

NOV 13 2017

James N. Hatten, Clerk  
By: Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

JANET WEST

Criminal Information

No. 1:17-CR-390

THE UNITED STATES ATTORNEY CHARGES THAT:

**Count One**

*Conspiracy to Commit Wire Fraud*  
(18 U.S.C. § 371)

1. Beginning in or about 2011, and continuing until on or about December 31, 2016, the exact dates unknown to the United States Attorney, the defendant, JANET WEST, and others known and unknown to the United States Attorney, did knowingly and willfully combine, conspire, confederate, agree, and have a tacit understanding with each other to violate Title 18, United States Code, Section 1343, that is, to devise a scheme and artifice to defraud Cox Enterprises of money, and to obtain from Cox Enterprises money by means of materially false and fraudulent pretenses, representations and promises, and by the omissions of material facts, well knowing and having reason to know that said pretenses were and would be false and fraudulent when made and caused to be made and that said omissions were and would be material, and, in is doing, transmitted and caused to be transmitted by wire in interstate commerce some communication

for the purpose of executing the scheme and artifice, in violation of Title 18, United States Code, Section 1343.

### **Background**

2. "Cox Enterprises" was a privately held American corporation. "Cox Communications" was a subsidiary of Cox Enterprises that sold, among other things, digital cable television and telecommunication services throughout the United States. Cox Enterprises and Cox Communications (collectively referred to as "Cox") were headquartered in the Northern District of Georgia.

3. Beginning in 2014, Cox Communications instituted a plan entitled "G1GABLAST." The goal of this plan was to bring Gigabit speed internet connections to markets throughout the United States. As part of the G1GABLAST initiative, Cox Communications employed personnel who were responsible for marketing the company's services to consumers in a number of markets.

4. The defendant, JANET WEST, was employed as the Cox Communications Vice President in charge of Nationwide Field Marketing for the G1GABLAST initiative.

5. Cox required employees to agree that they would not engage in what is commonly referred to as "self-dealing." Cox employees were required to get supervisor approval when seeking to make payments to corporations that would benefit the employee. To that end, Cox required its employees to complete an electronic "Annual Conflicts of Interest (COI) Certification."

6. Among other questions, the COI Certification asked, “[h]ave you or any immediate family member, in any of the past two years, been employed by or affiliated with any company that transacts or may do business (e.g. as a customer, vendor or supplier, competitor) with Cox Communications?” The COI Certification also asked, “[i]n 2013, did you receive or give to anyone doing business with or attempting to do business with Cox a single gift, trip, gratuity, loan or other payment in excess of \$250 that you did not previously disclose and receive management approval for?” On the 2014 and 2015 Cox COI Certifications, the defendant answered “no” to both of these questions. Defendant knew that the COI forms which she completed, and the false statements contained therein, would be electronically transmitted in interstate commerce via the internet or by facsimile.

7. The defendant owned and operated “SJJ, LLC” (hereinafter “SJJ”), a limited liability company registered in the state of Arizona. “The third party company” was a company registered in the state of Florida.

#### **Manner and Means**

8. The defendant, JANET WEST, and others known and unknown to the United States Attorney, caused Cox to pay over \$2.4 million to the third party company for marketing services. In reality, a significant portion of these services never actually occurred and the majority of this money was transferred via interstate commerce back to the defendant, which she then used for her own personal benefit.

9. During the time period of the conspiracy, an executive at the third party company electronically submitted invoices, via the internet, to the defendant's assistant for work that the third party company had purportedly conducted on behalf of Cox. The invoices contained material false statements or omissions. The defendant's assistant placed these expenses onto the assistant's corporate credit card, which the defendant then approved. After Cox electronically submitted payments to the third party company, the executive sent the majority of the money to the defendant either directly or through SJJ. The defendant then deposited these payments into financial accounts under her control.

10. By way of example, on August 8, 2014, the defendant caused Cox to pay \$24,780 to the third party company. The executive at the third party company submitted a false invoice to the defendant's assistant claiming that this was for 330 hours' worth of "monthly marketing services" conducted in August 2014. The invoice did not contain an itemization of the marketing services performed by the third party company. The invoice also did not contain any reference that defendant or SJJ performed those services. On August 15, 2014, the third party company executive then paid \$21,000 back to the defendant. The defendant knew that these types of invoices were fraudulent as the third party company had never performed this amount of work for Cox and most of the funds were actually being sent to the defendant herself.

