

PRESS RELEASE

Guardianship Firm and its Principals Charged with Federal Conspiracy, Fraud, Theft and Money Laundering Offenses

Wednesday, July 19, 2017

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For Immediate Release

U.S. Attorney's Office, District of New Mexico

Twenty-Eight Count Indictment Alleges that Co-Founders of Ayudando Guardian, Inc., Embezzled Millions from Client Accounts to Support Lavish Lifestyles

U.S. Marshals Service Assumes Control of Ayudando Guardian, Inc., to Ensure Continuity of Services for Special Needs Clients

ALBUQUERQUE – Federal law enforcement officials today announced the filing of conspiracy, fraud, theft and money laundering charges against Ayudando Guardian, Inc., d/b/a "Ayudando Guardian, Inc." (Ayudando), and its co-founders, Susan Harris, 70, and Sharon Moore, 68, both residents of Albuquerque, N.M. The charges, which are contained in a 28-count indictment, arise out of an alleged decades-long sophisticated scheme to embezzle funds from client trust accounts managed by Ayudando, a non-profit corporation that provides guardianship, conservatorship and financial management services to hundreds of individuals with special needs.

According to the indictment, Ayudando – which means "helping" in Spanish – receives government benefit payments from the U.S. Department of Veterans Affairs (VA) and U.S. Social Security Administration (SSA) in behalf of many of its clients, and acts as a fiduciary or representative person for these clients by paying their expenses and maintaining the balances for the benefit of the clients. The indictment alleges that Harris and Moore, the primary owners and operators of Ayudando, have embezzled millions of dollars from their special needs clients to support lavish lifestyles for themselves and their families.

The charges against Ayudando, Harris and Moore are the result of an ongoing multi-agency investigation by the FBI, IRS Criminal Investigation, U.S. Marshals Service (USMS), VA Office of Inspector General and SSA Office of Inspector General. This morning federal law enforcement agents arrested Harris and Moore. Harris and Moore made their initial appearances in federal court in Albuquerque this morning. They are scheduled to return to court at 9:30 a.m. tomorrow, July 20, 2017, to be arraigned on the indictment and for discovery hearings.

Federal authorities also obtained a federal court order that authorized the USMS's Criminal Assets Unit to assume control of Ayudando's business operations. The court order appoints the USMS as the Receiver and Monitor of Ayudando, including all its financial accounts. The order authorizes the USMS to operate the business to ensure that its assets are not improperly spent or removed, and that the interests of Ayudando clients are protected as the prosecution of the criminal case goes forward. The USMS's operation of Ayudando will ensure continuity of services for Ayudando clients.

The charges against Ayudando, Harris and Moore were announced by Acting U.S. Attorney James D. Turney, U.S. Marshal Conrad E. Cardenas, Special Agent in Charge Terry Haddock of the Albuquerque Division of the FBI, Special Agent in Charge Israel Herrera Jr., of the Phoenix Field Office of IRS Criminal Investigation, Special Agent in Charge Carl D. Scott of the Criminal Investigations Division of the VA Office of Inspector General, and Special Agent in Charge Robert Field of the Dallas Field Division of the SSA's Office of the Inspector General.

In making the announcement, Acting U.S. Attorney James D. Turney said, "This case is all about the victims. The victims in this case relied upon Ayudando to manage their finances and meet their needs. If the allegations in the indictment are true, the principals of Ayudando cruelly violated the trust of their clients and stole their benefits. Federal law enforcement has now stepped in to ensure that this lasting injury. The U.S. Attorney's Office and its partners will conduct this prosecution in a manner that provides for the continued receipt of benefits by Ayudando's clients, while holding the principals of the company accountable for their conduct."

"This morning the U.S. Marshals Service assumed control of Ayudando's business operations to ensure that the victims of the crimes charged in the indictment, which include our disabled veterans, and other Ayudando clients will continue to receive the services they deserve and are entitled to," said U.S. Marshal Conrad E. Cardenas. "The U.S. Marshals Service also will continue to assist its law enforcement partners in the continuing investigation."

"Many of our most vulnerable Americans, such as those with special needs, trust fiduciaries to handle their government benefits for them. Unfortunately, there are plenty of criminals willing to steal what could be a person's only source of income, using the money to support a lavish lifestyle," said Special Agent in Charge Terry Haddock of the FBI's Albuquerque Division. "The FBI, working with our law enforcement and government partners, is committed to bringing to justice those individuals whose greed destroys the lives and dreams of innocent people."

"The indictment alleges that, instead of helping people with special needs, the defendants were greedy and helped themselves to their clients' money," said Special Agent in Charge Israel Herrera Jr., of the Phoenix Field Office of IRS Criminal Investigation. "IRS Criminal Investigation will assist investigate individuals who misuse non-profit businesses and cause harm to those whose needs are supposed to be served by those businesses."

"Professional fiduciaries who defraud vulnerable veterans are reprehensible," said Special Agent in Charge Carl D. Scott of the Criminal Investigations Division of the VA Office of Inspector General. "The VA OIG will continue to work with other law enforcement agencies to expose those who harm veterans or exploit VA benefits systems and bring them to justice."

