

**FILED**

NOV 13 2019

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INDIANAPOLIS, INDIANA

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DENNIS TYLER, )  
 )  
 Defendant. )

Cause No.

**1 : 19 -cr- 360 JRS -TAB**

**INDICTMENT**

**General Allegations**

The Grand Jury charges:

1. At times material to this indictment:
2. The City of Muncie ("Muncie") was a unit of local government, and a political subdivision of the State of Indiana. The functions and services provided by Muncie were coordinated through various agencies and departments. Muncie received federal assistance in excess of \$10,000 during the one-year period beginning January 1, 2015, and ending December 31, 2015.
3. DENNIS TYLER ("TYLER") was the Mayor of Muncie, and was elected to that position in 2012.
4. As Mayor, pursuant to Indiana Code, TYLER was the city executive and head of the executive branch. TYLER's powers and duties included supervising subordinate officers, signing bonds, deeds, and contracts of the city, and approving licenses issued by the city. TYLER was further responsible for overseeing Muncie's

departments and agencies.

5. The Office of Muncie Community Development, the Board of Public Works and Safety, and the Muncie Redevelopment Commission are agencies or departments within Muncie.

6. Tracy Barton was Muncie's Superintendent of Sewer Maintenance and Engineering for the Muncie Sanitary District ("MSD"). He was appointed to the position in 2013. The MSD was a special unit of government created under Indiana State Law by an action of an ordinance of Muncie adopted in 1968.

7. Person A was the owner of Company A. Company A was incorporated in Gaston, Indiana, and performed demolition, excavation, and construction services in Muncie. At times material to this Indictment, Company A was awarded jobs for public work projects performed for Muncie.

**COUNT ONE**  
**(Theft of Government Funds, 18 U.S.C. § 666(a)(1)(B))**

8. Beginning in or about 2014, and continuing through on or about August 25, 2016, in the Southern District of Indiana and elsewhere,

DENNIS TYLER,

the defendant, being an agent of Muncie, Indiana, a local government that received in excess of \$10,000 from January 1, 2015, and December 31, 2015, otherwise than as provided for by law for the proper discharge of his official duties, directly and indirectly accepted and agreed to accept, something of value from Person A, through Tracy Barton, that is, \$5,000, for or because of any official act performed or to be

performed by TYLER, that is, the awarding of contracts under TYLER's influence or control to Company A.

All of which is a violation of Title 18, United States Code, Sections 666(a)(1)(B).

### **FORFEITURE**

9. Pursuant to Federal Rule of Criminal Procedure 32.2, the United States hereby notifies the defendant that it will seek forfeiture of property pursuant to Title 18, United States Code, Sections pursuant to Title 18, United States Code, Sections 1956(c)(7)(D) and 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

10. The allegations in Count One of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections 1956(c)(7)(D) and 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

11. Upon conviction of the offense in violation of Title 18, United States Code, Section 666 set forth in Count One of this Indictment, the defendant, DENNIS TYLER, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 1956 (c)(7)(D) and 981(a)(1)(C) and Title 28, United States Code, Section 2461(c):

- a. any property, real or personal, constituting or is derived from proceeds the defendant obtained directly or indirectly as a the result of the offense; or

b. a sum of money equal to the total amount of the proceeds of the offense, which is \$5,000.00.

12. If any of the property described above, as a result of any act or omission of the defendant[s]:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. §§ 1956(c)(7)(D) 981(a)(1)(C) and 28 U.S.C. § 2461(c).

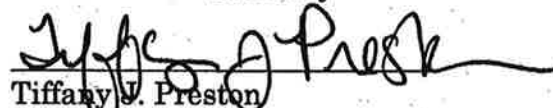
A TRUE BILL:



FOREPERSON

JOSH J. MINKLER  
United States Attorney

By:

  
Tiffany J. Preston  
Assistant United States Attorney