

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$436,212.19 IN FUNDS FROM WELLS

FARGO ACCOUNT NO. X-8242,

\$286,904.31 IN FUNDS FROM WELLS

FARGO ACCOUNT NO. X-1873,

\$6,078.69 IN FUNDS FROM WELLS

FARGO ACCOUNT NO. X-9761,

\$2,201.05 IN FUNDS FROM WELLS

FARGO ACCOUNT NO. X-9905 and

\$524.06 IN FUNDS FROM WELLS

FARGO ACCOUNT NO. X-7931,

Defendants.

CIVIL ACTION NO.

VERIFIED COMPLAINT FOR FORFEITURE

COMES NOW Plaintiff, the United States of America, by and through Acting United States Attorney John A. Horn and Assistant United States Attorney Jenny R. Turner of the Northern District of Georgia, and files this Verified Complaint for Forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C), showing the Court as follows:

I. INTRODUCTION

This Complaint seeks the forfeiture of \$731,920.30 in funds that were seized from five separate bank accounts held by Appeal Insurance Agency and its owner, John P. Kill, as a result of an insurance and mail fraud scheme.

A. Identification of Parties

1. The "Defendant Accounts" consist of funds from five separate bank accounts that seized pursuant to search warrants issued on July 21, 2014, by the Magistrate Court of Gwinnett County, Georgia, specifically:
 - a. \$436,212.19 from Wells Fargo Account No. X-8242 held in the name of Appeal Insurance Agency, Inc.;
 - b. \$286,904.31 from Wells Fargo Account No. X-1873 held in the name of Appeal Insurance Agency, Inc.;
 - c. \$6,078.69 from Wells Fargo Account No. X-9761 held in the name of Joan M. Kill;
 - d. \$2,201.05 from Wells Fargo Account No. X-9905 held in the name of Appeal Insurance Agency, Inc.; and
 - e. \$524.06 from Wells Fargo Account No. X-7931 held in the name of John P. Kill.
2. Appeal Insurance Agency, Inc. ("AIA"), with an address at 5548 Naylor Court, Norcross, Gwinnett County, Georgia 30092 ("AIA Premises"), was

incorporated with the Georgia Secretary of State on November 13, 1991, but was administratively dissolved on May 16, 2008.

3. AIA continued to operate as an insurance agency after it was dissolved by the Secretary of State.
4. The Georgia Secretary of State's records show John P. Kill, a/k/a Jack Kill ("Kill"), a resident of Norcross, Gwinnett County, Georgia, as AIA's founder, Chief Executive Officer, Chief Financial Officer and Secretary.

B. Jurisdiction, and Venue

5. The Defendant Accounts are within the jurisdiction and venue of this Court, and the funds seized from the Defendant Accounts remain within the Northern District of Georgia.
6. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355.
7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355 and 1395.

C. Statutes Supporting Forfeiture

8. The Defendant Accounts are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) as property, real and personal, constituting and derived from

proceeds traceable to wire fraud in violation of 18 U.S.C. § 1343 and specified unlawful activity in violation of 18 U.S.C. § 1961(1)(B).

II. THE FACTS SUPPORTING FORFEITURE

9. On July 11, 2014, agents of the Fraud Unit of the State of Georgia Insurance Commissioner's Office (the "Insurance Commissioner") learned that Kill was running an insurance fraud scheme.
10. The scheme worked in the following manner:
 - a. Kill, through AIA, solicited insurance agents to write insurance policies for commercial trucking companies.
 - b. Kill then put AIA forward as a broker that undertook to to secure valid policies for the insurance agents' clients with recognized insurance companies, including Lloyd's.
 - c. Thereafter, when AIA received insurance premiums from the insurance agents and individual policy holders, AIA kept them instead of secured the underlying policies as promised.
 - d. Instead, Kill used the fraudulently-obtained premiums to fund his lifestyle and to pay off insurance claims that were filed with his office.

11. Lloyd's personnel ultimately obtained copies of counterfeit documents that Kill, through AIA, emailed to insurance agents on behalf of the two customers that fraudulently represented that Lloyd's issued insurance policies to both.
12. Thereafter, Kill emailed false information to Lloyd's personnel for the purpose of concealing the fraud.
13. Further investigations showed that among the payments that Kill's and AIA's victims sent for nonexistent insurance policies were the following:
 - a. A check in the amount of \$39,343.20, mailed on or about March 31, 2014; and
 - b. A check in the amount of \$11,355.00, mailed on or about December 22, 2013..
14. Ultimately, law enforcement officers applied for and received warrants authorizing them to search for AIA's premises from the Magistrate Court of Gwinnett County.
15. That search, conducted on July 16, 2014, yielded AIA bank ledgers belonging to AIA showing that Kill, through AIA, deposited proceeds of

his fraud into two Wells Fargo Bank accounts. Personnel of Wells Fargo Bank later informed agents of the remaining bank accounts Kill owned.

16. During a July 16, 2014, interview with law enforcement agents, Kill acknowledged depositing insurance premium checks into his bank accounts and creating insurance policy coversheets to provide to insurance agents and customers who believed they were purchasing insurance from AIA.
17. Kill further acknowledged that AIA was his only source of income.
18. Thereafter, law enforcement agents applied for and received a warrant from the Magistrate Court of Gwinnett County authorizing them to seize the funds in the Defendant Accounts, and they executed those warrants and seized the funds that are the subject matter of this Complaint on July 18, 2014.
19. Further investigation revealed more than 900 potential victims in Kill's insurance fraud scheme.
20. Furthermore, analysis of records for Account X-8242 showed that between January 1, 2013 and July 31, 2014, a total of \$3,748,537.65 was deposited into the account.

21. Thereafter, bank records further show that between January 4, 2013 and June 26, 2014, a total of \$1,631,858.08 was transferred from Account X-8242 into Account X-1873.
22. Because AIA and Kill have filed claims to the Defendant Accounts, the United States now files this Complaint for Forfeiture.

III. CONCLUSION

23. Based on the foregoing, the Defendant Accounts are subject to forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(A) and (C) as proceeds traceable to wire fraud in violation of 18 U.S.C. § 1343, and specified unlawful activity in violation of 18 U.S.C. § 1961(1)(B).

WHEREFORE, Plaintiff prays:

- (1) that the Court forfeit the Defendant Accounts
- (2) that the Court award Plaintiff the costs of this action; and
- (3) that Plaintiff have such other and further relief as the Court deems just and proper under the facts and circumstances of this case.

This 12th day of February, 2015.

Respectfully submitted,

JOHN A. HORN
ACTING UNITED STATES ATTORNEY

/s/ Jenny R. Turner

JENNY R. TURNER

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VERIFICATION OF COMPLAINT FOR FORFEITURE

I, Special Agent William E. Share, have read the Complaint for Forfeiture in this action and state that its contents are true and correct to the best of my knowledge and belief based upon my personal knowledge of the case and upon information obtained from other law enforcement personnel.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

This 12 day of February, 2015.



WILLIAM E. SHARE
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION