

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. DENNIS DEAN SIEVING,

Defendant.

INDICTMENT

18 U.S.C. § 1341 (Mail Fraud)

18 U.S.C. § 666 (Theft or Bribery Concerning Programs Receiving Federal Funds)

The Grand Jury charges:

At all times pertinent to this Indictment:

Background

1. American Driving Academy (“ADA”) is a Colorado corporation with three business locations: Arvada, Colorado Springs, and Pueblo, Colorado. ADA is a commercial driving school licensed by the State of Colorado as a “Basic Operator Skills Testing Organization” authorized to administer and provide Basic Operator's Skill Testing on behalf of the Colorado Department of Revenue, Division of Motor Vehicles, Driver Education Compliance Section (“Colorado DMV”). Basic Operator Skill Testing

includes a written knowledge test and a driving skill test. Specifically, ADA provides the requisite testing for individuals to obtain a basic operator driver's license (“driver’s license’) and instruction permit in the State of Colorado.

2. A Basic Operator Skills Testing Organization ("driving school") is authorized by Colorado Code of Regulations, Section 240-3 to provide third-party skills testing on behalf of the Colorado DMV to applicants seeking a State-issued driver's license if such training and testing is equal to that of the Colorado DMV. The regulations require that a driving school enter into an annual written contract with the Colorado DMV.

3. The driving school must maintain a licensed tester. In addition to being licensed by the State, to administer written and driving skill tests, the tester must have successfully passed training classes conducted by the State. Testers must meet or exceed the same training and qualifications as State examiners. Upon being licensed by the State, testers are assigned a certification number.

4. Testers are required to conduct a full driving skill test in accordance with Colorado DMV procedures, policies and standards including utilizing a pre-determined drive route that has been certified and approved for testing by the State. While administering examinations, testers must use forms provided by the Colorado DMV such as the scoring form or Score Sheet (Form DR2732). Testers issue a Basic Operator's Driving Skill Test Completion Statement (Form DR2735) to the applicant who has successfully completed the driving skill test. The applicant has 60 days in which to

provide this form to a State Driver's License Office in order to waive the driving examination requirement. Applicants who successfully complete the written test are issued the Written Knowledge Test Completion Statement (Form DR2238) by the tester and are instructed to submit the form to a State Driver's License Office within 30 days in lieu of the written test at that office.

5. Upon the presentation of the applicant's test completion Statements issued from a certified tester, the Colorado DMV authorized the issuance of a driver's license. Upon presentment of a certified Written Knowledge Test Completion Statement the applicant was eligible for an instruction permit. Completion Statements for both the written and driving skill tests were assurance to the Colorado DMV that the applicant had received the same testing administered at a State Driver's License Office.

6. The licensing information, including the applicant's photograph and Colorado address, is forwarded by the Colorado DMV to a contracted document manufacturer located in the State of Washington. The Colorado Driver's licenses are produced in the State of Washington and mailed to the Colorado address provided by the applicant.

7. The defendant, DENNIS DEAN SIEVING, was employed by ADA as a manager of ADA's North Metro Denver office located in Arvada, Colorado. In addition to his role as a manager, the defendant, DENNIS DEAN SIEVING, was also a licensed tester with a State assigned certification number of "9161." As a licensed tester, the defendant, DENNIS DEAN SIEVING, was authorized to conduct driver education

classes as well as certify an applicant's successful written and driving examination that is necessary to obtain a state driver's license and instruction permit from the Colorado DMV.

The Scheme to Defraud

8. From on or about May 2010 through on or about February 2011, in the District of Colorado and elsewhere, the defendant, DENNIS DEAN SIEVING, knowingly devised and participated in a scheme to obtain money (hereinafter "the scheme") by means of materially false or fraudulent pretenses, representations and promises to the Colorado DMV by falsely certifying that applicants for a Colorado driver's license and instruction permit had successfully completed the required testing.

9. As part of the scheme, the defendant falsely certified that applicants had taken and passed the written and driving skill tests. The applicants then provided the certification to the Colorado DMV as proof that the applicant had successfully completed the required testing. In exchange for the fraudulent certification, the applicant received a State of Colorado driver's license and instruction permit issued by the Colorado DMV.

10. The defendant, DENNIS DEAN SIEVING, took cash payments from applicants in return for fraudulently issuing passing grades to them on the Colorado DMV's written and driving skill tests. He accepted cash payments of approximately \$50 from applicants for each of the two examinations and did not report the earnings to his employer, ADA.

11. In furtherance of the scheme, the defendant, DENNIS DEAN SIEVING falsified the written and driving examination results for applicants who could not speak English adequately or could not pass the test for other reasons. The defendant, DENNIS DEAN SIEVING, fraudulently certified hundreds of driving tests that were either inadequate or were not administered.

12. The defendant, DENNIS DEAN SIEVING, after failing to administer an adequate test, would falsely complete paperwork for the applicant to provide to the Colorado DMV stating that the applicant had been given a basic operators driving skill test on an approved testing route and had successfully completed the test as required by the State. For the basic operators written knowledge test, the defendant, DENNIS DEAN SIEVING, after failing to properly administer the examination, falsely certified to the Colorado DMV that the applicant successfully passed the test.

13. The scheme employed false representations that were material; namely, that the written and driving skill test completion Statements were issued to applicants who were not properly tested by the defendant, DENNIS DEAN SIEVING. The Colorado DMV, in reliance on the false representations, issued driver's licenses and instruction permits and caused such licenses and permits to be mailed to the applicant at an in-state address.

Counts 1-20

14. On or about the date specified below for each count, in the District of Colorado and elsewhere, the defendant, DENNIS DEAN SIEVING, for the purpose of

executing and attempting to execute the scheme described in paragraphs 1-13 above, caused another person to mail through the United States Postal Service the items described below for each count:

Count	Date	Addressee	Item Mailed
1	February 17, 2011	Chhabi Sarki 8805 East 12th Avenue #123 Denver, Colorado	Driver's License and Instruction Permit Pin # 11-045-0101
2	February 17, 2011	Krishna Khanal 8805 East 12th Avenue #123 Denver, Colorado	Driver's License and Instruction Permit Pin # 11-045-0094
3	February 17, 2011	Mon Bahadur Gurung 8805 East 12th Avenue #123 Denver, Colorado	Driver's License and Instruction Permit Pin # 11-045-0350
4	February 17, 2011	Dina Nath Koirala 8805 East 12th Avenue #123 Denver, Colorado	Driver's License and Instruction Permit Pin # 10-347-0606
5	February 3, 2011	Chandra Bahadur Tamang 11801 N Washington Street #C- 310, Denver, Colorado 80233	Driver's License and Instruction Permit Pin # 11-031-0394
6	February 3, 2011	Rita Chetri 11801 N Washington Street #C- 310, Denver, Colorado 80233	Driver's License and Instruction Permit Pin # 11-031-0351
7	February 3, 2011	Doe Reh 11801 N Washington Street #C- 310, Denver, Colorado 80233	Driver's License and Instruction Permit Pin # 10-221-0709

8	February 3, 2011	Roslee Na 1255 Yosemite Street, #7	Driver's License Pin # 11-031-0180
9	February 3, 2011	Ree Meh 1255 Yosemite Street, #7	Driver's License Pin # 11-031-0174
10	December 31, 2010	Mi Reh 1350 Xenia Street, #409 Denver, Colorado 80220	Driver's License Pin # 10-362-0182
11	December 31, 2010	Meh Reh 1350 Xenia Street, #210 Denver, Colorado 80220	Driver's License Pin # 10-362-0274
12	December 16, 2010	Beh Reh 1350 Xenia Street, #210 Denver, Colorado 80220	Driver's License Pin # 10-347-0210
13	December 16, 2010	Hsit Hsit 1350 Xenia Street, #409 Denver, Colorado 80220	Driver's License Pin # 10-347-0167
14	December 15, 2010	Asama Baa 1350 Xenia Street, #409 Denver, Colorado 80220	Driver's License Pin # 10-116-0372
15	December 9, 2010	Dah Thein 1350 Xenia Street, #210 Denver, Colorado 80220	Driver's License Pin # 10-340-0201

16	December 9, 2010	Myint Soe 1350 Xenia Street, #210 Denver, Colorado 80220	Driver's License Pin # 10-340-0174
17	December 9, 2010	Thoo Eh Wah 1350 Xenia Street, #113 Denver, Colorado 80220	Driver's License Pin # 10-340-0190
18	November 17, 2010	Sae Reh 2052 East 30th Street #2322 Greeley, Colorado	Driver's License Pin # 10-158-1160
19	June 22, 2010	Shay Reh 2140 30th Street #1233 Greeley, Colorado	Instruction Permit Pin # 10-168-0671
20	June 19, 2010	Pa Lyah Meh 2140 30th Street #1233 Greeley, Colorado	Instruction Permit Pin # 10-168-0670

Each of these counts is a separate violation of Title 18, United States Code, Section 1341.

Count 21

15. The allegations in paragraphs 1-13 are re-alleged and incorporated herein by reference. At all times material to this indictment, the Colorado DMV was an agency of a state government that received federal assistance in excess of \$10,000 during the one-year period beginning July 1, 2010 and ending July 1, 2011. Defendant, DENNIS

DEAN SIEVING, was an agent of the Colorado DMV, whose duties included testing applicants for the written and driving portion of the Colorado driver's licensing examination. On or about May, 2010 thru February, 2011, in the District of Colorado, defendant corruptly accepted cash payments from driver's license applicants, intending to be influenced and rewarded in connection with a series of transactions where he certified the driving and written examinations of the Colorado DMV involving \$5,000 or more.

In violation of Title 18, United States Code, Section 666 .

A TRUE BILL:

Ink signature on file in the Clerk's Office
FOREPERSON

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