

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

FILED

SEP 3 2019

U.S. DISTRICT COURT-WVND
WHEELING, WV 26003

UNITED STATES OF AMERICA,

v.

DIETRICH S. FANSLER,

Defendant.

Criminal No 1 19-CR-50 (Kleeh)

Violations: 18 U.S.C. § 152(1)
26 U.S.C. § 7202

INFORMATION

The United States Attorney charges that:

COUNT ONE

(Fraudulent Concealment of Bankruptcy Estate Assets)

1. At all times relevant to this Information, Pin Oak Properties, LLC (“Pin Oak Properties”) was a real estate development business located in Morgantown, West Virginia, which operated a shopping mall in Fairmont, West Virginia, named Middletown Mall.

2. At all times relevant to this Information, the defendant, **DIETRICH S. FANSLER**, was the managing member of Pin Oak Properties.

3. On or about June 7, 2017, in Clarksburg, West Virginia, within the Northern District of West Virginia, the defendant, on behalf of Pin Oak Properties, filed a voluntary petition for relief under Chapter 11 of the United States Code, Case Number 1:17-bk-608.

4. Between on or about June 7, 2017 and on or about January 18, 2018, the defendant managed the business and property of Pin Oak Properties, which was operating as a debtor-in-possession.

5. Between on or about June 7, 2017 and on or about January 18, 2018, the defendant was responsible for collecting rent from the tenants of the Middletown Mall and ensuring the deposit of those rents into the debtor-in-possession bank account of Pin Oak Properties.

6. Between on or about June 7, 2017 and on or about January 18, 2018, the defendant deposited, and caused to be deposited, Middletown Mall rents into a bank account titled to an unrelated entity called Pin Oak LLC.

7. Between on or about June 7, 2017 and on or about January 18, 2018, the defendant filed, and caused to be filed, with the Bankruptcy Court approximately six (6) monthly operating reports, declaring under penalty of perjury that he had deposited all the receipts of Pin Oak Properties for those months into the debtor-in-possession account.

8. From on or about June 7, 2017 to on or about January 18, 2018, the defendant used Middletown Mall rents to pay expenses unrelated to Pin Oak Properties.

9. Between on or about June 7, 2017 and on or about January 18, 2018, in the Northern District of West Virginia, the defendant did knowingly and fraudulently conceal from creditors of the bankruptcy estate of Pin Oak Properties and the United States Trustee approximately \$225,000.00 in rents from Middletown Mall tenants, belonging to the estate of Pin Oak Properties.

In violation of Title 18, United States Code, Section 152(1).

COUNT TWO

(Willful Failure to Pay Over Tax)

1. Paragraphs 1 and 2 of Count One of this Information are incorporated by reference as though fully set forth herein.

2. At all times relevant to this Information, the defendant, **DIETRICH S. FANSLER**, exercised control over every aspect of the business affairs of Pin Oak Properties, LLC (“Pin Oak Properties”), including approving all payments by the company and controlling all of Pin Oak Properties’ bank accounts.

3. During the first quarter of the year 2017, ending March 31, 2017, the defendant caused Pin Oak Properties to deduct and collect from the total taxable wages of Pin Oak Properties’ employees, and truthfully account for, federal income taxes and Federal Insurance Contributions Act taxes in the amount of approximately \$9,940.09.

4. On or about September 4, 2017, in the Northern District of West Virginia, the defendant did willfully fail to pay over to the Internal Revenue Service the federal income taxes withheld and Federal Insurance Contributions Act taxes due and owing to the United States of America on behalf of Pin Oak Properties and its employees for the quarter ending March 31, 2017.

In violation of Title 26, United States Code, Section 7202.



WILLIAM J. POWELL
United States Attorney

Jarod J. Douglas
Assistant United States Attorney

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT

for the

Northern District of West Virginia

United States of America

v.

Dietrich S. Fansler

Defendant

Case No. 1:19-CR-50

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title