII:

Theodore Michael Zachritz and Todd Anthony Zachritz, dba Lifestyle Pools, on or about June 14, 2012, in Oklahoma County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **EMBEZZLEMENT 21 O.S. § 1451** to wit:

On or about January 24, 2012, the Defendants (dba Lifestyle Pools) entered into a contract with Ronald Jordan to construct an in-ground swimming pool at his home at 1626 NW 38th Street, Oklahoma City, Oklahoma County, State of Oklahoma for \$41,600. Mr. Jordan paid the entire contract price by a series of payments from approximately February 6, 2012 through approximately June 14, 2012, which funds were entrusted to the care and custody of the Defendants to be used for materials and labor for the pool project. After receiving said money the Defendants did unlawfully, willfully, fraudulently and feloniously embezzle, convert and appropriate an amount greater than \$1,000 for a purpose not intended or authorized by Ronald Jordan;

Said practices are contrary to the provisions of Section 1451 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma;

COUNT IX:

Theodore Michael Zachritz and Todd Anthony Zachritz, dba Lifestyle Pools, on or about June 18, 2012, in Oklahoma County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **EMBEZZLEMENT 21 O.S. § 1451** to wit:

On or about April 3, 2012, the Defendants (dba Lifestyle Pools) entered into a contract with Jeff and Katherine Hughes to construct an in-ground swimming pool at their home at 5008 Kennington Lane, Oklahoma City, Oklahoma County, State of Oklahoma for \$50,000. Mr. and Mrs. Hughes made a series of payments to Defendants from approximately April 3, 2012, through approximately June 18, 2012, which funds were entrusted to the care and custody of the Defendants to be used for materials and labor for the pool project. After receiving said money the Defendants did unlawfully, willfully, fraudulently and feloniously embezzle, convert and appropriate an amount greater than \$1,000 for a purpose not intended or authorized by Jeff and Katherine Hughes;

Said practices are contrary to the provisions of Section 1451 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma;

COUNT X:

Theodore Michael Zachritz and Todd Anthony Zachritz, dba Lifestyle Pools, on or about June 18, 2012, in Cleveland County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **EMBEZZLEMENT 21 O.S. § 1451** to wit:

On or about April 7, 2012, the Defendants (dba Lifestyle Pools) entered into a contract with David and Renee Kirby to construct an in-ground swimming pool at their home at 13301 Raymond King Drive, Oklahoma City, Cleveland County, State of Oklahoma for \$38,000. Mr. and Mrs. Kirby made a series of payments to Defendants from approximately April 7, 2012, through approximately June 18, 2012, which funds were entrusted to the care and custody of the Defendants to be used for materials and labor for the pool project. After receiving said money the Defendants did unlawfully, willfully, fraudulently and feloniously embezzle, convert and appropriate an amount greater than \$1,000 for a purpose not intended or authorized by David and Renee Kirby;

Said practices are contrary to the provisions of Section 1451 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma;

COUNT XI:

Theodore Michael Zachritz and Todd Anthony Zachritz, dba Lifestyle Pools, on or about June 29, 2012, in Logan County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **EMBEZZLEMENT 21 O.S. § 1451** to wit:

On or about May 23, 2012, the Defendants (dba Lifestyle Pools) entered into a contract with Linda Northrup to construct an in-ground swimming pool at her home at 1720 Canyon Bluff Road, Guthrie, Logan County, State of Oklahoma for \$40,000. Ms. Northrup made a series of payments to Defendants from approximately May 31, 2012 through approximately June 29, 2012, which funds were entrusted to the care and custody of the Defendants to be used for materials and labor for the pool project. After receiving said money the Defendants did unlawfully, willfully, fraudulently and feloniously embezzle, convert and appropriate an amount greater than \$1,000 for a purpose not intended or authorized by Linda Northrup;

Said practices are contrary to the provisions of Section 1451 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma;

COUNT XII:

Theodore Michael Zachritz and Todd Anthony Zachritz, dba Lifestyle Pools, on or about July 23, 2012, in Oklahoma County, State of Oklahoma, did unlawfully, willfully, fraudulently and feloniously commit the crime of **EMBEZZLEMENT 21 O.S. § 1451** to wit:

On or about April 15, 2012, the Defendants (dba Lifestyle Pools) entered into a contract with Paul and Barbara Riess to construct an in-ground swimming pool at their home at 20477 Deer Hollow Drive, Edmond, Oklahoma County, State of Oklahoma for \$36,500. Mr. and Mrs. Riess made a series of payments to Defendants from approximately April 15, 2012, through approximately July 23, 2012, which funds were entrusted to the care and custody of the Defendants to be used for materials and labor for the pool project. After receiving said money the Defendants did unlawfully, willfully, fraudulently and feloniously embezzle, convert and appropriate an amount greater than \$1,000 for a purpose not intended or authorized by Paul and Barbara Riess;

Said practices are contrary to the provisions of Section 1451 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma;

E. SCOTT PRUITT
ATTORNEY GENERAL

By: _____

Ethan A. Shaner OBA #30916
Assistant Attorney General
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Oklahoma City, Oklahoma 73105
Telephone: (405) 522-3060
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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. § 1451

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

Witnesses Endorsed for the State of Oklahoma

Davis, Gregory and/or Sherry
1416 NW 192nd Terrace
Edmond, Oklahoma 73012

Hughes, Jeff and/or Katherine
5008 Kennington Lane
Oklahoma City, Oklahoma 73150

Ludwig, Paul and/or Beth
22455 Graces Terrace
Edmond, Oklahoma 73025

Kirby, David and/or Renee
13301 Raymond King Drive
Oklahoma City, Oklahoma 73165

Wharton, Jeff and/or Tina
5028 Turtle Lake Court
Oklahoma City, Oklahoma 73165

Northrup, Linda
1720 Canyon Bluff Road
Guthrie, Oklahoma 73044

Valentine, Charles and/or Marla
1907 Quail Creek Drive
Norman, Oklahoma 73026

Riess, Paul and/or Barbara
20477 Deer Hollow Drive
Edmond, Oklahoma 73012

Cleary, Cynthia
12512 Arrowhead Terrace
Oklahoma City, Oklahoma 73120

Daye, Don and/or Amy
5104 Jessie James Drive
Edmond, Oklahoma 73034

Rother, Robert and/or Paula
30754 Drake Court
Norman, Oklahoma 73072

Daugherty, Allison
12205 Heathfield Lane
Oklahoma City, Oklahoma 73173

Jordan, Ronald
1626 NW 38th Street
Oklahoma City, Oklahoma 73118

Prykryl, Daniel
Investigator, OAG/PPU
313 NE 21st Street
Oklahoma City, Oklahoma 73015