11. The false invoicing scheme continued for several years and went undetected because the expenses were placed on the defendant's assistant's corporate credit cards as opposed to Cox's accounts payable system. As the

assistant's supervisor, the defendant would approve the fraudulent charges on these credit cards.

12. The defendant failed to ever report these payments on her annual COI Certifications. Moreover, the defendant had routine, monthly conference calls with Cox senior management located in Atlanta, Georgia. During those conference calls, the defendant was sometimes questioned regarding expenditures associated with the G1GABIT initiative. At no point did the defendant reveal that Cox was paying millions of dollars to the third party company and that most of this money was going back to the defendant.

13. The defendant used some of the monies obtained from the third party company for her own personal benefit, including paying down a mortgage and home equity line of credit secured by 7525 N. Clearwater Parkway, Paradise Valley, Arizona 85253, and paying down a mortgage held on 35114 N. 25<sup>th</sup> Avenue, Phoenix, Arizona 85086.

#### **Overt Acts**

14. In furtherance of the conspiracy, and to effect the objects and purposes thereof, the defendant, JANET WEST, and others known and unknown to the United States Attorney, committed the following overt acts, among others, within the Northern District of Georgia and elsewhere:

- a. On or about August 8, 2014, the defendant caused Cox, which included computer systems housed in the Northern District of Georgia, to authorize payment to the third party company executive in the amount of \$24,780.

- b. On August 11, 2014, the executive at the third party company caused Suntrust Bank to issue a check to the defendant and SJJ in the amount of \$21,000.
- c. On August 13, 2014, the defendant deposited the \$21,000 check into a bank account under her control.
- d. On August 14, 2014, the defendant used a portion of these funds to make a \$4,400 payment towards a Chase mortgage secured by 35114 N. 25th Avenue, Phoenix, AZ 85086.
- e. On or about April 24, 2014, the defendant caused to be electronically transmitted to Cox personnel in the Northern District of Georgia a Conflict of Interest Certification that falsely claimed she was not employed by or affiliated with any external companies doing business with Cox.
- f. On or about February 3, 2015, the defendant caused to be electronically transmitted to Cox personnel in the Northern District of Georgia a Conflict of Interest Certification that falsely claimed she was not employed by or affiliated with any external companies doing business with Cox.
- g. On or about October 10, 2016, the defendant caused to be electronically transmitted to Cox personnel in the Northern District of Georgia a Conflict of Interest Certification that falsely claimed she was not employed by or affiliated with any external companies doing business with Cox.

All in violation of Title 18, United States Code, Section 371.

### **Forfeiture**

15. The United States Attorney re-alleges and incorporates herein by reference the factual allegations set forth in paragraphs 1 through 14.

16. Upon conviction of the offense alleged in Count One of the Information, the Defendant, JANET WEST, shall forfeit to the United States pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461, any property, real or personal, which constitutes or is derived from proceeds traceable to the wire fraud offenses or a conspiracy to commit such offenses including, but not limited to, the following:

- a. 7525 N. Clearwater Parkway, Paradise Valley, Arizona 85253, and
- b. 35114 N. 25<sup>th</sup> Avenue, Phoenix, Arizona 85086.

17. If, as a result of any act or omission of the defendant, any property subject to forfeiture:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third person;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or
- e. Has been commingled with other property which cannot be subdivided without difficulty;

The United States intends, pursuant to Title 18, United States Code, Section 982(b) and Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c) to seek forfeiture of any property of said defendant up to the value of the forfeitable property.

BYUNG J. PAK  
*United States Attorney*

THOMAS J. KREPP  
*Assistant United States Attorney*  
Georgia Bar No. 346781

600 U.S. Courthouse  
75 Ted Turner Drive, S.W.  
Atlanta, GA 30303  
404-581-6000; Fax: 404-581-6181

KELLY K. CONNORS  
*Assistant United States Attorney*  
Georgia Bar No. 504787

600 U.S. Courthouse  
75 Ted Turner Drive, S.W.  
Atlanta, GA 30303  
404-581-6000; Fax: 404-581-6181