"The SSA OIG is committed to investigating cases of suspected representative payee fraud, which can involve the theft of government funds and harm some of our most vulnerable citizens," said Special Agent in Charge Robert Field of the Dallas Field Division of the SSA Office of the Inspector General. "We will continue to work with our law enforcement partners and the U.S. Attorney's Office on this case."

The 28-count indictment, which was filed under seal on July 17, 2017 and was unsealed and publicly posted earlier today, includes ten conspiracy counts, ten counts of mail fraud, nine counts of aggravated identity theft and six counts of money laundering. According to the indictment, from Nov. 2005, when Harris and Moore founded Ayudando, and continuing until July 2017, Ayudando, Harris and Moore embezzled millions of dollars from Ayudando client accounts to cover their personal expenses and support lavish lifestyles for themselves and their families. The indictment alleges that Harris and Moore perpetuated the embezzlement scheme by:

- Establishing Ayudando as a non-profit corporation in Nov. 2005, to position it as a guardian, conservator, fiduciary and representative payee for individuals needing assistance with their financial affairs;
- Setting up client trust and company bank accounts which only they controlled;
- Transferring funds from client accounts to Ayudando company accounts;
- Using client funds to pay off more than \$4 million in charges on a company credit card account used by Harris, Moore and their families for personal purposes;
- Writing checks from Ayudando company accounts to themselves, cash and to cover personal expenses;
- Replenishing depleted client accounts with funds taken from other clients;
- Making fraudulent statements and certifications to the VA, and
- Filing and submitting forged bank statements to the VA.

The indictment identifies some of the ways in which Harris and Moore used the money they allegedly stole from Ayudando clients. For example, the indictment alleges that between Jan. 2017 and March 2016, Harris wrote 57 checks to the total amount of \$47,082.00 to the Ayudando client reimbursement account for personal purpose, including a \$50,000 check made out to Mercedes Benz of Albuquerque and a \$25,444 check made out to Moore RV Center. It also alleges that between Jan. 2015 and Feb. 2017, Harris used an Ayudando company credit card to pay \$140,780 to cover luxury vacations for herself and others, including cruises in the Caribbean Sea and a "Four F" football jersey, while knowing that Moore would pay off the charges using client funds.

The mail fraud charges in the indictment describe some of the fraudulent documents allegedly mailed by Ayudando, Harris and Moore to the VA to perpetrate and conceal their embezzlement scheme. For example, between Jan. 2005 and Nov. 2016, Moore allegedly mailed fraudulent documents to the VA that falsely represented the balances in two client accounts. According to the indictment, the documents falsely claimed that the two client accounts had an aggregate balance of \$1,000,000, when the actual value of the two accounts was only \$72,280. The two client accounts identified in the indictment are examples of the fraud allegedly perpetrated by the defendants as part of their wider fraudulent scheme.

According to the indictment, Ayudando, Harris and Moore also engaged in aggravated identity theft by using their clients' names, date of birth, Social Security Numbers and VA file numbers to commit mail fraud offenses. Harris and Moore also allegedly committed money laundering offenses by using \$392,023 from the Ayudando client reimbursement account to pay off balances on a company credit card used by the defendants and their families for personal purposes. The indictment includes forfeiture provisions that seek forfeiture to the United States of any proceeds and property involved in, or derived from, the defendants' unlawful conduct.

If the defendants are convicted on the crimes charged in the indictment, they face the following maximum statutory penalties:

- Count 1, conspiracy – 30 years of imprisonment and a \$250,000 fine;
- Counts 2-11, mail fraud – 30 years of imprisonment and a \$250,000 fine;
- Counts 12-15, aggravated identity theft – a mandatory two-year of imprisonment that must be served consecutively to any other sentence imposed on other counts and a \$250,000 fine;
- Counts 22-27, money laundering – ten years of imprisonment and a \$250,000 fine or twice the amount of the property involved in the crime; and
- Count 28, conspiracy to commit money laundering – ten years of imprisonment and a \$250,000 fine or twice the amount of the property involved in the crime.

The Albuquerque offices of the FBI and IRS Criminal Investigation conducted the investigation, which resulted in the charges in the indictment, and are leading the continuing investigation. The Complex Assets Unit and the Albuquerque office of the USMS, the Criminal Investigations Division of the VA Office of Inspector General, and the Dallas Field Division of the SSA Office of Inspector General are assisting in the investigation. Assistant U.S. Attorneys Jeremy Patten and Brandon L. Fyffe are prosecuting the case.

Ayudando clients or family members of Ayudando clients who need to speak with someone about their accounts or expenses should call Ayudando, which is now being operated by the U.S. Marshals Service, at 505-320-4357.

Starting tomorrow, information about the federal investigation into Ayudando, including the indictment and the federal court order, will be available at specialinvestigations.com/indictments/aidg. Also starting tomorrow, Ayudando clients can direct their comments or concerns to the U.S. Attorney's Office at USAM.NM@usdoj.gov or 505-346-6862.

Charges in indictment are merely allegations and defendants are presumed innocent until and until proven guilty beyond a reasonable doubt in a court of law.

[Ayudando Indictment](#)

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September 20, 2023

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