

FILED DISTRICT COURT
Third Judicial District

MAY 02 2007

By KA / SALT LAKE COUNTY
Deputy Clerk

CHARLENE BARLOW, Bar No. 0212
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Attorneys for Plaintiff

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

THE STATE OF UTAH. : \$ _____
Plaintiff, :
Vs. : **CRIMINAL INFORMATION**
DAVID C. YOUNG, : Case No. 071903218
DOB: December 2, 1976 :
Defendant. : Judge _____

The undersigned, Investigator DAVE HERMANSEN, upon oath, states on information and belief that the defendant committed the following crimes:

FORGERY
a third degree felony, 2 counts

THEFT
a third degree felony, 1 count

COUNT 1
FORGERY
a third degree felony

From on or about January 2003, in Salt Lake County, Utah and in violation of Utah Code Ann. § 76-6-501, the defendant, with a purpose to defraud, makes, completes, executes, authenticates, issues, transfers, publishes, or utters any writing so that the writing or the making, completion, execution, authentication, issuance, transference, publication or utterance purports to be the act of another, or purports to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed. This violation is a felony of the third degree.

COUNT 2
FORGERY
a third degree felony

From on or about July 2003, in Salt Lake County, Utah and in violation of Utah Code Ann. § 76-6-501, the defendant, with a purpose to defraud, makes, completes, executes, authenticates, issues, transfers, publishes, or utters any writing so that the writing or the making, completion, execution, authentication, issuance, transference, publication or utterance purports to be the act of another, or purports to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed. This violation is a felony of the third degree.

COUNT 3
THEFT, a second degree felony

Commencing on or about July 2003, the defendant obtained or exercised unauthorized

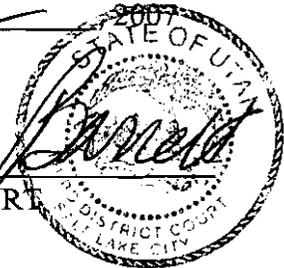
control over the property of **Bonnie Fisher and/or LaVar Anderson**, with a purpose to deprive them thereof. The value of the property is or exceeds \$5,000.00. This is a violation of Utah Code Ann. § 76-6-404, a third degree felony.

DATED this 2 day of May, 2007.

Dave Hermansen
DAVE HERMANSEN, Affiant

SUBSCRIBED AND SWORN to before me this 2 day of May, 2007.

William W. Barrett
JUDGE, THIRD DISTRICT COURT



I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH.

DATE: May 2, 2007
Heidi Van Tass
DEPUTY COURT CLERK

THIS CRIMINAL INFORMATION is based upon information from the

following:

1. Leigh Davis-Schmidt
2. Michael E. Hines
3. Kenneth Fisher
4. Bonnie Jo Fisher

AUTHORIZED for presentment and filing this 1st day of May,
2007.

MARK L. SHURTLEFF
Utah Attorney General

By: Charlene Barlow
CHARLENE BARLOW
Assistant Attorney General

MAY 02 2007

By KJ / SALT LAKE COUNTY
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Attorneys for Plaintiff

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

THE STATE OF UTAH. : **AFFIDAVIT OF**
 : **PROBABLE CAUSE**
 Plaintiff, :
 Vs. :
 :
 DAVID C. YOUNG, : Case No. 071903218
 DOB: December 2, 1976 :
 : Judge _____
 Defendant. :

STATE OF UTAH)
 :ss
 COUNTY OF SALT LAKE)

I, DAVE HERMANSEN, being first duly sworn upon oath, depose and state the following:

1. I am an Investigator for the State of Utah, Department of Commerce, Division of Securities. I have been employed in this capacity for the past fifteen years. My investigative work has consisted of brokerage firm audits and investigations

involving securities fraud. Previously I had been employed in the private sector of the securities industry as a stockbroker for an additional eight years. I am a graduate of Weber State University.

2. This investigation was opened by the Utah Division of Securities on November 14, 2006 as a result of a complaint referred to the Division by the South Jordan Police Department (“SJPD”), and a subsequent audit conducted by the Division’s Licensing staff. The complaint to the SJPD was filed by Mr. Kenneth Fisher and his wife, Bonnie Jo Fisher, against their son-in-law, David Christian Young, the defendant.

