

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No. 18-cr-00573-WJM

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. MICHAEL MARTE,

Defendant.

**INDICTMENT
Arson (counts 1-2)
Using Fire to Commit a Federal Felony (count 3)
Wire Fraud (counts 4-6)**

The Grand Jury charges:

COUNT 1

1. On or about May 10, 2018, in the State and District of Colorado, the defendant, MICHAEL MARTE, maliciously damaged or destroyed, by means of fire the building located at 1920 Grove Street, Denver, Colorado, used in interstate or foreign commerce, or in any activity affecting interstate or foreign commerce.

All in violation of Title 18, United States Code, Section 844(i).

COUNT 2

2. On or about May 10, 2018, in the State and District of Colorado, the defendant, MICHAEL MARTE, maliciously damaged or destroyed, by means of fire the building located at 1930 Grove Street, Denver, Colorado, used in interstate or foreign

commerce, or in any activity affecting interstate or foreign commerce.

All in violation of Title 18, United States Code, Section 844(i).

COUNT 3

3. Beginning on or about May 10, 2018, and continuing through and including May 29, 2018, in the State and District of Colorado, the defendant, MICHAEL MARTE, knowingly used fire to commit wire fraud in violation of Title 18, United States Code, Sections 1343 and 2, a felony which may be prosecuted in a court of the United States.

All in violation of Title 18, United States Code, Section 844(h)(1).

COUNTS 4 - 6

4. Beginning on or about May 10, 2018, and continuing through and including May 29, 2018, in the State and District of Colorado, the defendant, MICHAEL MARTE, knowingly devised and intended to devise a scheme to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises from The Burlington Insurance Company, and aided and abetted the same.

5. As part of the scheme, on May 10, 2018, MARTE set fire to two buildings located at 1920 Grove Street and 1930 Grove Street, Denver, Colorado (“Grove Street Buildings”), resulting in damage and destruction to both buildings. At the time of their destruction, the Grove Street Buildings were two separate structures which each contained seven townhomes, for a total of fourteen units. The two buildings were in the final phases of construction at the time that they were destroyed by MARTE.

6. As part of the scheme, MARTE was a managing member of “ADC

Construction, LLC”, which was the construction company responsible for the building of the Grove Street Buildings. At the time of the fire, MARTE was employed as the construction manager for ADC Construction, LLC, and his duties included regular oversight, management, and responsibility for the construction of the Grove Street Buildings.

7. At the time of the fire on May 10, 2018, ADC Construction, LLC held a \$4.5 million insurance policy with The Burlington Insurance Company (“Burlington”) which covered the Grove Street Buildings from losses or damages, to include losses caused by fire. However, the Burlington insurance policy specifically provided that Burlington would not pay for losses or damages caused by, or which resulted from, criminal or illegal acts caused by members or managers of ADC Construction, LLC.

8. As part of the scheme, on or about May 10, 2018, MARTE created or caused the creation of a letter, also referred to as an insurance claim notice, which MARTE caused to be submitted to Burlington on behalf of the policyholder, ADC Construction, LLC. MARTE’s letter informed Burlington that ADC Construction, LLC was making a formal insurance claim with Burlington seeking payment for losses covered under the construction company’s “builder risk policy” due to the destruction of the Grove Street Buildings on May 10, 2018.

9. As part of the scheme, MARTE caused the insurance claim notice to contain a materially false statement, namely, that the cause of the fire was “unknown at this time” when in fact, MARTE was fully aware that he had caused the fire, by intentionally committing an act of arson.

10. As part of the scheme, MARTE met with and communicated with Burlington agents and its claims adjuster during the several weeks following the fire. During such interactions, MARTE continued to falsely maintain that he was unaware of the cause of the fire, and MARTE purposely failed to inform Burlington or its agents that he in fact caused the fire that destroyed the Grove Street Buildings.

The Wires

11. On or about the following dates, in the State and District of Colorado, the defendant, MICHAEL MARTE, for the purpose of executing the scheme described above, knowingly transmitted or caused to be transmitted in interstate or foreign commerce by means of wire, radio, or television communication certain writings, signs, signals, pictures, or sounds, as further described below:

<u>Count</u>	<u>Date</u>	<u>Description of Wire Transmission</u>
4	5-10-18	Email from an agent for The Burlington Insurance Company to MARTE regarding insurance policy information for ADC Construction, LLC
5	5-10-18	Email from an the office manager for ADC Construction, LLC to The Burlington Insurance Company which attached MARTE's formal insurance claim notice on behalf of ADC Construction, LLC
6	5-11-18	Telephone call from an employee with The Burlington Insurance Company to the office manager for ADC Construction, LLC regarding the nature and cause of loss

All in violation of Title 18, United States Code, Sections 1343 and 2.

A TRUE BILL

Ink signature on file in Clerk's Office
FOREPERSON

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