INVESTIGATION BACKGROUND

3. During the course of this investigation, I have interviewed and/or received information from the following individuals: Leigh Davis-Schmidt (Division’s auditor), Michael E. Hines (Division’s Director of Enforcement), Kenneth Fisher (“K. Fisher”) and Bonnie Jo Fisher (“B. Fisher”), (collectively the “Fishers”).

4. I have identified and examined the brokerage firm records for the account of B. Fisher / LaVar Anderson.

5. I have identified and examined the brokerage firm records for the account of Kristen Young (“Kristen”), the wife of the defendant.

6. I have identified and examined the bank records in the name of Kristen Young.

7. I have identified and reviewed a conversation between Hines and Young recorded on November 14, 2006.

8. Based upon records on file with the Division and the National Association of Securities Dealers ("NASD"), I learned Young was an active Series 7 licensed registered sales agent employed by several brokerage firms from August 2000 through February 2005. During the time period of the violations alleged in this document, Young was licensed with the firm Waddell and Reed ("Waddell") located in Salt Lake City, Utah.

CASE HISTORY

9. My investigation has revealed that while employed at Waddell, Young solicited B. Fisher to purchase an annuity for her mother, Lavar Anderson. B. Fisher had received a power of attorney from her elderly mother.

10. B. Fisher agreed to the annuity investment and deposited \$90,000 into Anderson's Waddell & Reed Advisors Select Annuity Fund. As a result, on September 21, 2001, Nationwide Life and Annuity issued the Annuity.

11. In or about mid 2005, B. Fisher became aware that a large amount of money was missing from Anderson's account. Further investigation of the account documents conducted by the Fishers revealed that Young had been withdrawing funds from her account. They believed the withdrawals to total approximately \$52,000.

12. In or about August 2005, the Fishers confronted Young regarding the missing money. On August 8, 2005, the Fishers received an e-mail from Young admitting to taking the money and promising to pay it back.

13. On December 29, 2005, the Fishers filed a complaint with the South Jordan Police Department against Young. The complaint was then referred to the Division.

14. Based upon records obtained by the Division from Nationwide and testimony from the Fishers, Young forged the signature of B.Fisher without her knowledge on seven separate documents. The documents instructed Nationwide to withdraw the following amounts from Anderson's account:

a.	January 24, 2002	\$ 4,800.00
b.	April 3, 2002	\$ 7,200.00
b.	June 09, 2002	\$12,000.00
c.	October 2, 2002	\$10,000.00
d.	December 03, 2002	\$13,253.00
e.	December 19, 2002	\$ 1,403.11
f.	January 12, 2003	\$ 5,320.00
g.	July 08, 2003	\$12,500.00

15. Based upon records obtained by the Division from Nationwide, not all of the forgeries in paragraph 14, above, resulted in funds being removed from Anderson's account. However, the records do indicate that Young converted a total of \$61,156.11 of Anderson's money without authorization, and used a portion of those proceeds for his personal use.

16. On November 14, 2006, Hines contacted Young via telephone for an interview regarding his conduct as listed in paragraphs 15 and 16, above. During the course of this recorded conversation, Young finally admitted to forging B. Fisher's signature on documents and withdrawing funds from Anderson's account.

17. In addition to the confessed conduct listed in paragraph 16, above, Young admitted that he subsequently had been charged on two separate occasions for theft. Based upon court records, the first charge, a Class B Misdemeanor, occurred in Davis

County on January 20, 2006. The second charge occurred in Salt Lake County on March 7, 2006, in which Young entered a guilty plea to Class A Misdemeanor and placed on probation for 12 months.

COUNT 1
FORGERY, a third degree felony

On January 12, 2003, a withdrawal request for \$5,320 was submitted for funds to be withdrawn from the Annuity which was submitted to Nationwide. A comparison of the signature on the withdrawal request against a known exemplar of Bonnie Fisher revealed discrepancies in the two signatures.

COUNT 2
FORGERY, a third degree felony

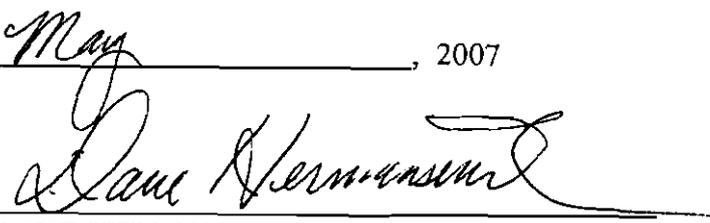
On July 8, 2003, a withdrawal request for \$12,500 was submitted for funds to be withdrawn from the Annuity which was submitted to Nationwide. The signature on the withdrawal request is difficult to read. However, a comparison of the signature on the withdrawal request against a known exemplar of Bonnie Fisher revealed discrepancies in the two signatures.

COUNT 3
THEFT, a third degree felony

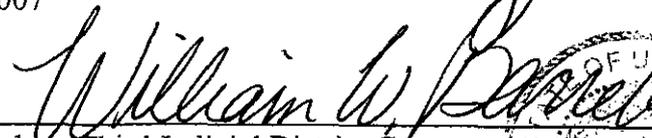
A review of the Annuity transaction for the above July 8, 2003 withdrawal evidences that the withdrawal was effected on July 16, 2003. The withdrawal also incurred \$940.86 in surrender charges assessed by Nationwide. The withdrawal request indicates that the check was to be made payable to Merrill Inv., and mailed to 11840

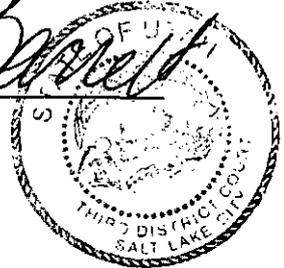
South 2513 West, South Jordan, Utah. A review of the Waddell account documents for Young's mother, Bonnie Young, evidences that Ms. Young lives at this address.

DATED this 2 day of May, 2007


DAVE HERMANSEN, AFFIANT

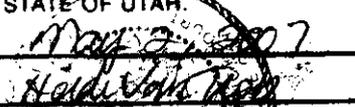
SUBSCRIBED AND SWORN to before me on this 2 day of May, 2007


Judge, Third Judicial District Court



I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH.

DATE: May 2, 2007


DEPUTY COURT CLERK



FILED DISTRICT COURT
Third Judicial District

MAY 02 2007

By *M* SALT LAKE COUNTY
Deputy Clerk

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IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

THE STATE OF UTAH, : Bail \$ _____
 :
Plaintiff, :
 : **WARRANT OF ARREST**
vs. :
 :
DAVID C. YOUNG, : Case No. 071903218
DOB: December 2, 1976 :
 : Judge _____
Defendant.

THE STATE OF UTAH TO ANY PEACE OFFICER IN THE STATE OF UTAH,
GREETINGS:

An Information, upon oath, having been this day made before me by Investigator Dave Hermansen, and it appearing from the Information, or affidavit filed with the Information, that there is probable cause to believe that the public offense of: **Forgery, a third degree felony, 2 counts; and, Theft, a third degree felony, 1 count**, has been committed, and that the

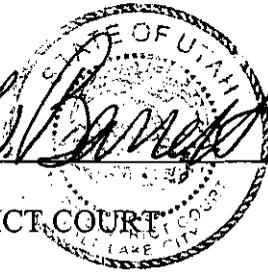
defendant, DAVID C. YOUNG, has committed these offenses,

YOU ARE THEREFORE COMMANDED to arrest the above named defendant forthwith and bring the defendant before this court, or before the nearest or most accessible magistrate for setting bail. If the defendant has fled justice, you shall pursue the defendant into any other county of this state and there arrest the defendant. The offenses listed above are felonies.

Bail is set in the amount of \$ 25,000⁰⁰ or Release to PTS.

DATED this 2 day of May, 2007

William W. Barrett
HONORABLE,
JUDGE, THIRD DISTRICT COURT



Defendant's Last Known Address:

13071 South 1300 West
Riverton, UT

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DATE: May 2, 2007

Heidi Vankat
DEPUTY COURT CLERK

